

**Office of the Ombudsman and the
Office of the Information
Commissioner**

OFFICIAL LANGUAGES ACT, 2003

Language Scheme 2016 - 2019

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Chapter 1

1.1 Introduction and Background

This scheme was prepared under section 15 of the Official Languages Act, 2003 (the Act) jointly by the Office of the Ombudsman and the Office of the Information Commissioner. References throughout this document to "the Office" or "the Organisation" should be understood as referring to both the Office of the Ombudsman and the Office of the Information Commissioner.

Section 11 of the Act provides for the preparation by public bodies of a statutory scheme detailing the services they will provide

- through the medium of Irish
- through the medium of Irish and English and
- through the medium of English

and the measures to be adopted to ensure that any service not provided by the public body through Irish will be so provided within an agreed timeframe. Section 15 of the Act provides for the review of existing schemes.

This scheme was developed taking account of the Irish Language services offered in the first and second schemes, including the level of demand for such services and the varied resources required to meet them.

1.2 Guidelines for preparation of a scheme

This scheme was drawn up in accordance with Guidelines under Section 12 of the Act prepared by the Minister for Arts, Heritage and the Gaeltacht.

The Office published notices under section 13 of the Act inviting interested parties to make submissions in relation to the preparation of the draft scheme. No submissions or other responses were received.

The office of An Coimisinéir Teanga carried out an audit on the implementation of the second scheme in 2014 and conveyed the results of the review process to this Office. The scheme was also monitored on a regular basis by the Management Team in the Office.

The content of the scheme has been informed by the experience of the Office of the first and second schemes, the report of the office of An Coimisinéir Teanga, as well as views and suggestions put forward by the staff of the Office.

1.3 The Content of the Language Scheme

This scheme aims to consolidate and build on the Office delivery of services in the Irish language. We aim to provide a high quality, easily accessible and efficient service to our customers. The provision of our services in the Irish language is undertaken in support of that objective.

The preparation of the scheme was overseen by the Management Team and responsibility for its monitoring and review will rest with the senior management within the organisation. The scheme will be operated in the context of the strategic priorities of the Office and the objectives of the Business Plans.

The Office had sought to provide a service in Irish to its customers before the introduction of the Act and had followed a practice of bilingual publication of Annual Reports and certain information leaflets. For many years, too, it had been the practice of the Office to ensure that all correspondence in the Irish language was responded to in Irish. The first and second schemes sought to build on the services available through Irish by proposing a range of commitments that would be met, in the context of legislative obligation, customer demand and resources.

A number of commitments were made in the previous schemes to improve the level of services available in Irish, all of which have been delivered. The objective of this third scheme is to continue the delivery of these commitments and build on the progress achieved across the organisation over the period of the last scheme, as resources allow.

The Office will continue to implement a system of measuring the level of queries, complaints and requests to ensure that the services provided under the Scheme fully meet customer demand, in a planned and accessible way.

1.4 The Commencement Date of the Scheme

This scheme has been confirmed by the Minister for Arts, Heritage and the Gaeltacht. It is commenced with effect from 29 February 2016 and will remain in force for a period of three years from this date or until a new scheme has been confirmed by the Minister pursuant to Section 15 of the Act, whichever is the latest.

1.5 Overview of the Office of the Ombudsman and the Office of the Information Commissioner

1.5.1 Mandate and Mission

The offices of the Ombudsman and the Information Commissioner deliver on separate statutory functions through a structure of shared resources. While the two functions are independent, they can both be considered as contributing to the improving standards in public administration and achieving a fair, open, accountable and effective public service.

The Office of the Ombudsman was established in 1984 under the Ombudsman Act, 1980 and the Office of the Information Commissioner in 1998, following the enactment of the Freedom of Information (FOI) Act, 1997 which was repealed in 2014 on the enactment of the FOI Act 2014. Both the Ombudsman and Information Commissioner are appointed by the President, following a resolution passed by the Oireachtas. The Commissioner also holds the Office of Commissioner for Environmental Information and is assisted by staff of the OIC in this work.

Secretariat and other support services to the Standards in Public Office Commission (SIPOC), to the Referendum Commission (when established), to the Commission for Public Service Appointments (CPSA) and the Registrar of Lobbying are also provided. However, this scheme does not cover those offices. It is understood that SIPOC and CPSA will prepare their own schemes.

The two Offices have a budget of € 7.3million (2014) and a staff complement of 89.

The key functions of the Organisation may be summarised as follows:

- Investigating complaints about bodies within the Ombudsman's remit. Where a complaint is held to be well founded, the Office may recommend appropriate redress and may also work with the body involved to improve standards of decision making and service delivery;
- Reviewing decisions of public bodies on FOI requests concerning the right to access records under the FOI Acts and promoting good FOI practice.

Our activities will always be driven by the casework generated by those who have complained to the Ombudsman or who have requested the Information Commissioner to review a particular decision. In addition to the conclusions and

decisions arrived at in our casework, the Office also seeks to analyse the systemic causes that underlie those matters which members of the public bring to its attention and to develop best practice guidance for the benefit of public bodies.

1.5.2 Customers

Any person who is a customer of a public service provider is a potential client of one or other of the two Offices as are the Government departments, local and regional authorities, health agencies, public and voluntary hospitals, public and private nursing homes, educational bodies, other state bodies and public service agencies. The FOI Act 2014 and the Ombudsman Act 2012 extended the number of public service providers within remit. There is demand for our services from individuals and representatives from a diverse range of ethnic and national backgrounds, reflecting the changing population and workforce composition of the country.

The Office seeks to support the Oireachtas in its scrutiny of administrative actions and in its legislative role and to contribute to debate in civil society by promoting, through the media where appropriate, awareness of issues and principles relevant to our work. The Oireachtas Committee on Public Service Oversight and Petitions provides a formal channel of consultation and collaboration between the Oireachtas and the Ombudsman.

The Office of the Information Commissioner's customers include journalists as well as members of the public and staff of public bodies. That Office liaises with legal, academic and other practitioners with a particular interest in Freedom of Information (FOI) law. While the 2014 FOI Act made some changes, the core function of the Commissioner concerning review of FOI decisions made by public bodies has not changed substantially. It is expected that the number of applications will continue to increase as FOI is extended to new public bodies.

1.5.3 How we are organised

The functional areas of the Office comprise:

- Office of the Ombudsman Enquiries, Assessment and Examination Units
- Office of the Information Commissioner Assessment, Investigation and Support Units
- Corporate Services - Finance, Personnel, Reception, Training, IT, Legal
- Communications and Research - Public Relations, Publications, Research

Chapter 2

Provision of Services

This chapter sets out the communication structures common to the Ombudsman and the Information Commissioner.

2.1 Means of Communication with the Public / Information to the Public

The Office communicates with the general public through:

- Information Leaflets
- Publications (Annual Reports, Investigation Reports, Special Reports)
- Press Releases
- Websites
- Twitter
- Regional visits and visits to Community Information Centres
- Speeches and presentations to conferences by the Ombudsman/Information Commissioner
- Articles for newspapers and magazines
- Presentations by staff to community organisations and public service providers
- Media Interviews

Some, but not all, of these are currently provided in both Irish and English. The Annual Reports and the accompanying press releases are fully bilingual. Irish versions of information leaflets and some of the reports are also available in electronic and hardcopy formats.

Speeches and presentations by the Ombudsman/Information Commissioner or by staff of the Office are made available in the language in which they are delivered.

Chapter 3

Summary of Services/Activities provided by sections of the Offices

The working language of the Office is almost exclusively English, reflecting the demands of our customers. The Office has a number of staff both capable and willing to provide oral and written services in the language of the customer's choice be that Irish or English. These members of staff work throughout the organisation and are willing to assist one another where the need arises. The policy of the Office is to provide service in Irish to customers within existing resources, to the greatest extent possible. Such services extend to telephone or face to face communication and straightforward correspondence. Where the skill or resource is not available within the organisation, the Office calls on external support, specifically in relation to translation services, albeit with attendant costs and delays.

3.1 Sections of the Office dealing with case work

Office of the Ombudsman

The Office of the Ombudsman comprises three units - Enquiries, Assessment and Examinations - each headed by a Senior Investigator. The units deal with complaints from the public against a range of bodies.

The Office seeks to facilitate the rapid management of complaints, early resolution of most complaints and identification of more complex cases that may require formal investigation. In 2014 the Ombudsman received over 15,000 enquiries and 3535 complaints. The majority of complaints are made by post or email with some personal callers to the Office, some making contact through regional visits or attendance at Citizens' Information Centres. The experience of the Office is that demand for services through Irish is very low (i.e. total contacts less than five per annum).

Office of the Information Commissioner

Headed by two Senior Investigators, a team of investigation and support staff examine applications for review by people who wish to appeal against decisions of public bodies in relation to requests for access to records under the FOI Acts. Unless a review is discontinued, settled or withdrawn, the cases are finalised through formal

decisions ruling on whether exemptions claimed under the Acts are justified; these decisions can be appealed to the High Court on a point of law.

In 2014, 355 applications for review were received, one of which was made through Irish.

The FOI Act requires the Commissioner to publish all decisions on www.oic.gov.ie. A small number of these decisions are designated for publication as "Key Decisions". Key Decisions are decisions which clarify an aspect of the FOI Act of fundamental importance and which will serve as precedent decisions for the future. Key decisions, therefore, are likely to be of interest and benefit to the wider public rather than being of interest to FOI practitioners only and will be published in English and in Irish.

This Office has a number of staff competent to provide a service through Irish, if required, to telephone and personal callers and in relation to general correspondence.

3.2 Corporate Services including Reception and Switchboard

The reception area is normally the first point of contact with the public. This section handles the calls and visitors for the two Offices as well as for the Secretariat to the Standards in Public Office Commission, the Referendum Commission (when in existence), and the Commission for Public Service. The policy of the Office is that callers are directed with the minimum of delay to an appropriate member of staff who can deal with their business, whether in Irish or English. The Reception staff has a list of those staff members competent in Irish and to whom such callers may be directed. Members of Reception staff willing to undertake Irish language training have received training appropriate to the reception functions and this is an ongoing commitment. The Office provides out of hours bilingual messages on the phones system of the individual offices and in this regard is in compliance with Regulations made under the Official Languages Act.

3.3 Sections of the Office not dealing with the public

Personnel, Training, Finance, Legal Adviser and IT generally do not provide services directly to the public.

Chapter 4

Enhancement of Services

4.1 Statutory obligations and commitments

Section 11(1) (b) requires that each public body sets out the measures that it proposes to take to ensure that any services that are not provided through the medium of the Irish language will be so provided.

The Office is committed to a progressive improvement of the Irish language service offered to our clients and to publicise the availability of such services. This commitment will result in identifiable actions to be taken over the lifetime of this Scheme and in future schemes. These actions are proposed in the context of the following policy, legislative and pragmatic considerations -

- legislative obligations;
- commitment to providing a high quality client service
- adherence to the Ombudsman' s Standards of Best Practice for Public Servants (see www.ombudsman.gov.ie)
- the priorities identified in the consultative process;
- demand for Irish language services as identified by the Office
- the lessons learned from the operation of the first and second schemes, and
- the availability of, and access to, resources necessary to support the actions, both within the Office, the public service and within the community at large.

The Scheme will enable delivery of specific improvements across the range of media through which the Office communicates with our clients including publications, electronic and written communication, and face to face / personal contact.

4.2 Communication with the public

4.2.1 Publications

- Publications, including leaflets, guides and forms are, and will continue to be published bilingually within one cover to the greatest extent possible. In certain cases the format appropriate to the publication i.e. large scale format for the visually disabled- may require that the Irish and English versions be published

separately. In such cases the Irish version will be as readily available as the English version. Where separate publications are published attention will be drawn to the availability of an Irish or English version, as appropriate.

- Speeches will continue to be made available in the language or languages in which they have been given.
- In addition to the Annual Reports, reports published by the Ombudsman under section 6 (7) of the Ombudsman Act 1980 will continue to be published bilingually.
- Investigation Reports of the Information Commissioner, under section 36 of the Freedom of Information Act, will continue to be published bilingually.
- We will continue to issue all Press Releases simultaneously in both languages, other than in exceptional cases involving statements made at short notice, and where the translation of the material within the timescale required is not possible.

4.2.2 Electronic communication

The Official Languages Act 2003 (section 9(3)) requires public bodies to ensure that where they are communicating for the purposes of providing information to the general public or to a class of the general public - in writing or by electronic mail - the communication shall be in the Irish language only or in the Irish and English languages.

The Office is conscious of the importance of electronic communication. In that context the following will be undertaken:

- Where any new website is being planned, bilingual language provision will be central to the planning and procurement process.
- All existing computer systems, which require information in relation to members of the public to be inputted, for example names and addresses, are capable of handling the Irish Language and any new computer systems being installed will be fully capable of handling the Irish language.
- Static text and graphics on our websites are, and will continue to be bilingual.
- Where a document is published on the website (e.g. annual report) for which there is a requirement under the Official Languages Act to have a published

version in Irish, the Irish version will be published on the website at the same time as the English version.

- Irish and English versions of a video clip providing information on the work of the Ombudsman will be maintained on the website.
- Online services (including the payment of online fees for Information Commissioner reviews) are and will continue to be provided in both languages.
- Reports published by the Ombudsman under section 6 (7) of the Ombudsman Act 1980 will be published bilingually.
- Key decisions of the Information Commissioner highlighted as being of importance to the public will be published simultaneously in Irish and English.
- The Office is obliged in accordance with section 8 of the Freedom of Information Act 2014, to prepare and publish a scheme concerning the publication of information available concerning its work. The Minister for Public Expenditure and Reform has published a model scheme and guidelines which must be followed. The Act requires the scheme to be published not later than 14 April 2016. An Irish version of the schemes will be made available on both websites when finalised.
- A link to the Irish version of the Ombudsman Act 1980 and to the Freedom of Information Act 1997 has been posted on the current websites. The official version of the FOI Act 2014 is not yet available.
- In the case of publications predating this Scheme which are available in the English form only, the Irish version of the website will contain a link (in Irish) to the English version of the document.

4.3 Personal Contact

4.3.1 Reception/Telephone Services

Reception dealt with over 15,000 telephone enquiries in 2014. (This does not include general and specific enquiries that would have been dealt with directly by individual sections of the Office). The Office records indicate that 4 of these callers sought to have their business conducted in Irish in that period. Regardless of this low level of demand, the Office will offer a proactive service in Irish as follows:

- Pre-recorded telephone messages - a bilingual message is, and will continue to be provided ;
- First response/greeting service - It is the practice in this Office to provide reception services, on a rotating basis, with the assistance of more than 20 members of staff. A small number of this group were willing and competent to provide a greeting service in Irish over the course of the previous schemes. Existing and newly recruited staff with reception duties that are willing to provide a first response in English and Irish will be encouraged to do so and will be provided with appropriate training.
- Reception staff will route callers requesting an Irish or bilingual service to staff competent to provide this, to the greatest extent possible. Reception staff will continue to have a list to hand of staff competent in Irish;
- Staff identified as competent and willing to provide a service through Irish will continue to leave a bilingual version of their voice mail answers.

4.3.2 Face to face

Face to face contacts take place at present on a casual drop-in basis or on the basis of an appointment made. In the first case, the client's details may be recorded and sent on for action to the relevant staff member, if he or she is not available or free to meet the person. Alternatively, clients choose to make an appointment to meet the person or persons dealing with their case. The Office will continue to provide the following:

- A notice at Reception indicating that a service in Irish is available
- Appointments - a client who requires a service in Irish, and who requests a meeting to discuss his or her case, will be facilitated in meeting the case worker. A staff member competent to conduct the case in Irish will be assigned to a complaint /application where it is received in Irish and this is appropriate. In some cases, it may be necessary for case workers handling individual cases to involve staff with expertise from other areas of the Office.
- Casual/Drop-in - a client will have access to an Irish speaker if one is available in the Office at the time. Otherwise we will offer contact details and an appointment with the appropriate case worker.

4.3.3 Regional Visits (Ombudsman)

Regional visits provide an opportunity for potential customers to discuss their complaints face to face with members of the Ombudsman staff. Several regional visits are arranged each year. Details of these are publicised in local media. The Office has no record of an Irish service having been requested on any of these visits in recent years. Nonetheless it is proposed

- to continue with the arrangement introduced in the previous schemes, to ensure that an Irish speaking member of staff will be present at visits in or near Gaeltacht areas.

4.3.4 Press/Publicity

- All Press Releases are and will continue to be made available simultaneously in both languages, within the constraints outlined above at 4.2.1.
- A spokesperson for the organisation will be available to the media to provide an Irish service, if advance notice is provided.

4.4 Developing Staff Competence

4.4.1 Resources

The successful delivery of existing and enhanced services in Irish is dependent crucially on the ability and willingness of staff to provide this. Currently 6 members of staff (7%) have volunteered to provide an Irish language service to the extent that their competence allows. Reception staff has been given a list of these staff members (and this list will be kept up to date). Others have expressed an interest in improving their skills in the language so that they can provide a bilingual greeting and other basic services and this is being supported by our training unit.

4.4.2 Commitment

The Office will continue to ensure that staff appreciate the thrust of the Act, understand the immediate legal requirements and the commitment to deliver a progressively enhanced service and see the service as an integral part of the commitment to quality client service. The Office will encourage staff to use their existing competence in Irish; we will train and support staff so that existing competence can be improved and we will provide the appropriate administrative supports required to ensure that the identified standards/actions can be met.

- Induction courses- the requirements of the Act and the Scheme will be explained to all new staff on induction.
- Language Awareness Training - Training policy within the organisation will continue to promote an informed and positive attitude towards the right of the client to a service in Irish. Staff will be encouraged to and supported in using and on their existing skills in Irish. Staff competence will be developed through language training courses to be provided externally or internally as appropriate. Staff will continue to be encouraged to attend language training courses during or outside office hours.
- Volunteers will be sought across the organisation to participate in providing the service in Irish on an ongoing basis.
- Training needs will be identified in the course of the Performance Management Development System and the Training Officer will incorporate those needs into individual and generic training programmes as appropriate in the light of the priorities and resources authorised by the Management Committee.
- Irish language templates of frequently used letters/documents are available and will be updated as the need arises to encourage staff to participate in providing service in Irish. Revised standard letters required under the 2014 FOI Act are being translated.
- New case management systems being developed will easily identify customers who communicate with us in Irish so that all staff are aware of this.
- Staff will be directed to sources and services that support the provision of Irish language services, including relevant websites and the list of translators approved by Foras na Gaeilge. Translation services for the Offices are generally done by the successful applicant in a tender competition.
- Staff will continue to meet for the weekly coffee break to use Irish in an informal setting and to encourage each other to extend their competence. This is a popular activity and has been running for several years.

- Each edition of the Office's internal newsletter (Fair Play) will include an article or feature in Irish in order to generate interest in and awareness of our commitment to the language.

4.5 Assessing Demand

In order to accurately assess the demand for services in Irish, the Office will continue to monitor and to incorporate into new IT systems, procedures for recording enquiries, complaints and requests made in Irish.

Chapter 5

Monitoring and Revision

The Management Team will keep the operation of the scheme under review by way of progress reports from each Senior Investigator on a twice yearly basis.

The day to day operation of the scheme together with ongoing monitoring of the level of demand in the various areas is the responsibility of the line managers in the sections who report to the relevant Senior Investigator.

Chapter 6

Publicising of Agreed Scheme

The provisions of the scheme will be brought to the attention of the public by means of the following:

- The scheme itself and subsequent updates on the delivery of commitments on particular services will be reported upon in the Annual Reports which are published on the websites.
- A press release (also available on the Ombudsman's Twitter account) will be issued to mark the scheme's publication and availability
- The scheme will be circulated to Irish Language organisations, Citizens' Information Centres and relevant public bodies.
- The Office will continue to have notices at Reception, on the website and in publications, drawing attention to the availability of services in Irish

A copy of this scheme has been forwarded to the office of An Coimisinéir Teanga.

The Irish version is the original text of this scheme.