

**An Coimisinéir Teanga**

**Annual Report  
2018**

To the Minister for Culture, Heritage and the Gaeltacht:

In accordance with section 30 of the Official Languages Act 2003, this Report for the year 2018 is being presented by An Coimisinéir Teanga.

Rónán Ó Domhnaill  
An Coimisinéir Teanga  
February 2019

## **Mission Statement**

*“Protecting Language Rights”*

To provide an independent quality service whilst fulfilling our statutory obligations to ensure state compliance in relation to language rights.

To ensure fairness for all by dealing in an efficient, professional and impartial manner with complaints regarding difficulties in accessing public services through the medium of Irish.

To provide clear and accurate information:

- to the public in relation to language rights,
- and
- to public bodies in relation to language obligations.

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## **Foreword**

This year was a productive and important one for the Office. Some very significant investigations relating to difficulties accessing services through Irish, both nationally and in the Gaeltacht, were initiated and concluded.

One of the most important investigations in the history of the Office was carried out this year. This occurred when, following a complaint from a member of the public, the fulfilment of the statutory language requirements of the national broadcaster was examined. In summary, I ruled that RTÉ is not fulfilling a statutory requirement outlined in the Broadcasting Act 2009. This requirement relates to a comprehensive range of programmes being made available in the Irish and English languages on the programme schedule of its broadcasting service. A fuller account of this investigation and the other investigations that were concluded this year are contained on pages 16-46.

A new monitoring system was established this year also. I decided to introduce this because the weakness of the Language Scheme system meant the monitoring resources of the Office were, for the most part, focused on schemes that were at times flawed and ineffective. As Coimisinéir Teanga I couldn't let that continue. It will take some time for the new monitoring system to fully establish itself, but I believe that it will succeed. A more detailed account of this new system can be seen later in this Foreword.

### **Official Languages (Amendment) Bill**

2018 was the year of “Bliain na Gaeilge”, commemorating 125 years since the establishment of Conradh na Gaeilge. The various events organised as part of the commemoration and celebration were a success and indeed I was pleased to attend many of the events.

I was disappointed, however, that the opportunity to mark the year in a way that would have left a permanent mark in a legislative sense, by publishing the amendments intended for the Official Languages Act as a Bill and subsequently bringing it to fruition through the legislative process, wasn't grasped. Letting the year pass without a new Act to strengthen the language rights of citizens and ensuring a comprehensive range of state services through Irish was a missed opportunity.

It is worth remembering that there was a broad welcome for the Heads of Bill published in 2017. But what is needed now is for that to be fleshed out in the form of a substantial Bill and Act based on the Heads. This is long overdue.

The Joint Committee on Irish, the Gaeltacht and the Islands published its report on the Heads of Bill in May. It was a comprehensive report and I hope the prudent recommendations made by the Committee are given due consideration when the new Bill is published. It is clear that the Committee wishes a strong Act be enacted, but also wants a specific time-frame to be identified in the Act within which decisive amendments will be actioned. On that basis I especially welcome their recommendation that a specific deadline be identified by which it is required that 20% of new entrants to the public service can speak fluent Irish and English.

One of the most significant recommendations that I made in the Commentary on the Language Scheme System in 2017 was that provision of state services through Irish be properly planned. I recommended that this be done in a methodical manner and as a result of comprehensive research and analysis. Proper planning is needed, I believe, to clearly identify the priorities regarding the provision of public services through Irish and what is required to deliver those services. Such a plan would provide a foundation for the statutory obligations, would inspire confidence with the public and give clarity to public bodies regarding what is required.

I am pleased that the commissioning of such a study “...to highlight the priorities regarding the recruitment of Irish speakers” has been identified as a specific action point in the Action Plan for the Twenty Year Strategy for the Irish Language, published during 2018. It also states that the results of the analysis will assist “establishing a System of Language Standards as is set out in the Official Languages (Amendment) Bill 2017.”

Obviously, this research will require a significant effort that can be undertaken in conjunction with the implementation of a new Act, when and if that happens. This work needs to begin as soon as possible to ensure that more satisfactory, systematic and comprehensive services through Irish are available from the State in the future.

### **Complaints & Investigations**

The number of complaints made by members of the public to the Office regarding difficulties receiving satisfactory services through Irish from the State remained steady. Once again, the vast majority of complaints were resolved through our informal complaints resolution mechanism. This process entails the complaint being brought to the attention of the public body concerned, which is asked to investigate it and given an opportunity to resolve the issue without a formal investigation. Very often the public body recognises that a lack of compliance has occurred, an apology is given to the complainant when that is appropriate and the matter is resolved.

A statutory investigation is more formal, takes longer to conduct and involves much more of the staff and time resources of the Office and indeed of the public body concerned. When the investigative process is complete, I make statutory findings and any recommendations that I view as appropriate in my role as Coimisinéir Teanga. If the public body or any person to whom the findings or recommendations make a difference aren't satisfied with my decision then an appeal can be lodged to the High Court on a point of law.

Generally, formal investigations occur for two main reasons; indeed there are examples of both these reasons in the investigations completed during the year.

- The first primary reason that I might undertake an investigation is that there is a divergence of opinion between my Office and the public body concerned on whether a breach of a language requirement has occurred. Very often this happens when a statutory language obligation is being examined for the first time. The investigation conducted into RTÉ is a good example of this. This investigation concerned

legislation, the Broadcasting Act 2009, which had not been formally examined heretofore by this Office. In the investigation I have given my interpretation on the meaning of the Act's provisions and my findings ensure that a benchmark has been established for the future. I would expect RTÉ to ensure that the statutory recommendations I have made in the investigation are implemented.

- The other primary reason that an investigation is initiated is when a public body doesn't avail of the opportunity to use the informal complaints handling process they are afforded to resolve a complaint. An example of this during the year was the Abbey Theatre, which didn't cooperate, as expected, with efforts by the Office to resolve a complaint regarding English-only signage at the Theatre. The lack of engagement by the country's national theatre with efforts by my Office to deal with an issue that should have been easy to rectify is a source of disappointment.

## **Monitoring**

I announced in the middle of the year that I was completely changing the monitoring system implemented by the Office heretofore. Previously, monitoring involved a detailed and precise audit of individual language schemes, for the most part. Based, however, on the results of my Commentary on the Language Scheme System, published in 2017, I felt that I couldn't continue monitoring a system that had, in general, gone astray. The Commentary provided evidence that the language scheme system wasn't functioning properly and that, as a result, a legislative basis was being given to a lack of progress and the restriction of public services through Irish. In that context it would have been nonsensical to focus the monitoring resources of the Office in that direction.

This meant, of course, that a new direction was required and that we needed to identify a new way to undertake the monitoring function of the Office. In light of that I established a new monitoring system in the summer of 2018. As part of this system my Office examined three specific areas relating to the language rights of citizens and the ability of the State to provide public services through Irish of the same standard as those in English. The Office audited:

- the number of civil servants employed with competence in Irish and the number of posts identified in Government departments with an Irish language requirement,
- commitments in the language schemes of local authorities relating to websites,
- signage in cultural and heritage sites of the Office of Public Works.

I intend publishing a separate report on the results of this monitoring work later in the year.

The number of language schemes confirmed by the Department of Culture, Heritage & the Gaeltacht with public bodies and the number of lapsed language schemes are detailed in this report. It is intended, of course, according to the Heads of Bill, that a system of standards be introduced instead of the system of language schemes and I recommend that

those schemes being agreed at present be completed in line with the standards to be developed in the future.

### **Communications & Other**

An honour of being Coimisinéir Teanga is the opportunity to meet with groups, organisations and individuals who work tirelessly and diligently to promote our national language.

I gave speeches and presentations relating to language rights at many events throughout the year. Two events in particular had a special significance for me and the Office, this year.

I was asked to give the oration for Léacht Uí Ghadhra this year, a lecture organised in memory of the journalist and historian Nollaig Ó Gadhra – may he rest in peace. The lecture, a Bliain na Gaeilge event, was organised by Conradh na Gaeilge, an organisation which Nollaig had served as President. I spoke in my oration about the lessons to be learnt from the State's engagement with the Irish language and I emphasised the actions required to ensure the Official Languages Act is fit for purpose and meets the desires of the speakers of the country's native language.

I was also extremely proud to be asked to speak at a commemoration ceremony for Dr Peadar Ó Flatharta organised by Dublin City University. Peadar, who died in 2016, was a friend of this Office since its establishment in 2004. Peadar was one of the primary Irish language personalities of this era and his deep intellect and measured opinions are a continued loss to the Irish language community.

I also made presentations to public bodies throughout the year regarding obligations under the Act and how best to serve members of the public who want to conduct their business through Irish with the state sector. This is an important element of my work and the short video developed by my Office which outlines this matter is most helpful.

I would like to thank the journalist Áine Ní Chiaráin and the financial expert Páidí Ó Dálaigh for their voluntary work as valuable members of the Office's Internal Audit and Risk Committee.

I would also like to avail of this opportunity to thank the diligent and hard-working staff in the Office of An Coimisinéir Teanga.

### **Commemoration of the Foundation of the Office**

Fifteen years have passed since the Office of An Coimisinéir Teanga was established. The belief of Irish speakers and those that wish to conduct their business through Irish with the State in this Office is evident. However, the clear weaknesses inherent in the Official Languages Act relating to recruitment in the public service and the failure of the system of language schemes are some of the main impediments to our work. The opportunity to leave a worthwhile legislative legacy as a result of Bliain na Gaeilge by strengthening the Official Languages Act was lost. Many years have passed since the process to amend the Act was



begun. My hope is that another year does not pass without a new Act to meet the needs of today's society.

## **Information & Communication Services**

During 2018, the Office of An Coimisinéir Teanga continued to provide information to the public and to public bodies about the Official Languages Act and about the Office itself.

### **Advice to Public Bodies**

The functions of the Office include the provision of advice or assistance to public bodies under the aegis of the legislation with regard to their obligations under the Official Languages Act.

During 2018, officials from public bodies contacted the Office of An Coimisinéir Teanga on 115 separate occasions either with specific questions or seeking advice about their obligations under the Act. This represents a 6% decrease on the number of queries received in 2017. Approximately 45% of these queries concerned advice on the duties of public bodies regarding the use of the Irish and English languages on signage, stationery and recorded oral announcements, 25% concerned language schemes, 7% the publication of documents bilingually under section 10 of the Act and 23% concerned other matters relating to the Act.

During the year we attended several events organised by public bodies and information was provided regarding the obligations placed upon them by the Act. We also accommodated requests made by individual public bodies to attend meetings in order to receive advice on specific obligations under the Act.

Without doubt, the more clear and accurate the advice and information that is provided to public bodies regarding their obligations under the Act, the easier it will be to ensure compliance with the provisions of the legislation.

### **Public Events**

#### ***Speeches***

- Comhairle na Gaelscolaíochta Conference, Belfast.
- Peadar Ó Flatharta Commemorative Conference, Dublin City University.
- Léacht Uí Ghadhra, City Hall, Dublin.
- MIME (linguistic academic group), Brussels.
- EU / Government of Ireland Conference on building up Irish linguistic capacity, Dublin.
- Gaeloideachas Conference, Galway.
- Cork County Council Conference, Baile Bhuirne, County Cork.
- Defence Forces Seminar, Limerick.
- Financial and Pensions Services Ombudsman Conference, Dublin.

## ***Presentations***

- Meeting of the Standing Joint Committee on the Irish language, the Gaeltacht and the Islands, Leinster House, Dublin.
- An Bord Pleanála, Dublin.
- Board of Management of the Houses of the Oireachtas, Leinster House, Dublin.
- Coláiste Cholmcille, Indreabhán, Co. Galway.
- An Garda Síochána, Templemore, Co. Tipperary.
- Coláiste Chroí Mhuire, An Spidéal, Co. Galway.

## ***Other***

- Conradh na Gaeilge Ard-Fheis, Tralee, Co. Kerry.
- Bliain na Gaeilge Commemoration, Áras an Uachtaráin, Dublin.
- Gaelchultúr Award Ceremony, Dublin.
- Northern Ireland Ombudsman Conference, Belfast.
- Meeting with Rytis Martikonis, Director General, Directorate-General for Translation, European Commission, Dublin.
- Meeting with Fernand de Vareennes, United Nations Special Rapporteur on Minority Issues, Office of An Coimisinéir Teanga, Galway.

My Office also organised a seminar on The Use of Irish on Traffic Signs, in partnership with the Department of Transport, Sport and Tourism and Transport Infrastructure Ireland (TII). The seminar, which took place in the offices of the Department of Employment Affairs and Social Protection in Galway, was very well attended. The event, which gave engineers and Irish Language Development Officers from the local authorities a chance to get together and debate the issues, was very successful. We hope to undertake similar events in the future.

A member of staff of the Office also made a presentation at a seminar for the language planning organisations which was organised by Údarás na Gaeltachta during the year.

## **Media**

As in previous years, I had a considerable amount of contact with the media during 2018. I make every effort to accommodate requests from the Irish language media and the English language media as I believe that it is very important to provide an insight into the work of the Office, the implementation of the Act, and related matters.

I would like to thank all the journalists who showed such an interest in the work of the Office during the year and who helped to progress that work through their reports both in Irish and in English. I acknowledge their professionalism - they ensure that we never rest on our laurels!

## **Associations**

### **International Association of Language Commissioners**

My Office is an active member of the International Association of Language Commissioners, an association formed in Ireland during an international conference organised by my predecessor, Seán Ó Cuirreáin, in Dublin during 2013. I was appointed Chairperson of the Association during 2018, and my Office is therefore currently undertaking the secretarial role of the Association. As part of that role online meetings – both members’ meetings and educational webinars – were organised by my staff during the year, as well as fulfilling the secretarial role at the AGM.

The Association is going from strength to strength with 11 Commissioners or Ombudsmen currently as members, and applications from some other organisations in relation to membership or associate membership received during the year are currently being assessed.

The Association creates a valuable network where Language Commissioners can get an insight as to how language rights and the provision of services in official languages are dealt with in other jurisdictions around the world. The Association also operates as a learning network, not only for the Commissioners, but also for the staff working in this area in the various countries. This area of work was further developed during 2018, making use of technology to provide on-line training sessions on various topics by members of the Association and by external presenters, including one on the 2017 Annual Report of my Office. The regular meetings of the International Association of Language Commissioners are held by way of on-line video conferencing.

An annual conference of the Association is held in one of the member countries and the 2018 conference was held in Pristina in Kosovo. The conference brings together both practitioners and academics to discuss language rights and related matters. The Association’s annual meeting was held before the official start of the conference.

The AGM and the conference gave me and the two staff members who attended an opportunity to hold discussions with our colleagues from other jurisdictions and to learn from them, and the Office's Communications Manager made a presentation to the conference on an investigation on education through Irish which I had conducted the previous year. My Office also directed the redesign of the Association’s website, as part of its secretarial role, and arranged that each individual office would in future be able to amend its own part of the website, rather than relying on an outside organisation, at some expense. Training of staff members formed part of this initiative.

Raymond Théberge was appointed Official Languages Commissioner in Canada early in the year, and Michel Carrier was appointed interim Language Commissioner of New Brunswick, Canada, replacing Katherine d’Entremont, who retired during the year. I wish Katherine every success in her retirement, and both Raymond and Michel good luck in their respective roles. Towards the end of the year, it was announced that the Office of the French Languages Services Commissioner in Ontario was to be amalgamated with the Office of the

Ontarian Ombudsman. The legislation in this regard has now been passed by the Government of Ontario. François Boileau's departure will be a great loss to the Association, and I wish him every success in his future endeavours. The 2019 conference will be held in Toronto, under the auspices of the Ontarian Ombudsman.

By the end of 2018 the consultation process in respect of the Welsh Language Bill had not yet been brought to a conclusion. Towards the end of the year I was invited to attend a Parliamentary Committee in Wales examining the matter, in my role as Chair of the International Association of Language Commissioners.

### **Ombudsman Association**

I have been a member of the Executive Board of the Ombudsman Association since 2017. This is an association of all the Ombudsman Offices in Ireland and Great Britain of which this Office is an active member. There are two members from Ireland on the board which comprises eight members in total. The board meets five times a year to administer and discuss the affairs of the Association with the Association's Director. The board was invited to Galway for one of the board meetings during 2018, and this took place in September.

### **Irish Ombudsman Forum**

I was appointed Chairperson of the Irish Ombudsman Forum in 2017. The Ombudsman Forum, comprising seven members, meets once every quarter. The other members of the Forum are the Ombudsman, the Financial Services and Pensions Ombudsman, the Ombudsman for Children, the Press Ombudsman, the Defence Forces Ombudsman and the Garda Síochána Ombudsman Commission. All these meetings took place in Dublin during 2018.

### **Fóram na Gaeilge**

Fóram na Gaeilge is a forum for leaders of Irish language state organisations to update each other and share feedback on the most important aspects of our organisations' agendas. We are individual organisations acting independently of each other, but we have much in common. The other members of the Fóram are Foras na Gaeilge, Údarás na Gaeltachta, An Foras Pátrúnachta and An Chomhairle um Oideachas Gaeltachta & Gaelscolaíochta.

## Investigations

A key function of An Coimisinéir Teanga is to initiate investigations if it is felt that a provision of the Act or of any other enactment concerning the use or status of an official language may have been breached. I can carry out an investigation on my own initiative, pursuant to a complaint, or at the request of the Minister.

An investigation involves a formal process whereby the possible statutory failure that may have occurred is presented to the public body. The public body is given the opportunity to present its case to me and is required to provide me with all relevant records. After receiving and evaluating all the information received I issue an investigation report containing findings and recommendations, if appropriate, to all the relevant parties. A party to an investigation or any person affected by the findings and recommendations may appeal to the High Court on a point of law.

A summary of all the investigations completed during 2018 is available in this Report. However, it should be clearly understood that these summaries are merely condensed accounts of the cases involved and that the authoritative accounts are contained in the official reports. The following is a summary of the number of investigations initiated and completed during 2018:

### Number of Investigations

|                                       | <b>2017</b> | <b>2018</b> |
|---------------------------------------|-------------|-------------|
| Brought forward from previous year    | 1           | 3           |
| Investigations launched               | 8           | 8           |
| Total in hand                         | 9           | 11          |
| Brought forward to next year          | 3           | 2           |
| <b>Total completed / discontinued</b> | <b>6</b>    | <b>9</b>    |

## Raidió Teilifís Éireann

Less than 1% of television programmes on RTÉ are broadcast in Irish. This is in spite of the national broadcaster's obligation under the Broadcasting Act to provide a comprehensive range of programmes in the Irish language. An investigation by my Office highlights that the amount of programmes broadcast in Irish by RTÉ is seriously deficient, at odds with the will of the Houses of the Oireachtas and that the broadcaster is in breach of the Broadcasting Act.

### Background

I received a complaint from a member of the public on 18 August 2017 that Raidió Teilifís Éireann was not complying with the statutory obligations in subsections 114(3)(a) and (b) of the Broadcasting Act 2009. These obligations require RTÉ to provide a comprehensive range of programmes in the Irish and English languages in the programme schedules of its broadcasting services. The complainant was of the opinion that RTÉ was failing to fulfil those obligations in respect of providing programmes in the Irish language.

As a first step, my Office raised the complaint with RTÉ through the informal complaints system it operates. The organisation fully cooperated with my Office but I decided that an investigation under section 21(f) of the Official Languages Act was necessary to enable a formal finding be made. This was an investigation to determine whether or not a provision of another enactment relating to the status or use of an official language is being complied with. I issued the investigation papers to RTÉ's Director General on 22 May 2018.

RTÉ argued that it was complying with the statutory obligations to provide programmes in the Irish language. RTÉ referred to the service provided by RTÉ Raidió na Gaeltachta, Rannóg na gClár Gaeilge, the news service in the Irish language, the use of Irish throughout its various activities, and provision of television material to TG4.

The investigation was informed that there had been a steady increase in RTÉ's expenditure on Irish language material from €21.262 million in 2014 to €24.455 million in 2017; that a Group Head had been appointed for the Irish language for the first time in 2014 and an account was given of the implementation of the *Meáin Ghaeilge RTÉ Action Plan 2015-2019* "to involve the use of Irish in all RTÉ's platforms in a way that would make the Irish language inextricably associated with all RTÉ's activities."

In support of its position, RTÉ provided the investigation with data concerning all the Irish-language television programmes broadcast in 2017; the programme titles, the dates that they were broadcast and the channels on which they were broadcast. The genre of programme was also specified (sport, culture, religion, news, current affairs etc.)

With regard to radio, RTÉ argued that RTÉ Raidió na Gaeltachta provided a full and diverse service. Concerning the other radio stations, the news bulletins in Irish were referenced, as were a handful of other programmes in Irish or programmes that had an Irish language element to them, in 2017 and subsequently.

In its response RTÉ also emphasised innovative developments that had been advanced in 2017 that had increased considerably the material available online, on social media and in the fields of digital radio and podcasting.

In addition to the implementation of *Meáin Ghaeilge RTÉ – Action Plan 2015 – 2019*, RTÉ informed the investigation that it was examining the way in which Irish language material was provided. The organisation also highlighted the new structure associated with “One RTÉ” which would, RTÉ said, provide a better opportunity to compile a supply of Irish language material in a more co-ordinated way.

RTÉ also drew the investigation’s attention to a reduction of more than €100 million in the organisation’s annual funding that had occurred since 2008 (from €440 million in 2008 to €337 million in 2017). It was explained that while the organisation wished to make further investments in outputs in such areas as the Irish language, drama, science, children’s programmes and arts and culture, tight budget constraints precluded such investments at present.

## **Main Determinations of the Investigation**

### ***A comprehensive range of programmes in the television service (section 114(3)(a))***

The characteristics required for a range of programmes to be comprehensive for the purposes of the statutory obligation are described in the subsection. Emphasis is placed on the breadth and diversity of the demand and the special interests that should be catered for.

The legislation gives no direction regarding the number of programmes required in the various genres, their frequency or the consistency with which they should be provided. Nor does it specify the number of hours that should be broadcast in the two languages or the proportion required in each language.

However if a “*comprehensive range of programmes*” were provided in both the English and Irish languages, the provision in both languages would demonstrate certain characteristics whereby a “*comprehensive range*” could be recognised and a general equivalence would be discernible between the nature of the provision in the two languages. No such equivalence exists.

At my request, RTÉ provided information regarding the number of hours of RTÉ’s television broadcasting output in both Irish and English during 2017, classified by genre and source. I was also provided with information on the expenditure on Irish and English language television programmes during the same year, including internal productions, commissioned programmes and programmes bought in.

Just over 2% of RTÉ’s expenditure on television programming was spent on Irish language programming for the station. RTÉ informed me that it spent €177,926,000 on the provision of television programmes in 2017 but only €4,160,000 (2.3%) of this expenditure was on Irish language programmes. Of the 18,657 hours of television programmes broadcast on



RTÉ's channels in 2017, only 123 hours or 0.7% were Irish language programmes. Furthermore, some genres were not catered for at all in Irish or only to a very limited extent.

If a "comprehensive range" of programmes were being provided in English, it was obvious that a "comprehensive range" was not being provided in Irish.

### ***News and current affairs television programmes (section 114(3)(b))***

Subsection 114(3)(b) requires that the programme schedules of RTÉ's broadcasting services provide news and current affairs programmes in both Irish and English.

A news bulletin in Irish was being provided daily on *RTÉ One*. It was accepted, therefore, that the statutory obligation was being fulfilled in the case of news programmes.

However, it was clear that current affairs programmes were not being provided in Irish in spite of the clear statutory obligation to do so. While RTÉ provided a current affairs programme to TG4 (*7 Ló*) as part of its statutory duty to provide 365 hours of Irish language programmes annually to TG4, this did not relate to the television service of RTÉ itself.

### ***The Audio Service***

RTÉ indicated that €12.77 million was spent on radio programmes in the Irish language in 2017. Most of this expenditure (90.7%) was associated with Raidió na Gaeltachta – a national service which broadcasts a very wide range of programmes, including news and current affairs. €1.87 million was spent on Irish language programmes on RTÉ Radio 1 and RTÉ 2FM, most of which were news programmes, although a handful of programmes of various other types were broadcast.

Having considered RTÉ's radio output as a whole, I ruled that the statutory obligations (a comprehensive range of programmes and news and current affairs programmes) are being fulfilled in the case of the audio service, although this was largely due to the comprehensiveness of service provided by Raidió na Gaeltachta.

### ***Main recommendation of the investigation:***

**That RTÉ prepare an implementation plan, to my satisfaction, within a period of six months from the date of the report on the investigation, for the purpose of fulfilling the statutory obligations prescribed in subsections 114(3) (a) and (b) of the Broadcasting Act 2009, to provide a comprehensive range of television programmes in Irish and current affairs television programmes in Irish.**

**Investigation launched: 22 May 2018**

**Report issued: 6 December 2018**

## Department of Agriculture, Food and the Marine

An investigation found that the Department of Agriculture, Food and the Marine had breached a statutory language obligation by advertising posts as general workers in the Department's centres in the Gaeltacht, in Ros an Mhíl and Dingle, without specifying a requirement for proficiency in the Irish language for those posts.

An advertisement by the Department of Agriculture, Food and the Marine which was published on 3 November 2017 caught my attention. The advertisement concerned a competition to appoint general operatives to the Ros an Mhíl Fishery Harbour Centre in the Galway Gaeltacht. The ability to communicate effectively in English was a requirement for this post, but ability in Irish was not mentioned. As well as that, the unofficial English version of the Gaeltacht placename Ros an Mhíl had been used.

When I examined the booklet in relation to this recruitment competition, it was apparent that there was also a position as general operative to be filled in the Dingle Fisheries Harbour Centre in the Kerry Gaeltacht, and that the ability to communicate effectively in Irish was a desirable qualification for both posts, but not a requirement.

When a Language Scheme is being prepared by a public body, that public body must ensure that the particular Irish language requirements associated with the provision of services in a Gaeltacht area are met and that the Irish language becomes the working language in its offices in the Gaeltacht not later than such date as may be determined by it with the consent of the Minister. In the second scheme confirmed in respect of the Department, in October 2016, the following commitments were given in respect of the two Gaeltacht fishery harbour centres (FHC):

*Following a reorganisation of Government Departments in 2007 and the consequent reassignment to it of the responsibility for sea fisheries matters, the Department now has two offices (both of which are Fishery Harbour Centres) located in Gaeltacht areas.*

*One is located in Ros an Mhíl, Co. Galway and the other in An Daingean, Co. Kerry. These offices represent the most direct interface which the Department has with Irish speakers and as a consequence, their capacity to provide a high level of services through Irish is very important. The Department is satisfied that there are staff deployed in those locations who are functionally bilingual.*

*The Department will endeavour to ensure that Irish becomes the working language in offices located in Gaeltacht areas by the end of 2020 and the Department undertakes to provide a service through Irish to members of the public in Gaeltacht areas over the lifetime of this Scheme.*

I was in some doubt as to whether the Department was taking account of these commitments. The Department accepted, during the informal enquiries made by my Office, that a mistake had been made in using the unofficial English version of a Gaeltacht placename, and advised that the relevant officers of the Department would be informed of the need to use the official Irish placenames in recruitment advertisements in the future.

When I did not succeed in resolving the substantive issue in respect of the requirement for ability in Irish in recruitment competitions through that informal complaints resolution system, I decided an investigation of the matter was necessitated.

I launched that investigation on 6 December 2017. The attention the Department paid to the investigation and the professional manner in which it responded is a matter of some satisfaction to me. I am grateful to the Department for that cooperation.

The Department advised the investigation that it had reviewed the specifications in respect of Irish as they pertained to the competition. The Department accepted that the specifications for the competition in respect of Irish were not satisfactory, that the manner in which the language requirement was portrayed did not show parity of standing for Irish and for English, that the specification as advertised for a previous competition for general operative had been too heavily relied upon and that insufficient account was taken of the requirements for harbours located in Gaeltacht areas and of the Department's commitment.

As a result of the review and the failures that had been identified, the Department made a commitment that a requirement in respect of parity of standing for Irish and English would be encompassed in any future competition where a post located in a Gaeltacht office was involved and that the Department would make every effort to ensure that any appointee in the future to Gaeltacht offices would have proficiency in Irish. The Department reserved the right to fill a Gaeltacht post with a non-Irish speaker, however, if no appropriate Irish-speaking applicant applied for the job. A commitment was given that where someone with limited Irish skills was appointed to a Gaeltacht office of the Department, that the provision of training to raise that person's proficiency to an acceptable level would be supported, and that every effort would be made to cultivate and increase the Irish proficiency in its two FHC's which are located in the Gaeltacht.

The investigation was informed, in the Department's letter of 9 March 2018, that the two jobs advertised for Ros an Mhíl and Dingle had been filled with Irish speakers. It was clarified in a communication from the Department of 26 March 2018 that an opportunity was afforded to applicants during the course of the interview to undertake a test of their level of competency in Irish. The test involved a conversation during which applicants were questioned on a range of subjects. The board member assessed the competency in Irish of each applicant based on how well they understood the questions and on the level and standard of participation of the applicant in the subjects. The interview board advised that one of the applicants had fluent Irish and that the other applicant had "good conversational Irish".

As mentioned above, when a Language Scheme is being prepared by a public body, that public body must ensure that the particular Irish language requirements associated with the provision of services in a Gaeltacht area are met and that the Irish language becomes the working language in its offices in the Gaeltacht not later than such date as may be determined by it with the consent of the Minister.

The question of the particular language requirements of Gaeltacht communities is clarified in the guidelines which issued under section 12 of the Act: “that Irish becomes the default language of service delivery in the Gaeltacht.” These provisions of the Act are extremely important, in my opinion, in respect of the influence of the State on the status and use of Irish as the normal community language in the Gaeltacht. The statutory provisions of the Act which mention the Gaeltacht confirm the aspiration of the Oireachtas that a specific date be put in place by public bodies by which Irish would be the working language in Gaeltacht workplaces.

The Department specifies its commitment to Irish being the working language in its Gaeltacht centres in a provision of its Language Scheme. It was clear from its answer to the investigation that the Department had divided its recruitment campaign into two parts, one competition had been advertised in 2016 for fishery harbour centres outside the Gaeltacht and the other for centres in the Gaeltacht in 2017. Competency in Irish was specified as a desirable skill for the Gaeltacht competitions only. I accept, therefore, that some account was taken of the relevant commitments in the Language Scheme in this recruitment campaign.

The Department decided to specify competency in Irish a “*desirable*” skill or qualification for the Gaeltacht competition because it feared that “*specified requirements in the competition being too restrictive*” would result in a significantly reduced number of applicants. It was imperative, in the Department’s opinion, that it would have the right to fill a Gaeltacht post with someone who had no Irish where there was no suitable applicant with Irish, so that the functions of the Department would be fulfilled. The Department advised the investigation that an applicant with Irish competency had an advantage in the competition in comparison to an individual who did not have that language skill.

It should be noted that these were posts which did not have a requirement for scarce or unusual skills, and also that a large number of people with proficiency in both languages live in the areas where the Gaeltacht centres are located.

From my understanding of the manner in which this recruitment competition was run, although a suitable applicant who is competent in both languages would have an advantage over an applicant who isn’t, if a monolingual applicant did better before the desirable Irish language qualifications were taken into account, that monolingual applicant would be appointed – even though a suitable bilingual candidate was available.

In order for the Department to succeed in making Irish the working language in those centres, I believe that all staff members must have fluent Irish. If someone without competency in Irish was appointed to either post, that would have a negative effect on the probability that Irish would be the working language of those offices by 2020 or on the ability of those offices to provide a high quality service in Irish.

In addition, as the Department explained in its reply, some of the responsibilities of the post will bring the individual appointed into regular contact with sailors and users of the harbour. If a person without Irish was responsible for that aspect in Ros an Mhíl or Dingle, there is no

question but that that would have a detrimental effect on the ability of the Department to provide a high quality service in Irish.

Another point worth mentioning is the specific reference to English literacy skills in the requirements for both competitions. If literacy skills are necessary for a general operative who is located in a fishery harbour centre where English is the working language, it is of note that literacy skills in Irish were not mentioned in the competition in respect of the Gaeltacht centres.

I welcomed the statement of the Department that it recognised the requirement that any of its employees working in a Gaeltacht centre should have Irish. In exceptional circumstances it could happen that the Department would not succeed in finding an applicant with the requisite skills and competency in Irish during a recruitment campaign or competition. In any such case it would be incumbent on the Department, in light of the scheme commitment, to take every possible step during the recruitment process to ensure that a person with competency in Irish who satisfies the requirements of the post is appointed. Without a satisfactory result to that process, the Department's proposal – that the necessary training required to enable the recruited individual to function satisfactorily through Irish in a reasonable period of time be provided – is understood.

***Main Recommendations of the Investigation:***

**That it be ensured in future that competency in Irish is a required qualification in the case of a recruitment competition for any job in the Department which is located in the Department's offices or centres in the Gaeltacht.**

**That any examination of the Irish competency of applicants for Gaeltacht jobs is based on a language testing framework such as the European Certificate in Irish, having the aim of confirming the standard of competency.**

**Investigation launched: 6 December 2017**

**Report issued: 9 April 2018**

## Dublin Port Company

This investigation arose from a complaint received by my Office in October 2017 that a significant sign, in English only, had been erected by Dublin Port Company on the East Wall Road at the entrance to the port. The complaint was initially dealt with through the informal investigations process, but that process did not yield a satisfactory outcome.

There is a general obligation placed on all public bodies that are subject to the Act to ensure that any signs placed by them or placed on their behalf are in Irish or bilingual. "Signs" are not defined in the Regulations (S.I. No. 391 of 2008) made under subsection 9(1) of the Official Languages Act. Therefore, the normal meaning of the word applies. It is obvious that a sign in this instance is the display of information or direction in the form of words or symbols.

The case presented by the Port Company to the investigation was based on two primary arguments. In the first place it was claimed that the steel corten panel, referred to as an "*installation*", was not a sign but an integral part of the complete redevelopment of the site which was opened in October 2017. It informed us that the words "Dublin Port" were inscribed on a sculptured wall of corten steel and that it was a modern artistic representation of the steel that was used in the port in years gone by. The public body informed us that part of the redeveloped site was opened to the public as an artistic, architectural and historic amenity with the objective of reaffirming and strengthening the link between the port and the city.

The Port Company emphasised the exemption referred to in the Regulations that do not require a sign that is "*of artistic, architectural or historic interest*" to be altered. The public body contended that this section granted an exemption from the general obligation of the Regulations and that it related to both new signs and signs erected before the Regulations came into force. As the "*installation*" had strong artistic and architectural characteristics the public body was of the view that even if it was accepted that it was a sign the exemption meant that there was no requirement to use both official languages.

It was undeniable that the corten panel which formed part of the redevelopment of the site had significant artistic and architectural characteristics. But it was also clear to me that the inscription on the steel corten panel, the "*installation*", functioned as a sign and was subject to the Regulations. It is obvious that the inscription informs those that are using the public road that the port is nearby.

I also found that the exemption referred to by the Port Company was not applicable in this instance. There is no doubt in my mind but that this exemption applies to signs that are being altered, signs that were erected before 1 March 2009, the commencement date of the Regulations. To accept otherwise could result in an absurd interpretation of the Regulations. It would mean that public bodies would not be required to alter new signs that were in not in compliance with the Regulations when erected as they were of artistic, architectural or historic interest.

***Main Recommendation of the Investigation:***

**In the recommendations of the investigation I directed that Dublin Port Company submit proposals to me within six weeks from the date of the report as to how it planned to comply with the requirements of the Regulations. If the proposals made were acceptable to me, I asked that they be implemented within six months.**

**Investigation launched: 29 May 2018**

**Report issued: 10 October 2018**

## Department of Housing, Planning and Local Government

In an investigation I conducted on the Department of Housing, Planning and Local Government I found that two statutory language obligations were breached on the publication of *The National Planning Framework* in English only and the launching of an associated website also in English only.

On 16 February 2018 the Government of Ireland launched Project Ireland 2040: an all-encompassing policy project for the development of Ireland. Shortly afterwards I received a complaint that the main supporting policy documents associated with the project were not available in Irish. After conducting further enquiries my Office discovered that the website the Department created for the project – [www.npf.ie](http://www.npf.ie) – was made available in English only.

These complaints were investigated based on commitments the Department had made in its fourth language scheme, agreed in 2017. The Department committed in that scheme to continue to publish core documents (major policy statements, strategies etc) bilingually under the same cover. If it was decided not to publish a bilingual version, due to cost implications or that it would be too large, the Department committed that separate versions would be published in Irish and in English. Each document would contain a statement that a version was available in the other language.

Regarding the website the Department had also made a commitment in its language scheme that all the static content would be made available bilingually on any new website developed.

In its response to the investigation the Department accepted that the commitments made in the language scheme were not complied with in this instance. The Department explained that *The National Planning Framework* was a complex publication with over 50,000 words. The Department confirmed that it had planned to publish the document bilingually but that it was unable to do so as the draft document in English was not finalised until 14 February, two days before it was due for approval by the Cabinet with the planned launch of the document on the same day. Translators had informed the Department that it would take between two and three weeks to translate the document.

The publication of the document *The National Planning Framework* resulted in a conflict between two separate requirements, the need to comply with a specific publication date and the statutory requirement to publish the document simultaneously in both official languages. The result was that the statutory language obligation was set aside so that the publication date could be met. It was also significant that the same obligation, provided in the Department's third language scheme, had previously been investigated in 2012. It was found at that time that the statutory language obligation had been breached when a core document was published in English only. During the investigation the Department made available a list of publications that were published since that date simultaneously in both official languages in accordance with the scheme's commitment.

In situations such as this, and taking into account that the commitment had been previously investigated, I would have expected the Department to inform other stakeholders that the



statutory language obligation could not be complied with if it was necessary to adhere to the proposed publication date. No evidence was made available to me that the Department had done this.

The Department accepted that it had not complied with the commitments in relation to the website. It stated that it expected the website would only be operational for a short period of time after which the material on the site would be included on a dedicated webpage for Ireland 2040 on the www.gov.ie website. The Department held the view that it would prove costly and time consuming to translate the material for a site that would only be in temporary use. It was confirmed at a later stage that due to an unforeseen delay in the transfer of material from the website it was decided to make the website www.npf.ie available in Irish.

*Project Ireland 2040* was a significant initiative in the country's public life. Regardless of any statutory obligation, not ensuring that the *National Planning Framework* was published in the national language, at the time that it was launched and when it was receiving most attention, was a clear demonstration of the marginalisation, at times, of the Irish language in the public life of this country.

***Main Recommendation of the Investigation:***

**I made six recommendations in the investigation report including requiring the Department to give my Office at least four weeks advance notification of its proposed date of publication of any document that is subject to the relevant commitment in the language scheme. This requirement will remain in place for a period of three years from the date the investigation report was issued.**

**Investigation launched: 18 May 2018**

**Report issued: 15 August 2018**

## **Iarnród Éireann**

An investigation demonstrated that appropriate or adequate systems were not in place in Iarnród Éireann to ensure adherence to the statutory duties under the Official Languages Act 2003 or the Transport Act 1950 concerning the use of official languages on signs.

By the end of 2017, 22 complaints concerning signs, raised on an informal basis with Iarnród Éireann, remained unanswered or partially unanswered. Ten of these complaints had been raised over a year previously.

Given the number and the prevalence of the signs that were the subject of the complaints received by my Office, it appeared to me that it was possible that an appropriate system was not in place to ensure that the language requirements were adhered to when signs were being designed or erected by Iarnród Éireann or on its behalf. In addition to this, an effective system needed to be in place to investigate complaints concerning possible infringements and to correct signs where necessary.

Iarnród Éireann is a public body which uses a lot of signs to provide information to the public and to its staff for various reasons in its stations, on trains, beside train lines and in various other places. The organisation is subject to a language obligation, not only under the Regulations made under the Official Languages Act but also under the Transport Act 1950. Signage is an important aspect of its work, and also an important aspect of the visibility of the State's policy on bilingualism. It is imperative, therefore, that strong, clear policies are in force in respect of the use of Irish on signage, and that effective strategies are in place to embed and normalise those policies in the organisation's culture so that they are implemented without question and that the occasions on which they are disregarded are minimized as much as possible.

It is also imperative that a system is put in place to investigate complaints that are raised by my Office, to correct or amend non-compliant signs where necessary, and to reply accordingly in respect of those complaints within a reasonable timeframe. I launched the investigation to ascertain whether Iarnród Éireann had those suitable arrangements in place.

Iarnród Éireann explained in its response that the responsibility for erecting signs of various types was vested in named officials in different sections of the organisation. It was explained that a design standard was in place to ensure that new signs being erected complied with the Official Languages Act as well as other regulatory requirements.

It was confirmed that a translation service translates or checks new signs. It was also explained that those standards are also implemented when signs already in place are changed, although funding issues have an effect on that activity, especially regarding electronic signs. It was also advised that the process for designing signs was being reviewed within Iarnród Éireann, in partnership with the National Transport Authority, and that the process for erecting temporary signs would be reviewed.

It was confirmed that the Irish Language Officer is the person who ensures that staff are knowledgeable of the statutory language duties concerning signage and that guidelines were issued to ensure that they were aware of the requirements under the Official Languages Act. As evidence, a copy of guidelines issued in 2009 and some excerpts from monthly meetings of the Executive Group (between 2009 and 2015) which concerned the fulfilment of language duties in respect of signs were provided. The investigation was informed that Iarnród Éireann intended to remind the relevant staff once more of the language duties pertaining to signage, as it had been some time since this last occurred.

It was also explained that the ultimate responsibility for investigating complaints received from the Office of An Coimisinéir Teanga and issuing a reply lies with the Irish Language Officer. Iarnród Éireann acknowledged, however, that between September 2016 when the last Irish Language Officer left until the new Irish Language Officer was appointed recently, no sufficiently clear arrangements were in place and therefore complaints from the Office of An Coimisinéir Teanga had not been investigated or responded to at the standard or with the timeliness one would expect.

21 of the complaints included in the investigation concerned signage in train stations. Iarnród Éireann advised that the signs were corrected in the case of two of these. As regards the rest, the investigation was advised that they would be corrected as soon as was practical, or as soon as was possible from a financial point of view, and that there were yet other signs which were still being investigated.

One of the complaints included in the investigation concerned the fact that the *síneadh fada* was not displayed on the reserved signs on board trains. This meant that a passenger's name could not be displayed correctly if the name contained a *síneadh fada*. The investigation was advised that work was being done with the suppliers of the system to correct the problem but that they could not say when it would be resolved.

Iarnród Éireann has been subject to the obligation concerning the use of Irish on permanent signage since 1950 and the practice of making signs bilingual should be well established throughout the organisation by now. As was evidenced by the complaints, it was apparent that although that practice was well established in respect of certain types of signs, that perhaps fulfilling that duty was not being adhered to in respect of all types of signs and that there were understandings and practices in some parts of the organisation which were not in line with the legislation.

There was no obligation on Iarnród Éireann in respect of temporary signs under the Transport Act 1950, but there is no distinction between permanent and temporary signs in the Regulations made under the Official Languages Act. With the introduction of those Regulations in 2009, temporary signs must be bilingual (or in Irish only) and in accordance with the other provisions contained in those Regulations. It was necessary, therefore, that those requirements be communicated to the staff that were responsible for erecting temporary signs.

The electronic reservation signs in train coaches displaying the name of a passenger who has reserved a seat are a particular case. Where a vowel in the passenger's name includes a

*síneadh fada*, it is not displayed. Iarnród Éireann confirmed that there are technical difficulties in relation to the system in use and that the *síneadh fada* could not be displayed on reservation signs at present. It seemed strange to me that a public body in Ireland would install a signage system that could not display people's names in the national language or bestow the dignity and courtesy to passengers of displaying their names as they had provided them to Iarnród Éireann.

Due to the lack of cooperation in respect of the inquiries and the lack of response to complaints it appeared to me that I had to launch the investigation. It appeared from the evidence that there was no understanding in the organisation of the importance of providing full answers quickly. Iarnród Éireann had accepted, apparently, in addition to this, that non-compliant signs can be corrected when it suits the organisation itself or the relevant business unit, depending on various other circumstances, including funding. Ensuring that signs are in compliance with the language obligations set out under the Transport Act 1950 and the Official Languages Act 2003 is a statutory requirement. If it is conceded that that requirement has been breached, then the appropriate steps must be taken to remedy that breach as soon as it comes to light.

An Irish Language Officer was appointed by Iarnród Éireann during the investigation itself and the improvement to the communication and to responses since that officer was appointed was acknowledged.

***Main recommendations of the Investigation:***

**I made six recommendations in the investigation report including the correction of the signs that were the subject of the investigation within three months. I also requested that appropriate systems, policies and guidelines be implemented and that an annual report is submitted to me as to their operation.**

**Investigation launched: 21 December 2017**

**Report issued: 21 September 2018**

## **Cork County Council**

An investigation found that Cork County Council breached the statutory language obligation which is contained in subsection 18(1) of the Official Languages Act 2003 insofar as it concerns the implementation of a provision of a statutory language scheme by providing the Irish language version of the static content of the Council's website through the use of the machine translation service *Google Translate*.

I received a complaint from a member of the public that use was being made of a machine translation system to provide the Irish language version of Cork County Council's website.

A commitment had been given in the language scheme which had been confirmed in the case of the Council that the static content on the Council's website would be available by July 2008 and that it would be maintained in accordance with the maintenance carried out on the English version:

### **2.2 Written Documentation**

#### *(iv) Website*

- *All of the static content of the Cork County Council website will be available in Irish by July 2008 (and will be maintained in the same manner as the English site.)*

When the quality of the translation being provided on the website was examined, it appeared that this provision was possibly not being adhered to, and my Office raised the matter with the County Council informally, as a first step. The Council stated that the website had been renewed and that a decision had been taken to use machine translation as a temporary measure, as it was assumed that large organisational structural changes would be occurring in the Council in the near future and that substantive changes to the website would arise as a result. The County Council was of the opinion that those changes would be effected within one year and it was confirmed that it was intended to provide an Irish language translation of the website after that, in accordance with the commitment in the language scheme.

I felt that the proposal being made by the Council was not acceptable in light of the commitment in the language scheme, and I therefore launched an investigation on the subject. I issued the investigation documents to the Chief Executive Officer of the Council on 29 August 2018.

After granting an extension of time, I received a reply by letter dated 11 October 2018. On 8 November 2018, Cork County Council provided amended details in respect of the estimated costs of translation. I received complete cooperation from the Council during the course of the investigation and I am grateful to the Council in that respect.

Cork County Council accepted that the commitment given in the language scheme had been breached by its decision to provide the Irish language version of the static content by using machine translation during the redevelopment of the renewed website.

The Council explained, however, that it was not fully understood that that scheme commitment would be breached when a decision was made to use machine translation as part of the redevelopment of the website. When the new version of the website was being developed, regular meetings were convened during which questions relating to the project were discussed, including the question of Irish. It was agreed, it was said, that an Irish version of the redeveloped website would be provided, in accordance with the scheme commitment and with the wishes of the Council itself. When it was decided that a machine translation system would be used to that end, the following circumstances and reasons were taken account of:

1. Although the number of pages on the website had been greatly reduced in comparison with the old website, it was felt that neither the time nor the resources were available within the County Council to translate the content, and that the cost involved in sending the content to a private company for translation would be excessive in comparison to the funding which was available for the project.
2. It was not known at that time what change or changes would be imposed on Cork County Council and Cork City Council, including the possibility of an amalgamation of the two councils. The Council was loathe, therefore, to “*expend large sums of money*” to a private company to translate pages of the website when it was not known how long they would be in effect before they would have to be changed from scratch once more.
3. The commitment which obliges the County Council to keep the Irish version of the website current, so that the Irish version of the website reflects the English version, was also taken into account. Difficulties had arisen with the old website in that respect and it was felt that the information could be provided and that both language versions could be kept concurrent on the website by using this translation option.
4. It was acknowledged at the meetings that such a machine translation system “*could be inaccurate for phrases and longer sentences*”, but it was thought that this approach would be acceptable as an interim step until the County Council was ready to provide a more accurate translation in the future.

The County Council accepted, however, that the Irish translation being provided by a machine translation system only of the static content of the website was not of the same standard as the original English version and an Action Plan was presented to the investigation in which the steps already taken and those yet to be taken to translate the content and make it available (over a period of a year) were outlined. That plan also included arrangements so that the Irish version of that content would be kept up to date with any future changes to the English language content.

The investigation was provided with copies of the translation tenders which had been received, along with the estimated cost of the work (a cost which was later revised). It was confirmed that an application had been made to increase the funding for Oifig na Gaeilge

and at the time the investigation received the response, work had commenced on preparing the content for translation. I welcomed that approach.

As there was a statutory obligation on the County Council to provide the static content on the website bilingually, it appeared to me that the decision that had to be made by the Council was whether it was worth redeveloping the website and whether it should be redeveloped (including the provision of the static content of equal standard in both languages) or whether it should not be redeveloped pending certainty of the lifespan of such an investment. Once a decision had been made to proceed with the redevelopment, there was no choice but to provide the Irish language version.

With the development of technology in the area of translation, there is no doubt but that technological translation resources have a central role to play in the service which is provided to different language communities in respect of the supply of information and services. There is also no doubt that that role will be enhanced over time with the growth and improvement of that technology. The day may yet come when translations are supplied by machine translation which are satisfactory from the standpoint of the accuracy of the communication for official purposes, but that day has not yet arrived.

Until now, from the point of view of Irish, the translation which is provided by systems such as *Google Translate* is often ineffective and impossible to understand, or the message of the original text is lost. It was a matter of some satisfaction to me that Cork County Council arrived at the conclusion that such a system was not acceptable when it reviewed the situation.

The text in Irish which is produced by a machine translation system is not comparable with the standard of the original English text. In fact, it could be insulting to some language communities to be expected to accept translations of poor standard, as was to be seen on the Council's website. And it is a worse scenario still when the website is used to perform official functions of the State.

***Main recommendations of the Investigation:***

**I made a recommendation that the use of Google Translate be discontinued for the purposes of providing content in Irish on the website. The other main recommendations included a request that the Action Plan being implemented by the Council to provide static content in Irish be revised and that the content be uploaded incrementally as it was translated. I also stressed the requirement to have arrangements in place to ensure that the content in Irish is kept up to date.**

**Investigation launched: 29 August 2018**

**Report issued: 23 November 2018**

## **The Abbey Theatre**

An investigation found that the Abbey Theatre was in breach of the statutory language obligations that are confirmed in the Regulations in respect of signage issued under subsection 9(1) of the Official Languages Act 2003 in respect of signs both inside and outside of the Abbey Theatre.

A complaint was made to my Office in February 2017 that signs in the Abbey Theatre were not bilingual. Under the Regulations which have been issued under subsection 9(1) of the Official Languages Act 2003, public bodies must ensure that their signs are in Irish, or in Irish and English. Signs in English only are not permitted.

My Office raised the subject of the complaint with the Abbey Theatre through the informal complaints system it operates, as a first step. Every effort was made to resolve the issue, but those efforts were not successful.

When the informal attempts were not successful, I decided to undertake a formal investigation to make findings in respect of this matter, and to make recommendations, if appropriate.

I launched the investigation on 18 May 2018. I issued the investigation papers to the Directors of the Abbey Theatre as a first step, and I requested a written response by 9 June 2018. The Abbey Theatre provided a response in a letter dated 1 June 2018. Having reviewed that response, I wrote once more to the Theatre on 22 June 2018 and I requested further information and clarifications. That information and clarifications were provided in a response from the Theatre dated 24 August 2018.

It was acknowledged in the response that some of the signage in the Theatre was not in accordance with the language requirements in respect of signs. It was explained that some of those signs had been erected in the 1960s, when the Theatre was built.

The non-compliant signs were divided into three types:

### **(1) Temporary Signs**

It was acknowledged that there were temporary signs (posters, paper signs, laminated signs, casual signs etc.) in various places throughout the building. It was confirmed that non-compliant signs of that nature would be removed by 31 July 2018 and that new (compliant) signs would be erected in their stead where necessary. It was also confirmed that arrangements would be put in place ensuring that any new signs of that nature being erected would be in line with the legislation. I welcomed that commitment.

### **(2) Bilingual Signs**

The Theatre confirmed that the bilingual signs would be corrected or changed by 31 July 2018 to ensure compliance. It was indicated that some cost would attach to completing this work.



In its second response, of 24 August 2018, the Theatre confirmed that the signs mentioned in (1) and (2) above were being amended and that it would keep me informed as to progress. I welcomed that commitment also.

### **(3) Fixed Signs**

The Theatre explained that there were some signs (in English only) which were affixed to the Theatre building and which “*no small cost*” would apply to their correction.

The Theatre advised the investigation that there was a project in hand to redevelop the Theatre, which included demolishing the old building and building a new Theatre on the same site. It was explained that a business plan was being finalised in respect of that end, and that the aim was to commence those works within two years. The Theatre argued that the great expense of correcting the fixed signs which were due to be demolished should not be incurred, but an undertaking was given that “*compliance with the Official Languages Act would be incorporated in the new plans for signage in the new building*”.

The fixed signs which the Theatre wished to retain until the building was demolished were specified as follows:

- i. The sign above the main door on the Marlborough Street side.
- ii. Some directional signs inside the building which are nested or embedded in the walls themselves, and are in place since the building was erected.

As regards the redevelopment project, the Theatre advised that the Minister for Culture, Heritage and the Gaeltacht announced in April 2018 that €80 million had been set aside for the redevelopment of the Theatre as part of the investment in the cultural, heritage and language infrastructure of the country, that a business plan had been submitted to the Department by the Theatre and that it was expected to proceed with the project as soon as permission was granted in that respect. It was expected that the new building would be almost completed by 2022, and to achieve that aim, the old building would have to be demolished sometime in 2020.

It should be clarified that there is no provision in the Official Languages Act which allows me, as Coimisinéir Teanga, to provide an exemption to any public body from a statutory language requirement. If I make a decision in an investigation, based on the evidence provided to me, that a public body has failed to comply with a provision of the Act, I am obliged to make a finding in the report on the investigation to that effect in accordance with the Act.

My Office first raised the complaint made to me with the Theatre on 16 February 2017 and despite the continued efforts of my Office, it was a matter of some disappointment to me that the level of cooperation I received from the Theatre was not commensurate with the standard I would expect when my Office raises queries, as it is entitled to do in the performance of its statutory duties. I initiated the investigation due to this lack of

cooperation. I acknowledge with thanks, however, the cooperation of the Theatre with the investigation itself.

***Main recommendations of the investigation:***

**I made a series of recommendations to deal with the range and classes of non-compliant signs. I also recommended that the sign above the main entrance of the Theatre be changed by 30 June 2019 unless evidence is provided to my satisfaction that definite arrangements have been put in place to demolish the Theatre building during 2020.**

**Investigation launched: 18 May 2018**

**Report issued: 17 October 2018**

## Galway County Council

An investigation found that Galway County Council breached a statutory language obligation concerning the implementation of a commitment in Measure 3.14 of the Council's statutory language scheme, by issuing notices in English only in tweet form concerning matters relating to Gaeltacht areas, and by utilising the unofficial English versions of Gaeltacht placenames instead of the versions confirmed in the Placenames (Ceantair Ghaeltachta) Order, 2004 in a notice issued by the Council in tweet form, but that the County Council did not breach the same statutory language scheme insofar as it concerns the implementation of a commitment in Measure 3.14 that any general correspondence which it initiates with the public in Gaeltacht areas will be in Irish, through the issuing of notices in English only in tweet form concerning matters which related to Gaeltacht areas.

Since 2014, 11 complaints in total were made to my Office in respect of the use of Irish and/or the use of Gaeltacht placenames in tweets issued by Galway County Council, and these complaints were raised with the Council. It was apparent to my Office that three of the commitments given in the Council's current language scheme were relevant:

### **Measure 3.14:**

*'General correspondence initiated by the Council with the public in a Gaeltacht area will be in Irish only or bilingual.*

*An t-Ordú Logainmneacha (Ceantair Ghaeltachta) 2004 will be used by the Council for official purposes and used as a default in all of the Council's databases and correspondence.*

*The Council will actively ensure that every aspect of its work directly or indirectly affecting the Gaeltacht will be in Irish and have cognisance of the cultural and linguistic heritage of the Gaeltacht and will not have a detrimental effect on the use of Irish as a community language but will promote and encourage it.'*

I received two complaints in 2017 in relation to tweets in English only relating to the Gaeltacht issued by Galway County Council.

In both the tweets, use was made of the unofficial English versions of Gaeltacht placenames. Two placenames orders made under the Act concern Gaeltacht areas – SI 872 of 2004 and SI 599 of 2011. Reference is made only to the order which was made in 2004 in the commitment given by the County Council. The placenames mentioned in the second tweet (An Aird Mhóir and Cill Chiaráin) were confirmed in the order made in 2004. The placename mentioned in the first tweet (An Mám) was confirmed in the order made in 2011. It appeared to me, therefore, that no breach occurred in respect of the use of the English version of that particular placename.

The Council confirmed their stance that the above commitments did not concern tweets and said that it was clear, according to them, that there was no commitment in the Scheme regarding tweets, nor did they think tweets had *"been in mind when the provisions of the scheme were being drawn up"*.

I decided that an investigation was necessitated to make findings on the matter. I issued the investigation documents to the Chief Executive of the County Council on 30 April 2018 and I requested a written answer by 22 May 2018. The Council provided me with a response on that date.

I received another complaint regarding tweets which issued on 25 May 2018 and on 27 May 2018. I wrote once more to the County Council on 31 May 2018 and advised it that I had received a further complaint which I was including in the investigation. As well as that, I asked the Council to respond to some specific questions and I also requested that it provide certain additional information by 22 June 2018. The County Council provided a response on 22 June.

The County Council sent me another letter on 15 November 2018 in response to the draft report I had issued. I am grateful to the Council for its cooperation with the investigation.

Once again, it was the County Council's position that none of these three particular commitments in its language scheme had been breached because the requirements in those commitments referred to specific functions, and the issuing of tweets could not be included as one of those functions. The County Council maintained that tweets were not official correspondence for the purpose of the language scheme, and indeed that they were not correspondence in any way. The County Council maintained that tweets are not used for official purposes.

It was confirmed in the Council's response of 15 November that the Council intended to continue issuing tweets in Irish or bilingual tweets where possible, especially tweets concerning the Gaeltacht. It was explained, however, that circumstances and practical constraints prevent that sometimes.

There is no arguing that the County Council issues tweets in Irish on various subjects concerning the life of the County: festivals, conferences, art exhibitions, weather warnings and much more. The complaints made to me, however, belonged to a specific category of tweets. These were tweets the Council issued to broadcast information which concerns its functions and actions as a local authority – as a roads authority and as an agency or contractor on behalf of Irish Water.

The areas in which these commitment requirements function is mentioned specifically in those three commitments: *Correspondence*, *General Correspondence*, *All of the Council's databases*, *For official purposes* and *Every aspect of its work*.

According to definitions "*correspondence*" means a method of communication which is carried out by the exchange or trading of letters, e-mails etc. I was satisfied, therefore, that the argument put forward by the County Council – that the tweets it issued on its own initiative were not "*correspondence*" or "*general correspondence*" – was valid.

When public roads are to be closed, a notice of intention must be published in one or more of the newspapers that are read in that locality. It is apparent that the objective or

“purpose” of that provision is to inform those people to whom the road closure would or could make a difference of the measures that are to be taken.

In the same way, there is a proviso in the contract between the County Council and Irish Water that the Council must inform Irish Water in a timely manner of any proposed break in the water supply, or of any unexpected break, so that information may be provided to customers through that organisation’s central customer contact unit.

Informing the relevant road users and the users of the water supply of what has happened or what is proposed is an official purpose, and *Twitter* is an effective method of communication for that purpose. There is evidence in several of the Council’s own publications which would give one to understand that this is the view and approach of the County Council itself. Whether it is an informal or formal communication, it is a communication to which “need” and “urgency” could attach, in the Council’s own view. It is an aspect of its work.

In the County Council’s response to the draft report of 15 November 2018, it was clarified that the issuing of tweets is referred to in various Council documents because it is recognised that tweets are a form of informal communication, although it is not accepted that they are official communications.

When it is decided to communicate with a Gaeltacht community in English only, the functionality of English in the affairs to which the communication refers is confirmed, as is the non-functionality of Irish. English is being normalised as the main language of communication and as the most effective language in which to conduct business with the local authority and other administrative institutions on which the Gaeltacht community relies. In short, if it benefits the Irish language as a community language to communicate in Irish or bilingually, it is to its detriment not to do so.

The Council referred to difficulties which could arise with issuing bilingual tweets in a timely manner in urgent or serious cases. Nobody is seeking to endanger people’s lives through the fulfilment of a provision of a language scheme, or to fulfil it to the detriment of any person. Where it is identified that there is a statutory obligation to issue certain tweets concerning the Gaeltacht bilingually and to use the official Irish versions of placenames in those tweets, it would not be insurmountable to put arrangements in place so that the text of tweets could be translated immediately or without much delay, especially when the limits in the number of characters allowed are taken into account.

#### ***Main Recommendations of the Investigation:***

- **That Galway County Council put in place the appropriate arrangements to ensure that the official versions of Gaeltacht placenames are used in future in tweets in Irish or in English and that any tweets concerning Gaeltacht areas or communities would in future be issued in Irish or bilingually.**

- That the appropriate staff be informed of the findings of the investigation and of the arrangements referred to above that are to be put in place, and that the County Council inform this Office of those arrangements and practices.

**Investigation launched: 30 April 2018**

**Report issued: 29 November 2018**

## COMPLAINTS

My Office received a comparable number of complaints in 2018 (634) as were received in 2017 (638). Over 90% of the complaints related to five particular areas:

- provisions contained in language schemes
- signage and stationery
- response in English to communications in Irish
- road signs, and
- difficulty in using names and surnames in Irish

Language schemes cover a wide variety of services provided by over 130 public bodies and therefore it is not surprising that the highest number of complaints relate to this area. Neither is it surprising that a significant number of complaints relate to signage and stationery given their visibility and that the obligations relate to every public body covered by the Act. Road signs are not covered by the Regulations made under the Official Languages Act but I do have the authority to investigate the use of the official languages on such signs.

It is noticeable that there was an increase in the percentage of complaints received relating to responses in English to correspondence in Irish and difficulties people had using their name and surname in Irish. These are basic services that should be in place by all public bodies by now. I'm disappointed that computer systems operated by some public bodies remain incapable of handling the síneadh fada. As there is no relevant provision in the Act relating to using a name, surname and address in Irish, an issue of noncompliance with language legislation does not arise other than where a commitment is given in a language scheme. These difficulties highlight the importance of bringing into effect the recommendations made in the heads of the new Bill regarding the accurate recording of names and addresses in Irish.

Other than that there were no significant changes regarding the types of complaints received by my Office or the counties of origin. Almost a third of all complaints originated from complainants living in Dublin. A significant number of complaints were received from people living in counties Galway, Kilkenny, Kerry and Meath. Similar to other years 20% of complaints came from Gaeltacht regions.

My Office resolves the majority of complaints through the informal complaints process. In cases such as these the public body makes satisfactory proposals to deal with the complaint. If our efforts do not yield a satisfactory outcome I have the authority to initiate a formal investigation in order to make findings and recommendations. Information is provided in this Report on certain sample cases that were dealt with through the informal complaints process. Resolving complaints through this process is far preferable owing to the time and resources that a formal investigation entails not only for my Office but also for the public body concerned.

## Complaints: Difficulties and Problems – Statistics

### Complaints during 2018

|              | <b>2017</b> | <b>2018</b> |
|--------------|-------------|-------------|
| Complaints   | 345         | 328         |
| Advice given | 293         | 306         |
| <b>Total</b> | <b>638</b>  | <b>634</b>  |

### Percentage of complaints by type

|   | <b>2017</b> | <b>2018</b> |
|---|-------------|-------------|
| Provision of a language scheme (including identity cards, websites and forms) | 33.9%       | 35.5%       |
| Lack of Irish on signage and stationery                                       | 32.8%       | 29.7%       |
| Replies in English to correspondence in Irish                                 | 8.2%        | 9.0%        |
| Lack of Irish on road signs   | 8.0%        | 8.5%        |
| Problem with use of name and/or address in Irish                              | 5.3%        | 8.0%        |
| Other enactments relating to the use or status of Irish                       | 2.0%        | 2.7%        |
| Leaflets or circulars in English only   | 1.4%        | 0.8%        |
| Publication of certain documents  | 1.1%        | 1.4%        |
| Other (individual issues)   | 7.3%        | 4.4%        |
| <b>Total</b>  | <b>100%</b> | <b>100%</b> |

### Complaints: Gaeltacht and non-Gaeltacht

|               | <b>2017</b> | <b>2018</b> |
|---------------|-------------|-------------|
| Gaeltacht     | 22%         | 20%         |
| Non-Gaeltacht | 78%         | 80%         |
| <b>Total</b>  | <b>100%</b> | <b>100%</b> |



### Complaints by county

|                          | <b>2017</b> | <b>2018</b> |
|--------------------------|-------------|-------------|
| Dublin                   | 35.0%       | 32.8%       |
| Kilkenny                 | 15.0%       | 16.5%       |
| Galway                   | 13.0%       | 13.4%       |
| Kerry                    | 4.7%        | 4.4%        |
| Meath                    | 3.5%        | 4.1%        |
| Donegal                  | 4.4%        | 3.1%        |
| Cork                     | 3.0%        | 3.1%        |
| Wicklow                  | 1.3%        | 2.6%        |
| Leitrim                  | 1.0%        | 2.3%        |
| Kildare                  | 2.0%        | 1.4%        |
| Clare                    | 1.7%        | 1.4%        |
| Outside the jurisdiction | 1.0%        | 1.0%        |
| Other                    | 14.4%       | 13.9%       |
| <b>Total</b>             | <b>100%</b> | <b>100%</b> |

### Complaints by type of public body

|                                  | <b>2017</b> | <b>2018</b> |
|----------------------------------|-------------|-------------|
| Government departments & offices | 13.6%       | 18.5%       |
| Local authorities                | 36.8%       | 36.0%       |
| Health authorities               | 4.3%        | 3.0%        |
| Education authorities            | 4.9%        | 3.0%        |
| Other state organisations        | 40.4%       | 39.5%       |
| <b>Total</b>                     | <b>100%</b> | <b>100%</b> |

## **Examples of complaints examined in 2018**

### **Central Statistics Office**

My Office received a complaint that the information leaflet used by the Central Statistics Office while undertaking a survey in the Gaeltacht was made available in English only. The Gaeltacht address on an envelope relating to the survey was also in English.

The complainant was satisfied that the person conducting the interview had fluent Irish but questioned the reason for not having the information leaflet and address in Irish.

The Central Statistics Office accepted that the Irish version of the information leaflet should have been made available during the interview as one existed. It informed us that a bilingual version of its information leaflets and letters would be used before the end of 2018. In the meantime interviewers were requested to ensure they had the relevant stock with them.

It also promised that the necessary amendments would be made to the computer system to allow for the recognition of Gaeltacht addresses and to ensure that official placenames would be used as standard practice.

### **National Transport Authority**

The Office received a number of complaints in relation to the use of the brand 'Transport for Ireland' on public and private buses operating under a contract from the National Transport Authority (NTA). The regulations made under the Official Languages Act require that signs placed in any location by public bodies be in Irish or bilingual. However an exemption is provided for logos and brand names. As a result it was accepted that the complaint did not relate to the regulations.

The Transport Act 1950 requires that all permanent signs placed by Córas Iompair Éireann (CIÉ) companies are in Irish or bilingual. It was on that basis that we examined the question with the NTA insofar that it could be viewed that CIÉ companies were being required to use signs that were in English only.

After examining the question it was apparent to us that the NTA was required under its founding legislation to provide for the "development and implementation of a single public transport brand". That legislation did not require it to ensure that the brand was in Irish or bilingual. As the NTA had the authority to develop a monolingual brand it was not apparent that any language provision had been breached.

### **Office of Public Works**

My Office received a complaint that an advertisement in a national newspaper for the position of Park Superintendent for Ionad an Bhlascaoid in Dún Chaoin, Co. Kerry was in English only. There was a reference in the advertisement to managing State-owned property on "*the Great Blasket Island*".

No regulations have been made relating to the use of official languages on advertisements. As a result there was no statutory requirement that the advertisement be in Irish or bilingual. However, there was a provision in the organisation's language scheme relating to the use of official Gaeltacht placenames.

In response to the complaint the Office of Public Works informed us that an Irish version of the advertisement was placed in the Irish language newspaper 'Seachtain' and that it was also advertised in Irish on the website [www.publicjobs.ie](http://www.publicjobs.ie). In addition, it stated that sites owned by the Office of Public Works situated in Gaeltacht areas operate through Irish and that candidates for this position would be required to undertake an oral and written examination to assess their competence in Irish.

It admitted that it had made an error in not using the official Gaeltacht placename, An Blascaod Mór, in the advertisement in the English language newspaper. An office notice was issued to all staff members reminding them of the requirement to use official placenames for Gaeltacht areas.

### **Galway County Council**

A complainant drew our attention to a letter he received from his local Gaeltacht library informing him that the book he had ordered was now available. The complainant was unhappy that the letter was in English and that symbols were used in place of the *síneadh fada* on his address. In addition to this the link to his library account on the Irish version of the website was non-operational.

The Council apologised that the letter was in English only and an Irish version was created to be used henceforth. The issue relating to the use of the *síneadh fada* and the link to his online account were also resolved.

The Council informed us that it had asked the Local Government Management Agency, which is responsible for the provision of the online library system, to provide an Irish version of the system but that was not done. The Office is discussing this matter with the Agency in light of commitments made in its language scheme.

### **Electricity Supply Board**

During the construction of its new headquarters the Electricity Supply Board (ESB) erected hoardings at the site that both contained information and publicised the activities and values of the company. We received a complaint that the information on the hoardings was in English only.

The matter was discussed with the ESB and it was of the opinion that these were not signs but rather marketing and advertising material. The hoardings were erected under contract with the construction company that was responsible for the site. It informed us that a significant cost would attach to replacing them.

After discussing the matter further the ESB proposed that it could use some of the hoardings that did not contain any designed material to replicate the material in Irish. Although there wasn't sufficient space to provide an equal number of hoardings in Irish we accepted the ESB's proposal on the understanding that the requirements of the Regulations would be complied with for any similar work in the future.

### **Donegal County Council**

A complainant was unable to access the Irish version of an application form and supporting documentation relating to a staff officer recruitment process undertaken by Donegal County Council. The information was provided to the complainant when requested but it was unsatisfactory that the material in Irish had to be requested in the first place.

The County Council has committed in its language scheme to provide application forms and supporting documents to citizens on the organisation's website in their official language of choice.

The Council accepted that in this instance the relevant material wasn't provided until it was requested and it promised that the necessary arrangements would be made to ensure that all recruitment documents, including application forms, leaflets and advertisements, would be available bilingually on the Council's website henceforth.

My Office informed the Council that a clear obligation had to be complied with and that the proposed arrangements had to be applied consistently.

### **An Garda Síochána**

An Garda Síochána has given a commitment in its language scheme to provide all the static content on its website in both official languages. Due to a number of complaints that we received and the monitoring process operated by my Office we were aware that some of the static content was not provided in Irish.

When it was noticed that An Garda Síochána had launched a revamped website I was surprised that there were a number of gaps in the static content provided in Irish. It was also noticeable that there were errors in some of the content published in Irish.

These issues were dealt with through the informal complaints process by way of correspondence and meetings with An Garda Síochána. A timeframe and approach was agreed with An Garda Síochána to ensure compliance with the scheme's commitments within a reasonable period of time.

### **An Post**

My Office received a complaint that it took 21 days to deliver a package that had a delivery address in Irish. When the package reached its destination it had two stickers attached to it, one stating that an incorrect address had been used and another sticker indicating that the English version of the address was the correct one.

My Office raised the complaint with An Post on the basis that a commitment is made in the body's language scheme confirming that the same standard of postal service will apply regardless of the official language in which the address is written.

An Post accepted that the package was correctly addressed and that the stickers and the address in English should not have been used. The complainant received an apology for what had occurred. Staff were reminded that the Standard Operating Procedures should be applied where any doubt exists about an address. The obligation of An Post in relation to addresses in Irish were discussed during a seminar for managers at a later stage.

### **Health Service Executive**

A person contacted my Office regarding a new website developed by University Hospital Galway, [www.uhgmaternity.com](http://www.uhgmaternity.com), for maternity services. The information on the website was in English and in Polish.

My Office enquired with the Health Service Executive regarding the website, citing a commitment provided in its language scheme for the western region. The commitment in its scheme related to evaluating the language implications associated with the development of new services in an effort to provide services in both official languages.

In response to our enquiries the Executive informed us that the information would be provided on the site in Irish and that the work had already commenced. We were also told that arrangements were put in place to identify patients' language of choice on presenting at the maternity unit.

## Monitoring

During 2018, a new system of monitoring was introduced in which greater emphasis was placed on the audit work based on different themes. The new system incorporates a combination of language schemes, regulations and direct provisions under the Act rather than monitoring based primarily on language schemes. The monitoring work has focused only on the provisions of the Official Languages Act since I don't have the powers to monitor the provisions of any other enactment relating to the use or status of the Irish language.

The primary objective of the monitoring work is to evaluate the fulfilment of the language obligations in each area examined. An audit plan for the year was prepared and four major areas were included. Most of the year's audit work focused on the following areas:

- An audit of the number of posts identified by government departments with an Irish language requirement
- An audit of the use of the official languages on signage at heritage sites of the Office of Public Works
- Monitoring the implementation of certain statutory commitments given by an organisation in its language scheme, focusing primarily on the commitment regarding websites
- Monitoring the implementation of recommendations in investigations

A short insight is given in this report into the audits conducted by my Office this year. I intend publishing a monitoring report later in the year in order to provide a more detailed insight into the completed monitoring work and the main results of same.

### **Audit on the recruitment of staff with competence in Irish**

During the year, the number of staff employed by government departments with competence in Irish and the number of specified posts requiring Irish language competency were examined. Under subsection 13(2)(c) of the Act, a public body when preparing a language scheme must *"ensure that an adequate number of its staff are competent in the Irish language so as to be able to provide its service through Irish as well as English"*. All government departments operating a language scheme were asked to provide details on the number of staff employed who were competent in Irish. The Minister has confirmed a language scheme with all government departments, with the exception of one.

The results of the audit showed that the number of staff available to government bodies who were competent in performing their work through Irish is, in general, at a very low level. A more complete account of the method and the results of this audit will be given in the monitoring report.

### **Audit on signs at heritage sites**

In the Regulations (S.I. 391 of 2008) made under subsection 9(1) of the Official Languages Act 2003 certain obligations are placed on public bodies that come within the remit of the Act regarding the use of official languages on stationery, signage and recorded oral announcements.

As part of this year's audit work it was decided to conduct an audit on the use of the official languages on signage at ten heritage sites of the Office of Public Works. The objective of this audit was to come to a general opinion on the level of compliance of the Office of Public Works with the Regulations. The results of the audit showed that a satisfactory level of compliance was reached at most sites despite the fact that it could not be confirmed they were fully complying with the Regulations in all cases.

### **Monitoring of websites**

In the Office's audit program it was decided to examine the way in which local authorities were implementing the commitments given by them in their language scheme regarding Irish language material on their websites. During this year ten websites were examined, and this work will continue into the years ahead. Often, different commitments are given in the various language schemes, regarding the material to be provided on the website. This means that there is no commonality in the kind of material in Irish provided by the various local authorities.

### **Monitoring the implementation of recommendations of an investigation**

Under the Official Languages Act it is the responsibility of An Coimisinéir Teanga to submit a report to both Houses of the Oireachtas if he/she is of the opinion that the recommendations of an investigation are not being implemented by a public body, after a reasonable period of time has passed. This is the final step available to me under the Act when a public body does not comply with the recommendations made in an investigation report.

During 2018, my Office examined the way six public bodies implemented the recommendations made in the investigation reports.

A more detailed account of the methodology and the audit results of all areas examined will be contained in the monitoring report to be published later this year.

## **LANGUAGE SCHEMES**

### **Schemes confirmed**

The Minister for Culture, Heritage and the Gaeltacht confirmed five new language schemes, eight second language schemes, eight third language schemes and one fourth language scheme during 2018. By the end of the year, 132 language schemes were confirmed and implemented. A list of public bodies with language schemes confirmed by the Minister is available on this Office's website – [www.coimisineir.ie](http://www.coimisineir.ie)

### **Schemes expired**

Of the 132 language schemes, 67 had expired by year-end 2018. This meant that, in the absence of a new language scheme, no additional commitments in relation to improved services in Irish were required of those public bodies.

### **Draft schemes**

By the end of 2018, 115 draft language schemes remained to be confirmed by the Minister for Culture, Heritage and the Gaeltacht:

- 43 first draft schemes, 40 second draft schemes, 23 third draft schemes, 9 fourth draft schemes.

More than ten years have elapsed since six of these public bodies were asked to prepare a scheme and more than five years in the case of another 42 public bodies.



### Year in which first Language Scheme was confirmed

| Year                      | Schemes    |
|---------------------------|------------|
| 2004                      | 1          |
| 2005                      | 22         |
| 2006                      | 18         |
| 2007                      | 29         |
| 2008                      | 15         |
| 2009                      | 15         |
| 2010                      | 5          |
| 2011                      | 0          |
| 2012                      | 3          |
| 2013                      | 4          |
| 2014                      | 6          |
| 2015                      | 9          |
| 2016                      | 8          |
| 2017                      | 11         |
| 2018                      | 5          |
|                           | <b>151</b> |
| <b>Schemes superseded</b> | <b>2</b>   |
| <b>Lapsed schemes</b>     | <b>17</b>  |
| <b>Total</b>              | <b>132</b> |

### Schemes Confirmed by the Minister

| Year | First Scheme Confirmed | Second Scheme Confirmed | Third Scheme Confirmed | Fourth Scheme Confirmed |
|------|------------------------|-------------------------|------------------------|-------------------------|
| 2004 | 1                      |                         |                        |                         |
| 2005 | 22                     |                         |                        |                         |
| 2006 | 18                     |                         |                        |                         |
| 2007 | 29                     |                         |                        |                         |
| 2008 | 15                     |                         |                        |                         |
| 2009 | 15                     | 8                       |                        |                         |
| 2010 | 5                      | 10                      |                        |                         |
| 2011 | 0                      | 1                       |                        |                         |
| 2012 | 3                      | 6                       |                        |                         |
| 2013 | 4                      | 11                      | 1                      |                         |
| 2014 | 6                      | 9                       | 6                      |                         |
| 2015 | 9                      | 9                       | 3                      |                         |
| 2016 | 8                      | 6                       | 5                      |                         |
| 2017 | 10                     | 6                       | 5                      | 2                       |
| 2018 | 5                      | 8                       | 8                      | 1                       |

## Schemes expired

| Year | Schemes expired | Average period scheme expired (month) |
|------|-----------------|---------------------------------------|
| 2008 | 22              | 5                                     |
| 2009 | 32              | 10                                    |
| 2010 | 51              | 14                                    |
| 2011 | 66              | 22                                    |
| 2012 | 79              | 26                                    |
| 2013 | 72              | 32                                    |
| 2014 | 53              | 50                                    |
| 2015 | 51              | 49                                    |
| 2016 | 55              | 49                                    |
| 2017 | 63              | 52                                    |
| 2018 | 67              | 51                                    |

## The number of schemes expired and the period since they expired

|                      |    |
|----------------------|----|
| Greater than 7 years | 22 |
| Between 4-7 years    | 8  |
| Between 1-3 years    | 20 |
| Less than a year     | 17 |

Additional information regarding confirmed language schemes and requests to prepare language schemes is available on the Office of An Coimisinéir Teanga website at [www.coimisineir.ie](http://www.coimisineir.ie)

## FINANCIAL MATTERS

A budget of €753,000 was provided for my Office for 2018 and €746,623 of that money was drawn down.

The financial statements of the Office for 2018 have been prepared for audit by the Comptroller and Auditor General in accordance with subsection 8(2) of the Second Schedule of the Official Languages Act 2003.

As soon as possible after the audit, a copy of those accounts or of such extracts from those accounts as the Minister for Culture, Heritage and the Gaeltacht may specify shall be presented to the Minister together with the report of the Comptroller and Auditor General on the accounts.

Copies of those documents shall be laid before the Houses of the Oireachtas by the Minister. They will also be published on this Office's website.

### Prompt Payments

In accordance with Government decisions made on the 2nd and 8th of March 2011 and on the 28th of March 2017, public bodies are required to have appropriate systems in place to ensure that valid invoices are paid within 15 days from the date they are received. Public bodies are also required to publish a quarterly report on this matter on their website.

### Prompt Payments Report

*Period Covered: 1 January – 31 December 2018*

| Details   | Number     | Value (€)      | Percentage (%) of total number of payments made |
|---|------------|----------------|---|
| Number of payments made within 15 days                        | 230        | 110,113        | 98%   |
| Number of payments made within a period of 16 days to 30 days | 5          | 1,715          | 2%  |
| Number of payments made in excess of 30 days                  |            |                |   |
| <b>Total number of payments made in the period</b>            | <b>235</b> | <b>111,828</b> | <b>100%</b>                                     |

## **Protected Disclosure**

The following information is provided in accordance with section 22(1) of the Protected Disclosures Act 2014.

No protected disclosures were made to the Office of An Coimisinéir Teanga during 2018.

## **Energy Usage**

The following information is provided in accordance with the provisions of S.I. 542 of 2009.

### **Overview of energy usage in 2018**

The use of electricity in the office building in An Spidéal, Co. Galway constitutes the total energy consumption of the Office of An Coimisinéir Teanga. This includes the heating and aeration of the building, water heating, lighting and the use of office equipment.

In 2018, the Office of An Coimisinéir Teanga used 65.36 MWh of electricity, an increase of 5.3% on 2017 consumption. The building's reception area is being shared with other tenants since mid-2018. The rise in energy usage relates to the amount of energy used in that area of the building.

### **Actions taken in 2018**

The established energy-saving practices were continued: ensuring that all equipment is turned off when not in use and examining the office at the end of every working day to ensure that lights and equipment are switched off overnight and when the building is not occupied. Energy consumption is used as a criterion in choosing electronic equipment and in evaluating tenders for equipment.

### **Actions planned for 2019**

The Office will continue the energy-saving policies already initiated and it is intended to monitor electricity consumption on a regular basis during 2019.

## Staff

|                           |                          |
|---------------------------|--------------------------|
| An Coimisinéir Teanga     | Rónán Ó Domhnaill        |
| Director                  | Colm Ó Coisdealbha       |
| Communications Manager    | Órla de Búrca            |
| Investigations Manager    | Éamonn Ó Bróithe         |
| Compliance Manager        | Eileen Seoighe           |
| Corporate Affairs Manager | Nóirín Sheoige           |
| Executive Officer         | Gráinne Ní Shúilleabháin |
| Executive Officer         | Deirdre Nic Dhonncha     |
| Clerical Officer          | Ciara Dolphin            |

On 12 March 2014, the President of Ireland, Michael D. Higgins, appointed Rónán Ó Domhnaill as Coimisinéir Teanga.

The Irish language version is the original text of this Report.

**An Coimisinéir Teanga**

An Spidéal, Gaillimh, Éire.

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