

## **Complaints & Investigations**

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**1) How do I make a complaint to An Coimisinéir Teanga?**

A complaint may be made to An Coimisinéir Teanga by completing the online complaints form at [www.coimisineir.ie/complaints&investigations](http://www.coimisineir.ie/complaints&investigations), by phone to 1890 504006 or by post to Oifig an Choimisinéara Teanga, An Spidéal, Co. na Gaillimhe.

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**2) How many complaints on average are made per annum?**

On average 600 complaints are made annually to An Coimisinéir Teanga.

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### **3) How are complaints handled by An Coimisinéir Teanga?**

An Coimisinéir Teanga normally queries valid complaints on an informal basis with the public body concerned in the first instance. This avoids any misunderstandings and it gives the public body an opportunity to identify any human errors and correct them immediately. The complainant is kept informed during the process and is advised of any agreement reached with the public body.

Where the Office of An Coimisinéir Teanga cannot resolve a complaint on an informal basis with a public body, a statutory investigation or official enquiry is initiated to resolve the complaint. The head of the public body is written to formally under section 21 of the Act and is asked to provide a report on the matter under investigation to An Coimisinéir Teanga. Official notification of the investigation is given to the complainant and to the Minister for Community, Equality and Gaeltacht Affairs.

An investigation results in a report, which is made available to the appropriate parties (the public body concerned, the complainant as appropriate, and the Minister for Community, Equality and Gaeltacht Affairs). Such a report contains the findings and recommendations of An Coimisinéir Teanga with regard to the complaint. An appeal against the decision on a point of law may be made within four weeks to the High Court. If the recommendations of An Coimisinéir Teanga are not implemented within a reasonable time, he may write a report to the Houses of the Oireachtas on the matter.

An Coimisinéir Teanga may refuse to investigate a complaint or may discontinue an investigation into a complaint in the following circumstances:

- If he becomes of the opinion that the complaint is trivial or vexatious.
- If the person making the complaint has not taken reasonable steps to seek redress regarding the complaint or if the person has not been refused redress.
- If the complaint does not involve any contravention of the Official Languages Act or any other enactment relating to the status or use of an official language (Irish or English).

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**4) On what basis may An Coimisinéir Teanga launch an investigation?**

An Coimisinéir Teanga may initiate an investigation if a provision of any of the following is considered to have been or is being contravened:

- The Official Languages Act 2003.
- Regulations in force under the Act.
- A language scheme confirmed under the Act.
- Any other enactments relating to the status or use of Irish.

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**5) How many investigations were completed by the end of 2009?**

A total of 45 investigations were completed or discontinued by the end of 2009.

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**6) Where can I find information about investigations?**

Summaries of the investigations carried out to date can be found at [www.coimisineir.ie/complaints&investigations](http://www.coimisineir.ie/complaints&investigations). They can also be found in the annual reports at [www.coimisineir.ie/publications](http://www.coimisineir.ie/publications). It should be noted that while the Official Languages Act came into force in its entirety in July 2006, the first investigations under the Act were not launched until 2007.

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## **7) How is the investigation process conducted?**

An investigation is an official enquiry initiated on a formal statutory basis in accordance with the provisions of the Official Languages Act. An investigation may be conducted based on a complaint from any person, at the request of the Minister for Community, Equality and Gaeltacht Affairs and/or on the initiative of An Coimisinéir Teanga.

Normally an investigation would not proceed unless an initial attempt to resolve the complaint through the Office of An Coimisinéir Teanga's informal complaint resolution system was unsuccessful or unless it was clear that it was unlikely that the case would be resolved satisfactorily without an investigation. The investigation system is a complicated process which requires some time and resources and it would not normally be conducted without good reason.

During an investigation, public bodies have a statutory duty to provide the Office of An Coimisinéir Teanga with information or files in their possession relating to the investigation. The public body would normally be asked to provide the Office with any information on the matter from its files as well as a written report on the matter being investigated.

Any person from the public body also has a statutory duty to present himself or herself before An Coimisinéir Teanga to give information orally, if requested to do so. The person providing information to an investigation is entitled to the same immunities and privileges as a witness before the High Court.

The Act provides for the imposition of a fine not exceeding €2,000 and/or imprisonment for a term of up to 6 months on a person convicted in court of refusing or failing to cooperate with or obstructing an investigation.

An investigation results in a report, which is made available to the appropriate parties (the public body concerned, the complainant as appropriate, and the Minister for Community, Equality and Gaeltacht Affairs). Such a report contains the findings of An Coimisinéir Teanga with regard to the complaint and the appropriate recommendations. An appeal against the decision on a point of law may be made within four weeks to the High Court. If the recommendations of An Coimisinéir Teanga are not implemented within a reasonable time, he can report to the Houses of the Oireachtas on the matter.

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**8) Can the findings of an investigation be appealed?**

A party to an investigation or any other person affected by the findings and recommendations of An Coimisinéir Teanga may appeal against the decision to the High Court on a point of law, but this must be done within four weeks.

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**9) What happens if An Coimisinéir Teanga does not receive cooperation from a public body during an investigation?**

The Official Languages Act provides for the imposition of a fine not exceeding €2,000 and/or imprisonment for a term of up to 6 months on a person convicted in court of refusing or failing to cooperate with, or obstructing, an investigation.

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**10) What happens if a public body fails to implement the recommendations of An Coimisinéir Teanga following an investigation?**

If the recommendations of An Coimisinéir Teanga are not implemented within a reasonable time, he can report to the Houses of the Oireachtas on the matter.

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## **11) Is compensation available?**

The Minister for Community, Equality and Gaeltacht Affairs may, with the consent of the Minister for Finance, develop a compensation scheme. Such a compensation scheme, if developed, would impose a duty on the public body to pay such sums, as specified in the scheme, in respect of a contravention of the provisions of the Official Languages Act as specified in an investigation of An Coimisinéir Teanga. No such scheme has been developed to date.

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