

# Tuarascáil Bhliantúil Annual Report

# 2022





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**Don Aire Turasóireachta,  
Cultúir, Ealaíon, Gaeltachta,  
Spóirt agus Meán:**

De réir alt 30 d'Acht na dTeangacha Oifigiúla 2003, tá an Tuarascáil seo don bhliain 2022 á cur i láthair ag an gCoimisinéir Teanga.

**Rónán Ó Domhnaill**  
An Coimisinéir Teanga  
Feabhra 2023

**To the Minister for Tourism,  
Culture, Arts, Gaeltacht,  
Sport and Media:**

In accordance with section 30 of the Official Languages Act 2003, this Report for 2022 is presented by An Coimisinéir Teanga.

**Rónán Ó Domhnaill**  
An Coimisinéir Teanga  
February 2023

# RÁITEAS MISIN

## “Ag cosaint cearta teanga”

Seirbhís neamhspleách ar ardchaighdeán a chur ar fáil i gcomhlíonadh ár ndualgas reachtúil le cinntiú go ndéanann an státhóras beart de réir a bhriathair maidir le cearta teanga.

Cothrom na Féinne a chinntiú do chách trí ghearáin maidir le deacrachtaí teacht ar sheirbhísí poiblí trí Ghaeilge a láimhseáil ar bhealach atá éifeachtach, gairmiúil agus neamhchlaon.

Eolas soiléir, cruinn a chur ar fáil:

- don phobal maidir le cearta teanga, agus
- do chomhlachtaí poiblí maidir le dualgais teanga.

# 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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# Achoimre ar 2022



## LÍON SUNTASACH

gearán arís i dtaca le húsáid an tsínidh fhada in ainm agus sloinne duine

## Faireachán

déanta ar 10 gcomhlacht poiblí maidir le feidhmiú mholtaí imscrúduithe a eisíodh in 2021 & 2022



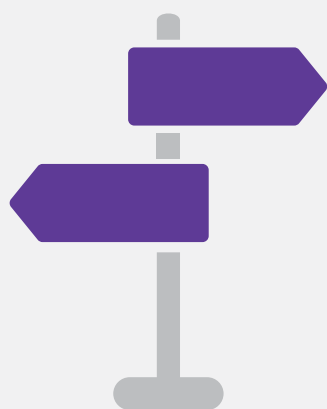
imscrúdú tugtha chun críche



de na gearáin ón nGaeltacht – laghdú ó 27% in 2021

## LÍON SUNTASACH

comharthaí nua fós á gcur in airde ag comhlachtaí poiblí atá míchruinn nó nach bhfuil i gcomhréir leis na forálacha reachtúla



## Acht na dTeangacha Oifigiúla (Leasú), 2021

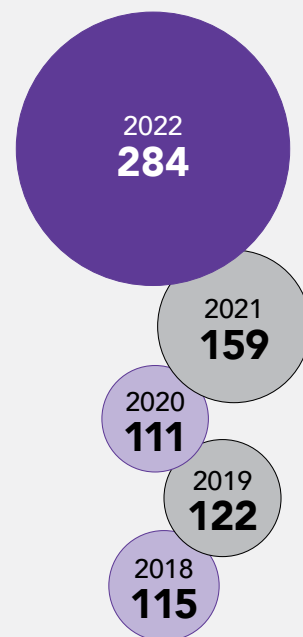
- D'fhreastail os cionn 1,500 duine ar 4 sheimineár ar líne (Gaeilge agus Béarla) a reáchtáladh do chomhlachtaí poiblí i gcomhpháirtíocht leis an Roinn Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt & Meán.
- Alt 10A (Fógraíocht ag Comhlachtaí Poiblí) – 3 sheimineár ar líne (Gaeilge agus Béarla) curtha ar fáil do chomhlachtaí poiblí i dtaca le teacht i bhfeidhm alt 10A i mí Mheán Fómhair. D'fhreastail os cionn 600 duine ar na seimineáir seo.
- 19 cur i láthair saincheaptha déanta do chomhlachtaí poiblí aonaracha maidir lena ndualgais faoi Achtanna na dTeangacha Oifigiúla.
- Acmhainní eolais breise maidir leis an Acht nua curtha in airde ar shuíomh gréasáin na hOifige.
- Ceistanna coitianta i dtaca le hAlt 10A. ullmhaithe, seachadta agus curtha in airde ar shuíomh na hOifige.

Comhairle curtha ar chomhlachtaí poiblí –

**284**  
ócáid éagsúil



Méadú 81% ó 2021

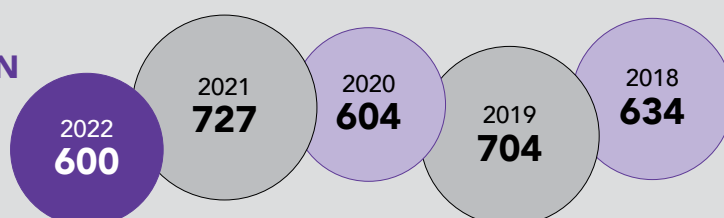


Tháinig **24.7%**

de na gearáin ó Bhaile Átha Cliath

**600** GEARÁN

laghdú 17.5% ar fhiigiúr na bliana seo caite (2021) ach ar chomhleibhéal le 2020 (604)



scéim teanga

daingnithe ag an Aire

# Overview of 2022



## SUBSTANTIAL NUMBER

of complaints once more in respect of the use of the *síneadh fada* in a person's name

## Monitoring

of 10 public bodies regarding the implementation of investigation recommendations issued in 2021 & 2022



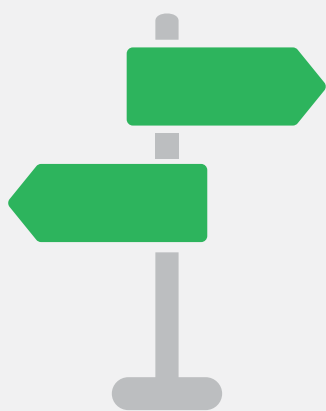
investigations concluded



of complaints came from the Gaeltacht – decrease from 27% in 2021

## SIGNIFICANT NUMBER

of signs still being erected by public bodies which are inaccurate or not in line with the statutory provisions

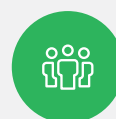


## Official Languages (Amendment) Act 2021

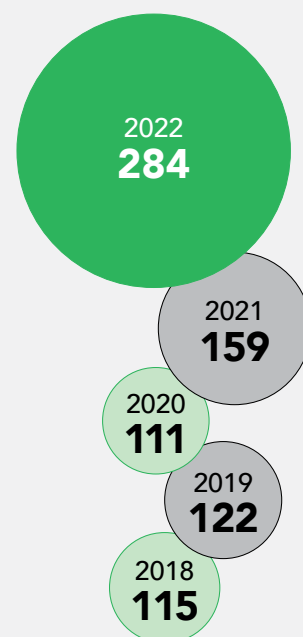
- Over 1,500 individuals attended seminars. 4 online seminars (Irish and English) organised for public bodies in partnership with the Department of Tourism, Culture, Arts, Gaeltacht, Sport & Media.
- Section 10A (Advertising by Public bodies) – 3 online seminars run in September (Irish and English) for public bodies with regard to section 10A, coming into effect. Over 600 individuals attended the seminars.
- 19 tailored presentations provided for individual public bodies in respect of their obligations under the Official Languages Acts.
- Additional information resources regarding the new Act provided on the Office website.
- FAQs in respect of section 10A prepared, issued and uploaded to the Office website.

Advice given to public bodies –

284 various occasions



81% increase since 2021

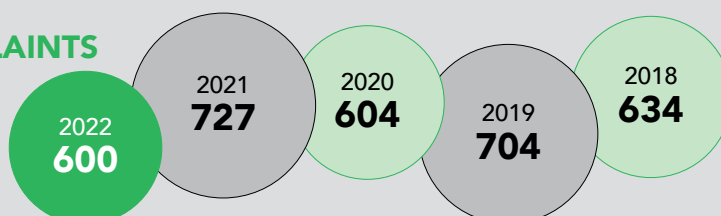


24.7%

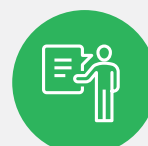
of complaints came from Dublin

600 COMPLAINTS

decrease of 17.5% on the previous year's figure (2021) but on a par with 2020 (604)



8



language schemes confirmed by Minister

## RÉAMHRÁ

### AN tACHT NUA

Is é príomhchuspóir Acht na dTeangacha Oifigiúla (Leasú), 2021 ná méadú agus feabhsú a chur ar sholáthar seirbhísí poiblí trí Ghaeilge. Is san abairt aonraic úd a chuimsítear fíis agus feidhm na gceart teanga sa Stát sna blianta beaga amach romhainn.

### FEASACHT AGUS FÓGRAÍOCHT

Le linn 2022, tugadh faoi cheann de na cláir ardaithe feasachta ba mhó a rinne m'Oifig riamh maidir leis an Acht nua. Ghlac breis is 1500 duine páirt sna seimineáir faisnéise a reáchtáladh i nGaeilge agus i mBéarla i gcomhar leis an Roinn Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán. Is fiú tagairt shonrach a dhéanamh d'alt 10A., foráil a chinnteoidh go mbeidh 20% ar a laghad d'fhógraíocht comhlachtaí poiblí á déanamh trí Ghaeilge. Tá toradh láithreach ar an bhforáil seo mar is léir ón méadú atá tagtha ar fhógraíon Ghaeilge ar nuachtáin agus ar líne, ar sheirbhísí raidió agus ar chainéil teilifíse. Féachadh chuige go ndéanfaí comhairle chruinn a roinnt ar chomhlachtaí poiblí ionas nach dtiocfadh easpa eolais idir comhlachtaí poiblí agus cur i bhfeidhm na forála fógraíochta. Is den tábhacht é go dtuigfí do chomhlachtaí poiblí go bhfuil an Oifig ar fáil chun cuidiú leo a gcuid dualgas a chomhlíonadh. Tacóidh m'Oifig go tréan le comhlachtaí poiblí, trí mheán comhairle agus treorach, chun dualgais reachtúla an Achta nua a chur i bhfeidhm go tráthúil agus go héifeachtach.

### AN COISTE COMHAIRLEACH UM SHEIRBHÍSÍ GAEILGE

Is é ról an choiste reachtúil nua, an Coiste Comhairleach um Sheirbhísí Gaeilge (CCSG), plean náisiúnta a fhoilsiú ar mhaithe le soláthar seirbhísí poiblí trí mheán na Gaeilge a mhéadú. Tabharfar feidhm don phlean náisiúnta ar feadh tréimhse sé bliana agus cuirfear tuarascálacha bliantúla faoi dhul chun cinn agus feidhmiú an phlean faoi bhráid an Aire, an Choimisinéara Teanga agus an Rialtais.

## FOREWORD

### THE NEW ACT

The primary objective of the Official Languages (Amendment) Act 2021 is to increase and improve the provision of public services through the Irish language. The vision and operation of language rights in the State in the coming years is encapsulated in that single sentence.

### AWARENESS AND ADVERTISING

During 2022, one of largest awareness raising programmes ever undertaken by my Office was rolled out in respect of the new Act. In excess of 1500 people attended the information seminars which were offered in Irish and English in conjunction with the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. Section 10A is worth mentioning specifically, a provision which shall ensure that a minimum of 20% of public bodies' advertising shall be executed through Irish. This provision has yielded immediate results as is apparent from the increase in Irish language advertisements in newspapers and online, on radio services and on television channels. We strove to impart advice to public bodies to ensure that no information deficit would impede the implementation of the advertising provision. It is important that public bodies understand that the Office is available to assist them in complying with their obligations. My Office shall strongly support public bodies, through advice and direction, to implement the statutory obligations of the new Act promptly and effectively.

### THE IRISH LANGUAGE SERVICES ADVISORY COMMITTEE

The role of the new statutory committee, the Irish Language Services Advisory Committee (ILSAC), is to publish a national plan for the increase in the provision of public services through the medium of Irish. The national plan shall be in operation for a period of six years and annual reports in respect of the progress and implementation of the plan shall be submitted to the Minister, An Coimisinéir Teanga and the Government.



Tabharfar caighdeán teanga isteach do chomhlachtaí poiblí in ionad chóras reatha na scéimeanna teanga. Léirigh an tuarascáil a d'fhoilsigh m'Óifig in 2017, Tráchtareacht ar Chóras na Scéimeanna Teanga, nach raibh ag éirí le scéimeanna teanga méadú a chur ar sheirbhísí teanga thar thréimhse shuntasach ama. Déanfar idirdhealú idir cineálacha éagsúla comhlachtaí poiblí sna caighdeán bunaithe ar an leibhéal idirghníomhaíochta a bhíonn acu leis an bpobal, pobail Ghaeltachta go háirithe. Is é an tAire a chinnfidh an caighdeán agus is ar sheachadadh na spriocanna a bheidh leagtha síos sa phlean a bhraithfidh cur i ngníomh na gcaighdeán teanga.

## PLEAN NÁISIÚNTA AGUS CEANNAIREACHT

Baineann riosca suntasach amháin leis an bPlean Náisiúnta nár mhiste aird láithreach a tharraingt air: tá cur i bhfeidhm an Achta leasaithe ag brath go huile agus go hiomlán ar fhoireann cháilithe a bheith ag comhlachtaí poiblí atá inniúil ar sheirbhísí a chur ar fáil don phobal i nGaeilge agus i mBéarla. Is fiú a thabhairt faoi deara nach n-éiríonn le comhlachtaí poiblí agus an tSeirbhís um Cheapacháin Phoiblí (PAS) líon dóthanach iarratasóirí oilte a bhfuil inniúlacht chuí teanga acu a spreagadh chun cur isteach ar fholúntais a bhfuil riachtanais teanga ag gabháil leo faoi láthair. Ní ann do phainéil mhóra iarratasóirí cáilithe mar thoradh ar an gcur chuige reatha earcaíochta in ainneoin éifeachtúlacht na sainchomórtas Gaeilge a eagraítear ó am go chéile. Éileoidh cur chuige córasach go mbeachtófaí riachtanas teanga leis an iliomad sonraíochtaí post i gcomhlachtaí poiblí seachas riachtanas a bheith luaite le corrfholúntas. Beidh géarghá leis an dea-shampla agus tacaíocht fhollasach ón tSeirbhís Phoiblí Shinsearach agus ón Roinn Chaiteachais Phoiblí agus Athchóirithe araon chun go gcuirfear athrú ar chultúr fadbhunaithe eagraíochtúil i gcrích. Chuige sin, is ceart go mbeadh inniúlacht teanga á lua le gach aon chineál folúntais feasta, idir Ard-Rúnaithe, Oifigigh Chléireachais agus ghráid idir eatarthu.

Language standards shall be introduced to public bodies in place of the current system of language schemes. The report published by my Office in 2017, Commentary on the System of Language Schemes, demonstrated that language schemes were not succeeding in increasing language services over a significant period of time. Distinctions shall be drawn within the standards between differing categories of public body based on the level of interaction they have with the public, with special reference to Gaeltacht communities. The Minister shall determine the standard and the implementation of the language standards shall depend upon the delivery of targets set out in the plan.

## NATIONAL PLAN AND LEADERSHIP

A single significant risk is associated with the National Plan which is worthy of immediate attention: the implementation of the amended Act is entirely dependent on public bodies having qualified staff who are competent in the provision of services to the public in Irish and in English. It is noteworthy that neither public bodies nor the Public Appointments Service (PAS) are currently succeeding in attracting a sufficient number of qualified applicants with appropriate linguistic competency to apply for vacancies which have language requirements. Large panels of qualified applicants do not exist as a consequence of the current recruitment approach despite the effectiveness of specialised Irish language competitions which are held from time to time. A systematic approach shall necessitate the application of language requirements to a myriad of job specifications in public bodies instead of a language requirement being applied to intermittent vacancies. Modelling of best practice and prominent leadership from both the Senior Public Service and from the Department of Public Expenditure and Reform shall be crucial to transform long-established organisational culture. To that end, language competency should be applied to vacancies at every level in future, to encompass Secretaries-General, Clerical Officers and grades in between.

## GEARÁIN

Fuarthas 600 gearán le linn 2022 ar laghdú 17.5% é ar an 727 ngearán a fuarthas in 2021. Fuarthas 604 gearán in 2020.

Níorbh fhéidir 55% de líon iomlán na ngearán a fuair m'Óifig in 2022 a fhiosrú toisc nárbh ann don dualgas reachtúil ina leith. Is íslíú é an figiúr seo ó 60% in 2021. Measaimid go mbeidh tionchar suntasach ar chur i ngníomh na reachtaíochta nua ar líon na ngearán nach féidir a fhiosrú feasta.

Oiread le blianta eile, is ó Chontae Bhaile Átha Cliath is mó a tháinig na gearáin ar bhonn contae. Tháinig 18% de ghearáin 2022 ón nGaeltacht ar laghdú 9% é ar líon iomlán na ngearán Gaeltachta in 2021.

Bhain 86% de na gearáin le sé réimse faoi leith:

- forálacha i scéimeanna teanga
- comharthaíocht agus stáiseanóireacht
- freagra i mBéarla ar chumarsáid i nGaeilge
- fadhb le húsáid ainm agus sloinne i nGaeilge
- achtacháin eile a bhaineann leis an nGaeilge
- úsáid na Gaeilge ar chomharthaí tráchta

## IMSCRÚDUIHE

Tráchtar ar na himscrúduithe a tugadh chun críche in 2022 níos faide anonn sa Tuarascáil seo. Is le húdaráis áitiúla a bhain trí cinn acu agus is ábhar imní dom laghad an tiomantais don reachtaíocht teanga a bhí i gceist i ngach aon chás.

Is bocht liom go mór cur chuige Chomhairle Contae Uíbh Fhailí go háirithe. Chinn ar an údarás áitiúil úd déileáil le hiarrachtaí neamhfhoirmiúla réiteach a fháil ar ghearáin. Ba mheasa fós cur chuige na Comhairle nuair a seoladh imscrúdú foirmiúil. Rinneadh neamhaird arís agus arís eile ar iarratais ar fhaisnéis a bhí riachtanach chun imscrúdú reachtúil a thabhairt chun críche. Ní bhfuair m'Óifig an fhaisnéis riachtanach nó gur thionscain mé alt 22(1) den Acht trínarbh fhéidir a cheangal ar aon duine ar dóigh leis an gCoimisinéir Teanga faisnéis ábhartha a bheith aige nó aici an fhaisnéis sin a chur ar fáil agus más gá iarraidh ar an duine sin freastal os a chomhair chun críche chur i

## COMPLAINTS

600 complaints were received during 2022 which is a 17.5% reduction on the 727 complaints received in 2021. 604 complaints were received in 2020.

It was not possible to investigate 55% of the total number of complaints received by my Office in 2022 as no statutory obligation arose in those cases. This amounts to a reduction from 60% in 2021. We believe that the implementation of the new legislation shall have a significant future impact on the number of complaints which cannot be investigated.

In line with previous years, complaints originating from County Dublin were foremost on a county basis. 18% of 2022 complaints originated from the Gaeltacht which is a 9% reduction on the total number of complaints originating from the Gaeltacht in 2021.

86% of the complaints can be divided into six categories:

- language scheme provisions
- signage and stationery
- response in English to communication in Irish
- difficulty using forename and surname in Irish
- other enactments relating to Irish
- Irish language usage on road signs

## INVESTIGATIONS

There are commentaries on investigations which were completed in 2022 further on in this Report. Three of them involve local authorities and the lack of commitment to language legislation which emerged in each case is concerning.

I am profoundly dissatisfied with the attitude of Offaly County Council in particular. That local authority failed to engage with informal attempts to resolve complaints. The Council's stance was worse still when a statutory investigation was initiated. Requests for information necessary to complete a statutory investigation were ignored repeatedly. My Office did not receive the necessary information until I initiated subsection 22(1) of the Act by which An Coimisinéir Teanga may require any person who, in his or her opinion, has information for the purpose of exercising An Coimisinéir Teanga's functions, to furnish such information and may request that person to attend

ngníomh a chuid feidhmeanna. Mheabhraigh mé freisin don chomhlacht poiblí sa chás seo an chumhacht atá forordaithe don Choimisinéir Teanga faoi alt 22(5) imeachtaí cúirte a thionscnamh sa chás nach ndéanfaí bearta chun a shástachta chun críche alt 22(1). Is iondúil go mbíonn cúirtéis ghairmiúil agus cumarsáid thráthúil le sonrú sna teagmhálacha iomadúla a dhéantar le comhlachtaí poiblí nuair a bhíonn gearáin á bhfiosrú againn. Is ábhar mórímní dom an neamhaird, an easpa comhoibrithe agus an tsiléig ghéilliúlachta a tugadh chun léire i gcás Chomhairle Contae Uíbh Fhailí.

## FAIREACHÁN

Shocraigh mé béim ar leith a leagan ar chúrsaí faireacháin le linn mo ré mar Choimisinéir Teanga. Chonacthas dom gurbh fhearrde go mór cearta teanga an tsaoránaigh dá ndéanfaí acmhainní teoranta na hOifige a dhíriú ar fhaireachán leanúnach mholtaí imscrúduithe agus ar fhaireachán réamhghníomhach ar fhorálacha an Achta trí chéile seachas faireachán a dhéanamh ar chóras uireasach na scéimeanna teanga.

I gcás RTÉ, mar shampla, léiríodh in imscrúdú sa bhliain 2018 gur sháraigh RTÉ dualgais reachtúla a bhaineann le réimse cuimsitheach clár a chur ar fáil i nGaeilge agus i mBéarla i gclársceidil a chuid seirbhísí craolacháin. Tá méadú suntasach tagtha ar líon na n-uaireanta craolta Gaeilge ar sheirbhísí teilifíse RTÉ agus tuilleadh fós le teacht. Mar thoradh díreach ar chur i ngníomh mholtaí an imscrúdaithe sin, tá curtha in iúl ag RTÉ go gcaolfar clár cúrsaí reatha teilifíse as Gaeilge ar RTÉ 1 den chéad uair le breis is fiche bliain. Is mór agam an comhoibriú atá á chur ar fáil ag RTÉ agus faireachán leanúnach á dhéanamh ar an imscrúdú seo le roinnt blianta anuas.

## PLEANÁIL

Is fiú suntas a thabhairt don líon gearán atá tagtha chun cinn le blianta beaga anuas a bhaineann le cúrsaí pleanála sa Ghaeltacht.

Faoi alt 10(2)(m) den Acht um Pleanáil agus Forbairt, 2000, cuirtear ceanglas ar údarás pleanála a bhfuil limistéir Ghaeltachta faoina chúram, cuspóirí faoi leith a leagan síos ina Phlean Forbartha Contae chun “oidhreacht teanga agus chultúrtha na Gaeltachta a

before him or her. I also reminded the public body in this case of the power prescribed to An Coimisinéir Teanga under subsection 22(5) to initiate court proceedings against a public body if the necessary actions to comply with subsection 22(1) were not taken to his or her satisfaction. Professional courtesy and timely communications are commonplace in the copious contacts made with public bodies as complaints are being investigated. The disregard, the absence of co-operation and the tardiness of compliance which came to light in the Offaly County Council case is deeply concerning.

## MONITORING

I decided to place particular emphasis on monitoring activity during my term as Coimisinéir Teanga. I was of the opinion that the citizens’ language rights would be better served if the finite resources of the Office were directed towards the continual monitoring of investigation recommendations and towards the proactive monitoring of the Act’s provisions in general rather than undertake monitoring of a deficient language scheme system.

In the case of RTÉ, for example, an investigation carried out in 2018 demonstrated that RTÉ breached statutory obligations in relation to providing a comprehensive range of programmes in Irish and English across the programming schedules of its broadcast services. The number of Irish language broadcast hours on RTÉ television services has increased significantly, with more to come. As a direct result of the implementation of that investigation’s recommendations, RTÉ has indicated that a television current affairs programme in Irish shall be broadcast on RTÉ 1 for the first time in over twenty years. I appreciate the co-operation provided by RTÉ throughout the monitoring of this investigation over recent years.

## PLANNING

The number of complaints emerging over past years concerning the planning process in the Gaeltacht is noticeable.

According to section 10(2)(m) of the Planning and Development Act 2000, a planning authority which has a Gaeltacht area under its aegis is obliged to set down certain objectives in its county development plan for “the protection of the linguistic and cultural heritage of

chosaint, lena n-áirítear an Ghaeilge a chur chun cinn mar theanga an phobail, i gcás ina mbeidh limistéar Gaeltachta i limistéar an phlean forbartha.” Faoi réir an Achta chéanna, is féidir le húdarás pleanála coinníoll a cheangal le cead pleanála “a bhaineann le hoidhreacht teanga nó chultúir na Gaeltachta a chosaint.” Baineann forálacha na n-achtachán seo le stádas nó úsáid teanga oifigiúla agus dá bhrí sin tig liomsa, mar Choimisinéir Teanga, imscrúdú a sheoladh maidir lena gcomhlíonadh nó lena bhfeidhmiú.

Tá an tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta i ndiaidh dlús a chur le hathbheithniú ar impleachtaí an dá fhoráil shonracha seo maidir le beartais chosanta teanga i bpleananna forbartha contae agus i gceadanna pleanála. Ba thairbheach an beart é breithniú a dhéanamh chun a chinneadh ar chuí Treoirínte nó Treoracha Beartais a dhéanamh maidir le haidhmeanna teanga na forála Gaeltachta san Acht um Pleanáil agus Forbairt a chur chun cinn. Ar an gcuid is lú, is rílér nár mhór soiléiriú i bhfoirm reachtaíochta nó rialacháin a sholáthar do na húdaráis áitiúla a bhfuil limistéir pleanála teanga Ghaeltachta faoina gcúram.

## CUMARSÁID SHEACHTRACH

Is minic a thugtar cuireadh dom mar Choimisinéir Teanga léirmhíniú agus plé a dhéanamh ar ghnéithe den reachtaíocht teanga in Éirinn agus thar lear. Cuidíonn rannpháirtíocht sa díoscúrsa náisiúnta agus idirnáisiúnta faoi chearta teanga go mór le comhthéacsú agus forbairt bheartais.

Bhí mé buíoch de cuireadh Glór na nGael a bheith páirteach i seimineár bríomhar poiblí faoin Acht leasaithe agus Pleanáil Ghnímh S20 ag Oireachtas na Gaeilge i gCill Airne. Bailíodh aischothú luachmhar go díreach ón bpobal a tháinig chomh fada le seastán na hOifige ag Aonach an Oireachtais freisin.

D’fhreastail mé agus ionadaithe ón Oifig ar an seachtú comhdháil bhliantúil de Chumann Idirnáisiúnta na gCoimisinéirí Teanga in Bilbao i mí Mheán Fómhair 2022, faoi choimirce Ararteko nó Ombudsman Thír na mBascach. Pléadh na dúshláin sheachadta a bhain le gearáin a fhiosrú in aimsir COVID-19 i ndlínsí éagsúla chomh maith le dea-chleachtais bhainistithe imscrúduithe agus ról na meán sóisialta in obair choimisinéirí teanga.

the Gaeltacht including the promotion of Irish as the community language, where there is a Gaeltacht area in the area of the development plan.” Subject to the same Act, a planning authority can attach a condition to a planning permission “for the protection of the linguistic or cultural heritage of the Gaeltacht.” The provisions of this enactment relate to the status or use of official languages and accordingly I, as Coimisinéir Teanga, may initiate an investigation in relation to their compliance or operation.

The Minister for Housing, Local Government and Heritage has brought forward a review regarding the implications of these two specific provisions in respect of linguistic protection measures in county development plans and planning permissions. It would be extremely useful to consider whether it would be appropriate to issue Policy Guidelines or Directives in respect of the linguistic aims of the Gaeltacht provision in the Planning and Development Act. At the very minimum, it is clear that clarification in the form of legislation or regulations must be provided to local authorities with Gaeltacht Language Planning Areas under their aegis.

## EXTERNAL COMMUNICATIONS

I frequently receive invitations as Coimisinéir Teanga to discuss and interpret aspects of language legislation in Ireland and internationally. Participating in national and international debate on language rights greatly assists policy development and contextualisation.

I was grateful to receive Glór na nGael’s invitation to take part in a lively public seminar concerning the amended Act and S20 Action Planning at Oireachtas na Gaeilge in Killarney. Valuable feedback was also collected directly from the public who visited the Office stand at Aonach an Oireachtais.

I and Office representatives attended the seventh annual general congress of the International Association of Language Commissioners in Bilbao in September 2022, hosted by the Ombudsman or Ararteko of the Basque Country. Operational challenges in investigating complaints across differing jurisdictions during the COVID-19 period were discussed as well as best practice for investigation management and the role of social media in the work of language commissioners.

Crann taca agus tobar críonnachta don Chumann Idirnáisiúnta is ea an tOllamh Colin H. Williams. Ar ócáid ar líne i mí Mheán Fómhair, arna heagrú ag IAITH: Lárionad na Breataine Bige um Pleanáil Teanga, ba mhór an phribhléid dom seoladh a dhéanamh ar fhéilscríbhinn don Ollamh Williams *Language, Territory & Policy: A Festschrift for Colin H. Williams* (Palgrave Macmillan, 2022). Is cnuasach ríspéisiúil aistí léinn é seo a mheabhraíonn dúinn cén chomaoín atá curtha ag intleachtóirí poiblí ar léann na gceart teanga san fhearann plé idir an saol acadúil agus na poirt oireachais.

D'eagraigh Foras na Gaeilge seimineár lae i mí na Samhna i dtaca le hAthneartú na Gaeilge san Earnáil Chultúir. Bhí ionadaithe ó Fhorais Chultúir an Stáit páirteach sa seimineár agus rinneadh plé fóna ar cheisteanna foirne agus na forálacha earcaíochta faoin Acht um Fhorais Chultúir Náisiúnta, 1997, go háirithe. Is fiú a lua go mbeidh feidhm bhreise faireacháin ag Oifig an Choimisinéara Teanga chun iniúchadh a dhéanamh ar cheisteanna dá leithéid faoin Acht nua. Molaim ceannaireacht Fhoras na Gaeilge as an seimineár a thionscnamh agus a eagrú.

## POLASAITHE OIDEACHAIS

Is iomaí gné den chóras oideachais a tháinig faoi chaibidil na hOifige le linn mo thréimhse mar Choimisinéir Teanga. Go deimhin, is é an tAcht Oideachais, 1998, is mó a tharraing imscrúduithe ar ghearáin ná aon achtachán eile cé is moite d'Acht na dTeangacha Oifigiúla 2003 féin. Ní dea-theist ar an Roinn Oideachais é líon agus minicíocht na n-imscrúduithe maidir leis an gcaoi a gcaitear leis an nGaeilge sa chóras oideachais. Is tnúthán réasúnach de chuid daltaí, tuismitheoirí agus oideachasóirí é go mbeidh ceannaireacht agus cuntasacht teanga á léiriú ag an Roinn Oideachais. Tá ról cinniúnach ag an gcóras oideachais sa bheartas náisiúnta teanga mar a mheabhraítear sa *Ráiteas i leith na Gaeilge* a d'fhoilsigh an Rialtas sa bhliain 2006 agus sa *Straitéis 20 Bliain don Ghaeilge* a foilsíodh sa bhliain 2010. Tá cuspóirí na mbeartas sin thar a bheith soiléir maidir le forbairt an oideachais lán-Ghaeilge.

Imríonn comhlachtaí poiblí eile amhail an Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta (COGG) agus an Chomhairle Náisiúnta Churaclaim agus Measúnachta (CNCM) tionchar mór ar cheisteanna polasaí teanga chomh maith.

Professor Colin H. Williams has been a mainstay and a fount of knowledge to the International Association. At an online event in September, organised by IAITH: The National Language Planning Centre for Wales, it was a privilege to launch a festschrift in honour of Professor Williams, *Language, Territory & Policy: A Festschrift for Colin H. Williams* (Palgrave Macmillan, 2022). This is a highly interesting collection of academic essays which serves to underline the important contribution public intellectuals make to the study of language rights in the discursive domain between academia and seats of power.

A day seminar organised by Foras na Gaeilge in November explored the Enhancement of the Irish language in the Cultural Sector. Representatives from the State's Cultural Institutions participated in the seminar and there was particularly useful analysis of staffing issues and the recruitment provisions in the National Cultural Institutions Act 1997. It is worth noting that Oifig an Choimisinéara Teanga will acquire additional monitoring powers under the new Act to audit such matters. I commend the leadership of Foras na Gaeilge which initiated and organised the seminar.

## EDUCATION POLICIES

During my period as Coimisinéir Teanga many aspects of the education system were deliberated upon. Indeed, there were more investigations of complaints under the Education Act 1998 than any other enactment with the exception of the Official Languages Act 2003 itself. The number and frequency of investigations relating to the manner in which Irish is treated within the education system does not reflect well on the Department of Education. It is a reasonable expectation of pupils, parents and educationalists that the Department of Education demonstrate linguistic leadership and accountability. The education system plays a critical role in national language policy as stated in the *Statement on the Irish Language* published by the Government in 2006 and the *20 Year Strategy for Irish* published in 2010. The policy objectives concerning Irish-medium education are exceptionally clear.

Other public bodies such as An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta (COGG) and the National Council for Curriculum and Assessment (NCCA) also exercise significant influence on language policy issues. If capacity planning is not

Mura ndéanfar pleanáil inniúlachta a leabú sa chóras oideachais lán-Ghaeilge, agus méadú céimnitheach ar líon na ndaltaí iar-bhunscoile le hinniúlacht mhaith Ghaeilge atá ar fáil don oiliúint tríú leibhéal, beidh sé ionann is dodhéanta líon dóthanach céimithe a chur ar fáil chun sprioc earcaíochta an 20% a bhaint ón mbliain 2030 amach. Bheadh sé inmhianaithe dá dtabharfaí seo san áireamh sa Pholasáí Oideachais Gaeltachta agus sa Pholasáí Oideachais Lán-Ghaeilge atá á fhorbairt ag an Roinn Oideachais.

## INNIÚLACHT CHÓRAIS

Is cinnte go mbaineann ceist cheana féin maidir le leithead réim an tsoláthair lán-Ghaeilge ag leibhéal na bunscolaíochta agus na hiar-bhunscolaíochta Gaeilge. Is fiú leanúint den iniúchadh ar an ráta aistrithe ón mbunscolaíocht Ghaeilge go dtí an iar-bhunscolaíocht Ghaeilge. Ach tagann an soláthar ardoideachais go mór i gceist freisin. Má bhíonn sprioc 20% in earcaíocht ghinearálta le baint amach faoi 2030, ní mór a bheith i mbun áirimh ar chineál agus líon na gcúrsaí le Gaeilge nó trí Ghaeilge atá ar fáil in institiúidí ardoideachais.

Bíonn infheistíocht fhadtréimhseach ag teastáil chun líon suntasach céimithe oilte a chur ar fáil in aon réimse soláthair agus ní eisceacht atá sa riarachán poiblí. Is mar thoradh ar chomhar idir-institiúideach is fearr a dhéanfaí dearadh ar shiollabas comónta ina gcuimseofaí modúil chúí trí Ghaeilge san eolaíocht pholaitiúil, eacnamaíocht, dlí agus rialachas chomh maith le dianoiliúint sa teanga fheidhmeach. Beidh cur chuige comhordaithe náisiúnta riachtanach chun clár nua fochéime agus iarchéime a dhearadh agus a sholáthar i réimse an riaracháin poiblí in institiúidí ardoideachais ar fud an Stáit. Seo é scála na hidirghabhála atá de dhíth chun na céadta céimí oilte a mhealladh i dtreo na seirbhíse poiblí go bliantúil seachas sainchúrsa a chur ar fáil ar láthair nó dhó.

## CRÍOCH

Is deacair cur síos a dhéanamh ar an dúshlán polasáí a bhí roimh an Oifig, agus romhamsa, nuair a ceapadh den chéad uair mé in 2014.

D'fhéach mé le clár oibre tomhaiste a chur chun cinn inarbh éigean aghaidh struchtúrtha a thabhairt ar laigí bunúsacha i gcóras na scéimeanna teanga agus i bhfeidhmiú Acht 2003. Chuidigh na gearáin a chuir daoine den phobal faoi bhráid na hOifige linn díriú ar

embedded in the Irish-medium education system, with incremental increases in the number of post-primary pupils with good language competence available for third level formation, it shall be practically impossible to supply a sufficient number of graduates to meet the recruitment target of 20% by 2030 and afterwards. It would be advisable if this were to be considered in the Gaeltacht Education Policy and the Irish-medium Education Policy being developed by the Department of Education.

## SYSTEM CAPACITY

A question has already emerged regarding the breadth and range of Irish-medium provision at primary and post-primary levels. Analysis of progression rates from Irish language primary schools to Irish language secondary schools should continue. Higher education provision is also of relevance. If a 20% recruitment target in general recruitment is to be achieved by 2030, the type and number of programmes with or through Irish available in higher education institutions should be examined.

Long-term investment is required to supply a significant number of graduates in any field and public administration is no exception. A common syllabus consisting of appropriate modules in political science, economics, law and governance combined with intensive applied language formation could be optimally achieved as an outcome of inter-institutional co-operation. A nationally co-ordinated initiative to design and provide new undergraduate and postgraduate programmes in public administration in higher education institutions across the State shall be necessary. Such is the scale of the required intervention to attract hundreds of qualified graduates to the public service annually rather than the provision of a niche programme at one or two locations.

## CONCLUSION

It is difficult to characterise the policy challenge which faced the Office, and me, at the time of my first appointment in 2014.

I sought to pursue a measured work programme through which fundamental flaws in the language scheme system and the operation of the 2003 Act could be addressed in a structured way. The complaints made by members of the public helped us

na príomhriachtanais athchóirithe. Tá aitheantas mór ag dul don phobal céanna as a bhfoighne le próiseas mall, mionchúiseach. A bhúochas de ghrinneas anailíse Chomhchoiste na Gaeilge, na Gaeltachta agus Phobal Labhartha na Gaeilge, tugadh éisteacht do líon mór moltaí feabhais ar an mBille leasaithe.

Ar chrann na Roinne Turasóireachta, Cultúir, Ealaíon, Gaeltacht, Spóirt agus Meán a thit sé na moltaí úd a thabhairt chun forbartha agus is ceart buíochas a ghlacadh leis na hAirí Stáit le linn mo thréimhsí oifige, Donnchadh Mac Fhionnlaoidh, Joe McHugh, Seán Kyne agus Jack Chambers agus le hoifigigh na Roinne sin as a ndícheall. Leagadh freagracht speisialta maidir leis an nGaeltacht ar an Aire Stáit Patrick O'Donovan i ndeireadh na bliana 2022. Guím gach rath air agus forálacha uile Acht na dTeangacha Oifigiúla (Leasú), 2021, le cur i bhfeidhm aige sa bhliain 2023. Is de thairbhe idirphlé meáite, stuama le Tithe an Oireachtais, ranna Rialtais, comhlachtaí poiblí agus pobal na Gaeilge atá an tAcht leasaithe againn. Ní réiteach ar gach anró atá ann ach tugann síol maith toradh.

Mar fhocal scoir, is mian liom buíochas ó chroí a ghlacadh le foireann m'Óifige a chaitheann dúthracht mhór le cearta teanga a chur chun cinn ar bhonn leanúnach: cuireann a gcórtas agus a ndíograis comaoin mhór ar an bpobal teanga.

considerably to focus on the primary issues for reform. The patience of the public with a slow and meticulous process is to be commended. Thanks to the acute analysis of the Joint Committee on the Irish language, Gaeltacht and the Irish-speaking Community, extensive improvements to the amended bill were circulated and scrutinised.

It fell to the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media to develop those proposals and it is fitting to express gratitude to Ministers of State during my terms of office, Dinny McGinley, Joe McHugh, Seán Kyne and Jack Chambers and to the officials of that Department for their endeavours. Minister of State Patrick O'Donovan assumed special responsibility for the Gaeltacht at the end of 2022. I wish him every success during 2023 as he implements all provisions of the Official Languages (Amendment) Act, 2021. The amended Act is the outcome of thorough and judicious dialogue between the Houses of the Oireachtas, Government departments, public bodies and the Irish language community. It is not a panacea for all ills *ach tugann síol maith toradh*.

In conclusion, I would like to express particular gratitude to the staff of my Office who work diligently and constantly in the promotion of language rights: their courtesy and dedication are very much appreciated.



Rónán Ó Domhnaill, an Coimisinéir Teanga, ag Cruinniú Cinn Bliana Chumann na nOifigeach Forbartha Gaeilge

An Coimisinéir Teanga, Rónán Ó Domhnaill, attending the AGM of Irish Language Development Officers

## SEIRBHÍSÍ EOLAIS AGUS CUMARSÁIDE – COMHAIRLE DO CHOMHLACHTAÍ POIBLÍ

Tá sé ar cheann d'fheidhmeanna m'Oifige freastal ar phobal labhartha na Gaeilge ina n-iarrachtaí a gcuid gnóthaí leis an Stát a dhéanamh ina rogha teanga. Dá réir sin, cuireann Oifig an Choimisinéara Teanga fáilte roimh gach deis tacú leis an bpobal a gcuid cearta faoin Acht a bhaint amach.

Comhthreomhar leis sin, glacann muid gach deis comhlachtaí poiblí a chur ar an eolas agus comhairle a chur orthu maidir lena ndualgais.

Is feidhm thábhachtach í seo dom mar Choimisinéir Teanga mar go gcuidíonn comhairle agus eolas cruinn le comhlachtaí poiblí a gcuid dualgas faoin Acht a chomhlíonadh ar bhealach níos éifeachtaí.

Go deimhin, i dtaca leis na forálacha in alt 21(d) agus (e), tá sé de dhualgas ar Oifig an Choimisinéara Teanga comhairle nó cúnamh eile a sholáthar don (d) phobal maidir lena gcearta faoin Acht agus, (e) an céanna a roinnt le comhlachtaí poiblí maidir lena n-oibleagáidí faoin Acht.

Tháinig borradh ar leith faoin gcumarsáid a bhí ag m'Oifig le comhlachtaí poiblí anuraidh.

Rinne oifigigh ó chomhlachtaí poiblí teagmháil le hOifig an Choimisinéara Teanga ar 284 ócáid éagsúil sa bhliain 2022. Sin ardú cothrom le 81% ar an mbliain 2021 (a bhí 43% níos airde ná 2020). Bhain 43% leis an Acht nua, 18% leis na rialacháin i dtaca le stáiseanóireacht agus comharthaíocht, 11% le scéimeanna teanga agus 7% le foilsiú doiciméid áirithe.

### ALT 10A

Maidir leis an Acht nua, is ar an 10 Deireadh Fómhair 2022 a tháinig Alt 10A – Fógraíocht ag Comhlachtaí Poiblí, i bhfeidhm. Tá na forálacha san alt sin an-suntasach agus méadóidh siad go mór feiceálacht na Gaeilge ar na meáin chumarsáide.

Ceanglaíonn an t-alt seo ar chomhlachtaí poiblí 20% dá gcuid fógraíochta, ar a laghad, in aghaidh na bliana a dhéanamh i nGaeilge. Chomh maith leis sin, caithfidh

## INFORMATION AND COMMUNICATIONS SERVICES – ADVICE TO PUBLIC BODIES

One of the principal functions of my Office is to ensure that the Irish speaking community can do their business with the State in their language of choice. Hence, Oifig an Choimisinéara Teanga welcomes every opportunity to support the public in exercising their rights under the Act.

Similarly, we take every opportunity to inform public bodies and advise them of their obligations.

This is an important function for me as Coimisinéir Teanga as this accurate information and advice assists public bodies comply with their obligations under the Act in an effective manner.

Indeed, these functions are specified provisions in section 21(d) and (e) as Oifig an Choimisinéara Teanga must provide advice or other assistance to the public regarding their rights under this Act (d) and provide the same to public bodies regarding their obligations under this Act (e).

My Office saw a significant rise in the level of communication with public bodies last year.

Officials from public bodies contacted Oifig an Choimisinéara Teanga on 284 various occasions in 2022. That is an increase of 81% compared to 2021 (which was 43% higher than 2020). 43% related to the new Act, 18% concerned the regulations in respect of stationery and signage, 11% related to language schemes and 7% to the publication of certain documents.

### SECTION 10A

The first provisions of the new Act came into being on 10 October 2022, which was Section 10A – Advertising by Public Bodies. The provisions in that section are significant and will greatly increase the visibility of the Irish language in the media.

This section requires that public bodies place at least 20% of their advertising in any year in the Irish language. It also places a requirement on public



comhlachtaí poiblí 5%, ar a laghad, dá gcuid caiteachais ar fhógraíocht a dhéanamh i nGaeilge, ar mheáin Ghaeilge.

D'eagraigh m'Óifig sraith de sheimineáir faisnéise i dteannta Rannóg na dTeangacha Oifigiúla sa Roinn Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán, le comhlachtaí poiblí a chur ar an eolas faoina ndualgais nua.

I ndiaidh don Oifig an reachtaíocht a mheas, chuaigh muid i gcomhairle le hearnáil na fógraíochta maidir le cur i bhfeidhm na bhforálacha. Chuidigh roinnt comhlachtaí poiblí linn freisin inár n-iarrachtaí an chomhairle is fearr agus is praiticiúla a chur ar fáil.

Mar thoradh ar an tsainchomhairle sin, bhí m'Óifig in inmhe treoir chruinn a chur ar fáil do na comhlachtaí poiblí i dteanga na hearnála fógraíochta.

Rinne m'Óifig nótaí comhairleacha cuimsitheacha a dhréachtú agus a sheachadadh ar chomhlachtaí poiblí. I ndiaidh próisis chomhairliúcháin, chuir muid raon cuimsitheach ceisteanna coitianta leis na nótaí. D'eagraigh m'Óifig sraith seimineár, beo ar líne, do na comhlachtaí poiblí.

D'fhreastail le cois 1,500 toscaire ó chomhlachtaí poiblí ar na seimineáir sin. Neadáíodh na nótaí comhairleacha agus taifid ar na seimineáir faisnéise ar shuíomh na hOifige, áit a mbeidh fáil ag comhlachtaí poiblí agus an pobal trí chéile orthu.

Tá borradh tagtha faoi líon agus leithead na meán agus ainneoin nach bhfuil aon fhreagracht ar m'Óifig a leithéid a dhéanamh, tá iarratais ar aitheantas mar mheán incháilithe faighte agam.

Níl an reachtaíocht seo i bhfad i bhfeidhm ach tá toradh na bhforálacha in alt 10A soiléir mar gur féidir ardú suntasach a fheiceáil, a chloisteáil agus a léamh ar fhógraí i nGaeilge ar fud na meán cumarsáide ar fad.

## Cumarsáid Eile

Tugann m'Óifig fianaise do Chomhchoiste na Gaeilge, na Gaeltachta agus Phobal Labhartha na Gaeilge maidir le forbairtí, dul chun cinn agus fadhbanna a bhaineann le dualgais m'Óifige a chur i gcrích. Labhair mé leis an gComhchoiste go deireanach ar an 30 Samhain 2022. Rinne mé cur síos ar thorthaí Thuarascáil Bhliantúil 2021 agus na dúshláin a bheidh ag an Stát

bodies to spend at least 5% of their advertising expenditure in the Irish language and in Irish language media.

My Office, in conjunction with the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media organised a series of information seminars to advise public bodies of their new obligations.

Having assessed the provisions of the regulations within section 10A, my Office consulted with the advertising sector regarding implementation of the provisions. Several public bodies also assisted us in our efforts to provide the best possible and most practical advice.

As a result of the expert advice, my Office was able to provide public bodies with accurate guidance using industry-specific language.

My Office drafted advisory notes and provided these notes to public bodies. Following the consultation process, we added a broad range of FAQs. My Office also organised a series of live webinars for public bodies.

More than 1,500 delegates from public bodies attended these seminars. The advisory notes in addition to the recordings of the information seminars have been embedded on our website where they remain available to all public bodies and the general public alike.

There has been an increase in the number and range of media and, although my Office has no function in this regard, I have received a number of requests for recognition as a qualifying outlet.

This legislation is not long in force, however the result of section 10A has become apparent. There is a significant and obvious increase in Irish language advertising to be seen, heard, and read across all media.

## Other Communication

My Office gives evidence to the Joint Oireachtas Committee for Irish, the Gaeltacht and the Irish-speaking Community regarding the developments, advances and challenges of my Office's functions. I most recently met with the Joint Committee on 30 November 2022 where I discussed the results of the 2021 Annual Report and the challenges facing the

spriocanna éagsúla a bhaint amach. I measc na spriocanna sin, tá iniúlacht sa Ghaeilge a bheith ag ar a laghad 20% d'earcaithe nua sa Státseirbhís faoi 2030.

Labhair mé freisin faoi dheacrachtaí atá sa chóras oideachais i scoileanna Gaeltachta agus i scoileanna lán-Ghaeilge maidir leis an ráta aistrithe idir leibhéil éagsúla.

Cuireann m'Óifig comhairle ar fáil maidir le hoibleagdáidí agus dualgais reatha na gcomhlachtaí poiblí – lena n-áirítear gealltanais scéimeanna teanga na gcomhlachtaí sin. Fuarthas go leor cuirí le freastal ar ócáidí, óráidí a thabhairt nó le cur i láthair a dhéanamh maidir leis na forálacha nua atá san Acht leasaithe.

Áirítear i measc na n-ócáidí sin:

- Insealbhú Uachtarán an Oireachtais
- Tuismitheoirí na Gaeltachta - cur i láthair ar an Acht nua
- Cruinniú Bliantúil Chumann na nOifigeach Forbartha Gaeilge – cur i láthair ar an Acht nua
- Ócáid Bhronnta na nGradam Tríú Leibhéal, Conradh na Gaeilge
- Ócáid Bhronnta Ghradaim Sheosaimh Uí Ógartaigh, Gaillimh le Gaeilge
- Cur i láthair ar an Acht nua do Europus, comhlacht aistriúcháin
- Ollscoil Chathair Bhaile Átha Cliath – cur i láthair ar an Acht nua
- An Post – cur i láthair ar an Acht nua
- RTÉ – cur i láthair ar an Acht nua
- Eochairchaint ag Seimineár Oireachtas na Gaeilge i gCill Airne
- Bainisteoirí Cumarsáide THEA – cur i láthair ar an Acht nua
- Óglaigh na hÉireann – cur i láthair ar an Acht nua
- Forais Chultúir Náisiúnta – seimineár lae arna eagrú ag Foras na Gaeilge
- Coláiste na hOllscoile, Corcaigh – cur i láthair ar an Acht nua

State in meeting various targets. Included in those targets is that at least 20% of new recruits in the Civil Service by 2030 will be proficient in Irish.

I also spoke about the continued difficulties in the education system met by Gaeltacht schools and Irish-medium schools regarding the progression rates between different levels.

My Office advises on the current duties and obligations of public bodies – which include the language scheme commitments of those bodies. We received many invitations to speak, present and engage with the public about the new provisions of the amended Act.

Those events include:

- The inauguration of the President of Oireachtas na Gaeilge
- Presentation on the new Act for Tuismitheoirí na Gaeltachta
- Presentation on the new Act at the Annual Meeting of Irish Language Development Officers
- Presentation of Conradh na Gaeilge Third Level Awards
- Presentation of Gradam Sheosaimh Uí Ógartaigh, Gaillimh le Gaeilge
- Presentation on the new Act for translation company Europus
- Presentation on the new Act for Dublin City University
- Presentation on the new Act for An Post
- Presentation on the new Act for RTÉ
- Keynote speech at Oireachtas na Gaeilge seminar in Killarney
- Presentation on the new Act to THEA Communications Managers
- Presentation on the new Act to the Defence Forces
- National Cultural Institutions – day seminar organised by Foras na Gaeilge
- Presentation on the new Act to University College Cork

## ÁBHAR CUMARSÁIDE

Toisc go bhfuil Acht na dTeangacha Oifigiúla (Leasú), 2021 ag cur dlús feidhme le hAcht 2003, bheartaigh m'Óifig ar cháipéisíocht eolais a chur ar fáil le cur síos a dhéanamh ar an staid eatramhach fad is atá forálacha uile an Achta nua le cur i bhfeidhm. Tá sé i gceist leanúint leis an gcur chuige sin sa tréimhse ama amach romhainn agus uasdátú a dhéanamh ar Threoirleabhar na hOifige nuair atá tosach feidhme tugtha don reachtaíocht ina hiomláine.

## NA MEÁIN CHUMARSÁIDE

Déanaim gach iarracht freastal ar iarratais ó na meáin chumarsáide agus, i gcaitheamh na bliana 2022, bhí go leor teagmhála agam leo. Bhain formhór na n-iarratas le reachtaíocht teanga a thagann faoi mo dhlínse. Is bealach ríthábhachtach é le heolas údarásach a choinneáil leis an bpobal agus cinntítear freisin go bhfuiltear freagrach don phobal. Sa chomhthéacs sin, is mian liom mo bhuíochas a ghabháil leis na hiriseoirí agus na cainéil mheán ar fad a bhí i dteagmháil liom i gcaitheamh na bliana.

## COMMUNICATIONS MATERIAL

As the Official Languages (Amendment) Act 2021 has significantly enhanced the 2003 Act, my Office updated our information documentation to reflect the interim circumstances as we await the enactment of all provisions of the new Act. We shall proceed on that basis and update our Office's Guidebook when these provisions are commenced.

## MEDIA

I make every effort to facilitate all invitations from media for comment or interview and 2022 saw a significant number of requests. Most of these contacts refer to language legislation that fall within my remit. It is invaluable in ensuring authoritative information is disseminated to the public whilst also showing that my Office is answerable to the public. In that context, I'd like to thank the media channels and journalists that contacted me throughout 2022.



Aitheasc an Choimisinéara Teanga do Chomhchoiste na Gaeilge, na Gaeltachta agus Phobal Labhartha na Gaeilge

*An Coimisinéir Teanga's address to the Joint Committee on the Irish language, Gaeltacht and the Irish-speaking Community*

## CUMAINN

### CUMANN NA nOMBUDSMAN

Is cumann de na hOifigí Ombudsman ar fad in Éirinn agus sa Ríocht Aontaithe atá san eagraíocht seo. Is ball gníomhach den Chumann Oifig an Choimisinéara Teanga agus táimse i mo bhall den Bhord Feidhmiúcháin agus den Choiste Iniúcháireachta agus Riosca. Casann an bord le chéile go rialta chun gnóthaí Chumann na nOmbudsman a riaradh agus a phlé le Stiúrthóir an Chumainn. Bhí 5 chruinniú ag an gCumann sa bhliain 2022.

### FÓRAM OMBUDSMAN NA hÉIREANN

Is fochoiste de chuid Chumann na nOmbudsman é an Fóram agus é comhdhéanta d'Oifigí Ombudsman an Stáit seo. Ceapadh mé i mo Chathaoirleach ar an bhFóram sa bhliain 2017. Bíonn cruinnithe rialta ag Fóram Ombudsman na hÉireann, ina bhfuil seachtar ball. Faoi dhó in 2022 a chas an Fóram ar a chéile.

Rinne m'Oifig uasdátú, i mbliana, ar leabhrán eolais a d'fhoilsigh an Fóram sa bhliain 2016. Déanann an leabhrán cur síos ar na seacht nOifig Ombudsman, Oifig an Choimisinéara Teanga ina measc, a ndualgais agus sonraí teagmhála. Treoir don phobal is ea an leabhrán seo ar réimsí feidhme agus oibre na nOifigí Ombudsman.

### CUMANN IDIRNÁISIÚNTA NA gCOIMISINÉIRÍ TEANGA

Bunaíodh an Cumann Idirnáisiúnta in 2013 agus feidhmíonn an Cumann mar ghréasán luachmhar do Choimisinéirí Teanga ar fud na cruinne. Tá sealanna caite agam mar oifigeach i ról éagsúla sa Chumann: mar Rúnaí, mar Leaschathaoirleach agus mar Chathaoirleach in imeacht na mblianta. Tá 11 Coimisinéir Teanga nó Ombudsman ina mbaill reatha den Chumann agus ballraíocht ann ó Éirinn, ó Cheanada, ón mBreatain Bheag, ó Thír na mBascach, ón gCatalóin, ón gCosaiv agus ón mBeilg.

Tá cosúlachtaí agus difríochtaí móra idir na hionstraimí reachtúla faoina bhfeidhmíonn na hoifigí ina ndlínsí éagsúla. Mar sin féin, is minic a bhíonn na dúshláin chéanna teanga ag baint lenár gcuid oibre in ainneoin éagsúlacht mhór sna timpeallachtaí ina bhfeidhmíonn

## ASSOCIATIONS

### OMBUDSMAN ASSOCIATION

This is an association of all the Ombudsman Offices in Ireland and the United Kingdom. Oifig an Choimisinéara Teanga is an active member of the Association and I serve as a member of the Executive Board and the Audit & Risk Committee. The board meets regularly to direct the affairs of the Association with the Association's Director. The Association held 5 meetings during 2022.

### IRISH OMBUDSMAN FORUM

This Forum is a subcommittee of the Ombudsman Association with membership from Ombudsman Offices in this State. I was appointed Chair of the Forum in 2017. The Irish Ombudsman Forum, of which there are seven members, meets regularly. The Forum convened twice during 2022.

My Office undertook an update of an information booklet, first published by the Forum in 2016. The booklet provides details regarding the seven Ombudsman Offices, including Oifig an Choimisinéara Teanga, their functions and contact details. The booklet acts as a guide to the public on the scope and work of the Ombudsman Offices.

### INTERNATIONAL ASSOCIATION OF LANGUAGE COMMISSIONERS

The Association was established in 2013 and it operates as a valuable network for the Language Commissioners operating in various parts of the world. I have served in a variety of roles within the Organisation: as Secretary, Vice-Chair and Chair of the association down through the years. Currently the Association has a membership of 11 Language Commissioners or Ombudsmen with members from Ireland, Canada, Wales, the Basque Country, Catalonia, Kosovo and Belgium.

There are substantial similarities and differences in the legislative instruments governing the offices across various jurisdictions. However, we face many of the same linguistic challenges in our work despite the distinct environments in which the various

na heagraíochtaí éagsúla. Ceithre huairé anuraidh a chas an Cumann ar a chéile.

Tionóladh Comhdháil Idirnáisiúnta an Chumainn i gcathair Bilbao, i dTír na mBascach i mí Mheán Fómhair 2022. Ghlac m’Oifig páirt ghníomhach sa Chomhdháil – sna seimineáir, sna seisiúin iomlánacha agus go fíorúil.

organisations operate. The Association convened four times last year.

The Association’s International Conference, was held in the city of Bilbao, The Basque Country, in September 2022. My Office participated in a broad range of the Conference’s activities – at plenary, seminar and virtual levels.



An Coimisinéir Teanga ag seoladh na féilscríbhíne ‘Language, Policy and Territory: A Festschrift for Colin H. Williams’ in ómós do shaothar an Ollaimh Colin Williams

An Coimisinéir Teanga at the launch of ‘Language, Policy and Territory: A Festschrift for Colin H. Williams’ which celebrates Professor Colin Williams’s work

# CLÁR FAIREACHÁIN

## RAIDIÓ TEILIFÍS ÉIREANN

### Achoimre

Léiríodh in imscrúdú sa bhliain 2018 gur sháraigh RTÉ na dualgais reachtúla atá daingnithe i bhfo-ailt 114(3)(a) agus (b) den Acht Craolacháin, 2009. Baineann na dualgais sin le réimse cuimsitheach clár a chur ar fáil i nGaeilge agus i mBéarla i gclársceidil a chuid seirbhísí craolacháin.



### Príomh-mholadh an imscrúdaithe

Sa tuarascáil imscrúdaithe, mhol mé go n-ullmhóidh RTÉ plean feidhmithe, chun mo shástachta, chun go gcomhlíonfaí na dualgais reachtúla atá daingnithe i bhfo-ailt 114(3)(a) agus (b) den Acht Craolacháin, 2009, d'fhonn réimse cuimsitheach clár teilifíse i nGaeilge agus clár teilifíse cúrsaí reatha i nGaeilge a chur ar fáil.

### An próiseas faireacháin

Tá faireachán rialta á dhéanamh againn ar chomhlíonadh mholtaí an imscrúdaithe seo agus bíonn cumarsáid rialta idir RTÉ agus m'Óifig.

I mí Dheireadh Fómhair 2021, reáchtáladh cruinniú le Grúpcheannasaí Gaeilge RTÉ maidir le soláthar clár cúrsaí reatha as Gaeilge. Tugadh le fios dúinn ag an tráth sin go mbeadh feidhm ag plean reatha RTÉ i leith na Gaeilge go dtí deireadh na bliana 2022. Dá réir, bheadh RTÉ in ann tuairisc a sholáthar do líon tuartha na n-uaireanta craolta i leith 2022 roimh dheireadh mhí na Samhna 2021.

De bhrí go mbainfeadh teilgean do na blianta 2023-2026 leis an bPlean nua a bhí á fhorbairt ag RTÉ, bheadh tús na bliana 2022 ann sula bhféadfaí teilgin i leith na mblianta 2023-2024 a chur ar fáil de réir mar a iarradh i gcomhfhreagras ó m'Óifig. Is iondúil go mbaineann sciar suntasach de na huairéanta craolta le cláir a bhíonn maoinithe ag Údarás Craolacháin na hÉireann agus ag Ciste Craolacháin Thuaisceart Éireann. Dá bhrí sin ní bhíonn RTÉ in ann teilgean críochnúil a sholáthar i leith líon iomlán na n-uairéanta craolta Gaeilge nó go mbíonn deireadh na bliana ann agus seachadadh déanta ar chlár ó na foinsí maoinithe seachtracha seo.

# MONITORING PROGRAMME

## RAIDIÓ TEILIFÍS ÉIREANN

### Summary

An investigation in 2018 determined that RTÉ had breached the statutory obligations set out in subsections 114(3)(a) and (b) of the Broadcasting Act, 2009. The obligations relate to a comprehensive range of programming to be provided in the Irish and English languages on its broadcasting services.

### Main Recommendation of the Investigation

In the investigation report, I recommended that RTÉ devise an implementation plan to my satisfaction, to comply with the statutory obligations set out in subsections 114(3)(a) and (b) of the Broadcasting Act 2009, with a view to providing a comprehensive range of Irish language television programmes as well as current affairs television programmes in Irish.

### Monitoring process

Compliance with the investigation recommendations has been the subject of regular monitoring and frequent contact has taken place between RTÉ and my Office.

In October 2021, a meeting was arranged with RTÉ's Group Head for Irish Language regarding the provision of current affairs programmes in Irish. It was indicated to us at that time, that RTÉ's current Irish language plan would be in place until the year end of 2022. Consequently, RTÉ would be in a position before the end of November 2021 to provide a report on the projected total of broadcast hours in respect of 2022.

As projections in respect of 2023-2026 related to the new Plan under development by RTÉ, 2023-2024 projections, as requested by my Office, could only be provided at the beginning of 2022. A substantial proportion of the broadcasting hours usually relates to programming funded by the Broadcasting Authority of Ireland and the Broadcasting Fund of Northern Ireland. Therefore, RTÉ cannot provide a complete projection towards the total number of broadcast hours through Irish until the end of the year when programmes from external funding sources can be accounted for.

Is léir dom go bhfuil RTÉ airdeallach faoi mhéadú céimneach a bheith ar líon na n-uaireanta craolta trí mheán na Gaeilge bliain ar bhliain agus go bhfuil gach rún acu coibhéis ghinearálta a bheith le sonrú sa soláthar cúrsaí reatha Gaeilge leis an gcráladh trí Bhéarla.

Chuir RTÉ Plean do 2022 faoi bhráid na hOifige seo ar an 1 Nollaig 2021 inár tugtha gealltanas dúinn go gcrálfai 600 uair an chloig d'ábhar as Gaeilge ar a laghad.

I gcomhfhreagrás ó RTÉ ar an 5 Nollaig 2022, tugadh le fios go raibh 840 uair an chloig d'ábhar Gaeilge craolta acu faoin 27 Meán Fómhair 2022, sular seoladh an córas nua sceidealaithe. Cuireadh teilgean ar fáil chomh maith a léirigh na huairéanta craolta trí mheán na Gaeilge atá á dtuar ag RTÉ don tréimhse 2023 – 2025 (tábla 2 thíos). Fearacht na mblianta roimhe seo, tugadh sonraí ar na cláir ar fad atá beartaithe, ainmneacha na gclár agus tráthanna craolta. Sonraíodh chomh maith na seánraí clár lenar mbainfidís (spórt, cultúr, reiligiún, nuacht, cúrsaí reatha srl.) Tugtar cuntas ar líon na n-uairéanta i dTablaí 1 agus 2 thíos:

Tábla 1: Méadú ar líon na n-uairéanta cloig craolta trí Ghaeilge ar RTÉ ó 2017 go 2022  
(Foinse: comhfhreagrás RTÉ an 5 Nollaig 2022)

#### Méadú 2017–2022

Bliain	2017	2020	2021	2022
Líon na n-uairéanta	123	760	900	840*

\*01.01.22 – 27.09.22

Tábla 2: Plean Gaeilge RTÉ do 2023–2025  
(Foinse: comhfhreagrás RTÉ an 5 Nollaig 2022)

#### Plean Gaeilge 2023–2025

Bliain	2023	2024	2025	Iomlán
Líon na n-uairéanta réamh-mheasta	890	1,060	1,270	3,220

Cuirim fáilte mhór roimh an méadú suntasach atá tagtha agus atá le teacht ar líon na n-uairéanta craolta Gaeilge ar sheirbhísí teilifíse RTÉ. Is mór againn an dearbhú sonraí agus an comhoibriú leanúnach atá á chur ar fáil ag RTÉ go tráthrialta dúinn agus an t-iniúchadh seo ar bun againn le roinnt blianta anuas.

It is clear to me that RTÉ is aware of the need for annual graduated increases to Irish language broadcasting hours and intends to achieve general proportionality between Irish language current affairs provision with the English language output.

On 1 December 2021, RTÉ submitted its 2022 Plan to this Office which contained a commitment to broadcast at least 600 hours of Irish language content.

In correspondence from RTÉ on 5 December 2022, the organisation indicated it had by then broadcast 840 hours of Irish language content by 27 September 2022, before the new scheduling system was launched. It also provided a projection of RTÉ's intended broadcasting hours through Irish for the following three-year period 2023 – 2025 (table 2 below). Similar to previous years, details of the proposed programmes, titles of the programmes and timeline of broadcast were provided. Furthermore, programme genres to be screened (sport, culture, religion, news, current affairs etc.) were also detailed. An account of the total number of hours can be found in Tables 1 and 2 below:

Table 1: Increase of total broadcasting hours through Irish on RTÉ from 2017 to 2022  
(Source: correspondence from RTÉ on 5 December 2022)

#### Increase 2017–2022

Year	2017	2020	2021	2022
Number of hours	123	760	900	840*

\*01.01.22 – 27.09.22

Table 2: RTÉ's Irish language Plan for 2023-2025  
(Source: correspondence from RTÉ on 5 December 2022)

#### Irish language Plan 2023 - 2025

Year	2023	2024	2025	Total
Projected number of hours	890	1,060	1,270	3,220

I welcome the observable increase that has occurred and will continue regarding total broadcasting hours through Irish on RTÉ's television services. The confirmation of data and the continuous co-operation from RTÉ is appreciated as we carried out the audit over recent years.

## Príomhfhionnachtain

Tá teagmháil leanúnach ag m'Óifig le RTÉ ar an ábhar seo agus gabhaim buíochas le RTÉ as an gcomhoibriú leanúnach.

## Amlíne

Tús teagmhála: 29 Bealtaine 2019  
Teagmháil is déanaí: 5 Nollaig 2022

## COMHAIRLE CONTAE DHÚN LAOGHAIRE-RÁTH AN DÚIN (I)

### Achoimre

Léirigh imscrúdú gur sháraigh Comhairle Contae Dhún Laoghaire-Ráth an Dúin an dualgas reachtúil teanga atá daingnithe i bhfo-alt 18(1) d'Acht na dTeangacha Oifigiúla 2003 fad is a bhaineann sé le cur i bhfeidhm na míreanna den scéim teanga atá daingnithe ina cás, a bhain le ceapadh Oifigigh Ghaeilge agus le bunú coiste chun monatóireacht a dhéanamh ar dhul chun cinn fhorfheidhmiú na Scéime.

### Príomh-mholtaí an Imscrúdaithe

Mhol mé don Chomhairle Contae Oifigeach Forbartha Gaeilge a cheapadh ag a mbeadh na feidhmeanna a sonraíodh don oifigeach úd sa Scéim Teanga. Ina theannta sin, mhol mé don Chomhairle Contae an coiste monatóireachta a dtagraítear dó sa Scéim Teanga a bhunú; go gcuirfeadh an coiste tuairisc faoi dhul chun cinn fhorfheidhmiú na Scéime ar fáil don Chomhairle go bliantúil agus go bhfoilseofaí sa Tuarascáil Bhliantúil í, faoi mar a gealladh sa Scéim.

### An obair iniúchta

Cuireadh tús leis an bpróiseas faireacháin ar chur i bhfeidhm mholtaí an imscrúdaithe i mí Dheireadh Fómhair 2021. Tugadh le fios ag an tráth sin go raibh an tsonraíocht phoist don Oifigeach Gaeilge faoi réir agus go rabhthas ag súil le tús a chur leis an bpróiseas agallaimh don cheapachán go gairid ina dhiaidh sin. Ar an 26 Samhain 2021, scríobh m'Óifig chuig an gComhairle Contae i dtaca leis na heasnamh maidir le comhlíonadh mholtaí an imscrúdaithe agus iarradh aon eolas breise a chur faoi bhráid na hOifige laistigh de choicís. Admhaíodh go bhfuarthas an ríomhphost sin ar

## Main finding

My Office is in ongoing contact with RTÉ on this matter and I thank RTÉ for its continuous co-operation.

## Timeline

Initial contact: 29 May 2019  
Latest contact: 5 December 2022

## DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL (I)

### Summary



An investigation determined that Dún Laoghaire-Rathdown County Council had breached the statutory language obligation set out in subsection 18(1) of the Official Languages Act 2003 relating to implementation of the sections of its confirmed language scheme pertaining to the appointment of an Irish Language Officer and the establishment of a committee to monitor the progress of the implementation of the Scheme.

### Main recommendations of the Investigation

I recommended to the County Council that it appoint an Irish Language Development Officer with the functions specified for that officer in the Language Scheme. In addition, I recommended that the County Council establish the monitoring committee referred to in the Language Scheme and that a progress report on the implementation of the Scheme be provided to the Council annually by the committee and published in the Annual Report, as committed to in the Scheme.

### The audit work

The monitoring process on implementing recommendations of the investigation commenced in October 2021. It was indicated at the time that the job specification for an Irish Language Officer was prepared, and they had hoped to initiate an interview processes for the appointment imminently. On 26 November 2021, my Office wrote to the County Council in relation to the failure to fulfil the recommendations of the investigation and requested that more information be submitted to the Office within a fortnight. It was acknowledged that the email



an 1 Nollaig 2021. Eisíodh meabhrúchán ar an 4 Eanáir 2022 nuair nach raibh aon fhreagra faighte. Tháinig comhfhreagras dar dáta an 31 Eanáir 2022 ón gComhairle inar tugadh le fios go raibh Oifigeach Forbartha Gaeilge ceaptha faoin tráth sin.

Bhí cruinniú ag m'óifigigh leis an Oifigeach Forbartha Gaeilge i mí Feabhra 2022. Pléadh feidhmiú an Achta, moltaí an imscrúdaithe agus ceistanna gaolmhara ag an gcruinniú sin. Scríobh m'Óifig chuig an gComhairle Contae i mí Aibreáin 2022 ag lorg eolais cothrom le dáta ar an dul chun cinn a bhí déanta i dtaca le comhlíonadh na moltaí éagsúla.

Ar an 4 Bealtaine 2022, tugadh le fios go raibh ballraíocht Choiste Comhairliúcháin Gaeilge á socrú ag an gComhairle, go mbeadh baili foirne ag gráid éagsúla, geallsealbhóirí seachtracha agus Comhairleoirí Contae páirteach in obair an Choiste. Dúradh gur ghá don fheidhmeannas agus na Comhairleoirí roghnú na gComhairleoirí don Choiste a phlé ag cruinniú den Choiste Oibríochtaí, Nósanna Imeachta agus Prótacail i lár mhí an Mheithimh chun a chinntiú go mbeadh trédhearcacht ann maidir le roghnú na gComhairleoirí. Tugadh le fios chomh maith go raibh súil ag an gComhairle an Coiste a bheith bunaithe faoi dheireadh mhí an Mheithimh agus go gcuirfeadh an Coiste tuairisc faoi dhul chun cinn fhorfheidhmiú na Scéime ar fáil don Chomhairle ar bhonn bliantúil agus go bhfoilseofaí tuairisc faoi obair an Choiste sa Tuarascáil Bhliantúil. Sa chomhfhreagras céanna, cuireadh in iúl dúinn go gcuirfeadh an Coiste cuntas ar fhionnachtana agus ar mholtaí an imscrúdaithe seo san áireamh ina chéad tuairisc bhliantúil faoi dhul chun cinn fhorfheidhmiú na Scéime agus go bhfoilseofaí é sa Tuarascáil Bhliantúil don bhliain 2022. Tugadh le fios freisin go gcuirfí fionnachtana agus moltaí an imscrúdaithe in iúl do chathaoirleach na Comhairle agus do bhaill tofa uile na Comhairle agus go gcuirfí Oifig an Choimisinéara Teanga ar an eolas nuair a bheadh seo déanta.

Scríobh m'Óifig chuig an gComhairle Contae ar an 26 Bealtaine ag tabhairt le fios go bhfillfí ar an gComhairle ag tús mhí Iúil chun bunú an Choiste agus cur i bhfeidhm mholtaí uile an imscrúdaithe a chinntiú. I gcomhfhreagras ón gComhairle Contae dar dáta an 14 Iúil 2022, cuireadh in iúl go raibh obair fós ar bun ag an gComhairle maidir le tús a chur le ballraíocht agus clár oibre Choiste Comhairliúcháin na Gaeilge. Tugadh le fios gur thug oifigigh na Comhairle Contae cur i láthair do Chomhairleoirí ar an 16 Meitheamh chun iad

was received on 1 December 2021. A reminder was issued on 4 January 2022 when correspondence was not received. In correspondence from the Council on 31 January 2022, it confirmed an Irish Language Development Officer had been appointed at that time.

My officials had a meeting with the Irish Language Development Officer in February 2022. The implementation of the Act, recommendations of the investigation and all related questions were discussed at the meeting. My Office wrote to the County Council in April 2022 requesting updated information regarding compliance with the various recommendations.

On 4 May 2022, the Council indicated that it was to establish a Consultative Committee for the Irish Language where staff of certain grades, external stakeholders and County Councillors would be involved in the work of the Committee. It stated that it was essential for the executive to discuss the selection of the Councillors of the Committee at a meeting of the Operations, Procedures & Protocol Committee in the middle of June to ensure transparency relating to the selection of the Councillors. In addition, it was indicated that the Council hoped to establish the committee by the end of June and that the Committee would report to the Council annually on the Scheme's progress and would publish a report based on Committee's work in the Annual Report. In the same correspondence, we were informed that the Committee would include an account on the findings and the recommendations of the investigation in their first annual report in relation to the Scheme's implementation and hoped to publish it in the 2022 Annual Report. Furthermore, it was specified that the chairperson and elected members of the Council would be informed on the findings and the recommendations of the investigation and that the Office of An Coimisinéir Teanga would be notified when this was completed.

My Office wrote to the County Council on 26 May to inform them that we would revert to the Council at the start of July to confirm the establishment of the committee and the implementation of all of the investigation's recommendations. In correspondence from the County Council on 14 July 2022, I was informed that work was still in progress in relation to the establishment of the Consultative Committee for the Irish Language in terms of its members and its brief. It was stated that officials gave Councillors a

a chur ar an eolas faoi bhunú an Choiste agus go rabhthas ag súil go dtionófaí an Coiste den chéad uair i mí Mheán Fómhair. Ar an 21 Iúil 2022, d'eisigh m'Óifig ríomhphost inar tugadh faoi deara go raibh céimeanna á nglacadh ag an gComhairle Contae chun dul i ngleic le comhlíonadh na moltaí agus go mbeifí i dteagmháil leis an gComhairle arís faoi dheireadh mhí Mheán Fómhair chun eolas maidir leis an dul chun cinn a fháil.

Cuireadh nasc chuig físeán faisnéise maidir le bunú an Choiste Chomhairligh agus faoi ghnóthaí a bhain leis an nGaeilge i gComhairle Contae Dhún Laoghaire-Ráth an Dúin faoi bhráid na hOifige.

Tugadh le fios ar an 24 Deireadh Fómhair 2022 go raibh an Coiste Comhairliúcháin Gaeilge bunaithe ag Comhairle Contae Dhún Laoghaire-Ráth an Dúin. Is iad ionadaithe ó fhoireann na Comhairle, geallsealbhóirí seachtracha ó earnálacha éagsúla agus Comhairleoirí Contae atá ina mbaill den Choiste. Cuireadh cóip de chlár oibre an chruinnithe mar aon le liosta na mball éagsúil faoi bhráid na hOifige. Bhí an chéad chruinniú ag an gCoiste ar an 20 Deireadh Fómhair 2022 ach ar an drochuair bhí ar an gComhairle Contae an cruinniú a chur ar athló de bharr cúinsí nach raibh aon smacht orthu. Bhí an chéad chruinniú eile sceidealaithe don 7 Samhain 2022 agus dúradh go gcuirfí miontuairiscí an chruinnithe sin faoi bhráid Oifig an Choimisinéara Teanga.

Scríobh m'Óifig chuig an gComhairle Contae ar an 14 Nollaig 2022 ag lorg eolais i dtaca leis an gcruinniú a bhí sceidealaithe don 7 Samhain 2022. I gcomhfhreagras ón gComhairle Contae ar an 21 Nollaig 2022, tugadh le fios gur tionóladh cruinniú den Choiste ar an 7 Samhain 2022 agus cuireadh miontuairiscí an chruinnithe sin faoi bhráid m'Óifige. Sa chomhfhreagras céanna, cuireadh in iúl go mbeifí ag oibriú i dtreo na mbearta cuí mar a pléadh ag an gcruinniú ar 7 Samhain agus go raibh an chéad chruinniú eile de chuid an Choiste sceidealaithe don 2 Feabhra 2023.

## Príomhfhionnachtain

Tá teagmháil ar bhonn rialta idir m'Óifig agus an Chomhairle maidir le cur i bhfeidhm na moltaí a rinne mé san imscrúdú. Tá mé sásta go bhfuil céimeanna á nglacadh ag an gComhairle Contae chun dul i ngleic leis an sárú ar an reachtaíocht.

## Amlíne

Tús teagmhála: 29 Deireadh Fómhair 2021

Teagmháil is déanaí: 21 Nollaig 2022

presentation on 16 June relating to the establishment of the Committee and hoped the Committee would assemble for the first time in September. On 21 July 2022, my Office issued an email which acknowledged steps taken by the County Council in relation to addressing the compliance of recommendations and that we would be contacting the Council again by the end of September regarding progress.

A link to an information video in relation to the establishment of the Consultative Committee and the Irish language in Dún Laoghaire-Rathdown County Council was submitted to the Office.

On 24 October 2022 it was advised that the Consultative Committee for the Irish Language was formed at Dún Laoghaire-Rathdown County Council. Membership of the Committee comprises representatives from Council staff, external stakeholders from various sectors and County Councillors. A copy of the meeting's agenda and a list of the various members was submitted to my Office. The first Committee meeting was on 20 October 2022, but unfortunately, due to unforeseen circumstances beyond their control, the County Council adjourned the meeting. The next meeting was scheduled for 7 November 2022 and it was indicated that minutes of that meeting would be remitted to Oifig an Choimisinéara Teanga.

My Office wrote to the County Council on 14 December 2022 seeking information regarding the meeting scheduled for 7 November 2022. Correspondence from the County Council on 21 December 2022 indicated that the Committee convened on 7 November 2022 and meeting minutes were remitted to my Office. That correspondence conveyed that progress would be made in respect of the necessary actions as discussed at the meeting on 7 November and the next Committee meeting was scheduled for 2 February 2023.

## Main finding

My Office and the Council are in frequent contact in relation to the implementation of recommendations I made in the investigation. I am satisfied that the County Council is taking action to address the breach of the legislation.

## Timeline

Initial contact: 29 October 2021

Latest contact: 21 December 2022

## COMHAIRLE CONTAE CHEATHARLACH

### Achoimre

Léirigh imscrúdú gur sháraigh Comhairle Contae Cheatharlach an dualgas reachtúil atá daingnithe i bhfo-alt 18(1) d'Acht na dTeangacha Oifigiúla 2003 toisc nár chuir sí i gcrích na gealltanais seo a leanas de chuid na Scéime Teanga a daingníodh ina cás:

- Beidh 15% de dhoiciméid (doiciméid teicniúla as an áireamh) ar gach suíomh idirlín Údaráis Áitiúla Cheatharlach dátheangach laistigh de thréimhse feidhme na scéime.
- Roimh dheireadh thréimhse feidhme na scéime, beidh 10% den ábhar statach ar shuíomh gréasáin Údaráis Áitiúla Cheatharlach dátheangach.
- Beidh Doiciméid Mhóra Pholasaí foilsithe ar shuíomh idirlín na Comhairle i mBéarla agus i nGaeilge ag an am céanna agus le fáil ar dhlúthdhiosca.
- Foilseofar ábhar na scéime don phobal trí chéile ar Inlín agus ar Shuíomh Idirlín na Comhairle.

### Príomh-mholtaí an Imscrúdaithe

- Go gcuirfidh Comhairle Contae Cheatharlach socruithe oiriúnacha i bhfeidhm chun a chinntiú go mbíonn íosmhéid 10% den ábhar statach agus 15% de na doiciméid ar fáil go dátheangach feasta ar a suíomh gréasáin gan bheann ar aon athruithe a dhéanfar ar an suíomh sin agus ar an ábhar atá air.
- Go bhfoilseoidh Comhairle Contae Cheatharlach go comhuaineach feasta i ngach ceann den dá theanga oifigiúla:
  - Aon tuarascáil bhliantúil;
  - Aon chuntas iniúchta nó ráiteas airgeadais.
- Go bhfoilseoidh Comhairle Contae Cheatharlach ar a suíomh gréasáin leagan Gaeilge de Phlean Corparáideach na Comhairle Contae, 2020-2024.
- Go gcuirfidh Comhairle Contae Cheatharlach socruithe oiriúnacha i bhfeidhm chun a chinntiú go bhfoilseofar doiciméid mhóra bheartais go comhuaineach ar a suíomh gréasáin.
- Go gcuirfidh Comhairle Contae Cheatharlach socruithe oiriúnacha i bhfeidhm chun a chinntiú go bhfoilseofar foirmeacha iarratais agus na bileoga eolais a théann leo go dátheangach feasta, nó i bhfoirm leaganacha ar leith Gaeilge agus Béarla, i



**CARLOW**  
COUNTY COUNCIL  
COMHAIRLE CHONTAE CHEATHARLACH

## CARLOW COUNTY COUNCIL

### Summary

An investigation determined that Carlow County Council had breached the statutory obligation set out in subsection 18(1) of the Official Languages Act 2003 as it failed to implement the following commitments of its confirmed Language Scheme:

- 15% of documents (excluding technical documents) on all Carlow Local Authority websites will be bilingual within the lifetime of the scheme.
- By the end of the lifetime of this scheme, 10% of the static material on the Carlow Local Authority website will be made bilingual.
- Major Policy Documents will be published on the Council's website in both English and Irish simultaneously and will be available on CD.
- The contents of the scheme will be published for the general public on the Council's Intranet and Website.

### Main recommendations of the Investigation

- That Carlow County Council puts in place suitable arrangements to ensure that a minimum of 10% of static material and 15% of documents are available bilingually henceforth on its website regardless of any changes to that site and its contents.
- That Carlow County Council henceforth publishes simultaneously in each of the two official languages:
  - Any annual report;
  - Any audited accounts or financial statements.
- That Carlow County Council publishes on its website an Irish version of the Council's Corporate Plan 2020-2024.
- That Carlow County Council puts in place suitable arrangements to ensure the simultaneous publication of major policy documents on its website.
- That Carlow County Council puts in place suitable arrangements to ensure that application forms and accompanying information leaflets are published bilingually, or in the form of separate Irish and

gcomhréir leis an ngealltanas a tugadh sa Scéim Teanga.

- Go ndéanfaidh an Fhoireann Bainistíochta athbhreithniú ar chur i bhfeidhm Scéim Teanga Chomhairle Contae Cheatharlach ina hiomláine lena chinntiú go gcuirfeadh i bhfeidhm gealltanais uile na Scéime sin go cúí.

## An obair iniúchta

Scríobh m'Óifig chuig Comhairle Contae Cheatharlach ar an 13 Deireadh Fómhair 2021 ag lorg eolais cothrom le dáta ar an dul chun cinn a bhí déanta ag an eagraíocht i dtaca le cur i bhfeidhm mholtaí an imscrúdaithe.

D'éisigh m'Óifig meabhrúcháin iomadúla agus rinneadh teagmhálacha teileafóin leis an gComhairle Contae idir mí na Samhna 2021 agus Aibreán 2022. Rinne m'Óifig iarratas ar chruinniú leis an gComhairle Contae le linn an ama sin.

Ar an 6 Bealtaine 2022, tháinig ríomhphost ón gComhairle Contae ag tabhairt le fios nach raibh sé ar a cumas na moltaí a chomhlíonadh ag an tráth sin i ngeall ar fholúntas leanúnach foirne sa rannóg Teicneolaíochta Faisnéise (TF).

Scríobh m'Óifig arís chuig Comhairle Contae Cheatharlach ar an 25 Iúil 2022, mar iarracht dheireanach féachaint an raibh aon chonair i dtreo chomhlíonadh na moltaí. Fiafraíodh den Chomhairle an raibh sé i gceist aon fhoireann a chur ag obair ar na heasnamh a sainíodh i gcur i bhfeidhm mholtaí an imscrúdaithe. Admhaíodh go bhfuarthas an litir sin ar an 29 Iúil 2022.

Fuarthas ríomhphost ón gComhairle Contae dar dáta an 9 Lúnasa 2022, ag tabhairt le fios go raibh cluaisín aistriúcháin Gaeilge curtha acu leis an suíomh gréasáin.

Ar an 12 Lúnasa 2022, dheimhnigh an Chomhairle Contae gur fhógair siad agus go ndearna siad agallamh trí huaire in 2021/2022 chun an folúntas de ghrád VII a líonadh sa rannóg TF. Tugadh le fios nár ceapadh aon duine agus go raibh malairt roghanna á scrúdú ag an gComhairle. Dearbhaíodh freisin go raibh leagan Gaeilge de na ceanteidil ar an suíomh gréasáin agus go raibh curtha le téacs Gaeilge an tsuímh freisin. Tugadh le fios go raibh tairiscintí ó chuideachtaí aistriúcháin á lorg ag an gComhairle Contae chun an Plean Forbartha Contae a aistriú go

English versions, in accordance with the commitment made in the Language Scheme.

- That the Management Team review the implementation of Carlow County Council's Language Scheme in its entirety to ensure that all commitments of that Scheme are properly implemented.

## The audit work

My Office wrote to Carlow County Council on 13 October 2021 seeking updated information on the organisation's progress in relation to implementing the investigation's recommendations.

My Office issued countless reminders to the Council and contacted them via telephone between November 2021 and April 2022. My Office requested a meeting with the County Council during that time.

On 6 May 2022, an email was received from the County Council stating its inability to implement the recommendations at the time due to a continuing job vacancy in the Information Technology (IT) division.

My Office wrote to Carlow County Council again on 25 July 2022 as a last attempt to discern whether there was any attempt to comply with the recommendations. The Council was asked if they intended to assign staff to work on the deficits specified in the investigation's recommendations. Receipt of the letter was acknowledged on 29 July 2022.

On 9 August 2022, an email was received from the County Council noting the creation of a translation tab for the Irish language on its website.

The County Council confirmed on 12 August 2022 that they had advertised and interviewed applicants three times in 2021/2022 to fill the position for the grade VII job vacancy in the IT division. It was confirmed that no one had been appointed to the position and an alternative was being examined by the Council. It was established that headings in the Irish language had been uploaded to its website and more Irish text was available on its website. It was advised that the Council was seeking tenders from translation companies to

Gaeilge. Dheimhnigh an Chomhairle Contae a tiomantas leanúint dá cuid iarrachtaí forálacha an Achta a chomhlíonadh agus feabhas leanúnach a chur ar ábhar Gaeilge a thairiscint agus a chur ar fáil.

Scríobh m’Oifig arís chuig an gComhairle Contae ar an 19 Lúnasa 2022 agus fáiltíodh roimh thiomantas na Comhairle maidir leis na forálacha reachtúla cuí a chomhlíonadh. Ina dhiaidh sin féin, ba léir dúinn nach raibh comhlíonadh iomlán curtha i gcrích ag an gComhairle Contae i dtaca leis an méid a bhí éilithe sa tuarascáil imscrúdaithe. Iarradh ar an gComhairle spriocdhátaí beachta inghlactha a chur faoi bhráid na hOifige faoina mbeadh moltaí uile na tuarascála imscrúdaithe curtha i bhfeidhm ina n-iomláine.

Rinne m’Oifig teagmháil theileafóin leis an gComhairle Contae ar an 28 Meán Fómhair 2022 nuair nach bhfuarthas aon fhreagra. D’iarr an Chomhairle Contae go gcuirfí ar fáil an athuair cóip den chomhfhreagra a seoladh cheana ar an 25 Iúil 2022 agus an 19 Lúnasa 2022.

Seoladh meabhrúchán eile chuig an gComhairle Contae ar an 19 Deireadh Fómhair 2022 agus fuarthas glaoch ón gComhairle Contae ar an dáta céanna ag tabhairt le fios go raibh an tairiscint á hullmhú i gcomhair an tsuímh gréasáin an uair sin agus go gcuirfí an tsonraíocht uile ina leith faoi bhráid na hOifige go luath.

Tar éis do m’Oifig cuntas cothrom le dáta a lorg, fuarthas ríomhphost dar dáta an 2 Samhain 2022 inar tugadh léargas ar an dul chun cinn a bhí déanta agus sonraí maidir le spriocdhátaí do na bearta ábhartha. Tá m’Oifig i mbun cumarsáide rialta leis an gComhairle Contae.

### Príomhfhionnachtain

Is léir go bhfuil iarrachtaí ar bun ag an gComhairle Contae chun a chuid dualgas a chomhlíonadh ach níl an dul chun cinn a mbeifí ag súil leis déanta faoin tráth seo. Tá teagmháil leanúnach ag m’Oifig le Comhairle Contae Cheatharlach ar an ábhar seo.

### Amlíne

Tús teagmhála: 13 Deireadh Fómhair 2021

Teagmháil is déanaí: 25 Samhain 2022

translate the County Development Plan to Irish. The Council confirmed its commitment to comply with the provisions of the Act and to continually improve the offer and provision of Irish language content.

On 19 August 2022, my Office wrote again to the County Council and welcomed its commitment to comply in full with the statutory provisions. However, we observed that full compliance with the requirements set out in the investigation report had not been achieved by the County Council. The Council was asked to submit a precise and acceptable deadline to the Office in relation to implementing all recommendations of the investigation report.

On 28 September 2022, my Office called the County Council when correspondence was not received. The County Council requested that a copy of the correspondence sent on 25 July 2022 and 19 August 2022 be provided again.

A reminder was sent to the County Council on 19 October 2022 and we received a call from the County Council on the same date notifying us tenders were being prepared for the website and it would remit a complete specification of same to the Office shortly.

Following a request for updated information, an email was received on 2 November 2022 which shared an insight on progress achieved to date and details relating to dates regarding the necessary actions. My Office is in regular contact with the County Council.

### Main finding

It is evident that the County Council has made efforts to comply with its obligations but that progress to date has fallen short of expectations. My Office is in ongoing contact with Carlow County Council on this matter.

### Timeline

Initial contact: 13 October 2021

Latest contact: 25 November 2022

## COMHAIRLE CONTAE NA MÍ

### Achoimre

Léirigh imscrúdú gur theip ar Chomhairle Contae na Mí na cuspóirí seo a leanas de chuid Phlean Forbartha Chontae na Mí, 2013-2019 – ar cuspóirí iad a raibh d’aidhm acu oidhreacht teanga agus chultúrtha na Gaeltachta a chosaint, lena n-áirítear an Ghaeilge a chur chun cinn mar theanga an phobail – a chomhlíonadh (nó a chomhlíonadh go sásúil) agus iarratais phleanála ar fhorbairtí tithíochta sa Ghaeltacht á bpróiseáil, agus cinneadh á dhéanamh orthu:

- RD OBJ6 in Alt 10.13 den Phlean Forbartha (lena n-áirítear GAEL OBJ1 de Ráiteas Scríofa Ráth Chairn agus RD OBJ1 de Ráiteas Scríofa Bhaile Ghib)
- RD OBJ de Ráiteas Scríofa Ráth Chairn agus RD OBJ1 de Ráiteas Scríofa Bhaile Ghib.

### Príomh-mholtaí an Imscrúdaithe

- Go gcuirfeadh Comhairle Contae na Mí na cuspóirí de chuid Phlean Forbartha Chontae na Mí a bhaineann leis an nGaeltacht i bhfeidhm ina n-iomláine, ar bhonn leanúnach.
- Go n-ullmhóidh agus go mbunóidh Comhairle Contae na Mí, laistigh de thrí mhí ón dáta a nglacfar le Plean Forbartha Chontae na Mí, 2021-2027, socruithe agus nósanna imeachta a leanfar in aon chás ina mbeidh iarratas pleanála ón nGaeltacht á mheas, chun feidhm éifeachtúil a thabhairt do na cuspóirí ábhartha teangeolaíoch a bheidh daingnithe sa Phlean Forbartha sin, socruithe a bheidh chun sástacht m’Oifige.
- Go ndéanfadh Comhairle Contae na Mí treoracha a ullmhú don phobal/d’iarratasóirí Gaeltachta le heolas a chur ar fáil dóibh chun cuidiú leo an fhianaise riachtanach a chur ar fáil chun na cuspóirí sin a chomhlíonadh agus iarratas pleanála á dhéanamh acu.

Ba chóir go n-áireofaí sna socruithe thuas:

- Tosca na gcásanna inar chóir nó nár chóir na coinníollacha a bheidh luaite sna cuspóirí a chur i bhfeidhm (staidéar tionchair teanga, agallamh, an cás a chur faoi bhráid na Roinne Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán agus/nó Údarás na Gaeltachta.)

## MEATH COUNTY COUNCIL

### Summary

**comhairle chontae na mí** *meath county council*

An investigation determined that Meath County Council had failed to fulfil the following objectives of the Meath County Development Plan 2013-2019, aimed at protecting the linguistic and cultural heritage of the Gaeltacht, including the promotion of Irish as the community language, when processing and determining planning applications for housing developments in the Gaeltacht:

- RD OBJ6 in Section 10.13 of the Development Plan (including GAEL OBJ1 of the Written Statement for Ráth Chairn and RD OBJ1 of the Written Statement for Baile Ghib)
- RD OBJ of the Written Statement for Ráth Chairn and RD OBJ1 of the Written Statement for Baile Ghib.

### Main recommendations of the Investigation

- That Meath County Council implement fully, on an ongoing basis, the objectives of the Meath County Development Plan relating to the Gaeltacht.
- That Meath County Council, within three months of the date of the adoption of the Meath County Development Plan 2021-2027, prepares and establishes arrangements and procedures to be followed in any case in which a planning application from the Gaeltacht is being considered, to give real effect to the relevant linguistic objectives established in that Development Plan, and that these arrangements shall be satisfactory to my Office.
- That Meath County Council prepares guidelines for the Gaeltacht community/applicants containing information to assist them in providing the necessary evidence to meet these objectives when making a planning application.

The above arrangements should include:

- The circumstances in which the conditions stated in the objectives should or should not be applied (language impact study, interview, referral of the case to the Department of Tourism, Arts, Culture, Gaeltacht, Sport and Media and/or Údarás na Gaeltachta.)



- Eolas maidir le Staidéar Tionchair Teanga, agus a mbeifear ag súil leis ó thaobh leagan amach agus faisnéise de, ionas gur féidir glacadh leis chun críche measúnaithe teanga.
- Treoir shaineolach maidir leis an gcaoi ar chóir eolas teangeolaíoch a mheas agus tionchar dearfach na forbartha á dheimhniú.
- Aon treoir eile is gá chun feidhm phraiticiúil a thabhairt do chuspóirí teangeolaíochta/Gaeltachta atá deimhnithe sa Phlean Forbartha Contae agus iarratais phleanála á meas.

## An obair iniúchta

Ar an 10 Samhain 2022, fuarthas litir ón gComhairle Contae ag deimhniú gur tháinig Plean Forbartha Contae na Mí 2021-2027 i bhfeidhm ar an 3 Samhain agus tugadh le fios go rabhtas ag obair ar mholtaí eile an imscrúdaithe. Lorgaíodh síneadh ama go dtí an 17 Nollaig le freagra iomlán a thabhairt ina leith. Ceadaíodh an síneadh ama sin.

Eisíodh meabhrúchán ar an 21 Nollaig 2021 nuair nach raibh aon fhreagra faighte. Tháinig ríomhphost den dáta céanna ón gComhairle Contae inar sonraíodh na moltaí a rinne Comhairle Contae na Mí i gcomhpháirt leis na Comhairlí eile a bhfuil limistéir Ghaeltachta ina ndlínse ar mhaithe le dul i ngleic leis na mórcheisteanna atá ag teacht chun cinn i gcúrsaí pleanála sa Ghaeltacht.

Ar an 17 Eanáir 2022, scríobh m’Oifig arís chuig Comhairle Contae na Mí ag meabhrú dóibh go raibh sé ríthábhachtach go gcloifí leis na spriocdhátaí a bhí molta san imscrúdú agus go mbeadh na spriocanna sin uile bainte amach chomh luath agus ab fhéidir. Chuige sin, iarradh faisnéis ar an gComhairle Contae i dtaca le cur i bhfeidhm mholtaí an imscrúdaithe de réir na n-amlínte ar leith atá luaite leis na moltaí ábhartha.

Tháinig ríomhphost ón gComhairle Contae ag tabhairt le fios go rabhtas ag féachaint le comhlíonadh a dhéanamh ar mholtaí an imscrúdaithe agus go mbeadh na bearta comhlíonta sin á gcur faoi bhráid m’Oifige faoin 11 Márta.

I bhfreagra na Comhairle Contae ar an 14 Márta 2022, tugadh le fios go raibh an Chomhairle Contae tiomanta do na hoibleagáidí atá uirthi. Thagair freagra na Comhairle Contae do Staidéar Tionchair Teanga, i.e. foirm ina bhfuil ceisteanna ar mhaithe le cumas an iarratasóra sa Ghaeilge agus cúinsí gaolmhara teanga

- Information on a Language Impact Study, in terms of what is expected regarding format and information, so that it can be accepted for the purpose of language assessment.
- Expert guidance on how linguistic knowledge should be evaluated in ascertaining the positive impact of the development.
- Any other guidance necessary to give practical effect to linguistic/Gaeltacht objectives which have been confirmed in the County Development Plan when considering planning applications.

## The audit work

On 10 November 2022, I received a letter from the County Council confirming that the Meath County Development Plan 2021-2027 came into effect on 3 November and stating that it was working on other recommendations of the investigation. An extension to 17 December was sought to give a thorough answer. That extension was granted.

On 21 December 2021, a reminder was issued when correspondence was not received. On the same day, an email was received from the County Council which specified recommendations made by Meath County Council in association with the other Councils with a Gaeltacht area in their jurisdiction to address issues emerging in planning in the Gaeltacht.

On 17 January 2022, my Office wrote to Meath County Council again to remind them of the importance of abiding to the recommended deadlines in the investigation and to fulfil the targets in full as soon as possible. To that end, the County Council was asked for information in relation to implementing the recommendations of the investigation within the timelines referred to in the relevant recommendations.

An email from the County Council was received stating its intention to comply with the recommendations of the investigation and to submit the completed measures to my Office by 11 March.

On 14 March 2022, in correspondence from the County Council, it was declared that the County Council was committed to its obligations. The County Council’s answer referred to a Language Impact Study e.g., a form consisting of questions relevant to the applicant’s

eile a mheas ach níor tugadh aon léargas ar chur chuige na Comhairle i dtaca le cumas labhartha Gaeilge an iarratasóra a mheas. Tugadh le fios go raibh pacáiste eolais le fáil ar shuíomh gréasáin na Comhairle chun cuidiú le hiarratasóirí chun an fhianaise riachtanach a chur ar fáil chun na cuspóirí a chomhlíonadh agus iarratas pleanála á dhéanamh acu.

Scríobhadh arís chuig an gComhairle Contae ar an 23 Bealtaine agus ar an 18 Iúil 2022 agus iarradh go gcuirfi tuilleadh faisnéise ar fáil i dtaca leis na socruithe agus nósanna imeachta a bheadh á bhfeidhmiú aici in aon chás ina mbeadh iarratas pleanála ón nGaeltacht á dheimhniú. Lorgaíodh soiléiriú sonrach maidir le comhfhreagras na Comhairle Contae dar dáta an 17 Meitheamh i dtaca leis na critéir a raibh rún ag an gComhairle Contae feidhm a thabhairt dóibh agus breithniú á dhéanamh aici ar fhaisnéis an Staidéir Thionchair Teanga. Bheadh a leithéid de chritéir riachtanach chun feidhm éifeachtach a thabhairt do na cuspóirí ábhartha teangeolaíochta atá daingnithe sa Phlean Forbartha Contae.

Tháinig litir ón gComhairle Contae dar dáta an 3 Lúnasa 2022 inar tugadh le fios go raibh sé i gceist ag an gComhairle 'Foirm Mheasúnaithe Tionchair Theangeolaíoch' a fheidhmiú mar chéim riachtanach d'iarratais ón gceantar Gaeltachta agus chun tacú le cuspóir an Phlean Forbartha Contae. Mar chuid den fhoirm bheadh ar an iarratasóir litir thacaíochta a chur isteach ón gComharchumann/Bainisteoir Áitiúil. Tugadh le fios sa litir chéanna gur fhreastail an Chomhairle Contae ar ghrúpa oibre faoi chathaoirleacht na Roinne Tithíochta, Rialtais Áitiúil agus Oidhreachta d'fhonn treoirínte caighdeánacha a chruthú chun iarratais phléanala sna Limistéir Ghaeltachta a mheas. Dúradh chomh maith go gcaithfidh iarratais sa Ghaeltacht **RD OBJ 19** a shásamh ina cheann ar roinnt polasaithe agus cuspóirí ábhartha riachtanacha eile den Phlean Forbartha Contae.

Theastaigh uaim tuilleadh fiosraithe a dhéanamh maidir leis an gcaoi a gcomhlíonfaí na cuspóirí ábhartha teangeolaíochta de chuid Phlean Forbartha Chontae na Mí. Is é seo a leanas an cuspóir ábhartha:

**RD OBJ 19**

*Go mbeadh sé ina cheangal go ndéanfaí "Staidéar Tionchair Teanga" sula ndéanfaí aon iarratas pleanála (d'fhorbairtí tithíochta aonair agus ilfhorbairtí) a mheas laistigh den Limistéar*

ability in the Irish language and to evaluate other circumstances related to the language, however the Council's approach in relation to evaluating the applicant's ability to speak Irish wasn't specified. It was stated that an information package was available on the Council's website which can assist applicants to provide the necessary evidence to fulfill the objectives as they make a planning application.

The Office wrote to the County Council again on 23 May and 18 July 2022 and sought more information in relation to the plans and procedures being implemented in any case where a planning application from the Gaeltacht was being certified. A definitive clarification was requested in relation to correspondence from the County Council on 17 June with respect to implementing the County Council's intended criteria when examining information from the Language Impact Study. Such criteria would be necessary to implement the relevant linguistic goals effectively set out in the County Development Plan.

On 3 August 2022, a letter was received from the County Council stating that the Council intended to implement a 'Linguistic Impact Assessment Form' as a necessary step for applications from the Gaeltacht and to support the aims of the County Development Plan. As part of the form, the applicant would be required to submit a supporting letter from the local Co-operative/Manager. The letter also mentioned that the County Council attended a working group under the auspices of the Department of Housing, Local Government and Heritage which set out to create standard guidelines to evaluate planning applications in Gaeltacht areas. In addition, it was stated that applications from the Gaeltacht must meet **RD OBJ 19** set out in several policies and other mandatory relevant goals in the County Development Plan.

I had to investigate further in relation to how the relevant linguistic aims of the Meath County Development Plan are fulfilled. The relevant aim is as follows:

**RD OBJ 19**

*To require that a "Linguistic Impact Study" be carried out before any application for housing (for single and multiple housing developments) is considered within the Gaeltacht Area. Such a study,*



Gaeltachta. Ní mór go gcruthófaí, le staidéar den sórt sin, de réir chúlra teanga na n-úsáideoirí nó na ndaoine a bhfuil sé beartaithe acu cur fúthu ann, nó trína gcaidreamh le grúpaí a bhfuil sé d'aidhm acu cuspóirí forbartha teanga nó cultúrtha na limistéar Gaeltachta a fhorbairt, go mbeadh tionchar dearfach ag togra ar leith ar chur chun cinn agus úsáid na Gaeilge mar theanga an phobail.

Ina theannta sin, deirtear an méid seo a leanas:

#### 9.12.1 Critéir Mheasúnaithe Forbartha

Tabharfar aird speisialta ar iarratasóirí a bhfuil Gaeilge acu nó orthu siúd atá cáilithe faoin mbeartas tithíochta tuaithe i.e. ar dhaoine gur dlúthchuid de phobal na tuaithe iad, agus a léiríonn comhlíontacht le critéir an riachtanais tithíochta áitiúil mar atá leagtha amach i Mír 9.4.

Chun cuidiú le measúnú a dhéanamh ar thionchar fhorbairtí cónaithe nua ar úsáid na Gaeilge sna Gaeltachtaí, cuirfear gach iarratas pleanála ar fhorbairt chónaithe, idir thithe aonair agus ilfhorbairtí, ar aghaidh chuig - an Roinn Tithíochta, Rialtais Áitiúil agus Oidhreacht agus an Roinn Turasóireacht, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán agus Bainistíocht Údarás na Gaeltachta d'fhonn barúlacha a fháil.

Bhí cruinniú ar an 27 Deireadh Fómhair 2022 idir oifigigh ó m'Oifig agus oifigigh ó Chomhairle Contae na Mí féachaint le teacht ar thuiscint shoiléir maidir leis an bpróiseas a bhí á chur i bhfeidhm acu chun na cuspóirí teanga a daingníodh i bPlean Forbartha Chontae na Mí a mheas agus chun géilliúlacht na Comhairle Contae a mheas i leith mholadh 2 an imscrúdaithe.

Iarradh soiléiriú maidir le tionchar 'na hairde speisialta' a dtagraítear dó i mír 9.12.1 ar an riachtanas a leagtar síos in RD OBJ 19. Shoiléirigh an Chomhairle Contae dúinn go mbaineann an riachtanas úd le gach iarratas ar theach (nó ar thithe) nua sa Ghaeltacht beag beann ar stádas an iarratais faoi mhír 9.4 – Daoine ar chuid bhunúsach den Phobal Tuaithe iad. Tugadh le fios dúinn gurb é seasamh na Comhairle Contae ná go gcaithfidh gach aon iarratas pleanála ar theach nua sa Ghaeltacht a chruthú go rachaidh an fhorbairt sin chun tairbhe stádas agus úsáid na Gaeilge.

Míníodh ag an gcruinniú go raibh na hiarratais phleanála ón nGaeltacht á gcur faoi bhráid na bhforas atá sonraithe i mír 9.12.1 den Plean Forbartha

by reference to the linguistic background of intended users or occupants, or identification of its relationship with linguistic or cultural development objectives of groups associated or charged with the development of Gaeltacht areas will need to prove that a given proposal will have a positive impact upon the promotion and use of Irish as the language of the community.

In addition, it is also said:

#### 9.12.1 Development Assessment Criteria

Special consideration [aird speisialta] shall be given to Irish speaking applicants or those who qualify under the rural housing policy i.e. to persons that are an intrinsic part of the rural community, and that demonstrate compliance with the local housing need criteria as set out in Section 9.4.

To assist in assessing the impact of new residential development upon the use of Irish in the Gaeltachts, all planning applications for residential development, both single and multiple house developments, will be referred to the - Department of Housing, Local Government and Heritage and the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and Údarás na Gaeltachta Management for comment.

On 27 October 2022, officials from my Office and officials from Meath County Council had a meeting to come to a clear understanding in relation to implementing and evaluating the process which set out the language aims in the Meath County Development Plan and to evaluate the County Council's compliance with the second recommendation of the investigation.

Clarification was sought in relation to the effect of 'the special considerations' referred to in section 9.12.1 for the requirement underlined in RD OBJ 19. The County Council explained that the requirement relates to every new house (or houses) application in the Gaeltacht regardless of the status of the application under section 9.4 – People who are set in a Rural Community. It was stated that the County Council's stance was that each planning application for a new house in the Gaeltacht must benefit the status and use of the Irish language.

It was explained at the meeting that planning applications from the Gaeltacht were submitted to the agency specified in section 9.12.1 of the County

Contae. Dhearbhaigh Údarás na Gaeltachta nár mhian leo tuairimí a léiriú ina leith. Amhail iarratais a chuirtear faoi bhráid foras eile maidir le saincheisteanna teicniúla, is ann do thréimhse fhreagartha agus mura bhfaightear freagra in am trátha, leantar den phróiseas measúnaithe in éagmais tuairimí ó na forais shonraithe.

I ndiaidh an chruinnithe, mhínigh an Chomhairle Contae i gcomhfhreagras dar dáta an 9 Samhain 2022 gurb ionann an ‘Staidéar Tionchair Teanga’ san am i láthair agus litir ó Chomharchumann Ráth Chairn nó Coiste Gaeilge Bhaile Ghib. Thagair Comhairle Contae na Mí don Ghrúpa Oibre ar Chúrsaí Pleanála sa Ghaeltacht agus gur dhócha go mbeadh treoirínite á n-eisiúint faoi alt 28 den Acht Pleanála ‘d’fhonn measúnú a dhéanamh ar iarratais sa cheantar Gaeltachta, agus bheadh measúnú neamhspleách ar inniúlacht teanga agus caighdeán comhaontaithe riachtanach teanga.’ I gcás go raibh aon trasnail maidir leis na treoirínite sin agus cuspóir de chuid an Phlean Forbartha Contae, bhí an Chomhairle den tuairim go dtabharfaí tús áite do na treoirínite reachtúla úd:

*28.—(1) Féadfaidh an tAire, tráth ar bith, treoirínite a eisiúint chuig údarás phleanála maidir le haon cheann dá bhfeidhmeanna faoin Acht seo agus beidh aird ag údarás phleanála ar na treoirínite sin i gcomhlíonadh a bhfeidhmeanna.*

### Príomhfhionnachtain

Tá teagmháil ar bhonn rialta idir m’Oifig agus an Chomhairle maidir le cur i bhfeidhm na moltaí a rinne mé san imscrúdú.

### Amlíne

Tús teagmhála: 10 Samhain 2021

Teagmháil is déanaí: 10 Samhain 2022

Development Plan. Údarás na Gaeltachta did not wish to submit an opinion. As per applications submitted to other agencies in relation to technical issues, there is a time limit, if an answer has not been received during this time, the assessment process continues in the absence of opinions from specified agencies.

After the meeting, in correspondence on 9 November 2022, the County Council explained the current Language Impact Study equates to a letter from Ráth Chairn Co-operative or Baile Ghib’s Irish Language Committee. Meath County Council referenced to the Work Group on Planning in the Gaeltacht and guidelines that will likely be issued under section 28 of the Planning Act ‘to assess applications in the Gaeltacht area, an independent assessment on language ability and an agreed required language standard.’ In case of any interruption in relation to the County Plan Development guidelines and aims, the Council believes that priority would be accorded to the statutory guidelines:

*28.—(1) The Minister can, at any time, issue guidelines to planning authorities in relation to any functions of this Act, the planning authorities will comply with the guidelines while fulfilling its duties.*

### Main finding

My Office and the Council are in contact on a regular basis concerning the implementation of the recommendations I made in the investigation.

### Timeline

Initial contact: 10 November 2021

Latest contact: 10 November 2022

## COMHAIRLE CONTAE DHÚN LAOGHAIRE-RÁTH AN DÚIN (II)

### Achoimre

Léirigh imscrúdú gur sháraigh Comhairle Contae Dhún Laoghaire-Ráth an Dúin dualgas reachtúil teanga nuair nár cinntíodh go ndearnadh cumarsáid i scríbhinn leis an bpobal i gcoitinne (nó le haicme den phobal i gcoitinne) chun faisnéis a thabhairt i nGaeilge nó go dátheangach. Bhain an t-imscrúdú le foilsiú na nuachtlitreach an *dlr Times*, foilseachán a ndéantar é a sheachadadh chuig pobal limistéar feidhme na Comhairle Contae.

### Príomh-mholtaí an Imscrúdaithe

Mhol mé don Chomhairle Contae go gcloífe feasta leis an dualgas reachtúil teanga atá uirthi nuair a dhéanfaidh sí cumarsáid i scríbhinn leis an bpobal i gcoitinne chun faisnéis a thabhairt agus áiríodh an *dlr Times* sa mholadh sin. Mhol mé freisin go gcomhlíonfaí an dualgas sin a luaithe agus ab fhéidir agus go ndéanfaí amhlaidh sa chéad eagrán eile den nuachtlitr a d'eiseofaí. D'áitigh mé nár cheart go mbainfí úsáid as fionnachtain agus moltaí an imscrúdaithe mar leithscéal le laghdú nó maolú a dhéanamh ar sheachadadh an *dlr Times* chuig pobal limistéar feidhme na Comhairle Contae.

### An obair iniúchta

Cuireadh tús leis an bpróiseas faireacháin ar chur i bhfeidhm mholtaí an imscrúdaithe ag deireadh na bliana 2021. Bhí roinnt mhaith teagmhála idir m'Oifig agus oifigigh na Comhairle Contae. I gcomhfhreagas ón gComhairle Contae dar dáta an 28 Meán Fómhair 2021, tugadh le fios go bpléifí ábhar an imscrúdaithe ag an gcéad chruinniú eile den Choiste Oibríochtaí, Nósanna Imeachta agus Prótacail a bhí beartaithe don 2 Nollaig 2021.

Scríobh m'Oifig litir chuig Comhairle Contae Dhún Laoghaire-Ráth an Dúin ar an 13 Deireadh Fómhair inar meabhraíodh go raibh sé dlite ar an gComhairle Contae moltaí an imscrúdaithe a chur i bhfeidhm laistigh de dhá mhí ó dháta an imscrúdaithe. Ar an 29 Deireadh Fómhair 2021, tugadh le fios go raibh an chéad eagrán eile den *dlr Times* le heisiúint i dtreo dheireadh mhí na Samhna nó i dtús mhí na Nollag

## DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL (II)

### Summary



An investigation determined that Dún Laoghaire-Rathdown County Council had breached a statutory language obligation when it failed to ensure that written communication with the general public (or with a class of the general public) for the purpose of furnishing information to the public was issued in Irish or bilingually. This investigation concerned the publication of the *dlr Times* newsletter, which is delivered to the community in the County Council's catchment area.

### Main recommendations of the Investigation

I recommended to the County Council that it fulfil in future its statutory language obligation when communicating in writing with the general public in order to provide information, including the *dlr Times*. I also recommended that this obligation be complied with as soon as possible and that this should be done with the next edition of the newsletter. I contended that the findings and recommendations of the investigation should not be used as an excuse for reducing or decreasing the delivery of the *dlr Times* to the community in the County Council's catchment area.

### The audit work

The monitoring process for implementing the recommendations of the investigation commenced at the end of the year 2021. There was frequent contact between my Office and officials of the County Council. In correspondence on 28 September 2021, the County Council advised that the subject of the investigation would be discussed at the next Operations, Protocol and Procedures Committee meeting proposed for 2 December 2021.

My Office wrote a letter to Dún Laoghaire-Rathdown County Council on 13 October reminding the County Council of its obligation to implement the recommendations of the investigation within two months of the date of investigation. On 29 October 2021, it was advised that the next edition of the *dlr Times* was to be issued at the end of November or the

agus go ndéanfaí é a dhearadh, a chur i gcló agus a dháileadh i bhformáid dhátheangach.

Scríobh m’Oifig litir chuig an gComhairle Contae ar an 3 Samhain 2021 inar fáiltíodh roimh na céimeanna a bhí á nglacadh chun dul i ngleic le cur i bhfeidhm mholtaí an imscrúdaithe agus inar meabhraíodh nár mhór don aistriúchán a bheith sásúil ó thaobh cruinnis agus sothuigtheachta de. Ar an 4 Feabhra 2022, thug an Chomhairle Contae le fios nach ndéanfaí aon leagan clóite den *dlr Times* a fhoilsiú agus a eisiúint i nGaeilge nó i mBéarla i mbliana toisc go raibh laghdú suntasach tagtha ar bhuiséad na hOifige Cumarsáide agus Seirbhísí Corparáideacha don bhliain 2022. Tugadh le fios sa chomhfhreagras céanna go leanfaí den leagan Gaeilge agus Béarla den *dlr Times* a chur ar fáil ina bhfoirmeacha digiteacha, go bhfoilseofaí an dá leagan go comhuaineach agus go gcinnteofaí go ndéanfaí iad a chur chun cinn ar bhonn cothrom de réir mar a d’foilseofaí go tréimhsiúil iad i rith na bliana.

Cuireadh naisc idirlín chuig eagráin an earraigh, an fhómhair agus an gheimhridh den *dlr Times* faoi bhráid na hOifige.

### Príomhfhionnachtain

Bhí teagmháil leanúnach idir m’Oifig agus an Chomhairle Contae maidir le cur i bhfeidhm na moltaí a rinne mé san imscrúdú. Cuireadh in iúl dúinn i mí Feabhra 2022 go raibh deireadh curtha leis an leagan clóite den *dlr Times*.

### Amlíne

Tús teagmhála: 28 Meán Fómhair 2021

Teagmháil is déanaí: 13 Nollaig 2022

start of December and that it would be designed, printed and distributed in a bilingual format.

On 3 November 2021, my Office wrote to the County Council, welcoming the steps that were taken to implement the recommendations of the investigation and to remind them that it was important for the translation to be accurate and accessible. On 4 February 2022, the County Council announced the discontinuation of a printed version of the *dlr Times* in Irish or English this year due to the significant reduction made to the Corporate Services and the Communication Office’s 2022 budget. In the same correspondence it announced the publishing of the Irish and English version of the *dlr Times* in digital format, and that the two versions would be available simultaneously and it would ensure to promote them equally as they were published periodically throughout the year.

Website links to the spring, autumn and winter edition of the *dlr Times* was submitted to the Office.

### Main finding

My Office was in ongoing contact with the County Council in relation to implementing the recommendations I made in the investigation. The discontinuation of the printed version of *dlr Times* was communicated to us in February 2022.

### Timeline

Initial contact: 28 September 2021

Latest contact: 13 December 2022

## AN tSEIRBHÍS CHÚIRTEANNA

### Achoimre

Léirigh imscrúdú gur sháraigh an tSeirbhís Chúirteanna an dualgas reachtúil teanga atá daingnithe i bhfo-ailt 8(1) agus 8(2) d'Acht na dTeangacha Oifigiúla 2003, lena bhforáiltear go bhféadfaidh duine an Ghaeilge a úsáid i gcúirt agus nach mbeidh an duine sin faoi mhíbhuntáiste trí éisteacht a fháil ina rogha teanga oifigiúla.

### Príomh-mholtaí an Imscrúdaithe

Mhol mé:

1. Go n-aontódh an tSeirbhís Chúirteanna socruithe agus nósanna imeachta a mbeadh le leanúint nuair a chuirfeadh duine in iúl go raibh sé/sí ag iarraidh an Ghaeilge a úsáid sa chúirt. D'áireofaí sna socruithe sin beartas scríofa nó ciorclán agus treoirlínte d'fhoireann na Seirbhíse.
2. Go gcuirfí na dréachtshocruithe agus nósanna imeachta, i dteannta an bheartais scríofa nó an chiorcláin, faoi bhráid Oifig an Choimisinéara Teanga laistigh de dhá mhí ó dháta an imscrúdaithe.
3. Go ngabhfaí leithscéal leis an ngearánach sa chás seo toisc nár éirigh leis an tSeirbhís Chúirteanna ateangaire a chur ar fáil an lá a bhí leagtha amach don éisteacht.

### An obair iniúchta

Ar an 1 Samhain 2021, fuarthas teachtaireacht ríomhphoist ón tSeirbhís Chúirteanna ag tabhairt le fios go raibh bearta á gcur i bhfeidhm acu chun dul i ngleic le moltaí an imscrúdaithe agus lorgaíodh síneadh ama. Ceadaíodh tréimhse bhreise go dtí an 15 Samhain 2021. Fuarthas comhfhreagras ón tSeirbhís Chúirteanna ar an 12 Samhain 2021, inar tugadh dearbhú go raibh fionnachtana agus moltaí an imscrúdaithe curtha in iúl do bhaill foirne ábhartha de chuid na Seirbhíse Cúirteanna.

Ina theannta sin, cuireadh faoi bhráid na hOifige cóip de dhréachtcháipéis bheartais ina leagadh amach na nósanna imeachta a bheadh le leanúint ag an tSeirbhís Chúirteanna nuair a gheofaí iarratas an Ghaeilge a úsáid sa chúirt. Deimhníodh go raibh an cháipéis bheartais seo le cur faoi bhráid na mBainisteoirí Oifige sna réimsí oibriúcháin uile, agus go gcuirfí cóip den

## THE COURTS SERVICE

### Summary



An tSeirbhís Chúirteanna  
Courts Service

An investigation determined that the Courts Service had breached the statutory language obligation set out in subsections 8(1) and 8(2) of the Official Languages Act 2003, which provides that a person may use Irish in court and that this person will not be disadvantaged by being heard in the official language of their choice.

### Main recommendations of the Investigation

I recommended:

1. That the Courts Service agree arrangements and procedures to be followed when a person indicates that he/she wishes to use the Irish language in court. These arrangements shall include a written policy or a circular and guidelines for the staff of the Service.
2. That the draft arrangements and procedures, together with the policy or circular, be submitted to the Office of An Coimisinéir Teanga within two months of the date of the investigation.
3. That the complainant receive an apology in this instance for the failure of the Courts Service to provide an interpreter on the day set for the hearing.

### The audit work

On 1 November 2021, in email correspondence from the Courts Service, I was informed that measures were being implemented to address the investigation's recommendations and an extension was sought. An extension was granted until 15 November 2021. In correspondence received from the Courts Service on 12 November 2021, I was informed that the findings and the recommendations arising from the investigation had been conveyed to relevant members of the Courts Service staff.

Furthermore, a copy of a draft policy document was submitted to the Office containing procedures the Courts Service must follow in any case where the Irish language is requested to be used in court. It was confirmed that a policy document was to be submitted to the Office Managers in all operational areas, and a

cháipéis in airde ar shuíomh gréasáin na Seirbhíse Cúirteanna chomh maith.

Chomh maith leis sin, deimhníodh sa chomhfhreagras céanna gur ghlac an tSeirbhís Chúirteanna leithscéal leis an ngearánach sa chás áirithe seo.

### Príomhfhionnachtain

Tar éis dúinn faireachán a dhéanamh ar chomhlíonadh mholtaí an imscrúdaithe, táim sásta go bhfuil cleachtais in áit ag an tSeirbhís Chúirteanna chun déileáil le hiarratais a fhaightear ar Ghaeilge a úsáid sa chúirt agus gabhaim buíochas leis an tSeirbhís Chúirteanna as a gcomhoibriú.

### Amlíne

Tús teagmhála: 01 Samhain 2021

Teagmháil is déanaí: 25 Samhain 2021

copy of the document would be made available on the Courts Service's website.

In addition, it was confirmed in the same correspondence that the Courts Service had apologised to the complainant in the case in question.

### Main finding

After monitoring the implementation of recommendations made in the investigation, I am satisfied that procedures are in place at the Courts Service to deal with requests to use the Irish language in court and I thank the Courts Service for its co-operation.

### Timeline

Initial contact: 01 November 2021

Latest contact: 25 November 2021

## TITHE AN OIREACHTAIS

### AN GARDA SÍOCHÁNA

Thug m'Óifig imscrúdú ar an nGarda Síochána chun críche i mí na Nollag 2011. Ba í an cheist a bhí le cíoradh san imscrúdú ná an raibh sárú á dhéanamh ar na dualgais reachtúla in Acht an Gharda Síochána, 2005, agus i scéim teanga an Gharda Síochána, maidir le hinniúlacht chuí sa Ghaeilge a bheith ag comhaltaí den Gharda Síochána atá ar stáisiún i limistéar Gaeltachta.

Ag tús 2012, thug an Oifig faoi iniúchadh ar an mbealach a raibh an Garda Síochána ag tabhairt faoi chur i bhfeidhm mholtaí an imscrúdaithe. Le linn an iniúchta sin, tháinig sé chun solais nach raibh na moltaí a rinneadh sa tuarascáil imscrúdaithe á gcur i ngníomh go sásúil. Lean próiseas fada idirghabhála agus réiteach sásúil á lorg ag m'Óifig ar an nGarda Síochána i dtaca leis na heaspaí a sonraíodh san imscrúdú agus san iniúchadh ina dhiaidh, ar feadh naoi mbliana idir mí Eanáir 2012 agus mí an Mhárta 2021. Tugadh deis agus scóip leathan don Gharda Síochána na leigheasanna cuí a chur i gcrích agus bhí an Oifig ar fáil ar feadh an ama sin go léir chun tacaíocht a thabhairt don chomhlacht poiblí agus comhairle a chur air.



## HOUSES OF THE OIREACHTAS

### AN GARDA SÍOCHÁNA

My Office completed an investigation on An Garda Síochána in December 2011. The investigation considered whether the statutory obligations contained in the Garda Síochána Act 2005 and in An Garda Síochána's language scheme, regarding appropriate competence in the Irish language of members of An Garda Síochána stationed in a Gaeltacht district, had been contravened.

At the beginning of 2012, the Office undertook an examination into how An Garda Síochána was undertaking the implementation of the investigation recommendations. During that examination, it became clear that the recommendations made in the investigation report were not being satisfactorily implemented. This was followed by a lengthy and complex process for a nine-year period between January 2012 and March 2021, seeking a satisfactory solution from An Garda Síochána to the deficiencies identified in the investigation and subsequent audit. An Garda Síochána was given significant opportunity and scope to implement the appropriate remedies, and this Office was available throughout that time to support and advise the organisation.

De bharr easpa dul chun cinn, agus tar éis do m’Oifig gach uile fhéidearthacht réitigh a ídiú, chinn mé nach raibh de rogha agam ach tuarascáil faoin gcás seo a chur faoi bhráid gach Tí den Oireachtas. Dá réir sheol mé an tuairisc ar aghaidh ar an 26 Aibreán 2021.

Ó shin i leith, b’ábhar díomá domsa é gur maolaíodh ar riachtanais inniúlachta Ghaeilge sa Gharda Síochána maidir le harduithe céime go céim an tSáirsint mar aon leis an athrú suntasach a rinneadh ar Rialacháin Iontrála an Gharda Síochána (I.R. uimh. 757/2021), a fhorordaíonn gur leor d’iarrthóirí a bheith inniúil i dteanga amháin, Béarla nó Gaeilge (nó an dá cheann) feasta. Cuirim fáilte roimh Straitéis Ghaeilge an Gharda Síochána 2022-2025 ar léiriú é ar dhea-rún agus dea-mhéin cheannaireacht an Gharda Síochána don Ghaeilge. Ina dhiaidh sin féin, is deacair liom a thuiscint cé mar is féidir leis an nGarda Síochána a gcuid dualgas reachtúil teanga a chomhlíonadh agus a bheith géilliúil d’fho-alt 33(2) d’Acht an Gharda Síochána, 2005 i bhfianaise na n-athruithe a rinneadh ar riachtanais inniúlachta iontrála i leith na Gaeilge.

Fáiltím roimh na forálacha nua in Acht na dTeangacha Oifigiúla (Leasú), 2021, a leagfaidh síos caighdeán teanga do chomhlachtaí poiblí atá ag soláthar seirbhísí sa Ghaeltacht agus lena bhforáiltear freisin gurb í an Ghaeilge an teanga oibre in oifigí an chomhlachta phoiblí sa Ghaeltacht.

## AN ROINN COMHSHAOIL, AERÁIDE & CUMARSÁIDE (EIRCODE)

Leag mé tuarascáil faoi bhráid Thithe an Oireachtais ar 28 Meán Fómhair, 2021 mar gur mheas mé nach raibh an Roinn Comhshaoil, Aeráide agus Cumarsáide tar éis moltaí tuarascála imscrúdaithe a bhain leis an gcóras Eircode a fheidhmiú. Rinne an t-imscrúdú sin iniúchadh ar fheidhmiú dualgas reachtúil teanga maidir le gealltanais i scéim teanga na Roinne a bhain le húsáid logainmneacha oifigiúla Gaeltachta sa chóras Eircode.

Léirigh an t-imscrúdú a d’eisigh m’Oifig i mí na Nollag 2015 gur sháraigh an Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha (mar ba ann di ag an am) an dualgas reachtúil sin agus gurb í a bhí freagrach as bronnadh an chonartha trínar dáileadh logainmneacha Gaeltachta tríd an gcóras Eircode. Dá réir sin is í an



Due to lack of progress, and after my Office had exhausted all possible solutions, I deemed that my only option was to submit a report on this matter to both Houses of the Oireachtas. Accordingly, I submitted this report on 26 April 2021.

Since then, it has been a matter of disappointment to me that the Irish language proficiency requirements for promotions to the rank of Sergeant in An Garda Síochána have been diminished, as well as a significant change made to the Admissions and Appointments (Amendment) Regulations 2021 (I.R. no. 757/2021) which prescribe that it is sufficient for candidates to be competent in one language, English or Irish (or both) in the future. I welcome the Irish Language Strategy 2022-2025 of An Garda Síochána which is an expression of the good intentions and goodwill of the leadership of An Garda Síochána towards the Irish language. Even so, I find it difficult to understand how An Garda Síochána can fulfill their statutory language duties and comply with subsection 33(2) of the Garda Síochána Act, 2005 in light of the changes made to Irish language proficiency entry requirements.

I welcome the new provisions in the Official Languages (Amendment) Act 2021, which will prescribe language standards for public bodies providing services in the Gaeltacht and require that Irish is the working language in the public body’s offices in the Gaeltacht.

## DEPARTMENT OF ENVIRONMENT, CLIMATE & COMMUNICATIONS (EIRCODE)

I submitted a report to the Houses of the Oireachtas on 28 September 2021 because I considered that the Department of the Environment, Climate and Communications had not implemented the recommendations of an investigation report relating to the Eircode system. That investigation examined the implementation of statutory language duties concerning a commitment in the Department’s language scheme related to the use of official Gaeltacht placenames by the Eircode system.

The investigation which my Office issued in December 2015 showed that the Department of Communications, Energy and Natural Resources, as named at the time, breached the relevant statutory duty and that it was responsible for awarding the contract through which official Gaeltacht placenames were distributed through the Eircode system. Accordingly, the Department was

Roinn a bhí freagrach as a chinntiú gur logainmneacha oifigiúla Gaeltachta a bhí á n-úsáid ina iomláine ag an gcóras Eircode, i gcomhréir leis an ngealltanais cuí a bhí tugtha ag an Roinn ina scéim teanga reachtúil. Cé go ndearna an Roinn iarracht mhacánta an neamhghéilliúlacht a bhí i gceist a réiteach sa chás seo trí iarracht iachall a chur ar An Post a bhunachar sonraí seoltaí a leasú le go mbeadh gach logainm Gaeltachta ábhartha i nGaeilge amháin, níor éirigh leis na hiarrachtaí sin.

Is faoi alt 26(5) d'Acht na dTeangacha Oifigiúla 2003 a fhoráiltear an chumhacht a bheith ag an gCoimisinéir Teanga tuairisc a leagan faoi Thithe an Oireachtais má mheasann sé nár chuir comhlacht poiblí i ngníomh aon chuid de na moltaí a rinne sé i dtuarascáil imscrúdaithe. Is í seo an chéim dheiridh gur féidir leis an gCoimisinéir Teanga a ghlacadh le tuairisciú a dhéanamh ar chomhlíonadh géilliúlachta comhlachta poiblí d'Achtanna na dTeangacha Oifigiúla. Lean an cinneadh an tuarascáil a leagan faoi bhráid Thithe an Oireachtais sa chás seo próiseas faireacháin a thosaigh in 2016 agus a lean ar aghaidh go dtí 2021.

Tá sé riachtanach go gcuirtear na dualgais reachtúla teanga cuí san áireamh nuair atá tionscadail á bpleanáil a bheidh ag soláthar seirbhíse do phobal na Gaeltachta agus na Gaeilge, lena n-áirítear conarthaí d'fheidhmiú tionscadal a bhronntar ar pháirtithe seachtracha, mar a bhí amhlaidh i gcás Eircode.

Fáiltím roimh an bhforáil nua in alt 9E in Acht na dTeangacha Oifigiúla (Leasú), 2021 a threisíonn an dualgas a bheidh ar chomhlachtaí poiblí dualgais reachtúla teanga a fheidhmiú nuair atá páirtithe seachtracha eile ag soláthar seirbhísí thar a gceann. Beidh dualgas ar chomhlachtaí poiblí freisin faoi fhoráil nua 9A. an leagan cruinn de sheoltaí i nGaeilge a thaifeadh agus a úsáid.

responsible for ensuring that official Gaeltacht placenames were being used in their entirety by the Eircode system, in accordance with the commitment given by the Department in its statutory language scheme. While the Department made an honest effort to address the non-compliance in this case by requiring An Post to amend its database of addresses so that all relevant official Gaeltacht placenames would be in Irish only, those efforts were unsuccessful.

Section 26(5) of the Official Languages Act 2003 prescribes that An Coimisinéir Teanga has the power to submit a report to the Houses of the Oireachtas if he believes that a public body has not implemented any of the recommendations made in an investigation report. This is the final step that An Coimisinéir Teanga can take to report on a public body's compliance with the Official Languages Acts. The decision to submit the report in this case to the Houses of the Oireachtas followed a monitoring process that began in 2016 and continued until 2021.

The relevant statutory language duties must be taken into account by public bodies when projects that will provide a service to the Gaeltacht and Irish-speaking community are being planned, including contracts for projects awarded to external parties, as was the case with Eircode.

I welcome the new provision in section 9E of the Official Languages (Amendment) Act 2021, which will strengthen the obligation placed on public bodies to comply with statutory language obligations when other parties provide services on their behalf. Public bodies will also be obliged under new provision 9A. to record and use the correct version of addresses in Irish.



## GEARÁIN

Fuair an Oifig 600 gearán ina iomláine i gcaitheamh 2022. Cé gur laghdú de 17.5% é an figiúr sin ar an 727 ngearán a fuair an Oifig in 2021, tá an 600 gearán do 2022 ar chomhleibhéal nach mór leis an 604 gearán a fuair an Oifig in 2020. Bhain 17% den 727 gearán in 2021 le paidéim COVID-19. Is cinnte go raibh tionchar mór ag maolú na paidéime in 2022 ar dhlús na ngearán a fuair an Oifig de thoradh laghdú a bheith ar líon na gcomhthéacsanna féideartha do shárú reachtúil faoin Acht. Le linn 2020 agus 2021 d'eascair líon mór gearán mar thoradh ar fheachtais eolais phoiblí a bhain leis an bpaidéim a bheith á seoladh, ina ndearnadh neamhaird de na dualgais Ghaeilge faoin Acht. Bhí laghdú ar chéatadáin na ngearán ón nGaeltacht, le híslíú de 9%, ó 27% de líon iomlán na gearán in 2021 go dtí 18% in 2022. Tá comhréir na ngearán a fuarthas ón nGaeltacht in 2022 mar an gcéanna leis an bhfigiúr a fuarthas ón nGaeltacht in 2019.

Tá tráchtairacht leanúnach déanta agam i mo thuarascálacha bliantúla le scaitheamh de bhlianta ar an sciar suntasach gearán nach féidir a fhiosrú de cheal dualgais reachtúla ina leith. Is cúis imní é seo dom. Tháinig an cás seo chun cinn arís i bhfigiúirí 2022, níorbh fhéidir 55% d'iomlán na ngearán a fuair m'Oifig in 2022 a fhiosrú go foirmiúil de bharr easpa dualgais reachtúil. Ainneoin sin is íslíú é an figiúr 55% ó 60% in 2021. Tá sé follasach ón gcumarsáid a dhéanann pobal na Gaeilge le m'Oifig go bhfuiltear ag tnúth le teacht i bhfeidhm fhorálacha nua Acht na dTeangacha Oifigiúla (Leasú), 2021, lena n-áirítear, mar shampla, forálacha ar chruinnúsáid ainmneacha, sloinnte, teidil, seoltaí agus an tsinidh fhada ar chórais teicneolaíochta faisnéise agus cumarsáide comhlachtaí poiblí, mar aon le forálacha eile lena n-áirítear foirmeacha oifigiúla agus lógónna comhlachtaí poiblí a bheith ar fáil i nGaeilge. Ach forálacha na reachtaíochta nua a bheith i bhfeidhm, d'fhéadfadh laghdú suntasach a bheith ar líon na ngearán nach bhfuil m'Oifig in ann a fhiosrú ceal dualgas reachtúil.

Amhail blianta eile, is ó Chontae Bhaile Átha Cliath is mó a tháinig na gearáin ar bhonn contae, ach tháinig líon suntasach freisin ó chontaetha na Gaillimhe,

## COMPLAINTS

My Office received 600 complaints in total during 2022. Although this figure is a decrease of 17.5% from the 727 complaints the Office received in 2021, the 600 complaints for 2022 are essentially on par with the 604 complaints received in 2020. Of the 727 complaints received in 2021, 17% concerned the COVID-19 pandemic. The abatement of the pandemic in 2022 certainly had a significant impact on the reduction in the number of complaints the Office received attributable to a decrease in the contexts where breaches of the Act could occur. A large number of complaints arose in 2020 and 2021 as a result of the launch of public information campaigns in respect of the pandemic, which ignored the Irish language obligations under the Act. There was a 9% decrease in complaints from Gaeltacht areas in 2022, from 27% of the total complaints received in 2021 to 18% in 2022. This proportion of complaints received from the Gaeltacht in 2022 is comparable to the figure received from the Gaeltacht in 2019.

As Coimisinéir Teanga, I have continuously commented in my annual reports over several years on the substantial share of complaints that my Office cannot formally investigate each year due to a lack of statutory obligation. This issue is a matter of some concern for me. This situation is highlighted again in the 2022 figures, in that 55% of total cases received by my Office could not be investigated formally due to the absence of statutory obligations. However, the 55% figure is a reduction from 60% in 2021. In addition, it is apparent from the communication between my Office and the Irish language-speaking public that the implementation of the new provisions in the Official Languages (Amendment) Act 2021 is highly anticipated, for example, the provisions in respect of the accurate use of names, surnames, titles, and addresses in Irish and the use of the length accent or 'síneadh fada' on public bodies' information and communication technology (ICT) systems, along with other provisions such as the provision of official forms and public bodies logos in Irish. With the implementation of the additional provisions in the new legislation, there could be a significant decrease in the number of complaints that my Office cannot investigate due to the current absence of a statutory obligation.

Following similar patterns to previous years, the county which my Office received the most significant number of complaints from was Dublin, followed by counties

Chill Chainnigh, an Chláir, Chill Mhantáin, Chiarraí, na Mí, Chorcaí, Uíbh Fhailí agus Dhún na nGall.

Fearacht blianta roimhe seo, fuarthas comhréiteach ar chuid mhór de na gearáin tríd an gcóras neamhfhoirmiúil réitithe gearán nó trí chomhairle a chur ar ghearánaithe. I gcásanna den chineál sin cuireann an comhlacht poiblí moltaí sásúla os mo chomhair chun aghaidh a thabhairt ar bhunús an ggearáin. Mura mbíonn aon toradh sásúil ar na hiarrachtaí neamhfhoirmiúla sin tá sé de chumhacht agam imscrúdú foirmiúil a thionscnamh. Tá achoimre ar na cásanna nár réitíodh tríd an gcóras neamhfhoirmiúil réitithe gearán agus inar críochnaíodh imscrúduithe foirmiúla ina leith sa chaibidil ar imscrúduithe.

Tá réimse na ngearán fairsing agus ilghnéitheach. Bíonn an modh réitithe i dtuilleamaí dhearcadh an chomhlachta phoiblí ar an ngearán go minic. Bíonn comhoibriú maith le fáil go hiondúil ó fhormhór na gcomhlachtaí poiblí.

Bhain 86% de na gearáin le sé réimse faoi leith:

- forálacha i scéimeanna teanga
- comharthaíocht agus stáiseanáireacht
- freagra i mBéarla ar chumarsáid i nGaeilge
- fadhb le húsáid ainm agus sloinne i nGaeilge
- achtacháin eile a bhaineann leis an nGaeilge
- úsáid na Gaeilge ar chomharthaí tráchtá

Cuimsíonn scéimeanna teanga in thart ar 140 comhlacht poiblí réimse leathan gealltanais maidir le seirbhísí a chur ar fáil trí Ghaeilge. Is leis an réimse sin a bhaineann an líon is airde gearán. Beidh dualgais dhíreacha agus córas na gcaighdeán teanga ag teacht in áit chóras na scéimeanna teanga seo faoin reachtaíocht nua. Tá foráil sa reachtaíocht nua nach bhféadfaidh comhlacht poiblí líon níos lú seirbhísí a sholáthar trí mheán na Gaeilge ná an líon arna sholáthar ag an gcomhlacht trína ghealltanais reatha scéime le feidhmiú na reachtaíochta nua.

Baineann sciar mór de na gearáin le halt 9(1), comharthaíocht agus stáiseanáireacht, de bharr a fheiceáláí a bhíonn siad don phobal i gcoitinne. Ábhar imní dom an líon mór comharthaí nua a chuirtear in airde go fóill atá míchruinn nó nach bhfuil i gcomhréir leis na forálacha reachtúla, atá i bhfeidhm anois ón mbliain 2009. Is léir go bhfuil géarghá le córas níos críochnúla, ón uair a ndéantar comhartha, go dtí go ndéantar profáil ar an nGaeilge air sula gcrochfar é. Bíonn m'Óifig i

Galway, Kilkenny, Clare, Wicklow, Kerry, Meath, Cork, Offaly and Donegal.

As in previous years, my Office resolved the majority of complaints through the informal complaints process or through providing advice to the complainants. The public body submits satisfactory recommendations to my Office to resolve the complaint in such cases. However, I can initiate a formal investigation if informal efforts failed to achieve a satisfactory outcome. Details of the cases that my Office could not resolve through the informal complaints resolution system, which resulted in the completion of formal investigations, are detailed in the chapter on investigations.

The range of complaints is wide and varied. The approach required in dealing with them often depends on the attitude of the public body concerned. Most public bodies are co-operative.

86% of the complaints related to six particular areas:

- provisions contained in language schemes
- signage and stationery
- response in English to communications in Irish
- difficulty in using name and surname in Irish
- other enactments relating to the Irish language
- use of Irish on traffic signs

Language schemes in approximately 140 public bodies encompass various commitments to provide services through Irish. The highest number of complaints relates to these commitments. Direct provisions in the new legislation and language standards will replace the language scheme system under the new legislation. There is also a provision in the new legislation which will ensure that the public body concerned shall not be permitted to provide fewer services through Irish than it provides under commitments in a language scheme currently in effect.

A significant number of complaints relate to section 9(1), signage and stationery, due to their visibility to the public. The number of new signs still being erected with text that is linguistically incorrect or non-compliant with the legislative provisions, which have been in effect since 2009, is concerning. Clearly, there is an urgent requirement for a more methodical system from design stage until the sign is erected following Irish language proofing. My Office is always more than

gcónaí breá sásta comhairle a thabhairt má chuirtear profaí comharthaíochta faoina bráid agus go deimhin rinneadh sin i gcás suas le 51 comhlacht poiblí in 2022.

Bhí líon agus céatadán na ngearán i dtaca le freagraí i mBéarla ar chumarsáid i nGaeilge fós measartha ard arís in 2022 i bhfianaise go bhfuil an fhoráil bhunaidh in alt 9(2) i bhfeidhm ó 2004. Feictear do na bail den phobal a thionscnaíonn an chumarsáid i nGaeilge leis an gcomhlacht poiblí sna cásanna seo gur údar masla dóibh nach bhfreagraítear a gcumarsáid ina rogha teanga oifigiúla. Amhail na tuairiscithe in 2021 freisin, bhain sciar de na gearáin le córais ar líne atá i bhfeidhm ag comhlacht poiblí ina gcuirtear iallach ar bhail den phobal teanga oifigiúil amháin a úsáid, seachas go mbeadh an rogha ann ceachtar den dá theanga oifigiúla a úsáid, agus nach bhfuil malairt chórais curtha ar fáil ag an gcomhlacht poiblí leis an gcumarsáid sa rogha teanga oifigiúla a dhéanamh. Tá súil go ngabfar i ngleic leis an easnamh suntasach seo le córas na gcaighdeán teanga.

Bíonn deacrachtaí ag daoine a n-ainm agus a seoladh i nGaeilge a úsáid, ar chúiseanna éagsúla, ina gcuid gnóthaí leis an Stát. Ar na cúiseanna is mó a bhaineann le seoltaí ná an úsáid fhorleathan a bhaintear as an leagan Béarla den chóras Eircode mar réamhshocrú agus gan aon deis a bheith ann an réamhshocrú den leagan Béarla a athrú trí leagan Gaeilge den seoladh a chlárú. Beifear ag súil go rachaidh foráil 9A *“Dualgas comhlachtaí poiblí maidir le hainmneacha, seoltaí agus teidil i nGaeilge”* i ngleic leis an easnamh reatha maidir le cruinnúsáid leaganacha Gaeilge d’ainmneacha agus de sheoltaí bhail an phobail gur mian leo sonraí Gaeilge a úsáid. Áirítear in alt 9A freisin cruinnúsáid an tsínidh fhada ar chórais teicneolaíochta agus cumarsáide an chomhlachta poiblí. Beidh comhlachtaí poiblí le forordú ag an Aire chun na críche seo. Ina éagmais sin leanfar leis an droch-chleachtas seo atá maslach agus a dhéanann beagán d’fhéiniúlacht an duine maidir lena c(h)uid sonraí pearsanta a bheith ar fáil i nGaeilge chruinn.

Bhain céatadán suntasach de na gearáin le forálacha d’achtacháin eile a bhaineann le stádas nó le húsáid na Gaeilge – lena n-áirítear úsáid na Gaeilge ar chomharthaí tráchta, a léirítear mar fhigiúr ar leith. Is sa *Lámhleabhar do Chomharthaí Tráchta* a leagtar síos na dualgais ar údarais bhóithre i leith úsáid na Gaeilge ar chomharthaí tráchta. Bhí ardú de bheagán ar chéatadán na ngearán ar an ábhar seo in 2022, agus srianta taistil phaindéim COVID-19 imithe.

happy to advise public bodies on proofs of signs, and advice was provided to up to 51 public bodies in this regard in 2022.

The level of complaints relating to answers provided by public bodies in English to correspondence initiated in Irish remain significantly high again in 2022 when one considers that the original provision in section 9(2) has been in place since 2004. In these cases, members of the public who initiate communication in Irish with a public body regard it as insulting when their communication is not replied to in the official language of their choice. As also reported in 2021, some of these complaints were related to online ICT systems provided by public bodies that compel members of the public to use a particular official language, instead of the official language of their choice, with no alternative system provided to facilitate the use of their preferred official language. Hopefully, this serious shortfall will be addressed in the language standards system.

For various reasons, members of the public encounter difficulties using the correct form of their name and address in Irish when dealing with the State. One of the most common difficulties involves the widespread use of the English version of the Eircode system as a default for sourcing addresses, with no opportunity to override the default English setting by registering an address in Irish. Provision 9A *“Duty of public bodies regarding names, addresses and titles in the Irish language”* is expected to address the current deficit in respect of the correct use of Irish language forms of the names and addresses of members of the public who wish to use these details in Irish. The new provision in section 9A will also require the accurate use of the ‘síneadh fada’ on a public body’s communication and information technology (ICT) system. The Minister must prescribe public bodies for this obligation to arise and until this measure is taken, the occurrences in which members of the public are disrespected and belittled through the incorrect use of information in Irish relating to their identity will continue.

A substantial percentage of complaints also related to the provisions of other enactments concerning the status or use of the Irish language, including the use of Irish on road signs, as presented as a separate figure. The obligations on roads authorities in respect of road traffic signage are set out in the *Traffic Signs Manual*. There was a slight increase in the percentage of complaints received in respect of road signs in 2022 as COVID-19 travel restrictions were lifted.

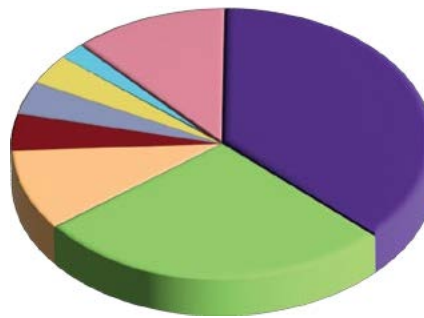
## Gearáin: Deacrachtaí agus Fadhbanna – Staitisticí Complaints: Difficulties and Problems – Statistics

### Gearáin le linn 2022 Complaints during 2022

	2021	2022
Gearáin <i>Complaints</i>	287	269
Comhairle tugtha <i>Advice given</i>	440	331
<b>lomlán <i>Total</i></b>	<b>727</b>	<b>600</b>



Tá anailís ar na cásanna éagsúla sna staitisticí agus sna léaráidí seo a leanas:  
An analysis of the various cases is provided in the following statistics and illustrations:

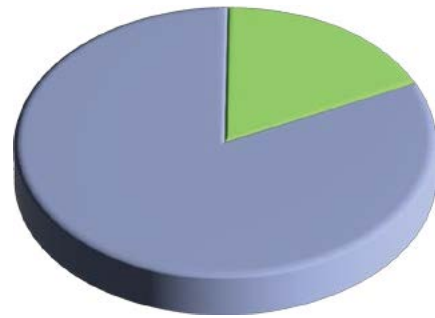
### Céatadán na ngearán de réir cineáil Percentage of complaints by type



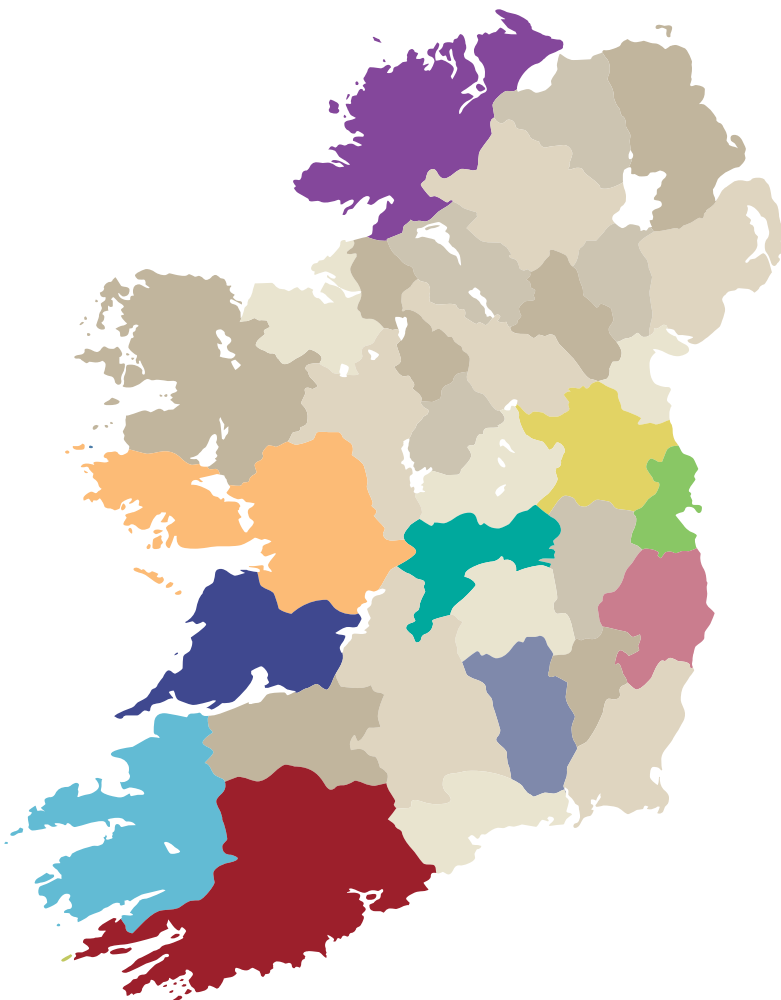
	2021	2022
<span style="color: purple;">■</span> Foráil de scéim teanga <i>Provision of a language scheme</i>	39.8%	37.2%
<span style="color: green;">■</span> Comharthaíocht & stáiseanóireacht <i>Signage and stationery</i>	26.3%	27.3%
<span style="color: orange;">■</span> Freagraí i mBéarla ar chumarsáid i nGaeilge <i>Replies in English to correspondence in Irish</i>	9.1%	9.7%
<span style="color: red;">■</span> Fadhb le hainm nó le seoladh i nGaeilge <i>Problem with use of name or address in Irish</i>	7.6%	4.5%
<span style="color: blue;">■</span> Achtacháin eile a bhaineann le stádas nó le húsáid na Gaeilge <i>Other enactments relating to the use or status of Irish</i>	3.9%	3.8%
<span style="color: yellow;">■</span> Easpa Gaeilge ar chomharthaí bóthair <i>Lack of Irish on road signs</i>	3.0%	3.8%
<span style="color: cyan;">■</span> Acht Nua <i>New Act</i>		2.0%
<span style="color: pink;">■</span> Fáthanna eile <i>Other issues</i>	10.3%	11.7%
<b>lomlán <i>Total</i></b>	<b>100%</b>	<b>100%</b>











Gearáin: An Ghaeltacht agus lasmuigh den Ghaeltacht  
 Complaints: Gaeltacht and non-Gaeltacht

	2021	2022
 An Ghaeltacht Gaeltacht	27%	18%
 Lasmuigh den Ghaeltacht Non-Gaeltacht	73%	82%
<b>Iomlán Total</b>	<b>100%</b>	<b>100%</b>



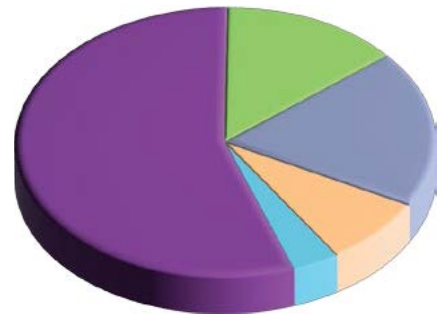
Gearáin de réir contae Complaints by county



	2021	2022
 Baile Átha Cliath Dublin	26.5%	24.7%
 Gaillimh Galway	18.7%	16.6%
 Cill Chainnigh Kilkenny	10%	10.6%
 An Clár Clare	1.1%	7.7%
 Cill Mhantáin Wicklow	3.7%	5.3%
 Ciarraí Kerry	4.3%	4.2%
 An Mhí Meath	4.1%	3.8%
 Corcaigh Cork	4.4%	3.3%
 Uíbh Fhailí Offaly	1%	2.8%
 Dún na nGall Donegal	4%	2.3%
Eile Other	22.2%	18.7%
<b>Iomlán Total</b>	<b>100%</b>	<b>100%</b>

Gearáin de réir cineál comhlachta phoiblí **Complaints by type of public body**

	2021	2022
Ranna & oifigí rialtais Government departments & offices	21.3%	14%
Údaráis áitiúla Local authorities	19%	19%
Údaráis sláinte Health authorities	9.6%	8%
Údaráis oideachais Education authorities	3.8%	3.5%
Eagraíochtaí eile stáit Other state organisations	46.3%	55.5%
<b>Iomlán Total</b>	<b>100%</b>	<b>100%</b>



Eoin Ó Droighneáin, an Roinn Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán; Rónán Ó Domhnaill, an Coimisinéir Teanga; agus Caitlín Nic an Ultaigh, Gaillimh le Gaeilge, ag ócáid bhronnta Ghradaim Sheosaimh Uí Ógartaigh

Eoin Ó Droighneáin, Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media; An Coimisinéir Teanga, Rónán Ó Domhnaill; and Caitlín Nic an Ultaigh, Gaillimh le Gaeilge, at Gradaim Sheosaimh Uí Ógartaigh

## IMSCRÚDUITHE

### Comhairle Contae Chorcaí

#### Achoimre

Léirigh imscrúdú gur sháraigh Comhairle Contae Chorcaí na dualgais reachtúla teanga atá daingnithe i bhfo-ailt 10(a) agus 18(1) d'Acht na dTeangacha Oifigiúla 2003:



**Comhairle Contae Chorcaí**  
Cork County Council

- trí Dhréacht-Phlean Forbartha Contae dá cuid a fhoilsiú i mBéarla amháin agus gan leagan a sholáthar go comhuaineach i nGaeilge.
- trí leaganacha neamhoifigiúla Béarla de logainmneacha Gaeltachta a úsáid chun críocha oifigiúla in ainneoin fhorálacha scéim teanga reachtúil na Comhairle.

#### Bunús Gearáin

Rinneadh dhá ghearán liom, i míonna na Bealtaine agus an Mheithimh, 2021, nach raibh an Dréachtphlean Forbartha foilsithe go comhuaineach i nGaeilge agus i mBéarla ag an gComhairle Contae. Rinneadh gearán le m'Óifig freisin tráth an ama chéanna nach raibh logainmneacha oifigiúla Gaeltachta i nGaeilge á n-úsáid i gcáipéisíocht de chuid an Dréachtphlean Forbartha Contae céanna, mar a bhí dlite de réir ghealltanais scéim teanga reachtúil na Comhairle Contae.

Tá raon teoranta doiciméad a bhfuil dualgas reachtúil ar chomhlachtaí poiblí a fhoilsiú go comhuaineach sa dá theanga oifigiúla faoi Achtanna na dTeangacha Oifigiúla. Áirítear dréachtphleananna forbartha na n-údarás áitiúil ina measc siúd agus tá tosach feidhme tugtha don mhír sin d'Acht na dTeangacha Oifigiúla 2003 ón 1 Bealtaine 2004.

Anuas air sin, faoi fho-alt 18(1) d'Acht 2003, tá dualgas reachtúil ar chomhlacht poiblí scéim teanga atá daingnithe ag an Aire a chur i gcrích. Maidir le ceist na logainmneacha Gaeltachta, tá geallúint shonrach i scéim teanga reachtúil Chomhairle Contae Chorcaí mar seo a leanas:

- *Úsáidfidh na húdaráis áitiúla an tOrdú Logainmneacha (Ceantair Ghaeltachta) 2004 do chríocha oifigiúla. (Mír 4.2, An Ghaeltacht, lch 11, Scéim Údaráis Áitiúla Chontae Chorcaí, 2007-2010)*

## INVESTIGATIONS

### Cork County Council

#### Summary

An investigation determined that Cork County Council had breached the statutory language obligation set out in sub-sections 10(a) and 18(1) of the Official Languages Act 2003 in respect of:

- the publication of Cork County Council's Draft Development Plan in English without providing simultaneous publication in Irish.
- the use of unofficial English versions of Gaeltacht placenames for official purposes despite the provisions of the Council's own statutory language scheme.

#### Basis for the Complaint

Two complaints were made to me during May and June 2021, that Cork County Council had not published the Draft Development Plan simultaneously in Irish and in English. A complaint was also made to my Office at about the same time that official Gaeltacht placenames in Irish were not being used in documentation of the same Draft County Development Plan, as was required in accordance with commitments in the statutory language scheme of the County Council.

There is a limited range of documents that public bodies have a statutory duty to publish simultaneously in both official languages, under the Official Languages Acts. These include the draft development plans of all local authorities and that section of the Official Languages Act 2003 came into effect on 1 May 2004.

Additionally, under subsection 18(1) of the 2003 Act, a public body has a statutory duty to carry out a language scheme that has been approved by the Minister. Regarding the issue of Gaeltacht placenames, there is a specific commitment in Cork County Council's statutory language scheme which is as follows:

- *The Placenames (Ceantair Ghaeltachta) Order 2004, will be used by the local authorities for official purposes. (Section 4.2, An Ghaeltacht, p, 11, Cork County Local Authorities Scheme, 2007-2010)*

Dá réir, tá sé intuigthe go gcloífeadh Comhairle Contae Chorcaí le húsáid an leagain oifigiúil de logainmneacha Gaeltachta, mar atá forordaithe san Ordú Logainmneacha sin, ina cuid foilseachán uile.

## An Próiseas Imscrúdaithe

Fiosraíodh na gearáin seo leis an gComhairle Contae tríd an bpróiseas neamhfhoirmiúil réitithe gearán a fheidhmíonn m’Oifig mar chéad chéim den phróiseas imscrúdaithe. Tar éis dom freagra na Comhairle Contae ar na fiosruithe sin a mheas, rinne mé cinneadh imscrúdú a sheoladh maidir le hábhar na ngearán.

## Cúlra

Tá sé tábhachtach a lua ag an tráth seo, go ndearna m’Oifig imscrúdú ar Chomhairle Contae Chorcaí freisin in 2017, imscrúdú a bhí ábhartha don imscrúdú reatha seo sa mhéid gurbh iad na dualgais reachtúla chéanna a bhí faoi chaibidil ann:

- fo-alt 10(a) d’Acht na dTeangacha Oifigiúla 2003, maidir le doiciméid áirithe a fhoilsiú go comhuaineach sa dá theanga oifigiúla;
- fo-alt 18(1) d’Acht na dTeangacha Oifigiúla 2003, maidir le scéimeanna teanga atá daingnithe ag an Aire a chur i gcrích.

Léirigh an t-imscrúdú sin:

- gur sháraigh Comhairle Contae Chorcaí an dualgas reachtúil teanga atá daingnithe i bhfo-alt 10(a) d’Acht na dTeangacha Oifigiúla 2003, trí dhréachtphleananna ceantair áitiúla trí Bhéarla amháin a fhoilsiú, tráth nach raibh leagan Gaeilge ar fáil go comhuaineach.
- gur sháraigh Comhairle Contae Chorcaí an dualgas reachtúil teanga atá daingnithe i bhfo-alt 18(1) d’Acht na dTeangacha Oifigiúla 2003, trí úsáid a bhaint as leaganacha neamhoifigiúla Béarla de logainmneacha Gaeltachta in ainneoin fhorálacha scéim teanga reachtúil na Comhairle.

Dheimhnigh Comhairle Contae Chorcaí i gcomhfhreagras ar an 11 Bealtaine 2018 go raibh céimeanna glactha aici le moltaí an imscrúdaithe a chur i bhfeidhm.

## An Dualgas Reachtúil – Fo-alt 10(a) d’Acht na dTeangacha Oifigiúla 2003 – Foilsiú doiciméid áirithe

Tá dualgas reachtúil ar chomhlachtaí poiblí raon doiciméad a fhoilsiú go comhuaineach sa dá theanga oifigiúla. Tá doiciméid ina leagtar amach tograí

It is to be understood, therefore, that Cork County Council would adhere to the use of the official version of Gaeltacht placenames, as prescribed in that Placenames Order, in all of its publications.

## Investigation Process

These complaints were raised with the County Council through the informal complaints resolution process that my Office operates as a first step of an investigation. Having considered the County Council’s response to these queries, I decided to launch an investigation into the subject matter of the complaints.

## Background

It is important to mention, at this time, that my Office had previously conducted an investigation of Cork County Council in 2017, which was relevant to this current investigation in as much as the same statutory obligations were under scrutiny:

- subsection 10(a) of the Official Languages Act 2003, regarding the publication of certain documents in both official languages simultaneously;
- subsection 18(1) of the Official Languages Act 2003, in relation to implementing language schemes that have been confirmed by the Minister.

That investigation demonstrated:

- that Cork County Council had breached the statutory language obligation ratified in subsection 10(a) of the Official Languages Act 2003, by publishing draft local area plans in English only, when an Irish version was not simultaneously available.
- that Cork County Council breached the statutory language duty confirmed in subsection 18(1) of the Official Languages Act 2003, by using unofficial English versions of Gaeltacht placenames, despite the provisions of the Council’s own statutory language scheme

Cork County Council confirmed in correspondence on 11 May 2018 that it had taken steps to implement the recommendations of said investigation.

## Statutory Duty – Subsection 10(a) of the Official Languages Act 2003 – Publication of certain documents

Public bodies have a statutory obligation to publish a range of documents simultaneously in both official languages. Documents setting out public policy



beartais phoiblí cuimsithe sa dualgas seo agus is foilseachán den chineál sin é Dréachtphlean Forbartha Contae Chorcaí (2021). Ina freagra ar cheisteanna a d'ardaigh an Oifig seo ag Céim 1 (Bailiú faisnéise agus eolais) den phróiseas imscrúdaithe, mhaígh an Chomhairle nár sháraigh sí an dualgas reachtúil faoi fho-alt 10(a) d'Acht na dTeangacha Oifigiúla 2003. Dúirt an Chomhairle:

*'go dtugann Rialachán 4 de IR de 2005 le fios gur cáipéis den chineál sin é plean forbartha ach sa chás seo ní plean forbartha atá i gceist ach dréacht ar phlean forbartha' agus tá comhairle faighte ag Comhairle Contae Chorcaí go bhfuil easpa údarás dlíthiúil faoi an dtagann dréacht ar phlean forbartha faoi Fho-alt 10 (a).'*

Tá cur síos soiléir ar an dualgas reachtúil in I.R. Uimh. 32 de 2004 agus níorbh léir cén bunús a bhain leis an tagairt do 'Rialachán 4 de IR de 2005' sa chás seo. I gcás an imscrúdaithe roimhe seo, ghlac Comhairle Contae Chorcaí leis gur sháraigh sí an dualgas reachtúil teanga atá daingnithe i bhfo-alt 10(a) d'Acht na dTeangacha Oifigiúla 2003, maidir le foilsíú dréachtphleananna ceantair áitiúla trí Bhéarla amháin agus gan leagan Gaeilge a chur ar fáil go comhuaineach.

### **Iarrachtaí na Comhairle leagan Gaeilge den Dréachtphlean a sholáthar**

Rinne an Chomhairle mionchur síos ar na socruithe a rinne sí ar mhaithe le leagan Gaeilge den Dréachtphlean Forbartha Contae a sholáthar. I measc na bpríomhshocruithe, a dúradh, bhí buiséad de €200,000 á chur ar fáil leis na himleabhair chuí a aistriú ó Bhéarla go Gaeilge agus comórtas tairisceana a reáchtáil i gcomhar leis an Oifig um Sholáthar Rialtais. Tugadh le fios gur foilsíodh an tairiscint ar an 7 Eanáir 2021 a raibh sprioc den 25 Eanáir léi. Dhearbhaigh an Chomhairle nach bhfuarthas aon tairiscint de thoradh an chomórtais sin. Tréimhse 12 lá oibre a bhí luaite sna cáipéisí chun aistriúchán Gaeilge a dhéanamh ar bhreis is 750,000 focal nó mar sin, de réir mar a thuairiscigh an Chomhairle.

Leag an Chomhairle béim ina comhfhreagras go raibh uirthi cloí le sceideal docht reachtúil amlínte i dtaca le forbairt an Phlean Forbartha, de réir mar atá leagtha amach in ailt 11 & 12 den Acht um Pleanáil agus Forbairt, 2000. D'áitigh an Chomhairle ina comhfhreagras dar dáta an 26 Iúil 2021:

proposals are included in this duty and the Draft Cork County Development Plan (2021) is one such publication. In its response to questions raised by this Office at Stage 1 of the investigation process, (Collection of evidence and information), the Council claimed that it had not breached the statutory duty under subsection 10(a) of the Official Languages Act 2003. The Council stated:

*'that Regulation 4 of S.I of 2005 indicates that a development plan is such a document but in this case it is not a development plan but a draft of a development plan' and Cork County Council has received advice that there is a lack of legal authority whether a draft development plan falls under Subsection 10 (a).'*

The statutory duty is clearly described in S.I. No. 32 of 2004 and it is not clear what the basis is for the reference to 'Regulation 4 of S.I. of 2005' in this case. In the case of the previous investigation, Cork County Council accepted that it had breached the statutory language obligation ratified in subsection 10(a) of the Official Languages Act 2003, through the publication of draft local area plans through English only, without providing an Irish version simultaneously.

### **Efforts of Cork County Council to issue an Irish version of the Draft Plan**

The Council described in detail the arrangements it had made to provide an Irish language version of the Draft County Development Plan. Primarily, it indicated that a budget of €200,000 had been provided in order to translate the appropriate volumes from English to Irish and a tendering process was organised in collaboration with the Office of Government Procurement. It was advised that the tender had been published on the 7 January 2021 with a deadline of the 25 January. The Council confirmed that no bid was received as a result of that competition. A period of 12 working days had been indicated as the turnaround period in which to produce an Irish translation of more than 750,000 words or so, according to the Council's report.

The Council emphasised in its correspondence that it had to adhere to a strict statutory schedule of timelines in relation to the stages of the Development Plan as set out in sections 11 & 12 of the Planning and Development Act, 2000. The Council stated, in its correspondence dated 26 July 2021:

*'Baineann ceist an aistriúcháin leis an amlíne atá tugtha dúinn chun an obair seo a dhéanamh. Ní raibh aon rogha againn maidir leis seo, áfach, ós rud é gurbh é an 1 Aibreán an dáta deiridh le faomhadh a fháil ón gComhairle don Dréachtphlean agus go gcaithfí é a fhoilsiú ar an 22 Aibreán 2021. Chomh maith leis sin theastaigh am le formáidiú a dhéanamh ar an Dréachtphlean tar éis dó a bheith aistrithe (foilsiú/dearadh deisce) ach sula bhfoilseofaí é agus dá bhrí sin ní raibh aon rogha againn ó thaobh an iarratais a bhí sa Treoir go ndéanfaí an Dréachtphlean agus é críochnaithe agus aistrithe a chur ar ais chuig PPU faoi mheán lae ar an Aoine an 16 Aibreán 2021.'*

Ní fhéadfainn glacadh leis, ón eolas a cuireadh faoi mo bhráid, gur lean Comhairle Contae Chorcaí den phróiseas reachtúil go bhfoilseofaí an Dréachtphlean Forbartha Contae go comhuaineach i ngach ceann de na teangacha oifigiúla. Thug Comhairle Contae Chorcaí fógra ar an 12 Márta, 2020 go raibh Dréachtphlean Forbartha le hullmhú. Ach ní dhearna sí teagmháil leis an Oifig um Sholáthar Rialtais go ceann seacht mí ina dhiaidh sin ar mhaithe le socrúithe a dhéanamh le comórtas tairisceana don tseirbhís aistriúcháin Ghaeilge a réachtáil.

Ba é mo thuairim nach ndearna an Chomhairle dícheall cuí lena chinntiú go raibh na socrúithe riachtanacha déanta aici le go mbeadh soláthróir don tseirbhís aistriúcháin aimsithe aici in am trátha chun an dualgas reachtúil a bhí uirthi a chomhlíonadh. D'fhéadfadh an comórtas tairisceana don tseirbhís aistriúcháin a bheith fógartha i bhfad níos luaithe le linn phróiseas forbartha an Dréachtphlean, rud a d'fhágfadh deis níos fearr ag an gComhairle athfhógairt a dhéanamh ar an gcomórtas tairisceana agus gan a bheith ag brath ar sholáthróirí ionchasacha a aimsiú ag trátha raibh an Dréachtphlean ullmhaithe i mBéarla agus faofa ag an gComhairle.

**An Dualgas Reachtúil – Fo-alt 18(1) d'Acht na dTeangacha Oifigiúla 2003 – scéim teanga a fheidhmiú; Logainmneacha Gaeltachta**

Dá stuaim féin a d'aontaigh an Chomhairle mír ina Scéim Teanga leis an Aire maidir le húsáid logainmneacha oifigiúla Gaeltachta i nGaeilge, chun críocha oifigiúla, mar seo a leanas:

*'Úsáidfidh na húdaráis áitiúla an tOrdú Logainmneacha (Ceantair Ghaeltachta) 2004 do chríocha oifigiúla.'*

Ceistíodh an Chomhairle le linn céim a haon den imscrúdú faoin gcinneadh a rinne sí leagan Béarla de

*'The question of translation relates to the timeline we have been given to do this work. We had no choice in this regard as the closing date for Council approval of the Draft Plan was 1 April and would have to be published on 22 April 2021. We also needed time to format the Draft Plan after it had been translated (publication/desktop design) but prior to publication and therefore we had no choice in terms of the Directive's request for the Draft Plan to be completed and transferred back to the PPU by midday on Friday 16 April 2021.'*

I could not accept that Cork County Council had followed the statutory process in regard to the publishing of the Draft County Development Plan in each of the official languages simultaneously. Cork County Council gave notice on 12 March 2020 that a Draft Development Plan was to be prepared. But it did not contact the Office for Government Procurement until seven months later to make arrangements to run a tender competition for an Irish language translation service.

It is my opinion that the Council did not exercise due diligence to ensure that it had made the necessary arrangements to find a supplier for the translation service in good time to fulfil its statutory obligations. The tender competition for the translation service could have been announced much earlier in the Draft Plan development process, which would have given the Council a better opportunity to re-advertise the tender competition and not rely on potential suppliers to be found at a time when the Draft Plan had been prepared in English and approved by the Council.

**The Statutory Obligation – Subsection 18(1) of the Official Languages Act 2003 – to implement a language scheme; Gaeltacht placenames**

The Council agreed with the Minister, of its own accord, an item in its language scheme regarding the use of official Gaeltacht placenames in Irish, for official purposes, as follows:

*'The Placenames (Ceantair Ghaeltachta) Order 2004, will be used by the local authorities for official purposes.'*

The Council was questioned during the first phase of the investigation about its decision to use the English

logainmneacha oifigiúla Gaeltachta a úsáid sa Dréachtphlean Forbartha Contae 2021. Sa fhreagra ón gComhairle, dúradh:

*‘Tuigeann Comhairle Contae Chorcaí go hiomlán go bhfuil gach iarracht déanta aici cloí lena freagrachtaí faoi Dhualgas Fhoroinn 18(1) na Scéime Teanga atá daingnithe faoin Acht a chur i bhfeidhm, mar a bhaineann le húsáid na leaganacha oifigiúla de logainmneacha Gaeltachta, de réir an Ordaithe Logainmneacha (Ceantair Ghaeltachta) 2004.’*

Scrúdaigh foireann m’Oifige imleabhair an Dréachtphlean Forbartha agus tugadh faoi deara go raibh léiriú forleathan ar easpa géilliúlachta maidir le húsáid logainmneacha oifigiúla Gaeltachta i roinnt imleabhar ach go háirithe. Mar shampla, úsáideadh an leagan Béarla amháin ‘Ballyvourney’ den logainm Gaeltachta ‘Baile Bhuirne’ 7 n-uaire ar leathanach 20 d’Imleabhar Uimhir 2 ‘Oidhreacht agus Conláiste’. Bhain easpa comhsheasmhachta le géilliúlacht na Comhairle don dualgas seo maidir le cruinnúsáid na logainmneacha Gaeltachta sa Dréachtphlean Forbartha Contae agus ba léir dom nach raibh an Chomhairle géilliúil don dualgas reachtúil teanga seo.

### Príomh-mholtaí an Imscrúdaithe

Mhol mé go gcuirfeadh Comhairle Contae Chorcaí plean feidhme faoi bhráid m’Oifige, a bheadh chun mo shástachta, ina leagfaí amach an chaoi a gcinnteofaí nach sárófaí an dualgas reachtúil teanga i dtaca le tograí beartais phoiblí agus doiciméid ábhartha eile a fhoilsiú go comhuaineach i ngach teanga oifigiúil feasta. Mhol mé gur chóir:

- go leagfadh an plean feidhme amach go soiléir an próiseas uile a bhainfidh le hullmhú agus le foilsiú doiciméad dá shórt agus na céimeanna sonracha a ghlacfaidh Comhairle Contae Chorcaí lena chinntiú go bhfoilseofar na doiciméid chuí go comhuaineach i nGaeilge agus i mBéarla agus
- go gcuirfeadh Comhairle Contae Chorcaí m’Oifig ar an eolas maidir leis na céimeanna a ghlacfar lena chinntiú gurb iad na leaganacha oifigiúla de logainmneacha Gaeltachta a úsáidfidh an Chomhairle chun críocha oifigiúla feasta.

### Amlíne an Imscrúdaithe

Imscrúdú seolta: 5 Iúil 2021  
Tuarascáil eisithe: 14 Márta 2022

version of official Gaeltacht placenames in the Draft County Development Plan 2021. In its response, the Council stated that:

*‘Cork County Council is fully aware that it has made every effort to comply with its responsibilities under Subsection 18(1) of the Language Scheme which is confirmed under the Act, as related to the use of the official versions of Gaeltacht placenames, in accordance with the Order Placenames (Gaeltacht Areas) 2004.’*

The volumes of the Draft Development Plan were examined by the staff of my Office and it was noted that there was widespread evidence of a lack of compliance with the use of official Gaeltacht placenames in some volumes in particular. For example, the English language version ‘Ballyvourney’, of the Gaeltacht placename ‘Baile Bhuirne’ was used 7 times on page 20 of Volume No. 2 Heritage and Amenity. There was a lack of consistency in the Council’s compliance with this obligation regarding the accurate use of Gaeltacht placenames in the Draft County Development Plan and it was clear to me that the Council was not compliant with this statutory language obligation.

### Main Recommendations of the Investigation

I recommended that Cork Council provide a satisfactory implementation plan to my Office, which set out the procedure by which it would ensure that the statutory legal requirement in respect of the simultaneous publication in each of the official languages of documents setting out public policy proposals and other relevant documents would not be breached in the future. I recommended:

- that the implementation plan should set out clearly the complete process in respect of the preparation and publication of a document of that nature and the specific steps that Cork County Council will take to ensure that the relevant documents are published simultaneously in Irish and English and
- that Cork County Council advise my Office of the steps that will be taken to ensure that it is the official version of Gaeltacht placenames that the Council uses in future for official purposes.

### Timeline of Investigation

Investigation launched: 5 July 2021  
Report issued: 14 March 2022

## Comhairle Contae Ros Comáin

### Achoimre

Léirigh imscrúdú gur sháraigh Comhairle Contae Ros Comáin dualgais reachtúla teanga sna cásanna seo a leanas:

- (1) comharthaíocht a cuireadh in airde i gceantar feidhme na Comhairle Contae nach raibh ag teacht leis na hordúcháin agus na rialacháin chúí;
- (2) áis teip an údaráis áitiúil foirmeacha dátheangacha iarratais a sholáthar faoi réir scéim teanga reachtúil na Comhairle Contae.

### Bunús Gearáin

Rinneadh sraith gearán le m'Oifig idir Meitheamh 2020 agus Eanáir 2022 maidir leis an easpa Gaeilge agus le hearráidí ar chomharthaí de chuid Chomhairle Contae Ros Comáin agus maidir le foirm iarratais nach raibh ar fáil i nGaeilge. D'ainneoin iarrachtaí leanúnacha a rinne m'Oifig, lena n-áirítear litir uaim féin chuig Príomhfheidhmeannach na Comhairle Contae ar an 12 Eanáir 2022, theip ar an gComhairle Contae freagra nó freagra críochnúil a chur ar fáil ar na gearáin sin tríd an bpróiseas neamhfhoirmiúil réitithe gearán a fheidhmíonn m'Oifig mar chéad chéim sa phróiseas imscrúdaithe. Chinn mé gur ghá dom imscrúdú foirmiúil a sheoladh d'fhonn fionnachtana a dhéanamh ar ábhar na ngearán a rinneadh liom.

### An Próiseas Imscrúdaithe

Bhain príomhábhar an imscrúdaithe leis na dualgais reachtúla atá ar Chomhairle Contae Ros Comáin maidir le húsáid na Gaeilge agus an Bhéarla ar chomharthaíocht, mar a leagtar síos in dhá mhír reachtaíochta:

- na rialacháin atá eisithe faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla 2003 (I.R. Uimh. 391 de 2008);
- na dualgais reachtúla atá i bhfeidhm faoi úsáid na Gaeilge agus an Bhéarla ar chomharthaí tráchta bóthair atá déanta faoi rialacháin agus ordúcháin faoi fho-ailt 95(2) agus 95(16) den Acht um Thrácht ar Bhóithre, 1961. Tá na dualgais sin daingnithe sa *Lámhleabhar do Chomharthaí Tráchta*.

Bhain an dara mír d'ábhar an imscrúdaithe le fo-alt 18(1) d'Acht na dTeangacha Oifigiúla 2003 fad is a bhaineann sé le cur i bhfeidhm na míreanna de scéim

## Roscommon County Council

### Summary

An investigation determined that Roscommon County Council breached statutory language obligations in the following instances:

- (1) signage that was erected in the County Council's functional area which was not in accordance with the relevant orders and regulations;
- (2) the failure of the local authority to provide bilingual application forms in accordance with the County Council's statutory language scheme.

### Basis for the Complaint

A series of complaints was made to my Office between June 2020 and January 2022 in respect of the lack of Irish and errors on signage erected by Roscommon County Council and in respect of an application form which was not available in Irish. Despite continual efforts by my Office, which included a letter from myself to the Chief Executive of the Council on 12 January 2022, the Council failed to provide a response or a complete response to those complaints through the informal complaints resolution system my Office operates as the first step of an investigation. I decided that a formal investigation was required in order to make findings on the matters in respect of which complaints had been made to me.

### Investigation Process

The main subject of the investigation concerned the statutory obligations on Roscommon County Council in respect of the use of Irish and English on signage, as is set out in two legislative provisions:

- the regulations issued under sub-section 9(1) of the Official Languages Act 2003 (S.I. No. 391 of 2008);
- the statutory obligations which are in force in respect of the use of Irish and English on road traffic signs, which are made under regulations and orders issued under sub-sections 95(2) and 95(16) of the Road Traffic Act 1961. Those obligations are confirmed in the *Traffic Signs Manual*.

The second subject of the investigation concerned sub-section 18(1) of the Official Languages Act 2003 insofar as it relates to the implementation of provisions



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

teanga na Comhairle Contae maidir le foirmeacha iarratais. Seo a leanas geallúint shonrach na scéime teanga:

*“Faoi dheireadh na scéime trí bliana táirgeofar ar a laghad foirm iarratais amháin atá ar fáil cheana féin go hiomlán dátheangach agus faoi aon chlúdach amháin chomh maith le haon bhileoga eolais gaolmhara as gach Rannóg de chuid Chomhairle Contae Ros Comáin (mar a leagtar amach i gCaibidil 2).”*

Gealladh freisin go mbeadh gach foirm iarratais nua feasta ar fáil go dátheangach ach amháin i gcúiseanna eisceachtúla. Bheadh teacht ar na foirmeacha ar shuíomh gréasáin na Comhairle Contae le liosta na bhfoirmeacha iarratais dátheangacha áirithe ar leathanach na rannóige Gaeilge den suíomh. Daingníodh an scéim teanga sa bhliain 2007.

Shocraigh mé, chomh maith, go bhfiosróinn an córas atá i bhfeidhm ag an gComhairle Contae chun gearáin ó m’Oifig a phróiseáil, mar chuid den imscrúdú.

### Comharthaíocht

Dheimhnigh Comhairle Contae Ros Comáin ina freagra ar an imscrúdú go raibh céimeanna á nglacadh chun na comharthaí a bhí lochtach ar aon slí a chur ina gceart. Ina theannta sin, tugadh le fios gurbh ann do chóras chun gearáin ó m’Oifig a phróiseáil agus go raibh freagracht ina leith sin leagtha ar an Oifigeach Gaeilge. Tugadh le fios gur eisíodh na Rialacháin i dtaca le comharthaíocht faoin Acht chuig gach innealtóir agus go raibh siad feasach ar dhualgais na Comhairle mar chomhlacht poiblí.

Mar sin féin, d’aithin an Chomhairle go raibh moill ann maidir le roinnt gearán a fhreagairt agus gabhadh leithscéal ina leith. Gheall an Chomhairle Contae go dtabharfaí aghaidh air seo trí amlínte dochta a shocrú chun comharthaíocht a bheadh géilliúil a chur in ionad na gcomharthaí lochtacha. Anuas air sin, tugadh le fios go raibh úsáid á baint ag an gComhairle as córas ríomhphoist chun gearáin a scaipeadh ar innealtóirí go dtí seo. Dhearbhagh an Chomhairle go ndéanfaí gach gearán comharthaíochta a chlárú ar an gcóras ‘ReportIt’, córas tuairiscithe ar líne de chuid na Comhairle, ón 1 Bealtaine 2022. Maíodh go sannfaí tascanna go huathoibríoch don duine ábhartha le haghaidh gnímh agus go nginfí freagra uathoibríoch ón gcóras freisin nuair a bheadh an gníomh i gcrích. Áitíodh go mbeadh feabhas ar luas agus caighdeán an fhreagra dá réir.

of the Council’s language scheme in relation to application forms. The specific provision of the language scheme is as follows:

*“By the end of the three year scheme at least one existing application form and any associated information leaflets from each Section of the Roscommon County Council (as laid out in Chapter 2) will be produced fully bilingually and within one cover.”*

A commitment was also made that all new application forms would, in future, be made available bilingually, except in exceptional circumstances. The forms would be available on the Council’s website, with a list of the application forms which are available bilingually being made available on the ‘An Ghaeilge’ page of the County Council’s website. The Council’s language scheme was confirmed in 2007.

I decided, also, to investigate the system the Council had in place to process complaints from my Office, as part of the investigation.

### Signage

Roscommon County Council confirmed in its response to the investigation that steps were being taken to correct the signs that were in any way erroneous. The Council also advised that there was a process in place to deal with complaints from my Office, and that the Irish Language Officer was responsible for that process. It was advised that the regulations in respect of signage under the Act had been issued to every engineer and that they were aware of the obligations on the Council as a public body.

The Council recognised, however, that there was a delay in responding to some complaints and it apologised for that. The Council pledged to address this by putting strict timelines in place for replacing defective signs with compliant ones. The Council also advised that an email system had been utilised to disseminate complaints to engineers to date but that every complaint in respect of signage would be registered on ‘ReportIt’, the Council’s online reporting system, with effect from 1 May 2022. It was stated that tasks would be assigned automatically to the appropriate person for action and that a response would be automatically generated from the system also when the task was completed. It was claimed that the speed and quality of the response would be improved accordingly.

## Foirmeacha Iarratais

Mhaígh Comhairle Contae Ros Comáin don imscrúdú go raibh gach foirm iarratais ar a suíomh gréasáin ar fáil go dátheangach trína córas ríomhaireachta *ReachDeck*. Bhí roinnt foirmeacha a bhí in airde ar an suíomh i bhfoirm PDF nach raibh oiriúnaithe don chóras *ReachDeck*. Ina cheann sin, bhí formhór na bhfoirmeacha a mbíonn éileamh coitianta orthu á gcur ar fáil ar an gcóras '*Roscommon County Council Online Services*'. Níor léir aon leagan Gaeilge den chuid sin den suíomh a bheith ar fáil agus ní raibh rochtain ar an gcóras *ReachDeck* tríd an gcuid sin den suíomh ach oiread. Dá réir, leagan aonteangach Béarla amháin a bhí ar fáil d'fhorhór na bhfoirmeacha iarratais.

Thug an Chomhairle le fios go raibh réiteach teicniúil aimsithe ag Comhairle Contae Chorcaí, a úsáideann an córas céanna, chun na foirmeacha seo a sholáthar go dátheangach do chustaiméirí a dteastaíonn siad uathu. Dúradh go raibh scrúdú oiriúnachta á dhéanamh ag Comhairle Contae Ros Comáin ar an réiteach teicniúil seo, faoi réir acmhainní a bheith ar fáil. Chonacthas dom, áfach, nach dualgas coinníollach atá sa scéim teanga i dtaca leis na foirmeacha seo agus nach raibh bunús dlíthiúil le coinníoll den chineál seo a chur leis an réiteach molta dá réir.

Ba léir dom gur ghearáin bhailí iad na gearáin a rinneadh liom agus bhí gearánaithe i dteideal freagraí a fháil orthu. Níorbh léir gur thuig an Chomhairle gurbh den riachtanas é freagraí iomlána críochnúla a chur ar fáil do ghearánaithe ná do m'Oifig taobh istigh d'achar réasúnta. B'ábhar díomá dom nár thug an Chomhairle Contae aird chúí thráthúil ar na gearáin féin agus ar fhiosruithe neamhfhoirmiúla ó m'Oifig agus nár fágadh de rogha agam ach imscrúdú a thionscnamh. Dhearbhaigh an Chomhairle Contae ina freagra don imscrúdú go gcloifí feasta leis na dualgais reachtúla teanga agus comharthaí á gcur in airde ag an údarás áitiúil. Ghlac an Chomhairle Contae leis gur ghá feabhas a chur ar an gcóras gearán trí chéile agus go mbeadh spriocanna ama luaite le gearáin a fhreagairt feasta.

## Application forms

Roscommon County Council maintained to the investigation that all application forms on its website were available bilingually through its computer system *ReachDeck*. There were some forms, however, on its website in PDF form, which were not suited to the *ReachDeck* system. Additionally, the majority of forms in most demand were being made available on the system '*Roscommon County Council Online Services*'. It did not appear that an Irish language version of that system was available, nor could the *ReachDeck* system be accessed through that part of the website. As a result, only a monolingual English version of most application forms was available.

The Council advised that Cork County Council, which uses the same system, had found a technical solution to providing these forms in Irish to customers who require them. It was stated that Roscommon County Council was examining the suitability of this technical solution, subject to the resources being available. It was clear to me, however, that the obligation in the language scheme in respect of these forms was not a conditional one and that there was therefore no statutory basis for imposing a condition of this nature on the proposed solution.

It was apparent to me that the complaints made to me were valid complaints, and that the complainants were entitled to responses to that effect. It was not clear that the Council understood that it is necessary to provide full and complete responses to either complainants or to my Office in a reasonable amount of time. It is a matter of disappointment to me that the Council did not address the complaints themselves or the informal queries from my Office, so that I was left with no choice but to initiate a formal investigation. The County Council confirmed in its response to the investigation that it would adhere henceforth to the statutory language obligations when signs were being erected by the Council. The County Council accepted that improvements to the complaints system were required and that target dates for responses to complaints would be set in future.

## Príomh-mholtaí an Imscrúdaithe

Ba iad seo a leanas príomh-mholtaí an imscrúdaithe:

### (i) Comharthaí Neamhghéilliúla

Moladh go leasódh nó go n-athródh (pé acu a d'oir) Comhairle Contae Ros Comáin na comharthaí a áiríodh san imscrúdú.

### (ii) Comharthaí Nua

Iarradh ar Chomhairle Contae Ros Comáin nósanna imeachta maidir le dearadh agus ordú comharthaí nua de chineálacha éagsúla a ullmhú agus a eisiúint chuig an bhfoireann chúí.

### (iii) Foirmeacha

Moladh go ndeimhneodh Comhairle Contae Ros Comáin:

- go raibh fáil ar aon fhoirm a cruthaíodh ón 1 Deireadh Fómhair 2007 i leith go dátheangach agus
- go gcuirfí foirmeacha Gaeilge ar fáil ar shuíomh gréasáin Chomhairle Contae Ros Comáin a mbeadh rochtain orthu tríd an gcóras iarratais ar líne.

### (iv) Gearáin á bhFiosrú

Moladh go gcinnteodh Comhairle Contae Ros Comáin go mbeadh córas éifeachtach i bhfeidhm aici feasta faoina bhfiosrófaí agus faoina bhfreagrófaí aon ghearán comharthaíochta ó m'Óifig go críochnúil agus go sásúil, laistigh de sprioc-am sonraithe.

## Amlíne an Imscrúdaithe

Imscrúdú seolta: 14 Márta 2022

Tuarascáil eisithe: 14 Meitheamh 2022

## Main Recommendations of the Investigation

The main recommendations of the investigation were as follows:

### (i) Non-compliant signs

It was recommended that Roscommon County Council amend or change (whichever is most suitable) the signs that were examined in the investigation.

### (ii) New signs

Roscommon County Council were requested to prepare procedures in respect of the design and ordering of new signs of different kinds and to issue those procedures to relevant staff members.

### (iii) Forms

It was recommended that Roscommon County Council:

- confirm that any form that was created since 1 October 2007 is available bilingually and
- ensure Irish language forms which are accessible through the online system are available on the County Council's website.

### (iv) Investigating complaints

It was recommended that Roscommon County Council ensure that it has an effective system in place under which complaints are investigated and that any complaints from my Office in respect of signage would be responded to completely and satisfactorily, in a timely fashion, within a specified time-scale.

## Timeline of Investigation

Investigation launched: 14 March 2022

Report issued: 14 June 2022

## Feidhmeannacht na Seirbhíse Sláinte – Swiftqueue

### Achoimre

Sháraigh Feidhmeannacht na Seirbhíse Sláinte (FSS) an dualgas reachtúil teanga atá daingnithe i bhfo-alt 9 (2) d'Acht na dTeangacha Oifigiúla 2003 trí fheidhm a thabhairt do chóras chun coinní a dhéanamh don vacsaín phapalómaivíris dhaonna (HPV) nár chuir san áireamh cumarsáid i scríbhinn i nGaeilge ón bpobal leis an bhFeidhmeannacht.

### Bunús Gearáin

Rinneadh gearán liom ó dhuine den phobal go raibh córas idirghníomhach ar líne *Swiftqueue* in úsáid ag FSS le coinní leighis a dhéanamh leis an bhFeidhmeannacht ach nach raibh aon leagan Gaeilge den chóras sin ar fáil. Thug an gearánach le fios, nuair a d'fhiosraigh sé i dtaobh rogha chláráithe i nGaeilge, le linn dó a bheith ag iarraidh a pháiste a chlárú don vacsaín phapalómaivíris dhaonna (HPV), ar thairseach cláráithe *Swiftqueue*, gurbh é seo an freagra a chuir an FSS chuige ar r-phost;

*We don't currently offer an Irish Language portal for our site.*

*It is all set up through English only.*

### An Próiseas Imscrúdaithe

#### An Dualgas Reachtúil: Seirbhísí Idirghníomhacha

Fiosraíodh an gearán seo le FSS tríd an bpróiseas neamhfhoirmiúil réitithe gearán a fheidhmíonn m'Óifig mar chéad chéim den phróiseas imscrúdaithe i mí Dheireadh Fómhair 2021 agus cé go bhfuarthas admháil ón bhFeidhmeannacht ar an gcomhfhreagras sin, inar dearbhaíodh nach raibh an tseirbhís ar fáil ach i mBéarla amháin, ní raibh freagra críochnúil faighte ag m'Óifig faoi lár mhí an Mhárta 2022 agus chinn mé gur ghá dom imscrúdú a sheoladh.

Níl aon dualgas reachtúil i bhforálacha díreacha Achtanna na dTeangacha Oifigiúla a bhaineann le soláthar seirbhísí idirghníomhacha ar líne ag comhlachtaí poiblí. Is faoi scéim teanga atá daingnithe ag an Aire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán i gcás an chomhlachta poiblí a leagtar dualgas reachtúil ar chomhlachtaí poiblí i leith seirbhísí den chineál seo i láthair na huaire.

## Health Service Executive – Swiftqueue

### Summary



The Health Service Executive (HSE) breached the statutory language obligation ratified in subsection 9(2) of the Official Languages Act 2003 by putting a system in place for making appointments for the human papillomavirus vaccine (HPV) which did not provide for written communication in Irish to the HSE from members of the public.

### Basis for the Complaint

A complaint was made to me by a member of the public that the HSE was using the *Swiftqueue* online interactive system to make medical appointments with the Executive but that no Irish language version of that system was available. The complainant indicated that, when he enquired about an option to register in Irish, while trying to register his child for the human papillomavirus vaccine (HPV), on *Swiftqueue's* registration portal, this was the response he received by email:

*We don't currently offer an Irish Language portal for our site.*

*It is all set up through English only.*

### Investigation Process

#### Statutory Obligation: Interactive Services

This complaint was queried with the HSE through the informal process that my Office operates as a first step in October 2021 and while this correspondence was acknowledged by the HSE, and confirmed that the service was only available in English, my Office had not received a thorough reply by mid-March 2022 and I decided that I needed to launch an investigation.

There is no statutory obligation in the direct provisions of the Official Languages Act relating to the provision of interactive online services by public bodies. A statutory obligation pertains to public bodies in respect of such services under a language scheme which has been confirmed by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media in the case of the public body.



Daingníodh scéim teanga i gcás Fheidhmeannacht na Seirbhíse Sláinte do réigiún an Iarthair amháin in 2005, ach níl aon scéim teanga náisiúnta daingnithe i gcás na Feidhmeannachta go fóill, in ainneoin gur iarr an tAire ar an FSS scéim teanga a ullmhú ar bhonn náisiúnta chomh fada siar le 2007.

### Fo-alt 9(2) d'Acht na dTeangacha Oifigiúla 2003

I bhfo-alt 9(2) d'Acht na dTeangacha Oifigiúla 2003, áfach, leagtar síos go bhfuil dualgas ar chomhlachtaí poiblí cumarsáid i scríbhinn (nó trí chomhfhreagras leictreonach) a fhreagairt sa teanga oifigiúil chéanna ina bhfuarthas an chumarsáid sin:

*"I gcás ina ndéanfaidh duine cumarsáid i dteanga oifigiúil le comhlacht poiblí, i scríbhinn nó leis an bpost leictreonach, freagróidh an comhlacht poiblí sa teanga chéanna."*

Sa mhéid agus go bhfuil seirbhísí idirghníomhacha ag bainistiú na slí inarbh fhéidir leis an duine cumarsáid i scríbhinn a dhéanamh le comhlachtaí poiblí chun críche gnóthaí áirithe, ní mór féachaint chuige gur féidir leis an duine an rogha teanga sin a dhéanamh nó d'fhéadfadh sé go mbeadh sárú ar an bhforáil in alt 9(2) i gceist.

Sa chás go gcuirtear ar fáil seirbhís idirghníomhach ar líne mar mhodh cumarsáide chun iarratas a dhéanamh ar sheirbhís nó sochar a iarraidh agus gur i dteanga oifigiúil amháin atá an áis sin, ní mór deimhin a dhéanamh de go bhfuil slí curtha ar fáil lena bhféadfaí cumarsáid i scríbhinn a dhéanamh sa teanga oifigiúil eile chun an t-iarratas a dhéanamh agus nach bhfuil bac á chur roimh chumarsáid i scríbhinn leis an gcomhlacht poiblí i gceachtar den dá theanga oifigiúla i dtaca leis an ngnó.

Níor mhór, chomh maith, ina leithéid de chás, eolas soiléir a chur ar fáil do chustaiméirí nó do lucht iarrtha na seirbhíse maidir leis an tslí arbh fhéidir leo feidhm a bhaint as a gceart cumarsáid i scríbhinn a dhéanamh leis an gcomhlacht poiblí sa teanga oifigiúil eile chun an t-iarratas sin a dhéanamh.

### An Clár Vacsaínithe don Phapalómaivíreas Daonna (HPV)

Deimhníodh don ghearánach gur i mBéarla amháin a bhí an córas le coinne a dhéanamh. Níor cuireadh in iúl dó go raibh aon slí eile á cur ar fáil leis an gcoinne a dhéanamh as Gaeilge agus níor tugadh le fios i bhfreagra na Feidhmeannachta go raibh aon socrú

A language scheme was confirmed in the case of the HSE, for the Western region only in 2005, but no national language scheme has yet been confirmed, despite the Minister having asked the HSE to prepare a language scheme on a national basis as far back as 2007.

### Subsection 9(2) of the Official Languages Act 2003

However, subsection 9(2) of the Official Languages Act 2003 stipulates that public bodies have a duty to reply to communications in writing (or by electronic correspondence) in the same official language in which that communication was received:

*"Where a person communicates in writing or by electronic mail in an official language with a public body, the public body shall reply in the same language."*

Insofar as communication with the public is being conducted by the public body through interactive services for the purpose of particular affairs, it must be ensured that the person can make that language choice or a breach of the provision in section 9(2) may occur.

Where an interactive online service is provided as a means of communicating to request a service or benefit and the facility is in one official language only, it must be ensured that a written communication in the other official language is provided and that written communication with the public body is not being hindered in either of the two official languages in relation to the business.

In such a case, customers or service applicants must also be provided with clear information on how they might exercise their right to communicate in writing with the public body in the other official language to make that request.

### Human Papillomavirus Vaccination Programme (HPV)

It was confirmed to the complainant that the system for making an appointment was in English only. He was not informed that any other arrangement was in place to make the appointment in Irish and the Executive's response did not indicate that any such additional

breise den saghas sin déanta in ainneoin go rabhthas ag díriú ar lucht freastail scoileanna lán-Ghaeilge mar chuid de spriocphobal an chláir.

Mhínigh FSS go raibh an Clár Náisiúnta Vaicsínithe um Paplómaivíreas Daonna (HPV) curtha ar fionraí le linn na dtréimhsí dianghlasála agus go mb'ábhar imní ó thaobh na sláinte poiblí de an mhoill a cuireadh ar dháileadh na vacsaíne agus riaráiste oibre an chláir. Baineadh earraíocht as an gcóras *Swiftqueue* chun na coinní a dhéanamh le linn an tionscnaimh shealadaigh sin. Cuireadh in iúl go raibh deireadh curtha leis an tionscnamh sin ó shin mar go mbeadh tús á chur le clár náisiúnta vaicsínithe sna scoileanna an athuair ó thús na scoilbhliana i mí Mheán Fhómhair 2022 ar aghaidh.

Má ghlactar le réasúnaíocht na hargóna nach raibh dlite ar an gcomhlacht poiblí seirbhís a chur ar fáil go dátheangach ina leithéid de chás, d'fhéadfaí a fhorléiriú aisti go bhfuil an teidíocht reachtúil do sheirbhís as Gaeilge ag brath ar thosca, thosaíochtaí nó acmhainn an chomhlachta phoiblí. Ba ródhócha i gcás mar sin nuair ba thábhachtaí agus ba phráinní an tseirbhís nó an chumarsáid go mba lú an seans go gcuirfí ar fáil as Gaeilge í.

### Príomh-mholtaí an Imscrúdaithe

Mhol mé go gcinnteofaí feasta go bhfuil soláthar déanta don chumarsáid i scríbhinn sa dá theanga oifigiúla i dtaca le seirbhís ar bith dá cuid agus nach bhfuil aon bhac á chur ar chumarsáid i scríbhinn i gceachtar de na teangacha oifigiúla i gcomhréir le alt 9(2) d'Acht na dTeangacha Oifigiúla 2003. I gcás aon seirbhíse idirghníomhaí ar líne atá á cur ar fáil ag FSS mar mhodh cumarsáide chun iarratas a dhéanamh ar sheirbhís nó sochar a iarraidh, mhol mé :

- Go ndéanfaí an tseirbhís sin a sholáthar sa dá theanga oifigiúla le seirbhís ar chomhchéim a chinntiú, nó;
- Sa chás gur i dteanga oifigiúil amháin a mbeadh an áis sin go gcinnteofaí go mbeadh slí curtha ar fáil lena bhféadfaí cumarsáid i scríbhinn a dhéanamh sa teanga oifigiúil eile chun an t-iarratas a dhéanamh agus nach mbeadh bac á chur ar chumarsáid i scríbhinn leis an gcomhlacht poiblí i gceachtar den dá theanga oifigiúla i dtaca leis an ngnó.

### Amlíne an Imscrúdaithe

Imscrúdú seolta: 14 Márta 2022

Tuarascáil eisithe: 14 Samhain 2022

provision had been made, despite the inclusion of Irish-medium school pupils, as part of the programme's target group.

The HSE explained that the National Vaccination Programme for Human Papillomavirus (HPV) had been suspended during the lockdown periods and that delays in the distribution of the vaccine and the backlog of work associated with the programme were of a public health concern. The *Swiftqueue* system was used to make the appointments as a temporary intervention. It was explained that this initiative had since been discontinued as a national vaccination programme in schools would recommence from the start of the school year in September 2022.

If the rationale of this argument is accepted, that the public body was not required to provide a service bilingually in such a case, it could be construed that the statutory entitlement to a service in Irish depends on the circumstances, priorities, or capacity of the public body. It is most likely in such a case when the service or the communication is deemed more important and more urgent, the less likely it is to be provided in Irish.

### Main Recommendations of the Investigation

I recommended to the HSE that it ensure in future that the written communication in both official languages is provided for in respect of any of its services and that there is no impediment to written communication in either of the official languages in accordance with section 9(2) of the Official Languages Act 2003. In the case of any interactive online service provided by the HSE as a means of communicating to request a service or benefit, I recommended that:

- This service be provided in both official languages to ensure an equivalent service, or;
- Where that facility would be provided in one official language only, it would ensure that a means of communicating in writing in the other official language would be available, through which an application could be made and that communication to the public body in either of the two official languages in connection with the business would not be precluded.

### Timeline of Investigation

Investigation launched: 14 March 2022

Report issued: 14 November 2022

# Comhairle Contae Uíbh Fhailí

## Achoimre

Léirigh an t-imscrúdú gur sháraigh Comhairle Contae Uíbh Fhailí na dualgais reachtúla teanga atá daingnithe sna Rialacháin i dtaca le comharthaíocht atá eisithe faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla 2003 [Na Rialacháin um Acht na dTeangacha Oifigiúla 2003 (alt 9) 2008] (I.R. Uimh. 391 de 2008) i gcás comharthaí éagsúla a bhí in airde aici in Éadan Doire, sa Tulach Mhór agus i mBiorra. Ina theannta sin, sháraigh Comhairle Contae Uíbh Fhailí na dualgais reachtúla teanga atá daingnithe sna rialacháin agus sna hordúcháin atá déanta faoi fho-ailt 95(2) agus 95(16) den Acht um Thrácht ar Bhóithre, 1961 i gcás comharthaí páirceála agus comharthaí páirceála dóibh siúd faoi mhíchumas in Éadan Doire.



Comhairle Chontae Uíbh Fhailí  
Offaly County Council

# Offaly County Council

## Summary

The investigation found that Offaly County Council had breached the statutory language obligations confirmed in the Regulations in relation to signage issued under subsection 9(1) of the Official Languages Act 2003 [Official Languages Act 2003 (section 9) Regulations 2008] (S.I. No. 391 of 2008), in the case of various signs erected by it in Edenderry, Tullamore and Birr. Offaly County Council also breached the statutory language obligations confirmed in the regulations and orders made under subsections 95(2) and 95(16) of the Road Traffic Act 1961 in respect of parking signs and parking signs for those with disabilities in Edenderry.

## Basis for the Complaint

Three complaints were made to me between October 2017 and January 2019 regarding the lack of Irish on Offaly County Council signs. These complaints were queried with the County Council through the informal process that my Office operates as a first step in the investigation process. Notwithstanding ongoing efforts by my Office, including a letter from myself to the Chief Executive of the County Council in August 2019, the County Council was unable to provide a response or a complete response to those complaints and on that basis I decided to launch an investigation.

## Investigation Process

I was deeply disappointed at the lack of progress made through the informal process as I had already made a recommendation as part of the investigation process on Offaly County Council (IM592A) in 2016 as follows:

*That the Council put in place an appropriate system immediately, as promised, to deal in a timely manner with complaints from my Office or from members of the public in relation to the Official Languages Act 2003.*

These complaints about signage were not difficult to resolve informally if only appropriate input into the process had been received from Offaly County Council.

## Bunús Gearáin

Rinneadh trí ghearán liom idir Deireadh Fómhair 2017 agus Eanáir 2019 maidir leis an easpa Gaeilge ar chomharthaí de chuid Chomhairle Contae Uíbh Fhailí. Fiosraíodh na gearáin sin leis an gComhairle Contae tríd an bpróiseas neamhfhoirmiúil réitithe gearán a fheidhmíonn m'Óifig mar chéad chéim den phróiseas imscrúdaithe. D'ainneoin iarrachtaí leanúnacha a rinne m'Óifig, lena n-áirítear litir uaim féin chuig Príomhfheidhmeannach na Comhairle Contae i mí Lúnasa 2019, níor éirigh leis an gComhairle Contae freagra, nó freagra críochnúil a chur ar fáil ar na gearáin sin agus is chuige sin a chinn mé ar imscrúdú a sheoladh.

## An Próiseas Imscrúdaithe

B'ábhar mór díomá dom a laghad dul chun cinn a rinneadh tríd an bpróiseas neamhfhoirmiúil toisc go raibh moladh déanta agam mar chuid de phróiseas imscrúdaithe ar Chomhairle Contae Uíbh Fhailí (IM592A) cheana in 2016 mar seo a leanas:

*Go gcuirfidh an Chomhairle córas cuí i bhfeidhm láithreach, mar atá geallta, le plé go tráthúil le gearáin ón Oifig seo nó ó bhaill den phobal i dtaca le hAcht na dTeangacha Oifigiúla 2003.*

Níor dheacair na gearáin seo faoi chomharthaí a réiteach go neamhfhoirmiúil ach ionchur cuí sa phróiseas a fháil ó Chomhairle Contae Uíbh Fhailí.

B'olc an mhaise don Chomhairle Contae é go bhfacthas dom gur ghá dul i mbun imscrúdaithe an dara huair le teacht ar fhionnachtain agus moltaí sa chás.

Anuas ar cheist na gcomharthaí féin, iarradh ar an gComhairle Contae cuntas iomlán a thabhairt ar an gcóras a bhí i bhfeidhm san eagraíocht chun gearáin ó m'Oifig maidir le comharthaí a fhiosrú agus a fhreagairt agus, i bhfianaise na moille fada a bhain le freagra a chur ar fáil ar na gearáin, fiafraíodh den Chomhairle Contae arbh é a tuairim go raibh a córas fiosraithe gearán oiriúnach chun feidhme. Sa chás gurbh é tuairim na Comhairle Contae nach raibh an córas sin oiriúnach nó oiriúnach ina iomláine, iarradh ar an gComhairle Contae na laigí a bhí sa chóras fiosraithe gearán a shainiú mar aon leis na céimeanna ba ghá a ghlacadh chun an córas sin a fhorbairt.

Theip go hiomlán ar Chomhairle Contae freagairt don imscrúdú agus an t-eolas a bhí iarrtha a chur ar fáil, in ainneoin líon suntasach iarrachtaí de chuid m'Oifige comhoibriú a lorg. Áirítear sna hiarrachtaí sin litreacha uaim féin den 2 Samhain 2020 agus den 5 Eanáir 2021 chuig Príomhfheidhmeannach na Comhairle Contae, inar chuir mé ar a súile di go raibh ceanglas faoi alt 22 d'Acht na dTeangacha Oifigiúla 2003 ar aon duine ar a n-iarraim aon fhaisnéis, taifead nó rud a bhfuil cumhacht nó rialú ag an duine air, an fhaisnéis a chur ar fáil dom chun críche mo chuid feidhmeanna.

De thoradh easpa gnímh ó Chomhairle Contae Uíbh Fhailí ar an gcás seo thóg mé an cinneadh neamhghnách i mí Iúil 2021 ceanglas a chur ar Phríomhfheidhmeannach na Comhairle Contae faoi alt 22(1)(a) d'Acht na dTeangacha Oifigiúla 2003 freastal os mo chomhair agus faisnéis ó bhéal a thabhairt dom maidir le hábhar an imscrúdaithe.

Rinne Oifigeach Feidhmiúcháin Sinsearach i Rannóg Acmhainní Daonna/Gnóthaí Corparáideacha na Comhairle Contae teagmháil le Stiúrthóir m'Oifige i mí Lúnasa 2021. Gabhadh leithscéal thar ceann Chomhairle Contae Uíbh Fhailí as an easpa rannpháirtíochta go nuige sin agus gealladh go raibh na saincheisteanna a cuireadh san imscrúdú á bhfiosrú agus go dtabharfaí freagra orthu go luath. Deimhníodh an méid sin arís i litir dár dáta an 26 Lúnasa 2021.

I bhfianaise an chomhfhreagrais agus an chomhoibríthe a bhí á gheallúint ag an gComhairle, chinn mé ag an tráth sin gan a cheangal ar Phríomhfheidhmeannach na

It was a poor reflection on the County Council that I deemed it necessary to undertake an investigation a second time to determine findings and recommendations in the case.

In addition to the signage issue itself, the County Council was asked to give a full account of the system in place in the organisation to investigate and respond to complaints from my Office in relation to signage and, in light of the long delay in responding to the complaints, the County Council was asked if it was of the opinion that its complaints investigation system was fit for purpose. Where the County Council believed this system was not suitable, or fully appropriate, the County Council was asked to identify the weaknesses of the complaints querying system and to take the necessary steps to develop that system.

The County Council completely failed to respond to the investigation and to provide the information requested, despite a significant number of attempts by my Office to seek co-operation. These efforts include letters of my own on 2 November 2020 and 5 January 2021 to the Chief Executive of the County Council, in which I informed her that there was a requirement under section 22 of the Official Languages Act 2003 for any person from whom I request any information, record or other matter on which the person has power or control, to provide me with the information for the purpose of my functions.

As a result of a lack of action by Offaly County Council on this case I took the unusual decision in July 2021 to require the Chief Executive of the County Council under section 22(1)(a) of the Official Languages Act 2003 to attend before me and to provide me with oral information in relation to the subject matter of the investigation.

The Director of my Office was contacted by a Senior Executive Officer in the Human Resources/Corporate Affairs Department of the County Council in August 2021. An apology was made on behalf of Offaly County Council for the lack of engagement to date and a promise that the issues raised in the investigation were being investigated and would be responded to shortly. This was confirmed again in a letter dated 26 August 2021.

Considering the correspondence and co-operation promised by the Council, I decided at that time not to require the Chief Executive of the County Council to

Comhairle Contae a theacht i mo láthair le fianaise ó bhéal a thabhairt. Thug an Chomhairle Contae freagra ar Chéim a hAon den imscrúdú i litir dár dáta an 19 Samhain 2021. Díriodh sa fhreagra sin ar na saincheisteanna a bhain leis na comharthaí féin a ndearnadh gearáin fúthu. Ba é an easpa comhoibríthe i dtaobh na Comhairle Contae i bhfiosrú gearán ó m’Oifig siocair an dá imscrúdú a rinne mé agus i ndiaidh dom cás na Comhairle Contae a scagadh chinn mé scríobh in athuir chuici ar an 17 Lúnasa 2022 agus iarraidh uirthi freagra a thabhairt ar na ceisteanna sonracha a bhí curtha san imscrúdú a bhain leis an gcóras fiosraithe gearán a bhí ag an gComhairle, go hachomair:

- Cuntas iomlán a thabhairt ar an gcóras a bhí i bhfeidhm san eagraíocht chun gearáin ón Oifig seo maidir le comharthaí a fhiosrú agus a fhreagairt.
- I bhfianaise na moille fada ar fhreagra ar na gearáin a sholáthar, arbh é tuairim na Comhairle Contae go raibh a córas fiosraithe gearán oiriúnach chun feidhme?
- Sa chás gurbh é tuairim na Comhairle Contae nach raibh an córas a bhí aici oiriúnach nó oiriúnach ina iomláine, iarradh ar an gComhairle Contae na laigí a bhí sa chóras fiosraithe gearán a shainaithe maille leis na céimeanna ba ghá a ghlacadh chun an córas sin a dhéanamh ní b’oiriúnaí.

Bhain moill arís le freagra a chur ar fáil ar an gcumarsáid sin. Freagraíodh í i litir dar dáta an 9 Samhain 2022.

### Comhoibríú le hOifig an Choimisinéara Teanga

Cé gur ghabh Comhairle Contae Uíbh Fhailí leithscéal as an easpa gnímh agus as an neamhshuim iomlán a rinne sí ar imscrúdú reachtúil i ndiaidh dom alt 22(1) a thionscnamh, níor tugadh aon mhíniú faoin bhfáth nó faoin tslí ar tharla sé le linn an ama sonraithe.

Ní léir dom go ndearna aon chomhlacht poiblí eile neamhshuim chomh hiomlán sin de chomhoibríú leis an Oifig seo ó tugadh tosach feidhme d’Acht na dTeangacha Oifigiúla 2003. Ní heol dom le linn mo naoi mbliana mar Choimisinéir Teanga aon údarás áitiúil eile, nó aon chomhlacht poiblí eile go deimhin, a bheith chomh mall agus chomh éighníomhach i mbun cumarsáide liom agus le m’Oifig agus a bhí Comhairle Contae Uíbh Fhailí san imscrúdú seo.

appear before me to give oral evidence. The County Council responded to Phase One of the investigation by letter dated 19 November 2021. This response focused on the questions relating to the signs about which complaints had been made. The lack of co-operation by the County Council in investigating complaints from my Office was fundamental to both investigations I had conducted and having appraised the County Council’s case I decided to write yet again on 17 August 2022 and request a detailed response in relation to the investigation’s queries regarding the Council’s complaints enquiry system, in summary:

- Provide a full account of the system in place in the organisation to investigate and respond to complaints from my Office in relation to signage.
- Given the lengthy delay in providing a response to the complaints, did the County Council consider that its complaints investigation system was fit for purpose?
- Where the County Council believed its system was not fully suitable or appropriate, the County Council was asked to identify the weaknesses in the complaints investigation system and to take the necessary steps to make that system more appropriate.

There was again a delay in responding to this communication. It was answered in a letter dated 9 November 2022.

### Co-operation with Oifig an Choimisinéara Teanga

While Offaly County Council apologised for its lack of action and complete disregard for a statutory investigation following the initiation of section 22(1), no explanation was given as to why or how it occurred within the timeline provided.

I am not aware of any other public body which has shown such complete disregard for co-operation with this Office since the commencement of the Official Languages Act 2003. During my nine years as Coimisinéir Teanga, no other local authority, or indeed any other public body, to my knowledge, has been as dilatory and unresponsive in communicating with my Office as Offaly County Council during this investigation.

## Príomh-mholtaí an Imscrúdaithe

- Mhol mé go ndeimhneofaí go raibh na comharthaí a bhí luaite san imscrúdú ceartaithe laistigh de thrí mhí ionas go mbeadh siad:
  - 1) i gcomhréir leis na Rialacháin atá déanta faoi Acht na dTeangacha Oifigiúla 2003 maidir le húsáid na dteangacha oifigiúla ar chomharthaí, nó
  - 2) i gcomhréir leis na forálacha teanga atá sa *Lámhleabhar do Chomharthaí Tráchtá*.
- Mhol mé go gcuirfeadh Comhairle Contae Uíbh Fhailí córas i bhfeidhm ionas go mbeadh gach comhartha nua a chuirfí in airde i gcomhréir leis an reachtaíocht ábhartha teanga feasta.
- Mhol mé go ndéanfaí athbhreithniú ar chóras freagartha cumarsáide na Comhairle Contae agus go gcuirfí moltaí faoi mo bhráid chun an córas sin a leasú ionas nach mbeadh moill mhíchuibheasach ná teip chumarsáide i leith comhfhreagrais uaimse agus mo chuid feidhmeanna reachtúla mar Choimisinéir Teanga faoi Achtanna na dTeangacha Oifigiúla á gcomhlíonadh agam.

## Amlíne an Imscrúdaithe

Imscrúdú seolta: 9 Meitheamh 2020

Tuarascáil eisithe: 19 Nollaig 2022

## Main Recommendations of the Investigation

- I recommended that the signs mentioned in the investigation be corrected within three months so that they would be:
  - 1) in accordance with the Regulations made under the Official Languages Act 2003 regarding the use of the official languages on signs, or
  - 2) in accordance with the language provisions contained in the *Traffic Signs Manual*.
- I recommended that Offaly County Council put in place a system so that all new signs erected would henceforth be in accordance with the relevant language legislation.
- I recommended that the County Council's communications response system be reviewed and that recommendations be made to me to amend that system so that there is no undue delay or failure to communicate with respect to correspondence from me in the performance of my statutory functions as Coimisinéir Teanga under the Official Languages Acts.

## Timeline of Investigation

Investigation launched: 9 June 2020

Report issued: 19 December 2022

## Iarnród Éireann

### Achoimre

Léirigh imscrúdú gur sháraigh Iarnród Éireann na dualgais reachtúla teanga atá daingnithe:



- sna Rialacháin atá eisithe faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla 2003 [Na Rialacháin um Acht na dTeangacha Oifigiúla 2003 (alt 9) 2008] (I.R. Uimh. 391 de 2008), nó/agus
- i bhfo-alt 57(1) den Acht Iompair, 1950 (I.R. 12 de 1950) i gcomhthéacs córas nua comharthaíochta atá curtha in airde ag an gcomhlacht poiblí i Stáisiún Uí Chonghaile.

## Iarnród Éireann

### Summary

An investigation determined that Iarnród Éireann had breached the statutory language obligations as confirmed:

- in the Regulations issued under subsection 9(1) of the Official Languages Act 2003 [Official Languages Act 2003 (section 9) Regulations 2008] (S.I. No. 391 of 2008), or/and
- in subsection 57(1) of the Transport Act 1950 (S.I. 12 of 1950) relating to a new signalling system erected at Connolly Station.

## Bunús Gearáin

Thosaigh Iarnród Éireann ar chlár nua i mí Dheireadh Fómhair 2021 chun Taispeántí Eolais do Phaisinéirí (TEP)<sup>1</sup> nua a chur in ionad na cinn a bhí ann sna stáisiúin seo a leanas i lár chathair Bhaile Átha Cliath:

- Stáisiún Uí Chonghaile
- Stáisiún Shráid na Teamhrach
- Stáisiún na bPiarsach
- Stáisiún Bhóthar Chluain Tarbh
- Stáisiún Dhroim Conrach
- Stáisiún Dhuga na Canálach Móire

Nuair a bhí na taispeántí suiteáilte, rinneadh cúig ghearán liom ó dhaoine den phobal go raibh córas comharthaíochta nua curtha in airde ag Iarnród Éireann i mBéarla amháin.

## An Próiseas Imscrúdaithe

D'fhiosraigh m'Óifig an cheist le hIarnród Éireann, tríd an bpróiseas neamhfhoirmiúil réitithe gearán a fheidhmíonn m'Óifig mar chéad chéim den phróiseas imscrúdaithe i mí Feabhra agus Márta, 2022.

Dhearbhaigh Iarnród Éireann nach raibh na comharthaí ar fáil ach i mBéarla amháin, ach ní raibh freagra iomlán, críochnúil faighte againn uathu ar an ábhar faoi thús mhí an Mheithimh. In éagmais freagra shásúil ó Iarnród Éireann faoin tráth sin, chinn mé gur ghá dom imscrúdú a sheoladh.

Is comharthaí teachtaireachta nó faisnéis inathraithe iad na Taispeántí Eolais nua ab ábhar do na gearáin a rinneadh liom. Is comharthaí iad, dá réir sin, arna gcur in airde chun críche na Rialachán faoi chomharthaí atá eisithe faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla 2003. Anuas air sin, cé go mbíonn an fhaisnéis á hathrú ar na comharthaí sin, tá an fhaisnéis sin á cur ar taispeánt ar threalamh suite ar "buan-chomhartha" é, mar a mhínítear sin i bhfo-alt 57(1) den Acht Iompair, 1950.

Ba léir, ón gcéad fhreagra ó Iarnród Éireann, gur ghlac siad leis gan cheist go raibh an eagraíocht ag sárú na ndualgas reachtúil teanga sin i gcás an chórais nua comharthaíochta a bhí curtha in airde aici i Stáisiún Uí Chonghaile, áit a raibh comharthaí curtha in airde le heolas a chur ar fáil do phaisinéirí maidir le hamanna traenacha agus ceann scríbe á dtaispeánt i mBéarla

1. Is iad na cláir fógraí dhigiteacha a bhíonn ar na hardáin traenach agus a thugann eolas maidir le hamanna agus ceann scríbe atá i gceist.

## Basis for the complaint

Iarnród Éireann commenced a new programme in October 2021 to replace existing Passenger Information Displays<sup>1</sup> at the following stations in Dublin city centre:

- Connolly Station
- Tara Street Station
- Dublin Pearse Station
- Clontarf Road Station
- Drumcondra Station
- Grand Canal Dock Station

When the displays were installed, I received five complaints from members of the public that Iarnród Éireann had erected a new signage system in English only.

## Investigation Process

My Office queried the matter with Iarnród Éireann through the informal system which my Office operates as a first step in the investigation process in February and March 2022. Iarnród Éireann confirmed that the signage was available in English only, but we had not received a complete and thorough response from them on the matter by early June. In the absence of a satisfactory response from Iarnród Éireann by then, I decided that it was necessary to launch an investigation.

The new Information Displays, which were the subject of the complaints made to me, are messaging signs or variable information signs. They should, therefore, comply with Regulations governing the use of signs as set out under subsection 9(1) of the Official Languages Act 2003. Additionally, while the information is being altered on these signs, this information is displayed on mounted equipment which is a "permanent sign", as defined in subsection 57(1) of the Transport Act 1950.

It was clear from Iarnród Éireann's first response that it accepted without question that the organisation was in breach of those statutory language obligations in the case of the new signalling system it had erected in Connolly Station, where signs had been erected to inform passengers about train times and destinations

1. The digital notice boards in question are positioned on the train platforms and share information regarding destination and times.

amháin. Mhaígh Iarnród Éireann a riachtanaí agus a bhí sé go mbeadh Córais Eolais do Chustaiméirí ar fáil a thabharfadh eolas faoin staid reatha i dtrátha ‘fíor-ama’. Is eolas é seo a thugann cuntas ar am sroichte agus imeachta, uimhir ardáin, agus ceann scribe na seirbhíse iompair.

Chuir Iarnród Éireann in iúl gur bhain fadhbanna teicniúla de na seanchórais ríomhaireachta a bhí ag imeacht as feidhm agus a raibh ag cliseadh orthu. Ní raibh aon cheist, dar le Iarnród Éireann, ach go gcothódh sé seo fadhbanna do phaisinéirí nach raibh ar a gcumas teacht ar eolas faoi mhoill traenacha nó athrú ardáin nó eile agus cuireadh in iúl go rabhthas ag cur as d’fheidhmiú éifeachtach na stáisiún éagsúil dá dheasca seo.

*“Tá stádas dífheidhmeachta ag an ghné rialaithe den chóras seo a thiomáineann an sruth faisnéise chuig comharthaíocht dá leithéid sna stáisiún.”*

Thug Iarnród Éireann le fios go raibh an trealamh nua a bhí á shuiteáil sna stáisiún inniúil ar an nGaeilge a láimhseáil ach go raibh fadhb ag baint leis an mbogearra reatha a bhí róshean agus nárbh fhéidir leis glacadh ach leis an eolas i mBéarla amháin. Deimhníodh go mbeadh an scéal curtha ina cheart nuair a bheadh an seanchóras agus an bogearra rialaithe forbartha as an nua agus cóirithe faoin mbliain 2025, mar chuid den Chóras Bainistithe Tráchtá nua-bheartaithe.

Rinne mé imscrúdú cheana in 2018 ar Iarnród Éireann a bhain le comharthaí an chomhlachta agus rinne mé moltaí i dtuarascáil an imscrúdaithe sin go n-ullmhódh Iarnród Éireann beartas agus treoirlínte cuimsitheacha feidhmiúcháin a mbeadh d’aidhm acu a chinntiú go gcoifí leis na ceanglais reachtúla teanga i gcás comharthaí arna ndearadh agus arna gcur in airde ag Iarnród Éireann nó thar a cheann. Bheifí ag súil, mar sin, go mbeadh na forálacha reachtúla teanga, (fearacht forálacha eile) ar bharr aigne ag foireann an tionscadail seo nuair a bhí moltaí agus cinntí á ndéanamh. Sa chás sin, níor mhóide go ndéanfaí cinneadh comhfhisach go gcaithfí na dualgais reachtúla teanga sin a shárú agus na cúinsí inar braithheadh go gcaithfí a leithéid de chinneadh a dhéanamh, gan na nithe sin a bheith taifeadta. Cé gur lorg mé taifead ar aon phlé a rinneadh a bhí ábharthach maidir leis na cinntí seo, níor chuir Iarnród Éireann a leithéid ar fáil dom.

in English only. Iarnród Éireann underlined how necessary it was to provide Customer Information Systems which would deliver information on the current situation in ‘real time’. This is information that outlines the arrival and departure time, platform number, and destination of the transport service.

Iarnród Éireann explained that the old computer systems which were becoming obsolete were experiencing technical problems and failing. There was no question, in Iarnród Éireann’s view, but that this would create problems for passengers who were unable to access information about train delays or platform changes or otherwise and indicated that the effective operation of the various stations was being disrupted as a result.

*“The control aspect of this system, that drives the flow of information to such signage in stations has become obsolete.”*

Iarnród Éireann explained that the new equipment being installed in the stations was compatible with the Irish language but that there was a problem with the existing software which was too old and could only accept information in English. It was confirmed that the situation would be rectified once the old system and control software had been newly developed and adapted by 2025, as part of the newly proposed Traffic Management System.

I had previously investigated Iarnród Éireann in 2018 in relation to the company’s signage and made recommendations that Iarnród Éireann prepare a comprehensive implementation policy and guidelines aimed at ensuring compliance with statutory language requirements in respect of signs designed and erected by or on behalf of Iarnród Éireann. It would be expected, therefore, that the statutory language provisions, (like other provisions) would be to the fore of the project staff’s considerations when making recommendations and decisions. In that case, it would not be possible to make a conscious decision that those statutory language obligations had to be breached and the circumstances in which it was felt that such a decision would have to be made, without those matters being recorded. While I sought a record of any discussions that were relevant to these findings, Iarnród Éireann did not provide me with such information.



Threisigh Iarnród Éireann ar thábhacht an Chórais Eolais a bheith ar fáil agus ar na himpleachtaí sláinte agus sábháilteachta a bhaineann lena sholáthar:

*‘Gan úsáid a bhaint as an gCóras Eolais do Chustaiméirí éiríonn feidhmiú an stáisiúin níos deacra agus méadaíonn an dóchúlacht go dtarlódh roinnt contúirtí i dtimpeallacht an stáisiúin. Áirítear ar na contúirtí sin sluaite ag plódú ag slite dála, go sciorrfaidh, go dtuiseoidh agus go dtitfidh custaiméirí agus iad ag rith / agus ag déanamh deifir ar a mbealach ar bord traenacha agus fadhbanna le brú / plódú ar an traein - comhéadan ardáin.....’*

D’áitigh Iarnród Éireann gur fhág na cúinsí crua a bhí rianaithe acu ina chuid freagraí “idir loing agus lamairne” iad: gur braitheadh go gcaithfí dul ar aghaidh leis an gcóras nua comharthaíochta gan mhoill in ainneoin go raibh forálacha reachtúla teanga á sárú dá bharr sin (go dtí go mbeadh an córas nua bainistithe i bhfeidhm). Dá dhonacht an sárú reachtúil sa chás seo ba mheasa go mór, dar leis an gcomhlacht, na móriarmhairtí diúltacha a bheadh i gceist don tseirbhís agus do phaisinéirí dá gclisfeadh ar an seanchóras.

Mhaígh Iarnród Éireann go bhfuiltear “an-tiomanta don Ghaeilge” agus do chomhlíonadh gach dualgas reachtúil agus go bhfuiltear tiomanta chun timpeallacht dhátheangach a chruthú do chustaiméirí. Tá an dualgas reachtúil seo i bhfeidhm ón mbliain 1950. Níor cheart go mbeadh moill ná fanacht ar phaisinéirí reatha ar a gcearta reachtúla faoin Acht Iompair, 1950.

Is bocht an mhaise é d’Iarnród Éireann nár léiríodh don imscrúdú go ndearnadh aon chúram ceart de na dualgais reachtúla teanga le linn phleanáil ná chur i bhfeidhm na forbartha seo, ná go ndearna Iarnród Éireann aon iarracht a chinntiú nach mbeadh sárú reachtúil teanga mar thoradh ar na forbairtí seo. Níor léir ach oiread go ndearnadh aon mhachnamh ar chur chuige malartach lena leithéid de shárú a sheachaint. Ba chóir don chomhlacht poiblí a bheith i bhfad níos réamhghníomhaí agus níos airdealláí faoi cheist na ndualgas fadhbunaithe reachtúla teanga agus feidhmiú ar bhealach i bhfad níos práinní chun an sárú a bhí déanta a chur ina cheart.

Iarnród Éireann stressed the importance of the availability of the Information System and the health and safety implications of its provision:

*‘Without the use of the Customer Information System the operation of the station becomes more difficult and increases the likelihood of some dangers occurring in the station environment. These dangers include crowds converging into areas resulting in slipping, tripping and falling of passengers while running / rushing on their way to board trains and problems with pressure/congestion on the train - at platform interface.....’*

Iarnród Éireann argued that the difficult circumstances outlined in its responses had left them “in a critical situation”: that it was felt that the new signalling system would have to proceed without delay despite the fact that statutory language provisions were being breached as a result (until the new control system was in place). Despite the failure to comply with statutory regulations in this case, the company considered that the consequences of failure of the old signage system, would be far worse for the service and for passengers.

Iarnród Éireann stated that it is “very committed to the Irish language” and to meeting all statutory obligations and that it is committed to creating a bilingual environment for customers. This statutory obligation has been in place since 1950. Existing passengers should not be delayed or at a disadvantage in respect of their statutory rights under the Transport Act 1950.

It is a poor reflection on Iarnród Éireann not to have demonstrated to the investigation that any proper responsibility for statutory language obligations was taken during the planning or implementation of this development, nor that Iarnród Éireann made any effort to ensure that these developments would not result in a statutory language breach. Nor did it appear that any alternative approach was considered to avoid such a breach. The public body should be much more proactive and vigilant on the issue of longstanding statutory language obligations and act in a much more urgent way to rectify the breach that had occurred.

## Príomh-mholtaí an Imscrúdaithe

Mhol mé d'Iarnród Éireann gníomhú, a luaithe agus ab fhéidir, chun go mbeadh an fhaisnéis á léiriú ar na Taispeántí Eolais i nGaeilge agus i mBéarla agus i gcomhréir leis na forálacha teanga maidir le comharthaíocht atá sa reachtaíocht chuí.

Mhol mé freisin go n-ullmhódh Iarnród Éireann dréachtbheartas agus dréacht-treoirínte maidir le húsáid na dteangacha oifigiúla i gcomhréir leis na ceangaltais reachtúla teanga, a bheidh le cur san áireamh agus le cur i bhfeidhm feasta ag Iarnród Éireann maidir le dearadh agus suiteáil comharthaí agus/nó córais chomharthaíochta nua.

D'iarr mé ar Iarnród Éireann tuairisc bhliantúil a chur faoi bhráid m'Oifige maidir le feidhmiú an bheartais agus na dtreoirínte comhaontaithe ar feadh tréimhse 5 bliana ón am a dtagann siad i bhfeidhm.

## Amlíne an Imscrúdaithe

Imscrúdú seolta: 11 Bealtaine 2022

Tuarascáil eisithe: 19 Nollaig 2022

## Main Recommendations of the Investigation

I recommended that Iarnród Éireann act, as soon as possible, to make the information displayed on the Information Displays in Irish and English and in accordance with the language provisions regarding signage contained in the relevant legislation.

I also recommended that Iarnród Éireann prepare a draft policy and guidelines on the use of the official languages in accordance with statutory language requirements, which would need to be taken into account and implemented by Iarnród Éireann from now on, in relation to the design and installation of signage and/or new signage systems.

I requested that Iarnród Éireann submit an annual report to my Office on the implementation of the agreed policy and guidelines for a period of 5 years from their coming into effect.

## Timeline of Investigation

Investigation launched: 11 May 2022

Report issued: 19 December 2022



Rónán Ó Domhnaill, an Coimisinéir Teanga, agus Seán Ó Coinn, Príomhfheidhmeannach Foras na Gaeilge, le baill Chumann na nOifigeach Forbartha Gaeilge: Órla McMorrow, Emmet Ó Fatharta, Éamonn de Barra, Siobhán Seoighe, Chris Dorgan, Bairbre Uí Theighneáin agus Máire Seó Breathnach

An Coimisinéir Teanga, Rónán Ó Domhnaill, and Foras na Gaeilge CEO, Seán Ó Coinn, with Órla McMorrow, Emmet Ó Fatharta, Éamonn de Barra, Siobhán Seoighe, Chris Dorgan, Bairbre Uí Theighneáin and Máire Seó Breathnach, members of the Irish Language Development Officers Association

## SCÉIMEANNA TEANGA

### SCÉIMEANNA DAINGNITHE

Dhaingnigh an tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán dhá dhara scéim teanga agus dhá thríú scéim teanga agus ceithre cheathrú scéim teanga le linn na bliana 2022. Níor daingníodh aon chéad ná chúigiú scéim teanga in 2022. Faoi dheireadh na bliana bhí 141 scéim teanga daingnithe agus i bhfeidhm. Tá liosta de na comhlachtaí poiblí a bhfuil scéim teanga daingnithe ag an Aire ina leith le fáil ar shuíomh gréasáin na hOifige: [www.coimisineir.ie](http://www.coimisineir.ie)

## LANGUAGE SCHEMES

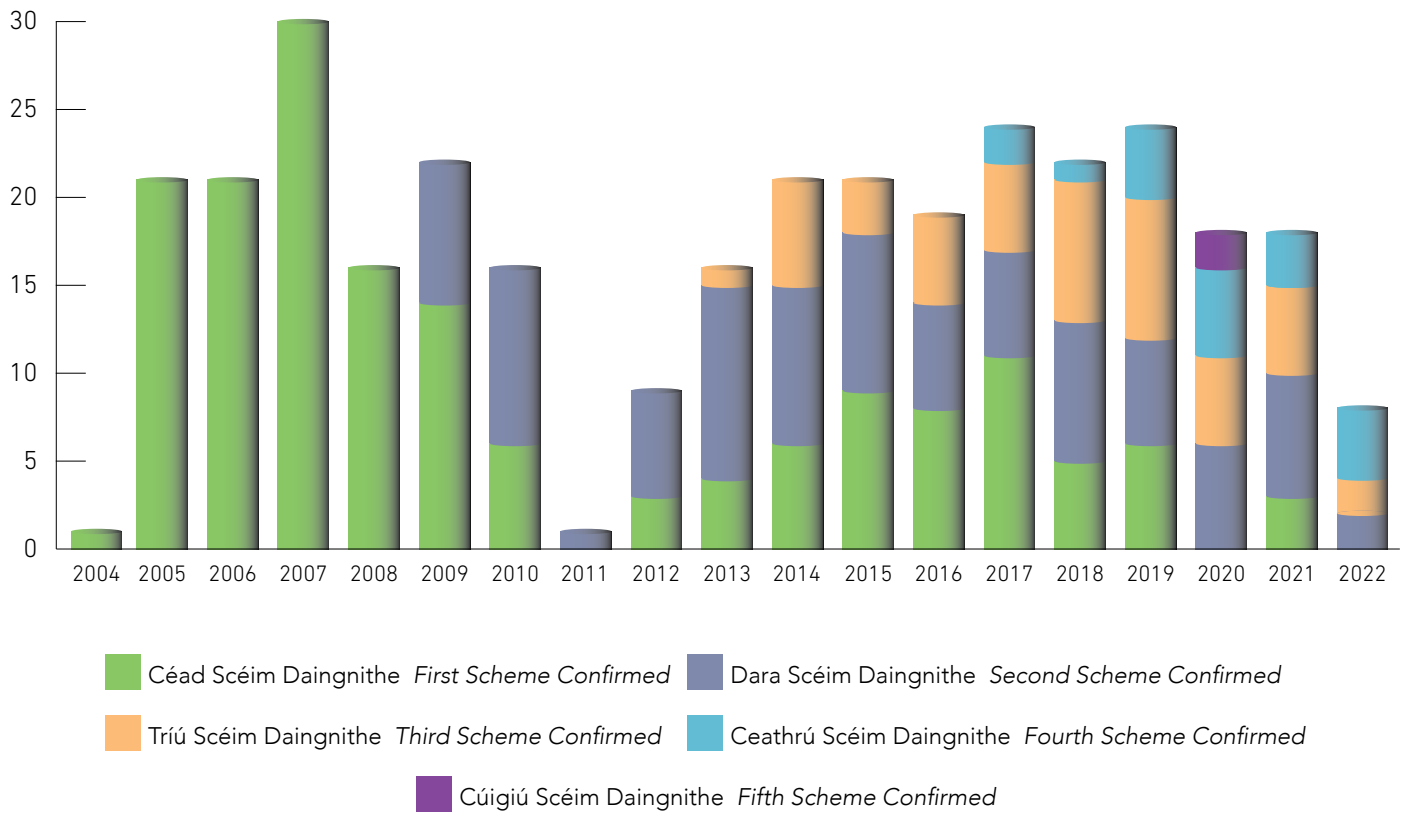
### SCHEMES CONFIRMED

The Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media confirmed **two** second language schemes, **two** third language schemes, and **four** fourth language schemes during 2022. There were no first or fifth language schemes confirmed in 2022. By the end of the year, **141** language schemes were confirmed and implemented. A list of public bodies with confirmed language schemes by the Minister is available on this Office's website: [www.coimisineir.ie](http://www.coimisineir.ie)

### Bliain ar daingníodh an chéad Scéim Teanga Year in which first Language Scheme was confirmed

Bliain Year	Scéimeanna Schemes
2004	1
2005	21
2006	21
2007	30
2008	16
2009	14
2010	6
2011	0
2012	3
2013	4
2014	6
2015	9
2016	8
2017	11
2018	5
2019	6
2020	0
2021	3
2022	0
	<b>164</b>
Scéimeanna dímholta Schemes superseded	5
Scéimeanna as feidhm Lapsed schemes	18
Iomlán Total	<b>141</b>

## Scéimeanna daingnithe ag an Aire Schemes confirmed by the Minister



Oifig an Choimisinéara Teanga, An Spidéal, Co. na Gaillimhe

An Coimisinéir Teanga's Office, An Spidéal, Co. Galway

## CÚRSAÍ AIRGEADAIS

Cuireadh soláthar €1,109,000 ar fáil don Oifig don bhliain 2022 agus tarraingíodh anuas €1,098,487 den bhuiséad sin.

Tá ráitis airgeadais na hOifige don bhliain 2022 ullmhaithe don Ard-Reachtaire Cuntas agus Ciste lena n-íniúchadh de réir fho-alt 8(2) den Dara Sceideal a ghabhann le hAcht na dTeangacha Oifigiúla 2003.

A luaithe agus is féidir tar éis an iniúchta, déanfaidh an Coimisinéir Teanga cóip de na cuntais sin, nó de cibé sleachta as na cuntais sin a shonróidh an tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán, mar aon le tuarascáil an Ard-Reachtaire Cuntas agus Ciste maidir leis na cuntais, a chur i láthair an Aire.

Beidh cóipeanna de na doiciméid sin á leagan faoi bhráid Thithe an Oireachtais ag an Aire. Foilseofar ina dhiaidh sin iad ar shuíomh gréasáin na hOifige.

## ÍOCAÍOCHTAÍ PRASA

Tá dualgas ar eagraíochtaí stáit córais chúí a fheidhmiú ionas go n-íoctar sonraisc bhailí laistigh de 15 lá ón dáta a bhfaightear iad. Tá dualgas ar eagraíochtaí stáit chomh maith tuairisc ráithiúil maidir leis an ábhar seo a fhoilsiú ar a suíomh gréasáin.

## FINANCIAL MATTERS

An allocation of €1,109,000 was provided to this Office for 2022 and €1,098,487 of that budget was drawn down.

The financial statements of the Office for 2022 have been prepared for audit by the Comptroller and Auditor General in accordance with subsection 8(2) of the Second Schedule to 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 Tourism, Culture, Arts, Gaeltacht, Sport and Media 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 subsequently be published on the Office's website.

## PROMPT PAYMENTS

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.

### Tuairisc ar Íocaíochtaí Prasa Prompt Payments Report

Tréimhse Clúdaithe: 1 Eanáir – 31 Nollaig 2022 *Period Covered: 1 January – 31 December 2022*

Sonraí Details	Uimhir Number	Luach (€) Value (€)	Céatadán (%) de líon iomlán na n-íocaíochtaí a rinneadh Percentage (%) of total number of payments made
Líon na n-íocaíochtaí a rinneadh laistigh de 15 lá <i>Number of payments made within 15 days</i>	252	210,088	100%
Líon na n-íocaíochtaí a rinneadh laistigh de thréimhse idir 16 lá agus 30 lá <i>Number of payments made within 16 days to 30 days</i>			
Líon na n-íocaíochtaí a rinneadh sa bhreis ar 30 lá <i>Number of payments made in excess of 30 days</i>			
Líon iomlán na n-íocaíochtaí sa tréimhse <i>Total number of payments made in the period</i>	252	210,088	100%

## FAISNÉIS CHORPARÁIDEACH

### ÚSÁID FUINNIMH

Tugtar an t-eolas seo a leanas i gcomhréir le forálacha I.R. 542 de 2009.

#### Forbhreathnú ar 2022

Baineann iomlán an fhuinnimh le leictreachas a úsáideann Oifig an Choimisinéara Teanga i bhfoirgneamh na hOifige sa Spidéal, Co. na Gaillimhe i gcomhair théamh agus aerú an fhoirgnimh, téamh uisce, soilse agus trealamh oifige.

D'úsáid an Oifig 79.88 MWh leictreachais le linn na bliana 2022, ardú 8% ar úsáid na bliana 2021. D'fhill an fhoireann ar ais ar an láthair oibre tar éis ardú shrianta COVID-19 agus cuireadh leis an líon foirne san oifig féin i gcaitheamh 2022 chomh maith.

#### Gníomhartha a rinneadh in 2022

Leanadh de na cleachtais sheanbhunaithe chun úsáid fuinnimh a spáráil: féachtar chuige go múchtar fearais oifige nuair is cuí agus deimhnítear go mbíonn gach fearas is féidir múchta san oíche agus nuair nach mbítear san fhoirgneamh. Cuirtear úsáid fuinnimh san áireamh mar chritéar nuair a bhíonn trealamh leictreonach á roghnú don Oifig nó tairiscintí ar threalamh á meas. Ar mhaithe le coigiltis fuinnimh thug an Oifig faoi iniúchadh ar chórais leictreachais agus teasa na hOifige faoi threoir comhairleora atá cláraithe le hÚdarás Fuinnimh Inmharthana na hÉireann (SEAI). Chuir an comhairleoir moltaí faoi bhráid bhainistíocht na hOifige agus táthar ag déanamh uasghráidithe ar chóras leictreachais agus teasa na hOifige dá bharr.

#### Gníomhartha atá beartaithe do 2023

Déanfar monatóireacht rialta ar úsáid leictreachais i gcaitheamh na bliana 2023. Mar thoradh ar iniúchadh coigiltis fuinneamh Údarás Fuinnimh Inmharthana na hÉireann cuirfear tús leis an uasghráidú thuasluaite ar bhonneagar leictreachais na hOifige in 2023 agus leanfar le bearta caomhnaithe fuinnimh na hOifige.

## CORPORATE INFORMATION

### ENERGY USAGE

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

#### Overview of 2022

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 including the heating and aeration of the building, water heating, lighting and the use of office equipment.

The Office used 79.88 MWh of electricity during 2022, an increase of 8% on 2021 consumption. Staff returned to the office after the lifting of COVID-19 restrictions and the number of staff members within the office location also increased during 2022.

#### Actions taken in 2022

The established energy-saving practices were continued: ensuring that all equipment is turned off as appropriate and ensuring that lights and any equipment that can be 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. With the aim of conserving energy, the Office undertook an audit of the Office's electricity and heating systems under the guidance of a consultant registered with the Sustainable Energy Authority of Ireland (SEAI). The consultant submitted recommendations to the Office's management, and as a result, the electricity and heating system is being upgraded.

#### Actions planned for 2023

Electricity consumption will be monitored on a regular basis during 2023. Following on from the SEAI energy saving audit, the Office will undertake the aforementioned upgrade of its electricity infrastructure in 2023 and will continue with energy conservation measures.

## NOCHTADH COSANTA

Tuarascáil Bhliantúil Oifig an Choimisinéara Teanga do 2022 i gcomhréir le halt 22(1) den Acht um Nochtadh Cosanta, 2014. Is í seo an seachtú Tuarascáil Bhliantúil um Nochtadh Cosanta ó Oifig an Choimisinéara Teanga agus clúdaítear inti an tréimhse ón 1 Eanáir 2022 go dtí an 31 Nollaig 2022.

Faoi alt 22(1) den Acht um Nochtadh Cosanta, 2014, tá ar gach comhlacht poiblí tuarascáil bhliantúil a fhoilsiú ina sonraítear líon na nochtuithe cosanta a fuarthas i gcomparáid leis an mbliain roimhe sin agus an gníomh a rinneadh (más ann dó). Ní dhearnadh aon nochtadh cosanta le hOifig an Choimisinéara Teanga le linn na bliana 2022.

## DUALGAS NA HEARNÁLA POIBLÍ UM CHOMHIONANNAS AGUS CEARTA AN DUINE

Leagtar dualgas ar chomhlachtaí poiblí faoin Acht fá Choimisiún na hÉireann um Chearta an Duine agus Comhionannas, 2014 aird chuí a thabhairt ar shaincheisteanna a bhaineann le cearta an duine agus le comhionannas. Tá an Oifig seo ag glacadh cur chuige réamhghníomhach leis an dualgas sin a chur i bhfeidhm.

Chun feasacht na heagraíochta a ardú, tá oiliúint rochtana ar líne déanta ag foireann uile na hOifige. Cuirfear oiliúint ar fhostaithe nua de réir mar is gá.

## PROTECTED DISCLOSURE

Annual Report of the Office of An Coimisinéir Teanga for 2022 in accordance with section 22(1) of the Protected Disclosures Act 2014. This is the seventh Protected Disclosures Annual Report from the Office of An Coimisinéir Teanga and it covers the period from 1 January 2022 to 31 December 2022.














Under section 22(1) of the Protected Disclosures Act 2014, each public body is required to publish an annual report outlining the number of protected disclosures received in the preceding year and the action taken (if any). No protected disclosures were made to the Office of An Coimisinéir Teanga during 2022.

## PUBLIC SECTOR EQUALITY AND HUMAN RIGHTS DUTY

The Irish Human Rights and Equality Commission Act 2014 places a duty on public bodies to have due regard to human rights and equality issues. This Office is adopting a proactive approach to implementing this obligation.

To increase awareness within the organisation, we ensured that all staff of the Office undertook access training online. Training shall be provided for new employees as required.

## FOIREANN STAFF

	An Coimisinéir Teanga	Rónán Ó Domhnaill
	Príomhoifigeach – Stiúrthóir <i>Principal Officer – Director</i>	Séamas Ó Concheanainn
	Príomhoifigeach Cúnta – Gearáin <i>Assistant Principal Officer – Complaints</i>	Órla de Búrca
	Príomhoifigeach Cúnta – Oibríochtaí <i>Assistant Principal Officer – Operations</i>	Maggie Ní Chadhain
	Príomhoifigeach Cúnta – Cumarsáid <i>Assistant Principal Officer – Communications</i>	Páidí Ó Lionáird
	Príomhoifigeach Cúnta – Imscrúduithe <i>Assistant Principal Officer – Investigations</i>	Eibhlín de Paor
	Príomhoifigeach Cúnta – Imscrúduithe (ar scor) <i>Assistant Principal Officer – Investigations (retired)</i>	Éamonn Ó Bróithe
	Ardoifigeach Feidhmiúcháin <i>Higher Executive Officer</i>	Eileen Seoighe
	Ardoifigeach Feidhmiúcháin <i>Higher Executive Officer</i>	Nóirín Sheoighe
	Oifigeach Feidhmiúcháin <i>Executive Officer</i>	Gráinne Ní Shúilleabháin
	Oifigeach Feidhmiúcháin <i>Executive Officer</i>	Deirdre Nic Dhonncha
	Oifigeach Feidhmiúcháin <i>Executive Officer</i>	Sara Ní Neachtain
	Oifigeach Cléireachais <i>Clerical Officer</i>	Ciara Dolphin

Ar an 12 Márta 2014, cheap Uachtarán na hÉireann, Micheál D. Ó hUiginn, Rónán Ó Domhnaill mar Choimisinéir Teanga. Athcheapadh é don dara téarma i mí an Mhárta 2020.

Is é an leagan Gaeilge buntéacs na Tuarascála seo.

On 12 March 2014, the President of Ireland, Michael D. Higgins, appointed Rónán Ó Domhnaill as Coimisinéir Teanga. He was reappointed for a second term in March 2020.

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





NÓTAÍ | NOTES

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## An Coimisinéir Teanga

An Spidéal, Gaillimh, Éire.

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