An Coimisinéir Teanga

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Tuarascáil Bhliantúil
Annual Report

2021

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Tuarascáil Bhliantúil

Annual Report

2021

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 2021 á cur i láthair ag an gCoimisinéir Teanga.

Rónán Ó Domhnaill
An Coimisinéir Teanga
Márta 2022

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 2021 is presented by An Coimisinéir Teanga.

Rónán Ó Domhnaill
An Coimisinéir Teanga
March 2022

RÁITEAS MISIN

"Ag cosaint cearta teanga"

Seirbhís neamhspleách ar ardchaighdeán a chur ar fáil i gcomhlíonadh ár ndualgas reachtúil le cinntiú go ndéanann an státchóras 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 an mBliain 2021

727 GEARÁN

ardú 20% ar fhigiúr na bliana seo caite (2020)

Tháinig **26.5%** de na gearáin ó Bhaile Átha Cliath

04 05 06 07

Tuarascáil Faireacháin 2020/2021 foilsithe i mí **Iúil**

Tháinig **27%**

de na gearáin ón nGaeltacht – ardú arís

A lámh curtha ag an Uachtarán le

hAcht na dTeangacha Oifigiúla (Leasú), 2021

Acht Nua:

- Cuspóir go mbeadh 20% de na hearcaigh nua sa tseirbhís phoiblí agus sa Státseirbhís inniúil sa Ghaeilge faoin mbliain 2030.
- Foráil chun deireadh a chur le córas na scéimeanna teanga agus córas caighdeán seirbhíse a bhunú.
- Foráil chun a chinntiú go bhfreagraítear cumarsáid a dhéantar le comhlacht poiblí ar na meáin shóisialta sa teanga oifigiúil chéanna.
- Foráil lena leagtar dualgas ar chomhlachtaí poiblí ábhar margaíochta a chuirtear faoi bhráid aicme den phobal a bheith i nGaeilge.
- Foráil lena leagtar dualgas ar chomhlachtaí poiblí 20% ar a laghad dá bhfógraíocht in aon bhliain a dhéanamh trí Ghaeilge.

Comhairle curtha ar chomhlachtaí poiblí ar **159 ócáid éagsúil**

123

gearán a bhain le **COVID**

á

LÍON SUNTASACH

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

ARDÚ SUNTASACH

ar líon na ngearán i dtaca le seirbhísí idirghníomhacha ar líne

FADHB LEANÚNACH

le húsáid leaganacha Béarla de sheoltaí de bharr úsáid Eircode

5 imscrúdú tugtha chun críche

18 **scéim teanga** daingnithe ag an Aire

Overview of 2021

727 COMPLAINTS

20% increase on 2020

26.5% of complaints came from Dublin

2020/2021 Monitoring Report published in **July**

27%

of complaints came from the Gaeltacht – another increase

The President signs the

Official Languages (Amendment) Act 2021

New Act:

- An objective that by 2030 20% of new recruits to the public service and the Civil Service be proficient in Irish.
- A provision to end the language scheme system and replace it with a system of language standards.
- A provision to ensure that communications with a public body on social media are answered in the same official language.
- A provision requiring public bodies to ensure that marketing material distributed to a class of the public be in Irish.
- A provision requiring public bodies to ensure that at least 20% of their annual advertising is in Irish.

Advice given to state bodies on **159** **separate occasions**

123

complaints concerning **COVID**

SUBSTANTIAL NUMBER

of complaints in respect of the use of the acute accent in a person's name

SUBSTANTIAL INCREASE

in the number of complaints in respect of online interactive services

CONTINUING ISSUE

with the use of the English version of addresses due to the use of Eircode

5 investigations concluded

18 language schemes confirmed by Minister

RÉAMHRÁ

Tá Acht na dTeangacha Oifigiúla (Leasú), 2021 chugainn faoi dheireadh. Is mar thoradh ar éilimh shaoránaigh an Stáit agus ar chaibidil mheáite i dTithe an Oireachtais a ritheadh an reachtaíocht láidir leasaithe seo.

> *... cuirfear deireadh le córas na scéimeanna teanga agus bunófar córas caighdeán teanga.*

Ach tosach feidhme a bheith tugtha don Acht nua, cuirfear deireadh le córas na scéimeanna teanga agus bunófar córas caighdeán teanga. Beidh spriocdhátaí cinnte ann faoina gcuirfear gach seirbhís stáit ar fáil trí Ghaeilge sa Ghaeltacht. Gealltar freisin go mbeidh inniúlacht chuí sa Ghaeilge ag 20% d'earcaigh nua sa tSeirbhís Phoiblí faoin mbliain 2030.

Is ceart fáilte a chur roimh an Acht nua agus is cóir dúinn uile an deis cheannaireachta a thapú agus ré úr amach romhainn maidir le cearta teanga sa Stát. Tá tuilleadh mionsonraí faoin reachtaíocht nua ar leathanach 15.

GEARÁIN

Tháinig méadú de bhreis ar 20% ar líon na ngearán a fuarthas le linn na bliana 2021. Is baolach nach raibh dualgas reachtúil ar chomhlachtaí poiblí seirbhís a chur ar fáil i nGaeilge don phobal i gcás suas le leath de na gearáin sin: staitistic lom a léiríonn riachtanas an Achta nua. Os a choinne sin, tháinig ardú 43% ar líon na dteagmhálacha a rinne comhlachtaí poiblí leis an Oifig chun comhairle a fháil maidir le seirbhísí a sholáthar i nGaeilge. Treiseofar ar chlár feasachta na hOifige le linn 2022.

I mbliana, bhí ardú freisin ar líon na ngearán ón nGaeltacht. Tháinig os cionn aon cheathrú de na gearáin (27%) ó dhaoine atá ina gcónaí sa Ghaeltacht – ardú ó 23% in 2020 agus ó 18% an bhliain roimhe sin.

Bhain 92% de na gearáin le seacht réimse faoi leith:

FOREWORD

The Official Languages Act (Amendment) 2021 has finally arrived. This robust and amended legislation was passed as a result of the demands of citizens of the State and considered debate in the Houses of the Oireachtas.

> *... the language scheme system will come to an end and a system of language standards will be established.*

Following the commencement of the new Act, the language scheme system will come to an end and a system of language standards will be established. There will be defined deadlines by which all state services shall be available through Irish within the Gaeltacht. There is also a commitment that 20% of new recruits to the Public Service will have appropriate competence in the Irish language by 2030.

This new Act should be welcomed and it is fitting for us to exercise leadership as we contemplate a new era for language rights in the State. Further detail concerning the new legislation can be found on page 15.

COMPLAINTS

There was an increase in excess of 20% in the number of complaints received during the year 2021. It is very unfortunate that public bodies were under no statutory obligation to provide a service to the public through Irish in respect of up to half of these complaints: a stark statistic which underlines the necessity for the new Act. However, there was an increase of 43% in the number of contacts made by public bodies with the Office to seek advice regarding the provision of services in Irish. The awareness programme of the Office will be strengthened during 2022.

There was also an increase in the number of complaints from the Gaeltacht this year. More than a quarter of the complaints (27%) originated from complainants residing in the Gaeltacht – an increase from 23% in 2020 and from 18% the previous year.

92% of the complaints can be classified within seven distinct categories:

- 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
- cumarsáid i scríbhinn leis an bpobal le faisnéis a thabhairt

COVID

Bhain an cúigiú cuid de na gearáin a fuarthas in 2021 leis an éigeandáil sláinte. Ní fhéadfaí go leor de na gearáin a fhiosrú de bharr easpa forálacha sa reachtaíocht a chinnteodh seirbhís shásúil trí Ghaeilge.

Thit líon na ngearán i dtús phaindéim Covid-19 ach de réir mar a rinneadh faillí i gcearta teanga in 2020 agus arís in 2021 rinne líon ard daoine teagmháil le m'Oifig agus a ndíomá mhór á cur in iúl acu go raibh beag is fiú á dhéanamh de sheirbhísí stáit as Gaeilge le linn na paindéime.

> *Bhain trian de na gearáin a rinneadh i dtaca le Covid-19 le heaspa seirbhísí idirghníomhacha as Gaeilge.*

Bhain trian de na gearáin a rinneadh i dtaca le Covid-19 le heaspa seirbhísí idirghníomhacha as Gaeilge. Bhain go leor de na gearáin le clárú do vacsaín nó don teastas digiteach vacsaíne. Rinneadh gearáin liom freisin faoin easpa eolais i nGaeilge a bhain le hiarrachtaí an Stáit dul i ngleic leis an bpaindéim. San áireamh anseo bhí litreacha, comharthaíocht, ciorcláin scoile and suíomhanna gréasáin a scaipeadh nó a foilsíodh i mBéarla amháin.

Ba chóir a aithint gur tháinig feabhas ar sholáthar faisnéise i scríbhinn i nGaeilge chuig an bpobal i gcoitinne, i.e. leabhráin eolais agus cora poist. Ar an iomlán, áfach, agus mar a chuir mé in iúl do choiste Oireachtais, an bhuairt atá orm ná go dtiocfadh na fadhbanna céanna chun cinn an athuair dá mbeadh éigeandáil eile ann, de bharr easpa pleanála agus easpa práinne ó thaobh seirbhísí a sholáthar as Gaeilge.

- provisions in language schemes
- signage and stationery
- response in English to communication in Irish
- difficulties with using names and surnames in Irish
- other enactments relating to the use of Irish
- use of Irish on road signs
- written communications with the public for the purpose of furnishing information

COVID

Approximately one in five complaints I received this year related to the health crisis. Many of the complaints could not be investigated due to a lack of provision in legislation requiring satisfactory service through Irish.

When Covid-19 first struck in 2020 there was an initial drop-off in complaints, but throughout 2020 and again in 2021, with language rights continually sidelined, people contacted my Office in large numbers expressing much disappointment that state services through Irish were often marginalised during the pandemic.

> *One third of Covid-19 related complaints were about interactive services not being available in Irish.*

One third of Covid-19 related complaints were about interactive services not being available in Irish. Many of the complaints related to registration for a vaccine or for the digital vaccination certificate. I also received complaints relating to a lack of information in Irish regarding the pandemic and efforts by the State to curtail it. This included letters, signage, school circulars and websites, many of which were distributed or published in English only.

It should be recognised that there was an improvement regarding the provision of information in writing through Irish to the public in general, i.e. mail shots and booklets. In totality, however, and as I stated at an Oireachtas committee, my concern is that if an emergency occurred again, many of the examples of services being provided in English only would re-occur due to a lack of planning and a lack of urgency regarding the provision of services in Irish also.

FAIREACHÁN

An Roinn Oideachais

Sháraigh an Roinn Oideachais an tAcht Oideachais agus a scéim teanga nuair a cuireadh ar fáil as Béarla amháin tairseach ar líne maidir le gráid ríofa do dhaltaí na hArdteistiméireachta. Le linn an phróisis faireacháin ar chur i bhfeidhm mholtaí an imscrúdaithe tugadh le fios dúinn go raibh an scéal curtha ina cheart agus go raibh an tairseach ar líne ar fáil i nGaeilge d'Ardteist 2021. Tá pleanáil chuí ag teastáil amach anseo lena chinntiú nach dtarlóidh a leithéid arís.

Comhairle Cathrach na Gaillimhe

Léirigh imscrúdú go raibh Comhairle Cathrach na Gaillimhe ag sárú an dualgais reachtúil maidir le húsáid na Gaeilge trí chomharthaí a bhain le Covid-19 agus a bhí i mBéarla amháin a chur in airde ar fud na cathrach. Táim sásta go bhfuil moltaí an imscrúdaithe curtha i bhfeidhm go hiomlán ag an gComhairle agus gabhaim buíochas léi as a comhoibriú.

An Foras Taighde ar Oideachas

Táthar ag leanúint leis an bhfaireachán ar mholtaí imscrúdaithe a léirigh gur theip ar an bhForas Taighde ar Oideachas dualgas reachtúil teanga san Acht Oideachais, 1998 a chur i bhfeidhm. Chuir an Foras scoileanna atá ag teagasc trí Ghaeilge as an áireamh nuair a bhí sampla á roghnú le haghaidh caighdeánú trialacha léitheoireachta Béarla agus trialacha Matamaitice do bhunscoileanna. Táim buíoch den Fhoras as na hiarrachtaí atá á ndéanamh aige moltaí uile an imscrúdaithe a chomhlíonadh.

RTÉ

> *Tá teagmháil rialta ar siúl le RTÉ maidir le cur i bhfeidhm mholtaí an imscrúdaithe ...*

Léirigh imscrúdú in 2018 gur sháraigh RTÉ an tAcht Craolacháin de bharr easpa réimse cuimsitheach clár teilifíse i nGaeilge agus easpa cláir cúrsaí reatha i nGaeilge ar a sceideal teilifíse. Tá teagmháil rialta ar

MONITORING

Department of Education

The Department of Education breached the Education Act and its language scheme when an online portal to enable students to register for calculated grades in the Leaving Certificate was made available in English only. During our monitoring process regarding implementation of recommendations from the investigation we were informed that the situation had been rectified and that the portal was now available in Irish for Leaving Cert 2021. Better planning is necessary in the future to ensure a similar breach does not occur again.

Galway City Council

An investigation showed that Galway City Council breached the statutory obligation regarding the use of Irish by erecting signs in English only relating to Covid-19 all across the city. I am satisfied that the recommendations made in the investigation have been fully implemented by the Council and thank it for its cooperation.

Educational Research Centre

Monitoring is continuing into recommendations resulting from an investigation that demonstrated that the Educational Research Centre failed to implement a statutory language obligation contained in the Education Act 1998. The Centre excluded schools teaching through the medium of Irish throughout the country in samples being chosen to standardise a norm for English reading tests and Maths tests for primary schools. I am grateful to the Centre for the efforts it is making to ensure full implementation of the recommendations.

RTÉ

> *Engagement is ongoing with RTÉ regarding the implementation of recommendations …*

An investigation in 2018 showed that RTÉ was in breach of the Broadcasting Act due to the lack of provision of a comprehensive range of programming in Irish and current affairs programming through Irish on its television schedules. Engagement is ongoing with

siúl le RTÉ maidir le cur i bhfeidhm mholtaí an imscrúdaithe agus táim buíoch den eagraíocht as an gcomhoibriú. Tá an t-ardú suntasach ar líon na n-uaireanta de chláir as Gaeilge aitheanta agam (123 uair an chloig in 2017, breis is 900 uair an chloig in 2021) agus RTÉ ag iarraidh géilliúlacht iomlán a bhaint amach. Mar sin féin, is ábhar imní i gcónaí laghad na gclár cúrsaí reatha as Gaeilge, ar riachtanas reachtúil atá ann a éilítear go sonrach san Acht Craolacháin.

IMSCRÚDUITHE

Comhairle Contae na Mí

Tugadh roinnt mhaith imscrúduithe suntasacha chun críche i rith na bliana. Bhain imscrúdú mórshuntais le sárú a rinne Comhairle Contae na Mí ar an Acht um Pleanáil agus Forbairt. Léirigh an t-imscrúdú nár chomhlíon Comhairle Contae na Mí an dualgas reachtúil atá uirthi cosaint a thabhairt d'oidhreacht teanga agus chultúrtha na Gaeltachta le linn an phróisis pleanála i gcomhair forbairt tithíochta i Ráth Chairn. Níor chinntigh an Chomhairle go mbeadh tionchar dearfach ag an bhforbairt bheartaithe ar úsáid na Gaeilge sa Ghaeltacht, mar a éilítear faoin reachtaíocht. Léirigh an t-imscrúdú go soiléir an difear suntasach idir an chaoi ar chinntigh an Chomhairle go ndéanfaí gnéithe eile den Phlean Forbartha Contae a chur i bhfeidhm i gcomparáid leis an easpa cúraim agus an easpa cur chun feidhme a bhain leis na cuspóirí teanga.

Pleanáil

> *Tá géarghá le forbairt treoirlínte reachtúla ...*

Is díol suntais é an Grúpa Oibre ar Chúrsaí Pleanála Tithíochta sa Ghaeltacht atá bunaithe faoi scáth na Roinne Tithíochta, Rialtais Áitiúil agus Oidhreachta i gcomhar leis an Roinn Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán. Tá géarghá le forbairt treoirlínte reachtúla faoi alt 28 den Acht um Pleanáil agus Forbairt, 2000 – treoirlínte a dhéanfadh daingniú ar na dualgais atá ar údaráis áitiúla maidir le nithe ar nós pleananna forbartha áitiúla ar leith a fhorbairt do gach ceantar Gaeltachta i ndlínsí na n-údarás áitiúil, ráitis tionchair teanga chaighdeánaithe a fhorbairt, modhanna caighdeánaithe náisiúnta chun inniúlacht

RTÉ regarding the implementation of recommendations and I am grateful to the organisation for its cooperation. I have recognised the substantial increase in programming through Irish (123 hours in 2017 to over 900 hours in 2021) as RTÉ seeks to ensure full compliance. Nevertheless, a continuing cause for concern is the dearth of current affairs programmes through Irish which is a statutory obligation as explicitly required by the Broadcasting Act.

INVESTIGATIONS

Meath County Council

Several significant investigations were completed during the year. One such investigation related to a breach of the Planning and Development Act by Meath County Council. The investigation revealed that Meath County Council did not adhere to the statutory obligation in relation to the protection of the linguistic and cultural heritage of the Gaeltacht during the planning process for a housing development in Ráth Chairn. The Council did not ensure that the proposed development would have a positive impact on the use of Irish in the Gaeltacht, as required under legislation. The investigation highlighted the considerable variance between the comprehensive manner in which Meath County Council implemented other provisions of the County Development Plan and the lack of care and lack of implementation that related to the linguistic objectives.

Planning

> *There is an urgent requirement to formulate statutory guidelines …*

The Working Group on Housing Planning in the Gaeltacht – which has been established under the Department of Housing, Local Government and Heritage in conjunction with the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media – is a significant development. There is an urgent requirement to formulate statutory guidelines under section 28 of the Planning and Development Act 2000 – guidelines which would reinforce the responsibilities of local authorities regarding matters such as the formulation of separate local development plans for each Gaeltacht district in local authority catchment areas, the formulation of standardised language impact statements, standardised national methods of

teanga a mheas, treoirlínte maidir le tús áite do chainteoirí Gaeilge ó thaobh leithroinnt tithe sóisialta i gceantair Ghaeltachta agus araile.

An tSeirbhís Chúirteanna

Léirigh imscrúdú gur theip ar an tSeirbhís Chúirteanna ateangaire a chur ar fáil d'fhear a lorg go dtabharfadh sé fianaise os comhair na cúirte i nGaeilge agus gur sháraigh an comhlacht poiblí sin na forálacha d'Acht na dTeangacha Oifigiúla, 2003 faoina gcinntítear gur féidir le haon saoránach ceachtar de na teangacha oifigiúla a úsáid sa chúirt gan aon mhíbhuntáiste.

Comhairle Contae Dhún Laoghaire-Ráth an Dúin (x2)

Is annamh a dhéantar dhá imscrúdú ar an gcomhlacht poiblí céanna in aon bhliain amháin. Léirigh an chéad imscrúdú gur theip ar Chomhairle Contae Dhún Laoghaire-Ráth an Dúin a scéim teanga féin a chur i bhfeidhm de bharr nár ceapadh Oifigeach Gaeilge nó coiste chun cur i bhfeidhm na scéime a chinntiú. Léirigh an dara himscrúdú gur sháraigh Comhairle Contae Dhún Laoghaire-Ráth an Dúin Acht na dTeangacha Oifigiúla, 2003 mar gur scaip sí nuachtlitreacha a bhí i mBéarla amháin ar áitritheoirí sa cheantar in ainneoin foráil san Acht ina ndeirtear go gcaithfidh cumarsáid scríofa ina gcuirtear faisnéis ar fáil don phobal i gcoitinne nó d'aicme den phobal i gcoitinne a bheith i nGaeilge nó i nGaeilge agus i mBéarla.

Tá achoimrí iomlána ar na himscrúduithe uile ar leathanaigh 43-60 den tuarascáil seo.

CUMARSÁID & EILE

Mar Choimisinéir Teanga is mór an onóir dom deis a bheith agam casadh le grúpaí, eagraíochtaí agus daoine a oibríonn go dian díograiseach chun an Ghaeilge a chur chun cinn agus a chosaint. Laghdaíodh go mór ar na himeachtaí seo de dheasca na paindéime le linn 2021 ach bheinn dóchasach gur i bhfeabhas a bheidh an scéal ag dul as seo amach.

Thug mé roinnt mhaith óráidí uaim maidir le cearta teanga ag ócáidí poiblí. Rinne mé cur i láthair rialta do chomhlachtaí poiblí freisin maidir le cur i bhfeidhm an Achta. B'onóir faoi leith a bhí ann dom i mbliana gur bhronn Fondúireacht Ollscoile Cheanada & na hÉireann i dteannta Ollscoil Mhuire Naofa, Albain Nua, Comhaltacht Beacon D'Arcy McGee orm. Thapaigh mé

assessment of language proficiency, guidelines on priority for Irish speakers in relation to the allocation of social housing in Gaeltacht areas and so forth.

The Courts Service

An investigation found that the Courts Service failed to provide an interpreter for a man who had requested to give evidence before a court in Irish and that the public body concerned breached the provisions of the Official Languages Act 2003 which ensure all citizens can use either of the official languages in a court of law without being placed at a disadvantage.

Dún Laoghaire-Rathdown County Council (x2)

Two investigations into the same public body within the same year is exceptionally rare. The first investigation highlighted the failure by Dún Laoghaire-Rathdown County Council to implement its own language scheme by failing to appoint an Irish Language Officer or to establish a committee to ensure implementation of the scheme. The second investigation showed that Dún Laoghaire-Rathdown County Council breached the Official Languages Act 2003 by distributing a newsletter to residents in the area in English only despite a provision in the Act stating that written communication with the public in general or a class of the public in general for the purpose of furnishing information must either be in Irish or in Irish and English.

Full summaries of all the investigations is available on pages 43-60 of this report.

COMMUNICATIONS & OTHER MATTERS

As Coimisinéir Teanga it is always an honour to have the opportunity to meet with groups, organisations and individuals who work tirelessly and diligently to promote and protect the Irish language. These events were greatly impacted due to the pandemic during 2021 but hopefully brighter days lie ahead.

I delivered a number of speeches relating to language rights at public events. I also made regular presentations to public bodies regarding the implementation of the Act. I was particularly honoured to receive the D'Arcy McGee Beacon Fellowship from Ireland Canada University Foundation & St. Mary's

an deis eochaircaint a thabhairt ar ghnéithe den reachtaíocht teanga in Éirinn – mar a bhí, mar atá agus mar a bheidh.

CRÍOCH

Ritheadh Acht Teanga nua in 2021. Tá Rialtas na hÉireann i ndiaidh gníomhú ar mhian an phobail go mbeidh teacht ar sheirbhísí stáit ina rogha teanga oifigiúla. Tabharfar gach ugach agus treoir do chomhlachtaí poiblí na dualgais reachtúla nua a chur i bhfeidhm go tráthúil agus go héifeachtach. Cinnteoidh feidhmeanna breise faireacháin go gcuirfear le réimeas monatóireachta agus imscrúdaithe Oifig an Choimisinéara Teanga. Is mórathruithe chun feabhais a d'fhéadfadh a bheith iontu seo ach iad a chur i bhfeidhm ar mhaithe le haghaidh a thabhairt ar dhúshláin atá aitheanta arís agus arís eile i dTuarascálacha Bliantúla na hOifige seo. Anois an t-am don bheart de réir briathair, don phleanáil phras agus don rannpháirtíocht chórasach sa tionscnamh práinneach seo: is féidir le gníomhartha fónta teacht roimh dhóchas bréige.

University, Nova Scotia. I availed of the opportunity to give a keynote speech on the issue of language legislation in Ireland – its past, present and future.

CONCLUSION

New language legislation was passed in 2021. The Government of Ireland has acted on the public's wishes that state services may be accessed in their choice of official language. Every encouragement and advice shall be given to public bodies to implement the new statutory obligations effectively and in a timely manner. Additional oversight functions shall ensure that the Office of An Coimisinéir Teanga operates an enhanced monitoring and investigative realm. These are transformational changes for the better which could, if implemented, overcome difficulties which have been repeatedly identified in the Annual Reports of this Office. Now is the time to fit action to words, to engage in prompt planning and to encourage systemic engagement with this urgent initiative: prudent efforts can forestall false hopes.

Rónán Ó Domhnaill, an Coimisinéir Teanga, ag tabhairt aithisc do Chomhchoiste na Gaeilge, na Gaeltachta agus Phobal Labhartha na Gaeilge.
Rónán Ó Domhnaill, An Coimisinéir Teanga, addressing the Joint Committee on the Irish Language, Gaeltacht and Irish-speaking Community.

SEIRBHÍSÍ EOLAIS AGUS CUMARSÁIDE

COMHAIRLE DO CHOMHLACHTAÍ POIBLÍ

Fáiltíonn an Oifig i gcónaí roimh an deis comhairle a chur ar chomhlachtaí poiblí maidir lena gcuid freagrachtaí faoin Acht. Is feidhm thábhachtach í seo dom mar Choimisinéir Teanga mar cuidíonn comhairle agus eolas cruinn le comhlachtaí poiblí a gcuid dualgas faoin Acht a chomhlíonadh ar bhealach níos éifeachtaí. Is cúis sásaimh dom gur tháinig ardú suntasach ar líon na gcomhairlí a lorgaíodh ó m'Oifig in 2021.

Rinne oifigigh ó chomhlachtaí poiblí teagmháil le hOifig an Choimisinéara Teanga ar 159 ócáid éagsúil in 2021, ardú 43% ón mbliain seo caite. Bhain 32% de na fiosruithe le gealltanais scéimeanna teanga, bhain 31% le comhairle i dtaca le comharthaíocht, stáiseanóireacht agus fógairtí taifeadta béil agus bhain 9% le dualgais i dtaca le foilseacháin.

Bíonn an Oifig réamhghníomhach ina cuid iarrachtaí go dtuigfeadh comhlachtaí poiblí gur féidir teagmháil a dhéanamh linn más mian leo aon soiléiriú a fháil ar na dualgais atá le comhlíonadh faoin Acht. Le linn na bliana reáchtáladh cruinnithe aonaracha ar líne le comhlachtaí poiblí éagsúla chun plé a dhéanamh ar na dualgais ghinearálta faoin Acht nó ábharthacht an Achta i dtaca le tionscnaimh áirithe a bhí beartaithe nó idir lámha.

Táim ag tnúth go mbeidh m'Oifig an-ghnóthach le linn na bliana 2022, ag cur comhairle ar chomhlachtaí poiblí maidir leis na riachtanais bhreise a bheidh orthu de thoradh Acht na dTeangacha Oifigiúla (Leasú), 2021.

ÓCÁIDÍ

- Eochairchaint ar reachtaíocht teanga agus Comhaltacht D'Arcy McGee Beacon á bronnadh orm ag Fondúireacht Ollscoile na hÉireann agus Cheanada agus Ollscoil Mhuire Naofa, Albain Nua.
- Coiste Oireachtais na Gaeilge, na Gaeltachta agus Phobal Labhartha na Gaeilge.

INFORMATION AND COMMUNICATIONS SERVICES

ADVICE TO PUBLIC BODIES

The Office always welcomes the opportunity to offer advice to public bodies regarding their obligations under the Act. It is a very important function for me as Coimisinéir Teanga, as accurate advice and information assists public bodies to comply more effectively with their obligations under the Act. It is a matter of satisfaction that a significant increase occurred in the amount of advice sought by public bodies from my Office in 2021.

Officials from public bodies contacted the Office of An Coimisinéir Teanga on 159 separate occasions in 2021, an increase of 43% on the previous year. 32% of enquiries related to compliance with commitments provided in language schemes, 31% related to requests for advice on the language requirements associated with signage, stationery and recorded oral announcements, with 9% of enquiries relating to publications.

The Office strives to be proactive in its efforts to ensure that public bodies understand the value of contacting us if they wish to receive any clarification on the obligations to be complied with under the Act. During the year, individual online meetings were held with different public bodies to discuss the general obligations under the Act or its application in relation to proposed projects or projects currently underway.

I expect my Office to be very busy in 2022, offering advice to public bodies regarding their additional duties under the Official Languages (Amendment) Act 2021.

EVENTS

- Keynote speech on language legislation in Ireland upon receipt of D'Arcy McGee Beacon Fellowship from Ireland Canada University Foundation & St. Mary's University, Nova Scotia.
- Oireachtas Committee on the Irish Language, Gaeltacht and the Irish-Speaking Community.

- Óráid maidir le cearta teanga ag seoladh an leabhair *An Ghaeilge sa Dlí* le Dáithí Mac Cárthaigh BL. Eagraithe ag Cumann Barra na Gaeilge.
- Cur i láthair ar Acht na dTeangacha Oifigiúla, 2003 do bhord na Comhairle um Oideachas Gaeltachta agus Gaelscolaíochta.
- Óráid ag seoladh Trasna na dTonnta, Páirc an Chrócaigh.
- I láthair ag seoladh Ghradam Sheosaimh Uí Ógartaigh le Gaillimh le Gaeilge.
- Cuir i láthair ar Acht na dTeangacha Oifigiúla, 2003 do bhaill foirne agus do mhic léinn ó Choláiste na Tríonóide, Baile Átha Cliath agus ó Choláiste na hOllscoile, Baile Átha Cliath.
- Cur i láthair ar Acht na dTeangacha Oifigiúla, 2003 d'Aontas na Mac Léinn in Éirinn.

NA MEÁIN CHUMARSÁIDE

Bhí cuid mhaith teagmhála agam leis na meáin chumarsáide le linn 2021. Déanaim gach uile iarracht i gcónaí freastal ar gach aon iarratas ó na meáin nuair a bhaineann an t-iarratas sin 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, ba mhaith liom buíochas a ghlacadh leis na hiriseoirí a bhí i dteagmháil leis an Oifig i rith na bliana.

- Speech concerning language rights at launch of book *An Ghaeilge sa Dlí* by Dáithí Mac Carthaigh BL. Organised by Cumann Barra na Gaeilge.
- Presentation on the Official Languages Act 2003 for the board of An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta.
- Speech at launch of Trasna na dTonnta, Croke Park.
- Attended presentation of Gradam Sheosaimh Uí Ógartaigh by Gaillimh le Gaeilge.
- Presentations on the Official Languages Act 2003 to staff and students at Trinity College Dublin and University College Dublin.
- Presentation on the Official Languages Act 2003 to the Union of Students in Ireland.

MEDIA

I had a considerable amount of contact with the media during 2021. I always make every effort to accommodate all media requests relating to matters concerning Irish language legislation under my remit. I believe it is vital to provide authoritative updates to the public and it also ensures that we are accountable to the public. In that context, I would like to thank the journalists who were in contact with the Office during the year.

CUMAINN

CUMANN NA nOMBUDSMAN

Is cumann de na hOifigí Ombudsman ar fad in Éirinn agus sa Bhreatain Mhór atá san eagraíocht seo. Tá an Oifig seo ina ball gníomhach den Chumann agus tá mé i mo bhall de Bhord Feidhmiúcháin na heagraíochta ó 2017. Duine amháin as Éirinn atá ar an mbord, ar a bhfuil ochtar ball ina iomláine. Casann an bord le chéile cúig huaire sa bhliain chun gnóthaí Chumann na nOmbudsman a riaradh agus a phlé le Stiúrthóir an Chumainn.

FÓRAM OMBUDSMAN NA hÉIREANN

Is fochoiste de chuid Chumann na nOmbudsman é an Fóram agus é comhdhéanta d'Oifigí Ombudsman na tíre seo. Ceapadh mé i mo Chathaoirleach ar an bhFóram sa bhliain 2017. Bíonn cruinnithe ag Fóram Ombudsman na hÉireann, ina bhfuil seachtar ball, uair sa ráithe.

CUMANN IDIRNÁISIÚNTA NA gCOIMISINÉIRÍ TEANGA

Feidhmíonn an Cumann mar ghréasán luachmhar do Choimisinéirí Teanga ar fud na cruinne agus tá seal caite agam mar Rúnaí, mar Leaschathaoirleach agus mar Chathaoirleach ar an gCumann in imeacht na mblianta. Tá 11 Choimisinéir 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. Is minic a bhíonn go leor de na dúshláin chéanna teanga ag baint lenár gcuid oibre in ainneoin éagsúlacht mhór sna timpeallachtaí ina bhfeidhmíonn na heagraíochtaí éagsúla.

ASSOCIATIONS

OMBUDSMAN ASSOCIATION

This is an association of all the Ombudsman Offices in Ireland and Great Britain. This Office is an active member of the Association and I've been a member of the Executive Board of the organisation since 2017. The board includes one member from Ireland and comprises eight members in total. The board meets five times a year to administer and discuss the affairs of the Association with the Association's Director.

IRISH OMBUDSMAN FORUM

This Forum is a subcommittee of the Ombudsman Association with membership from Ombudsman Offices in this country. I was appointed Chair of the Forum in 2017. The Irish Ombudsman Forum, of which there are seven members, meets on a quarterly basis.

INTERNATIONAL ASSOCIATION OF LANGUAGE COMMISSIONERS

This organisation operates as a valuable network for the Language Commissioners operating in various parts of the world. I have served as Secretary, Vice-Chair and Chair of the Association over the years. Currently the Association has a membership of 11 Language Commissioners or Ombudsman with members from Ireland, Canada, Wales, the Basque Country, Catalonia, Kosovo and Belgium. We face many of the same linguistic challenges in our work despite the distinct environments in which the various organisations operate.

ACHT NUA, RÉ NUA

Is ar an 22 Nollaig 2021 a chuir Uachtarán na hÉireann, Micheál D. Ó hUigínn, a lámh le Bille na dTeangacha Oifigiúla (Leasú), 2019. Is fada leis an bpobal go dtabharfaí tosach feidhme d'Acht na dTeangacha Oifigiúla (Leasú), 2021 agus go mbainfí gach úsáid as a gcearta breise teanga. Is in imeacht ama a thiocfaidh forálacha na reachtaíochta leasaithe i bhfeidhm ach breathnaímis chun cinn go mbeidh rochtain shaoráideach ag saoránaigh ar bhreis sheirbhísí ó chomhlachtaí poiblí ina rogha teanga oifigiúla.

CÚLRA

> *... bhí éileamh láidir ar leasú reachtaíochta ó líon suntasach eagraíochtaí Gaeilge agus Gaeltachta.*

D'fhoilsigh an chéad Choimisinéir Teanga, Seán Ó Cuirreáin, tuarascáil i mí Iúil 2011 ina raibh tráchtaireacht ar fheidhm phraiticiúil agus oibriú fhorálacha an Achta mar aon le moltaí riachtanacha chun an tAcht a láidriú. Ina cheann sin, bhí éileamh láidir ar leasú reachtaíochta ó líon suntasach eagraíochtaí Gaeilge agus Gaeltachta. I gcomhréir leis an ngealltanas a bhí tugtha i gClár an Rialtais, 2011-2016, chuir an tAire Stáit um Ghnóthaí Gaeltachta, Donnchadh Mac Fhionnlaoich TD, dlús le hathbhreithniú i bhfómhar na bliana 2011:

'Déanfaimid athbhreithniú ar Acht na dTeangacha Oifigiúla chun a chinntiú go mbainfear an leas is fearr as caiteachas ar an teanga chun an teanga a fhorbairt agus chun a chinntiú go bhforchuirtear dualgas go cuí de réir éilimh ó shaoránaigh.'

Chuimsigh téarmaí tagartha an athbhreithnithe stádas na Gaeilge sa Bhunreacht, spriocanna na Straitéise 20 Bliain don Ghaeilge agus na bealaí ab éifeachtaí chun seirbhísí an Stáit a sholáthar don phobal trí mheán na Gaeilge. Reáchtáladh comhairliúchán poiblí mar chuid den athbhreithniú: fuarthas 1,126 freagra ar shuirbhé an phróisis athbhreithnithe agus 562 aighneacht ón bpobal. D'fhoilsigh an Roinn torthaí an phróisis úd agus ceannteidil Bille nua i mí Aibreáin 2014.

NEW LEGISLATION, NEW ERA

On 22 December 2021, the President of Ireland, Michael D. Higgins, signed the Official Languages (Amendment) Bill 2019. The commencement of the Official Languages (Amendment) Act 2021 is eagerly awaited by the public who wish to fully exercise their additional language rights. The legislative provisions will be implemented in due course but we may anticipate that citizens will come to have ready access to more services from public bodies in their choice of official language.

BACKGROUND

> *... a significant number of Irish language and Gaeltacht bodies were forcefully calling for legislative reform.*

The first Coimisinéir Teanga, Seán Ó Cuirreáin, published a report in July 2011 which provided a commentary on the practical implementation of the Act's provisions and proposals essential to strengthen the legislation. Futhermore, a significant number of Irish language and Gaeltacht bodies were forcefully calling for legislative reform. In line with the undertaking made in the Programme for Government 2011-2016, the Minister of State for Gaeltacht Affairs, Dinny McGinley TD, initiated a review in the autumn of 2011:

'We will review the Official Languages Act to ensure expenditure on the language is best targeted towards the development of the language and that obligations are imposed appropriately in response to demand from citizens.'

The terms of reference of the review encompassed the status of the Irish language in the Constitution, the objectives of the 20 Year Strategy for Irish and the most effective means of providing state services to the public through Irish. A public consultation was held during the review: the review process survey received 1,126 responses and 562 submissions were made by members of the public. The Department published the outcome of that process and the heads of a new Bill in April 2014.

BILLE NA dTEANGACHA OIFIGIÚLA (LEASÚ), 2014, 2017 & 2019

Tharraing ceannteidil an Bhille nua go leor díospóireachta i measc phobal na Gaeilge agus ba léir go rabhthas go láidir den tuairim go raibh easnaimh shuntasacha ar an dréachtreachtaíocht. Lochtaíodh easpa spriocanna earcaíochta na seirbhíse poiblí agus córas na scéimeanna teanga go speisialta. D'fhill mé ar na laigí sonracha a bhain le córas na scéimeanna teanga ina dhiaidh sin i dTuarascáil Bhliantúil 2015:

'Luath nó mall beidh orainn córas na scéimeanna teanga a leasú más ann gur mian linn rialú níos éifeachtaí a dhéanamh ar sholáthar seirbhísí stáit trí Ghaeilge. Creidim gur fearr i bhfad go ndéanfaí na socruithe anois do chóras níos éifeachtaí a bhunú seachas a bheith ag cur muinín i gcóras mí-éifeachtúil na scéimeanna teanga.'

> *Léirigh na torthaí go raibh córas na scéimeanna teanga in aimhréidh.*

Níor foilsíodh Bille na dTeangacha Oifigiúla (Leasú), 2014 sular scor an 31ú Dáil ar an 3 Feabhra 2016. Chuir mé torthaí tráchtaireachta ar chóras na scéimeanna teanga faoi bhráid Chomhchoiste na Gaeilge, na Gaeltachta agus na nOileán i mí Aibreáin 2017. Léirigh na torthaí go raibh córas na scéimeanna teanga in aimhréidh. Ba mhinice cúlú seirbhíse ná athrú chun feabhais le sonrú ar na scéimeanna teanga a bhí á dtabhairt chun cinn an tráth úd.

Mhol mé caighdeáin teanga chomónta i dtaca le seirbhísí trí Ghaeilge a thabhairt isteach in áit chóras na scéimeanna teanga. Ba den riachtanas freisin é, dar liom, go bhforbrófaí polasaí úr earcaíochta lena gcinnteofaí íosmhéid foirne le hinniúlacht chuí sa Ghaeilge ina mbeadh foráil lena gcinnteofaí go mbeadh Gaeilge líofa ag oibrithe stáit sa Ghaeltacht. D'fhorbair Conradh na Gaeilge malairt leagain den Bhille agus foilsíodh i mí na Bealtaine 2017 é.

Dul chun cinn suntasach a bhí sa soláthar a rinne an Rialtas i leith na riachtanas seo nuair a foilsíodh ceannteidil an Bhille nua i mí an Mheithimh 2017. Leagadh ceannteidil Bhille an Rialtais faoi bhráid

OFFICIAL LANGUAGES (AMENDMENT) BILL, 2014, 2017 & 2019

The heads of the new Bill generated considerable debate within the Irish language community and a strong view clearly emerged that the draft legislation contained significant deficiencies. The lack of public service recruitment targets was criticised and the language scheme system especially so. I returned to the specific weaknesses pertaining to the language scheme system thereafter in the 2015 Annual Report:

'Sooner or later we'll need to amend the language scheme system if we wish to more effectively manage the provision of state services in Irish. I believe that it is far better to make arrangements now for the establishment of a more effective system rather than depending on the ineffective language scheme system.'

> *The conclusions demonstrated that the language scheme system was flawed.*

The Official Languages (Amendment) Bill 2014 was not published prior to the dissolution of the 31st Dáil on 3 February 2016. I submitted the conclusions of a commentary on the language scheme system to the Joint Committee on the Irish Language, the Gaeltacht and the Islands in April 2017. The conclusions demonstrated that the language scheme system was flawed. Diminished services rather than service improvements were being frequently tabled in respect of language schemes then being prepared.

I proposed the introduction of common language standards in respect of Irish language services which would replace the language scheme system. I believed that it was also necessary to develop a new recruitment policy which would ensure a minimum staffing complement with appropriate competency in the Irish language with a provision to ensure that public servants working in the Gaeltacht would be fluent in Irish. Conradh na Gaeilge developed an alternative text for the Bill which was published in May 2017.

When the heads of the new Bill were published in June 2017 there was a significant improvement in the provision made by the Government in respect of these requirements. The heads of the Government Bill were

Choiste na Gaeilge, na Gaeltachta agus na nOileán agus d'fhoilsigh an Coiste an *Tuarascáil ar Scéim Ghinearálta Bhille na dTeangacha Oifigiúla (Leasú), 2017* de thoradh an phróisis seo faoi shamhradh na bliana 2018.

ACHT NA dTEANGACHA OIFIGIÚLA (LEASÚ), 2021

Ba faoi Nollaig 2019 a d'fhoilsigh an Rialtas Bille na dTeangacha Oifigiúla (Leasú), 2019. Moladh líon mór leasuithe ar an mBille de bhun an phlé i dTithe an Oireachtais agus feidhmíodh breis agus leathchéad leasú ar an reachtaíocht faoin am ar ritheadh an Bille i nDáil Éireann ar an 15 Nollaig 2021. Creidim gur chuir grinnscrúdú agus mionphlé chomhaltaí Thithe an Oireachtais go mór le forálacha an Achta agus táimid uile faoina gcomaoin dá bharr.

ARDTOSAÍOCHT NÁISIÚNTA

> *Beidh ról cinniúnach ag an gCoiste Comhairleach atá le bunú faoin Acht ...*

Ní mór tús áite a thabhairt do chur i bhfeidhm an Achta ina iomláine as seo amach. Dá bhrí sin, is gá don Stát a bheith réamhghníomhach agus seiftiúil chun feidhm a thabhairt don chuspóir soiléir sa tSeirbhís Phoiblí go mbeidh inniúlacht chuí sa Ghaeilge ag 20% de na hearcaigh nua faoi 2030. Beidh ról cinniúnach ag an gCoiste Comhairleach atá le bunú faoin Acht agus beidh tábhacht thar na bearta leis an bPlean Náisiúnta do Sholáthar Seirbhísí Stáit trí Ghaeilge. Caithfear féachaint air seo mar ardtosaíocht náisiúnta.

FEABHSÚCHÁIN MHÓRSHUNTAIS

Cuimsítear bearta sonracha feabhais i bhforálacha an Achta nua:

- Deireadh a chur le córas na scéimeanna teanga agus córas caighdeán teanga a bhunú.
- Spriocdhátaí cinnte le sonrú faoina gcuirfear gach seirbhís stáit ar fáil trí Ghaeilge sa Ghaeltacht.

submitted to the Committee on the Irish Language, the Gaeltacht and the Islands and the Committee published a *Report on the General Scheme of the Official Languages Bill (Amendment) 2017* as a result of this process during the summer of 2018.

OFFICIAL LANGUAGES ACT (AMENDMENT) 2021

By December 2019, the Government had published the Official Languages (Amendment) Bill 2019. Arising from debate in the Houses of the Oireachtas, a large number of amendments were proposed to the Bill and in excess of fifty amendments were made to the legislation by the time the Bill had been passed by Dáil Éireann on 15 December 2021. I believe that the close reading and detailed scrutiny by members of the Houses of the Oireachtas greatly enhanced the Act's provisions and we are duly indebted to them.

ABSOLUTE NATIONAL PRIORITY

> *The Advisory Committee to be established on foot of the Act will play a vital role …*

Priority now must be given to the implementation of the legislation in its totality. Consequently, the State needs to be pro-active and resourceful to enable implementation of the clear Public Service target that by 2030 20% of staff recruited shall have an appropriate competency in the Irish language. The Advisory Committee to be established on foot of the Act will play a vital role and the National Plan for the Provision of State Services through Irish will be extremely significant. This must be viewed as an absolute national priority.

SIGNIFICANT IMPROVEMENTS

The provisions of the new Act include significantly improved measures:

- The discontinuation of the language scheme system and the establishment of a language standards system.
- Definite deadlines to be set by which all state services must be provided through Irish in the Gaeltacht.

- Inniúlacht chuí sa Ghaeilge a bheith ag 20% d'earcaigh nua sa tseirbhís phoiblí faoin mbliain 2030.
- Feidhmeanna breise faireacháin d'Oifig an Choimisinéara Teanga.
- Cumarsáid a dhéantar le comhlacht poiblí ar na meáin shóisialta a fhreagairt sa teanga chéanna.
- Ábhar margaíochta a chuireann comhlachtaí poiblí faoi bhráid an phobail a bheith sa dá theanga oifigiúla.
- 20% ar a laghad d'fhógraíocht bhliantúil comhlachtaí poiblí a bheith á déanamh trí Ghaeilge.
- Dualgas a bheith ar chomhlachtaí poiblí foirmeacha iarratais a chur ar fáil i nGaeilge.
- Lógónna comhlachtaí poiblí a bheith i nGaeilge nó i nGaeilge agus i mBéarla.

FÍS AGUS FEIDHM

Cuirim fáilte roimh an Acht nua agus creidim gur deis chinniúnach don Stát é beart a dhéanamh de réir briathair agus seirbhísí stáit ar fónamh sa dá theanga oifigiúla a chinntiú don phobal. Tacóidh m'Oifig go tréan le comhlachtaí poiblí, trí mheán comhairle agus treorach, chun na dualgais reachtúla nua a chur i bhfeidhm go tráthúil agus go héifeachtach. Anois an t-am chun feidhm mhisniúil a thabhairt d'fhís an dóchais.

- 20% of new entrants to the public service shall have appropriate competence in the Irish language by 2030.
- Expanded monitoring functions for the Office of An Coimisinéir Teanga.
- Public bodies responding to communications on social media shall answer in the same language.
- Public bodies shall issue marketing material to the public in both official languages.
- At least 20% of public bodies' annual advertising shall be in the Irish language.
- Public bodies shall be required to issue application forms in Irish.
- The logos of public bodies shall be in Irish or in Irish and English.

VISION AND ACTION

I welcome the new Act and I believe that it presents a vital opportunity for the State to fit actions to words and to ensure the provision of quality state services to the public in both official languages. My Office shall provide unstinting support to public bodies, by means of advice and direction, to assist them in timely and effective implementation of their new statutory obligations. Now is the time to act boldly on this ambitious vision.

CLÁR FAIREACHÁIN

AN FORAS TAIGHDE AR OIDEACHAS

Achoimre

Sa bhliain 2018 d'fhorbair an Foras Taighde ar Oideachas trialacha nua measúnaithe do bhunscoileanna i léitheoireacht an Bhéarla agus sa Mhatamaitic – Trialacha Nua Dhroim Conrach. Bhí idir thrialacha ar líne agus trialacha páipéir i gceist sa tionscnamh seo, an chéad uair don Fhoras Taighde trialacha ar líne a fhorbairt do bhunscoileanna. Níor cuireadh san áireamh aon scoil ina raibh an teagasc trí mheán na Gaeilge (Gaelscoil nó scoil Ghaeltachta – 'scoileanna lán-Ghaeilge' anseo feasta) sa sampla tástála nuair a bhí na trialacha seo, ar trialacha de réir norm iad, á gcaighdeánú.

Príomh-mholtaí an imscrúdaithe

Moladh don Fhoras Taighde ar Oideachas aird a thabhairt feasta ar na dualgais reachtúla teanga atá daingnithe sna forálacha i bhfo-ailt 6 (i), (j) agus (k) den Acht Oideachais, 1998 nuair a bhíonn trialacha measúnaithe á gcaighdeánú aige do bhunscoileanna agus an bealach a bhfuil sé i gceist aige a chinntiú go gcuirfear na forálacha thuasluaite i bhfeidhm feasta a chur in iúl dom taobh istigh de shé mhí ó dháta an imscrúdaithe.

An obair iniúchta

I gcomhfhreagras ón bhForas dar dáta an 25 Feabhra 2021 cuireadh tuairisc chuimsitheach faoi mo bhráid inar tugadh léargas ar na céimeanna a bhí glactha ag an bhForas maidir le forfheidhmiú mholtaí an imscrúdaithe.

Sa chomhfhreagras sin cuireadh in iúl dom:

1. Go leanfadh an Foras ag obair go dlúth leis an Roinn Oideachais chun clár forbartha trialacha a réiteach, ag tosú i ráithe 4 de 2021.
2. Go ndéanfaí staidéar meastóireachta a bhaineann leis an Scéim Aitheantais do Scoileanna Gaeltachta agus go mbunófar tríd seo noirm do na scoileanna Gaeltachta do mheasúnuithe Gaeilge ag an dá leibhéal bunscoile (trialacha luathlitearthachta sna naíonáin shinsearacha agus trialacha éisteachta i rang a sé) agus ag leibhéal iar-bhunscoile (léitheoireacht Ghaeilge).

MONITORING PROGRAMME

EDUCATIONAL RESEARCH CENTRE

Summary

In 2018, the Educational Research Centre (ERC) developed new assessment tests for primary schools in English reading and in Mathematics – the New Drumcondra Tests. This initiative involved both online and paper-based tests, the first time for the ERC to develop online tests for primary schools. No schools teaching through Irish (Gaelscoileanna or Gaeltacht schools – hereafter 'Irish-medium schools') were included in the testing sample when these tests, which are norm-referenced tests, were being standardised.

Main findings of the investigation

It was recommended to the Educational Research Centre that it adhere to the statutory language obligations set out in the provisions of subsections 6 (i), (j) and (k) of the Education Act 1998 when standardising assessment tests for primary schools and to set out, within six months of the date of the investigation, how it intends ensuring that those provisions will be implemented henceforth.

The audit work

In correspondence from the ERC on 25 February 2021 I was provided with a comprehensive report outlining the steps taken by the ERC to implement the investigation's recommendations.

In this correspondence I was informed that:

1. The ERC would continue to work closely with the Department of Education to prepare a test development programme, commencing in quarter 4 of 2021.
2. An evaluation study would be carried out relating to the Gaeltacht School Recognition Scheme resulting in established norms for Gaeltacht schools for Irish language assessments at both primary levels (early literacy tests in senior infants and listening tests in sixth class) and at post-primary level (Irish language reading).

3. Go n-áireofaí scoileanna Gaeltachta agus Gaelscoileanna i ngach staidéar caighdeánaithe ar thástálacha nua, beag beann ar réimse ábhair nó teanga, agus i samplaí ionadaíocha náisiúnta, amach anseo.
4. Go bhforbrófaí córas ar líne a thacaíonn le rogha na measúnuithe agus a chuireann iad chun cinn do thuismitheoirí, do dhaltaí, do mhúinteoirí agus do bhaill eile den phobal áitiúil.
5. Go raibh togra sonrach curtha ag an bhForas faoi bhráid na Roinne Oideachais i dtaca le forbairt agus caighdeánú trialacha.

Scríobh m'Oifig chuig an bhForas ar an 18 Márta 2021 agus tugadh le fios go raibh na céimeanna sin nótáilte ag m'Oifig agus meabhraíodh gur phróiseas leanúnach a bheadh san fhaireachán seo. D'iarr m'Oifig go gcuirfí tuairisc faoi cibé dul chun cinn a dhéanfaí maidir le cur i bhfeidhm na moltaí faoi bhráid na hOifige faoin 18 Meán Fómhair 2021.

Cuireadh nóta chuig an bhForas ar an 3 Samhain 2021 ag meabhrú faoin tuairisc thuasluaite. Tháinig ríomhphost an dáta céanna; gabhadh leithscéal ann as an moill agus tugadh le fios go gcuirfí an tuairisc faoi bhráid na hOifige go luath.

> *... go raibh láithreán gréasáin bunaithe ag an bhForas a thacaíonn le rogha na measúnuithe agus a chuireann iad chun cinn do thuismitheoirí, do dhaltaí, do mhúinteoirí agus do bhaill eile den phobal áitiúil.*

Eisíodh meabhrúchán ar an 26 Samhain 2021 nuair nach raibh aon fhreagra faighte. Tháinig litir den dáta céanna ón bhForas ansin inar tugadh le fios go raibh láithreán gréasáin bunaithe ag an bhForas a thacaíonn le rogha na measúnuithe agus a chuireann iad chun cinn do thuismitheoirí, do dhaltaí, do mhúinteoirí agus do dhaoine eile den phobal áitiúil. Chomh maith leis sin, tugadh le fios go raibh iarrachtaí á ndéanamh ag an bhForas clár forbartha trialacha a fhorbairt agus go rabhthas ag brath ar an Roinn Oideachais le go dtabharfaí an togra sin chun críche. Tugadh le fios gur sceidealaíodh cruinnithe leis an Roinn agus go tabharfaí tosaíocht don ghnó seo.

3. Gaeltacht schools and Gaelscoileanna would be included in all future standardised studies of new tests, regardless of subject range or language, and in national representative samples.
4. An online system would be developed supporting and promoting the choice of assessments for parents, students, teachers and other members of the local community.
5. A specific proposal had been submitted by the ERC to the Department of Education in relation to the development and standardisation of tests.

My Office wrote to the ERC on 18 March 2021 indicating that these steps have been noted by my Office and reminding it that this monitoring would be an ongoing process. My Office requested that a progress report on the implementation of the recommendations be provided to the Office by 18 September 2021.

A reminder was sent to the ERC on 3 November 2021 concerning said report. A reply was received by email the same day; it contained an apology for the delay and an assertion that the report would soon be submitted to the Office.

> *... the organisation had established a website supporting and promoting the choice of assessments for parents, pupils, teachers and other members of the local community.*

A reminder was issued on 26 November 2021 when no reply had been received. A letter of the same date was then received from the ERC stating that the organisation had established a website supporting and promoting the choice of assessments for parents, pupils, teachers and other members of the local community. In addition, it was pointed out that the ERC was endeavouring to develop a test development programme and that the Department of Education was being relied on to bring this project to fruition. The ERC stated that meetings were scheduled with the Department and that priority would be given to this matter.

Ar an 15 Nollaig 2021 scríobh m'Oifig chuig an bhForas ag tabhairt le fios go bhfáiltíonn an Oifig seo roimh na gníomhartha atá á nglacadh ach nach bhfuil an dul chun cinn a mbeifí ag súil leis ag teacht leis an méid a bhí sna moltaí i dtuarascáil an imscrúdaithe. Meabhraíodh arís gur phróiseas leanúnach é agus iarradh go gcuirfí tuairisc nuashonraithe faoi bhráid na hOifige faoin 15 Meitheamh 2022 chun an dul chun cinn a mheas an tráth sin.

Príomhfhionnachtain

Tá teagmháil leanúnach ar siúl ag m'Oifig leis an bhForas ar an ábhar seo.

Amlíne

Tús teagmhála: 25 Feabhra 2021
Teagmháil is déanaí: 15 Nollaig 2021

AN ROINN OIDEACHAIS

Achoimre

Sháraigh an Roinn Oideachais an tAcht Oideachais agus a scéim teanga nuair nár cuireadh ar fáil as Gaeilge an tairseach ar líne maidir le gráid ríofa do dhaltaí na hArdteistiméireachta in 2020 le linn don tairseach sin a bheith ar oscailt (i mBéarla) idir an 26 agus an 29 Bealtaine 2020, agus nuair nár cuireadh ar fáil as Gaeilge na treoracha maidir le húsáid na tairsí sin do phríomhoidí agus do dhaltaí na scoileanna lán-Ghaeilge go comhuaineach leis na treoracha sin i mBéarla.

Príomh-mholtaí an imscrúdaithe

Mhol mé don Roinn go gcinnteodh sí go gcloífí feasta lena dualgais reachtúla maidir le haon chóras idirghníomhach nua a thabhairt isteach i nGaeilge agus i mBéarla araon agus go gcinnteodh an Roinn go ndéanfaí soláthar leaganacha Gaeilge a áireamh mar chuid lárnach den phróiseas pleanála faoina gcruthaítear na córais sin.

An obair iniúchta

Ar an 5 Feabhra 2021 tháinig litir ón Roinn Oideachais inar glacadh buíochas as an tuarascáil imscrúdaithe agus inar tugadh le fios go bhfuil an Roinn an-airdeallach maidir le seirbhís a sholáthar trí mheán na Gaeilge. Mhínigh an Roinn go ndearnadh cinneadh an

On 15 December 2021 my Office wrote to the ERC indicating that this Office welcomed the actions being taken, but that a difficulty still persisted in that the expected progress was not consistent with the recommendations of the investigation report. It was further reminded that this will be an ongoing process and an updated report to the Office was requested by 15 June 2022 to assess progress at that time.

Main finding

My Office is in ongoing contact with the ERC on this matter.

Timeline

Initial contact: 25 February 2021
Latest contact: 15 December 2021

DEPARTMENT OF EDUCATION

Summary

The Department of Education contravened the Education Act and its language scheme when the online portal for calculated grades for Leaving Certificate students in 2020 was not made available in Irish while that portal was open (in English) between 26 and 29 May 2020, and when the instructions regarding the use of that portal were not made available through Irish to principals and pupils of Irish-medium schools simultaneously with those in English.

Main findings of the investigation

I recommended to the Department that it ensures that its statutory obligations in relation to the introduction of any new interactive system in both Irish and English are now adhered to and that the Department ensures that the provision of Irish language versions is included as an integral part of the planning process under which these systems are created.

The audit work

On 5 February 2021 a letter was received from the Department of Education expressing gratitude for the investigation report and stating that the Department is acutely aware of its responsibilities in relation to service provision through Irish. The Department explained that

tairseach a chur ar fáil i mBéarla agus nach raibh an t-am ann lena aistriú go Gaeilge. Ag an am, measadh gurbh fhearrde na daltaí an tairseach agus na doiciméid a bheith ar fáil i mBéarla amháin, ar an 26 Bealtaine 2020, mar chabhair chun maolú a dhéanamh ar chuid den strus, imní agus éiginnteacht a bhí ar dhaltaí i ndáil leis an gcéim chriticiúil seo dá saol. Is ag an gcéim seo den phróiseas amháin, agus ní ag aon uair níos túisce, a rinneadh an cinneadh gan an tseirbhís tairsí a chur ar fáil i nGaeilge. Thug an Roinn le fios go raibh leaganacha Gaeilge de na cáipéisí gaolmhara ar fáil ar an 26 Bealtaine 2020 (an lá ar osclaíodh an tairseach féin). Ghlac an Roinn leis go raibh na dualgais reachtúla teanga atá daingnithe i bhfo-alt 18(1) d'Acht na dTeangacha Oifigiúla, 2003 agus i bhfo-alt 7(2)(d) den Acht Oideachais, 1998 sáraithe aici.

I mí Aibreáin 2021 cuireadh an tairseach ar líne maidir le gráid ríofa do dhaltaí na hArdteistiméireachta ar fáil i nGaeilge.

> *... tugadh le fios go bhfuil moltaí uile an imscrúdaithe á gcur i bhfeidhm.*

Scríobh m'Oifig chuig an Roinn i mí Eanáir 2022 ag lorg eolas cothrom le dáta maidir le cur i bhfeidhm mholtaí an imscrúdaithe. I gcomhfhreagras ón Roinn dar dáta an 9 Feabhra 2022, tugadh le fios go bhfuil moltaí uile an imscrúdaithe á gcur i bhfeidhm. Tugadh le fios go bhfuil an tAonad Rialachais Chorparáidigh ag obair go dlúth leis an Rannóg TF chun a chinntiú go mbíonn aon chóras nua idirghníomhach i nGaeilge agus i mBéarla.

Ar an 15 Feabhra 2022 fiafraíodh den Roinn cén córas pleanála a bhí i bhfearas chun leagan Gaeilge a sholáthar de cháipéis, faisnéis nó seirbhís tacaíochta a bheadh á tionscnamh aici ionas go mbeadh teacht ar na leaganacha Béarla agus Gaeilge go comhuaineach. Bhí freagra dlite ar an gcomhfhreagras sin faoin 1 Márta 2022.

Thug an Roinn Oideachais le fios i gcomhfhreagras chuig m'Oifig ar an 2 Márta 2022 go bhfuil plean feidhmiúcháin ar leith forbartha aici anois ar mhaithe leis na moltaí a rinneadh sa tuarascáil imscrúdaithe a fheidhmiú agus go bhfuil faireachán leanúnach á dhéanamh ar an bplean. Cuireadh cóip den phlean feidhmiúcháin faoi bhráid na hOifige. Luaigh an Roinn freisin go n-áirítear an riachtanas ábhar nua a sholáthar

a decision was made to make the portal available in English and that there was no time to translate it into Irish. At the time, it was thought that it would be better for students to have the portal and documents available in English only, on 26 May 2020, to help alleviate some of the stress, anxiety and uncertainty that students experienced in relation to this critical stage of their lives. The decision not to provide the portal service through Irish was only made at this stage of the process, and not earlier. The Department indicated that Irish language versions of the related documents were made available on 26 May 2020 (the day the portal itself opened). The Department accepted that it had breached the statutory language obligations set out in subsection 18(1) of the Official Languages Act 2003 and in subsection 7(2)(d) of the Education Act 1998.

In April 2021 the online portal for calculated grades for Leaving Certificate students was made available in Irish.

> *... all the recommendations arising from the investigation are being implemented.*

My Office wrote to the Department in January 2022 seeking up-to-date information on the implementation of the investigation recommendations. Correspondence from the Department on 9 February 2022 indicated that all the recommendations arising from the investigation are being implemented. We were informed that the Corporate Governance Unit is working closely with the IT Section to ensure that any new interactive system is in both Irish and English.

On 15 February 2022 clarification was sought from the Department as to the planning system in place for the provision of Irish language versions of documents, information or support service which it may initiate so that the Irish and English language versions can be provided simultaneously. A reply to that correspondence was due by 1 March 2022.

The Department of Education indicated in correspondence to my Office on 2 March 2022 that it has now developed a specific implementation plan to ensure that the recommendations of the investigation report are implemented, and that progress on this plan is being monitored on an ongoing basis. A copy of the implementation plan was also submitted to my Office. The Department also stated that the need to

trí Ghaeilge ag céim na pleanála den phróiseas forbartha tionscadail. Tá Aonad Rialachais Chorparáidigh na Roinne ag tacú leis an bpróiseas trí mheabhrúcháin rialta a eisiúint don fhoireann faoin riachtanas i leith na Gaeilge agus ag meabhrú don fhoireann leis seirbhís aistriúcháin Gaeilge na Roinne a úsáid.

Príomhfhionnachtain

Táim sásta go bhfuil moltaí an imscrúdaithe curtha i bhfeidhm go hiomlán ag an Roinn agus gabhaim buíochas léi as a comhoibriú.

Amlíne

Tús teagmhála: 9 Feabhra 2021
Teagmháil is déanaí: 3 Márta 2022

COMHAIRLE CATHRACH NA GAILLIMHE

Achoimre

Léirigh imscrúdú gur sháraigh Comhairle Cathrach na Gaillimhe na dualgais reachtúla teanga atá daingnithe sna rialacháin i dtaca le comharthaíocht faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla, 2003. Ba chomharthaí iad a bhain le paindéim COVID-19 (comharthaí comhairle sláinte, comharthaí treoracha, scaradh sóisialta, áiseanna poiblí a bheith dúnta agus araile) a cuireadh in airde ó mhí an Mhárta 2020 i leith.

Príomh-mholtaí an imscrúdaithe

Sa tuarascáil imscrúdaithe, mhol mé don Chomhairle Cathrach na comharthaí a cuireadh in airde de thoradh na paindéime a athrú ionas go gcloítear leis na dualgais teanga a leagtar síos sna rialacháin agus go gcinnteodh an Chomhairle go gcloífear go hiomlán agus go cuí feasta leis na dualgais sin i gcás aon chomharthaí nua. Ina theannta sin, mhol mé nósanna imeachta riaracháin nó oibriúcháin maidir le comharthaí nua a chur faoi mo bhráid maidir leis na céimeanna breise atá beartaithe ag an gComhairle Cathrach d'fhonn a dheimhniú go bhfuil na nósanna imeachta sin ar eolas ag an bhfoireann agus á leanúint acu agus go bhfuil na nósanna imeachta sin daingnithe mar ghnáthchleachtas ar fud na heagraíochta.

provide new material through Irish is included at the planning stage of the project development. The Department's Corporate Governance Unit is supporting this process by issuing regular reminders to staff regarding the Irish language requirement and also reminding staff to use the Department's Irish language translation service.

Main finding

I am satisfied that the recommendations made in the investigation have been fully implemented by the Department and thank it for its cooperation.

Timeline

Initial contact: 9 February 2021
Latest contact: 3 March 2022

GALWAY CITY COUNCIL

Summary

An investigation revealed that Galway City Council had breached the statutory language obligations enshrined in the regulations in relation to signage under subsection 9 (1) of the Official Languages Act, 2003. The signs in question were associated with the COVID-19 pandemic (health advice signs, directional signs, social distancing, closure of public facilities etc.) and had been erected since March 2020.

Main recommendations of the investigation

In the investigation report, I recommended that the City Council change the signs erected as a result of the pandemic so that the language obligations set out in the regulations are complied with and that the Council ensure that those obligations are fully and properly complied with in future for any new signs. In addition, I recommended the introduction of new administrative or operational procedures for signage in relation to the further steps proposed by the City Council to ensure that staff are aware of and follow these procedures and that these procedures are embedded as standard practice throughout the organisation.

An obair iniúchta

> *Deimhníodh go raibh na comharthaí a bhí in airde an tráth sin i ndáil leis an paindéim Covid-19 ag cloí leis na rialacháin ábhartha.*

Scríobh m'Oifig chuig Comhairle Cathrach na Gaillimhe i mí Lúnasa 2021 ag lorg eolas cothrom le dáta ar an dul chun cinn a bhí déanta i dtaca le cur i bhfeidhm mholtaí an imscrúdaithe. I gcomhfhreagras ón gComhairle Cathrach dar dáta an 15 Meán Fómhair 2021, tugadh le fios go raibh na comharthaí neamhghéilliúla ab ábhar don imscrúdú bainte anuas faoin tráth sin mar go raibh athruithe tagtha ar an gcomhairle sláinte phoiblí ó tharla an t-imscrúdú. Deimhníodh go raibh na comharthaí a bhí in airde an tráth sin i ndáil le paindéim Covid-19 ag cloí leis na rialacháin ábhartha. Ina theannta sin, cuireadh cóip de na nósanna imeachta maidir le comharthaíocht faoi bhráid na hOifige; leagtar amach sna nósanna imeachta sin an bealach a gcloífear go cuí leis na forálacha reachtúla teanga atá daingnithe sna rialacháin faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla i gcás aon chomharthaíocht a chuirtear in airde.

Ar an 21 Deireadh Fómhair 2021 iarradh ar an gComhairle faisnéis a chur ar fáil i dtaca leis an moladh eile a rinneadh sa tuarascáil imscrúdaithe – is é sin tuairisc a chur ar fáil chun dul i ngleic leis na laigí i gcleachtais oibriúcháin na Comhairle Cathrach a sainaithníodh le linn an imscrúdaithe.

Thug an Chomhairle Cathrach le fios i gcomhfhreagras uaithi dar dáta an 22 Samhain 2021 agus an 21 Nollaig 2021 go bhfuil nósanna imeachta forbartha idir an tOifigeach Gaeilge agus Maor Stórála na Comhairle maidir le comharthaíocht a ordú.

Tugadh le fios go raibh sraith ranganna Gaeilge beagnach críochnaithe ag foireann na Comhairle don bhliain (2021), agus go raibh socruithe déanta do ranganna a reáchtáil i dtús na bliana 2022.

Eagraíodh sraith seisiún éigeantach oiliúna agus athnuachana ar líne do gach ball foirne inar leagadh amach go sonrach na dualgais atá orthu faoi Scéim Teanga na Comhairle Cathrach agus na dualgais faoi Acht na dTeangacha Oifigiúla, 2003.

The audit work

> *It was confirmed that the signs then erected for the Covid-19 pandemic were in compliance with the relevant regulations.*

My Office wrote to Galway City Council in August 2021 seeking an update on progress in implementing the recommendations of the investigation. Correspondence from the City Council on 15 September 2021 indicated that the non-compliant signs which were the subject of the investigation had been removed by then as public health advice had changed since the investigation was completed. It was confirmed that the signs then erected for the Covid-19 pandemic were in compliance with the relevant regulations. In addition, a copy of the procedures for signage had been submitted to my Office, setting out how the statutory language provisions confirmed in the regulations under subsection 9(1) of the Act regarding signage were to be properly complied with.

On 21 October 2021 the Council was requested to provide information in relation to the other recommendations made in the investigation report – namely to provide a report to address the weaknesses identified during the investigation in the City Council's operating practices.

The City Council stated in its correspondence of 22 November 2021 and 21 December 2021 that procedures had been developed in consultation with the Irish Language Officer and the Council's Storage Warden regarding the ordering of signage.

It was noted that the Council's staff had by then almost completed a series of Irish language classes for the year (2021), and that arrangements had been made for classes to be held also in early 2022.

A series of mandatory online training and refresher sessions were organized for all staff, setting out in detail their duties under the City Council 's Language Scheme and the obligations under the Official Languages Act 2003.

Ina theannta sin, chuir an Chomhairle Cathrach in iúl go bhfuil creat seirbhísí aistriúcháin aici agus go mbaintear úsáid as an gcreat nuair a bhíonn aistriúcháin de dhíth le haghaidh foilseacháin de chuid na Comhairle.

Príomhfhionnachtain

Táim sásta go bhfuil moltaí an imscrúdaithe curtha i bhfeidhm go hiomlán ag an gComhairle agus gabhaim buíochas léi as a comhoibriú.

Amlíne

Tús teagmhála: 15 Deireadh Fómhair 2020
Teagmháil is déanaí: 10 Eanáir 2022

OSPIDÉAL BEAUMONT

Achoimre

Idir na blianta 2015 agus 2019, rinneadh seacht gcinn de ghearáin liom go raibh sárú á dhéanamh ag Ospidéal Beaumont, Baile Átha Cliath ar dhualgais reachtúla de chuid Acht na dTeangacha Oifigiúla, 2003. Rinneadh gearán liom gur i mBéarla amháin a bhí tuarascáil bhliantúil an Ospidéil á foilsiú ar a suíomh gréasáin. Rinneadh trí ghearán maidir le comharthaí éagsúla san Ospidéal nó ar champas an Ospidéil. Rinneadh gearáin le m'Oifig go raibh closfhógraí réamhthaifeadta i mBéarla amháin le cloisteáil san Ospidéal agus iad á dtarchur trí chóras callaireachta poiblí agus rinneadh gearán eile gur i mBéarla amháin a bhí teachtaireachtaí ar an gcóras freagartha gutháin nuair a ghlaoigh an gearánach ar uimhir ghutháin de chuid an Ospidéil.

In ainneoin iarrachtaí leanúnacha réiteach a fháil ar na gearáin ar bhonn neamhfhoirmiúil le hOspidéal Beaumont, níor thug an tOspidéal aon fhreagra. Dá chionn sin, sheol mé imscrúdú ar an 25 Iúil 2019 agus lorg mé freagra faoin 16 Lúnasa 2019. Níor chuir an tOspidéal freagra ar an imscrúdú ar fáil go dtí an 18 Nollaig 2019. Ghlac an tOspidéal leithscéal as an moill ach níor tugadh aon mhíniú ar an bhfáth nár tugadh freagra ar chuid mhór cumarsáide ón Oifig seo roimh an imscrúdú nó lena linn.

Tuarascáil bhliantúil

Faoi alt 10(b) d'Acht na dTeangacha Oifigiúla, 2003 leagtar dualgas ar chomhlachtaí poiblí aon tuarascáil bhliantúil a fhoilsiú go comhuaineach i ngach ceann de

In addition, the City Council has indicated that it has a translation services framework and that the framework is used where translations are required for Council publications.

Main finding

I am satisfied that the recommendations made in the investigation have been fully implemented by the Council and thank it for its cooperation.

Timeline

Initial contact: 15 October 2020
Latest contact: 10 January 2022

BEAUMONT HOSPITAL

Summary

Between 2015 and 2019, seven complaints were made to me that Beaumont Hospital, Dublin was in breach of statutory obligations under the Official Languages Act 2003. A complaint alleged that the Hospital's annual report was published in English only on its website. Three complaints were made about various signs in the Hospital or on the Hospital campus. Complaints were made to my Office that pre-recorded audio announcements in English only were heard in the Hospital through a public address system and another complaint was made that announcements on the telephone answering system were only in English when the complainant called the Hospital telephone number.

Despite ongoing efforts to resolve the complaints on an informal basis with Beaumont Hospital, the Hospital did not respond. As a result, I launched an investigation on 25 July 2019 and sought a reply by 16 August 2019. The Hospital only responded to the investigation on 18 December 2019. The Hospital apologised for the delay but did not explain why many communications from this Office were not answered before or during the investigation.

Annual report

Section 10(b) of the Official Languages Act 2003 obliges public bodies to publish any annual report simultaneously in each of the official languages. In its

na teangacha oifigiúla. Sa fhreagra a cuireadh ar fáil dom, thug an tOspidéal le fios go bhfoilseofaí Tuarascáil Bhliantúil 2019 i nGaeilge agus i mBéarla i mí an Mhárta 2020. Is é an tátal a bhain mé as an bhfreagra sin go raibh an tOspidéal ag glacadh leis nár comhlíonadh an dualgas reachtúil go nuige sin.

Comharthaí

> *... ní mór comharthaí a chuireann comhlacht poiblí in airde (nó a chuirtear in airde thar a cheann) a bheith i nGaeilge nó i nGaeilge agus i mBéarla.*

Faoi alt 6(1) de na Rialacháin (Uimh. 391 de 2008) atá déanta faoi Acht na dTeangacha Oifigiúla, 2003, ní mór comharthaí a chuireann comhlacht poiblí in airde (nó a chuirtear in airde thar a cheann) a bheith i nGaeilge nó i nGaeilge agus i mBéarla. Bhí formhór na gcomharthaí sin a ndearnadh gearáin fúthu i mBéarla amháin. Bhí cuid díobh dátheangach ach bhí an chosúlacht orthu nach raibh an téacs i nGaeilge orthusan chomh mór ná chomh feiceálach leis an téacs i mBéarla. Deimhníodh i bhfreagra an Ospidéil go raibh suirbhé déanta ar chomharthaí poiblí an Ospidéil agus go gcuirfí comharthaí nua i nGaeilge agus i mBéarla ina n-áit a luaithe agus ab fhéidir.

Fógairtí taifeadta béil

Chuir an tOspidéal in iúl go raibh teachtaireacht i nGaeilge curtha ar an gcóras callaireachta poiblí ag an bpríomhbhealach isteach. Maidir leis an gcóras freagartha gutháin, míníodh, de bharr aois an chórais, nárbh fhéidir aon teachtaireacht taifeadta bhreise a chur air. Bhí iarratas déanta ag an Ospidéal le Feidhmeannacht na Seirbhíse Sláinte, áfach, chun córas nua freagartha gutháin a chur ina áit a chuirfeadh ar a chumas fógairtí a thaifeadadh i nGaeilge agus i mBéarla.

Mar Choimisinéir Teanga is feidhm de mo chuid gach ar féidir a dhéanamh chun a chinntiú go gcomhlíonann comhlachtaí poiblí forálacha Acht na dTeangacha Oifigiúla, 2003. Tá líon teoranta dualgas ar gach uile chomhlacht poiblí faoi Acht na dTeangacha Oifigiúla, 2003 agus faoi na rialacháin atá déanta faoin Acht sin agus is féidir iadsan a chomhlíonadh gan mórán costais ná dua ach tabhairt fúthu ar shlí chórasach stuama.

response, the Hospital indicated that the 2019 Annual Report would be published in Irish and English in March 2020. I concluded from this that the Hospital had accepted that the statutory obligation had not been complied with until then.

Signage

> *... signs erected by (or on behalf of) a public body must be in Irish or both in Irish and English.*

Under section 6(1) of the Regulations (No. 391 of 2008) made under the Official Languages Act 2003, signs erected by (or on behalf of) a public body must be in Irish or both in Irish and English. Most of the signs complained about were in English only. Some were bilingual but the text in Irish on these did not appear to be as large or as prominent as the text in English. The Hospital's response confirmed that the Hospital's public signs had been surveyed and would be replaced by new signs in both Irish and English as soon as possible.

Recorded oral announcements

The Hospital indicated that a message in Irish had been placed on the public announcement system at the main entrance. With regard to the telephone answering system, it was explained that it was not possible to add any additional recorded messages, due to the age of the system. However, the Hospital had applied to the HSE to replace it with a new telephone answering system that would enable it to record announcements in both Irish and English.

As Coimisinéir Teanga my functions include doing my utmost to ensure that public bodies comply with the provisions of the Official Languages Act 2003. All public bodies have a limited number of obligations under the Official Languages Act 2003 and the regulations made under that Act and these can be complied with at little cost or effort if they are dealt with in a systematic and coherent manner.

Príomh-mholtaí an imscrúdaithe

Sa tuarascáil imscrúdaithe, a eisíodh ar an 25 Feabhra 2020, mhol mé na nithe sonracha seo a leanas don Ospidéal:

- Cloí feasta leis an dualgas reachtúil maidir le foilsiú comhuaineach aon tuarascála bliantúla i ngach ceann de na teangacha oifigiúla.
- Na comharthaí a ndearnadh gearán fúthu a athrú nó a leasú de réir mar ba ghá agus cloí go hiomlán feasta leis na forálacha reachtúla teanga i gcás aon chomharthaí nua atá á gcur in airde aige.
- Cloí feasta leis na dualgais reachtúla teanga i dtaca le fógairtí taifeadta béil agus go mbeadh gach uile chóras fógairtí taifeadta i gcomhréir leis na dualgais reachtúla taobh istigh de dhá bhliain ó dháta eisiúna na tuarascála.
- Socruithe a dhéanamh chun plé go cuí agus go tráthúil le gearáin faoi sháruithe ar an reachtaíocht teanga.

An obair iniúchta

Ó mhí Lúnasa go mí Dheireadh Fómhair 2021 thug m'Oifig faoi iniúchadh faireacháin ar fheidhmiú mholtaí an imscrúdaithe ag Ospidéal Beaumont. Ag deireadh an phróisis sin, socraíodh go bhfillfeadh an Oifig ar an Ospidéal bliain ina dhiaidh (Deireadh Fómhair 2022) maidir le cur i bhfeidhm mholtaí an imscrúdaithe.

Príomhfhionnachtain

Fuarthas go raibh faillí á déanamh ag Ospidéal Beaumont i dtrí ghné thábhachtacha de na dualgais teanga atá ar gach comhlacht poiblí faoin reachtaíocht teanga. Cé go bhfuil méid áirithe dul chun cinn déanta ag an Ospidéal ó thaobh an dualgais atá air i dtaca le tuarascálacha bliantúla, níor léirigh an comhlacht poiblí fós gur éirigh leis moltaí uile an imscrúdaithe a chur i bhfeidhm. Dá réir sin, tá an próiseas faireacháin a bhaineann le hOspidéal Beaumont ar siúl go fóill.

Amlíne

Tús teagmhála: 12 Lúnasa 2021
Teagmháil is déanaí: 7 Deireadh Fómhair 2021

Main recommendations of the investigation

In the investigation report, issued on 25 February 2020, I made the following specific recommendations to the Hospital:

- Comply with the statutory obligation regarding the simultaneous publication of any annual report in each of the official languages.
- Change or amend the signs complained of as necessary and fully comply with the statutory language provisions regarding any new signs erected in the future.
- Comply with the statutory language obligations in relation to recorded oral announcements and that each system of recorded announcements should comply with the statutory obligations within two years of the date the report is issued.
- Make arrangements to deal properly and in a timely manner with complaints about breaches of language legislation.

Audit work

From August to October 2021, my Office undertook a monitoring audit on the implementation of the investigation recommendations at Beaumont Hospital. At the end of this process, it was decided that the Office would re-engage with the Hospital one year later (October 2022) with regard to the implementation of the investigation recommendations.

Main finding

Beaumont Hospital was found to be negligent in three important aspects of the language obligations placed upon all public bodies under language legislation. While the Hospital has made a certain degree of progress in its obligations relating to annual reports, the organisation has not yet shown that it was able to implement all the recommendations of the investigation. Accordingly, the monitoring process concerning Beaumont Hospital is ongoing.

Timeline

Initial contact: 12 August 2021
Latest contact: 7 October 2021

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 agus cláir cúrsaí reatha a chur ar fáil i nGaeilge agus i mBéarla i gclársceidil a chuid seirbhísí craolacháin.

Príomh-mholadh an imscrúdaithe

Moladh go n-ullmhódh RTÉ plean feidhmithe 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 a chur ar fáil agus cláir theilifíse cúrsaí reatha i nGaeilge a chur ar fáil.

An próiseas faireacháin

> *... chuir RTÉ sonraí faoi bhráid na hOifige ... ar na cláir theilifíse i nGaeilge ar fad a craoladh ...*

Tá teagmháil rialta ar siúl idir m'Oifig agus RTÉ ó aimsir an imscrúdaithe. Ar iarratas uaim chuir RTÉ sonraí faoi bhráid na hOifige ar an 6 Samhain 2020 ar na cláir theilifíse i nGaeilge ar fad a craoladh ar chainéil teilifíse an stáisiúin go dtí an 18 Deireadh Fómhair 2020, mar aon le léargas ginearálta ar an méid a bhí beartaithe do 2021.

Scríobh m'Oifig chuig RTÉ ar an 18 Samhain 2020, ag lorg go gcuirfí Plean Feidhmiúcháin do 2021 faoi bhráid na hOifige ina sonrófaí an méadú a bhí beartaithe in 2021 ar líon na n-uaireanta craolta trí Ghaeilge, na bearta a bhí idir lámha chun an soláthar nuachta agus cúrsaí reatha trí Ghaeilge a mhéadú agus na bearta a bhí idir lámha chun an soláthar clár trí Ghaeilge ina iomláine a mhéadú.

Ar an 15 Márta 2021 tháinig ríomhphost ó RTÉ inar tugadh gealltanas go mbeadh 570 uair an chloig ar a laghad d'ábhar Gaeilge á chraoladh ar chainéil teilifíse an stáisiúin, sin méadú ó 533 uair an chloig sa bhliain 2020. Scríobh m'Oifig chuig RTÉ i mí Lúnasa 2021 agus iarradh ar an eagraíocht teilgean a chur ar fáil ina léireofaí na huaireanta craolta trí Ghaeilge a bhí á dtuar

RAIDIÓ TEILIFÍS ÉIREANN

Summary

An investigation in 2018 revealed that RTÉ had contravened the statutory obligations set out in subsections 114(3)(a) and (b) of the Broadcasting Act 2009. These obligations relate to the provision of a comprehensive range of programmes and the provision of current affairs programmes in both Irish and English in the programming schedules of its broadcasting services.

Main recommendation of the investigation

It was recommended that RTÉ prepare an implementation plan 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

> *... RTÉ submitted to the Office details of all television programmes in Irish broadcast ...*

Regular contact has taken place between my Office and RTÉ since the investigation. At my request, on 6 November 2020 RTÉ submitted to the Office details of all television programmes in Irish broadcast on the station's television channels up to 18 October 2020, together with an overview of what was planned for 2021.

My Office wrote to RTÉ on 18 November 2020, requesting that the Implementation Plan for 2021 be submitted to the Office detailing the planned increase in the number of broadcast hours through Irish, the measures being taken to increase news and current affairs provision through Irish and the measures to increase programme provision through Irish as a whole.

On 15 March 2021, an email from RTÉ included a commitment that at least 570 hours of Irish language content would be broadcast on the station's television channels, an increase from 533 hours in 2020. My Office wrote to RTÉ in August 2021 requesting it to produce a projection of the station's intended broadcasting hours

ag RTÉ don tréimhse trí bliana ina dhiaidh sin, 2022-2024, ar mhaithe le cur chuige córasach agus céimnithe a fhreagraíonn don dualgas reachtúil a bhreithniú. Chuir RTÉ plean do 2022 faoi bhráid na hOifige seo ar an 1 Nollaig 2021 inar tugtha gealltanas dúinn go gcraolfaí 600 uair an chloig ar a laghad d'ábhar as Gaeilge. Tugadh sonraí i dtaobh na gclár ar fad atá beartaithe, ainmneacha na gclár, sonraí faoi cathain a chraolfar iad agus na cainéil ar a gcraolfar iad. Sonraíodh chomh maith na seánraí clár lena mbainfidís (spórt, cultúr, reiligiún, nuacht, cúrsaí reatha agus araile.) I gcomhfhreagras ó RTÉ ar an 9 Nollaig 2021, tugadh le fios go raibh 896.26 uair an chloig craolta acu go dtí sin agus go raibh siad dóchasach go mbeadh os cionn 900 uair an chloig craolta roimh dheireadh na bliana.

> *Is léir go bhfuil RTÉ airdeallach faoi mhéadú céimnitheach a chur ar líon na n-uaireanta craolta trí mheán na Gaeilge ...*

Is léir go bhfuil RTÉ airdeallach faoi mhéadú céimnitheach a chur ar líon na n-uaireanta craolta trí mheán na Gaeilge bliain ar bhliain agus is mór agam a rá go bhfuil ardú suntasach tagtha ar líon na n-uaireanta an chloig d'aschur craolta teilifíse RTÉ i nGaeilge le blianta beaga anuas. Mar sin féin, tá go leor oibre le déanamh fós chun go mbeidh na dualgais reachtúla sin á gcomhlíonadh go cuí agus go hiomlán.

Chuige sin, scríobh m'Oifig chuig RTÉ i mí Feabhra 2022 agus lorgaíodh go gcoinneodh RTÉ leis an dul chun cinn leanúnach atá riachtanach chun an dualgas reachtúil maidir le soláthar clár cúrsaí reatha a chomhlíonadh. Ina theannta sin, tá iarrtha ar RTÉ teilgean a chur ar fáil do m'Oifig ina léireofar na huaireanta craolta trí mheán na Gaeilge atá á dtuar ag RTÉ don tréimhse 2023-2026.

Príomhfhionnachtain

Tá teagmháil leanúnach ar siúl ag m'Oifig le RTÉ ar an ábhar seo.

Amlíne

Tús teagmhála: 29 Bealtaine 2019
Teagmháil is déanaí: 9 Nollaig 2021

through Irish for the following three-year period, 2022-2024, in order to consider a systematic and gradual approach corresponding to the statutory obligation. On 1 December 2021 RTÉ submitted a plan for 2022 to this Office containing a commitment to broadcast at least 600 hours of Irish language content. Details were provided of all proposed programmes, the titles of the programmes, when and the channels on which they will be broadcast. The programme genres (sport, culture, religion, news, current affairs etc.) were also provided. In correspondence from RTÉ on 9 December 2021, the organisation indicated it had by then broadcast 896.26 hours and hoped that more than 900 hours would be broadcast before the end of the year.

> *It is clear that RTÉ is aware of the need for yearly graduated increases to Irish language broadcasting …*

It is clear that RTÉ is aware of the need for yearly graduated increases to Irish language broadcasting hours and I am pleased to acknowledge the significant increase in the number of television broadcast hours in Irish on RTÉ in recent years. However, much work remains to be done to ensure that those statutory obligations are properly and fully complied with.

To this end, my Office wrote to RTÉ in February 2022 and requested that RTÉ continue with the progress that is required to meet the statutory obligation for current affairs programming. In addition, RTÉ has been asked to provide my Office with a projection showing the Irish language broadcast hours forecast by RTÉ for the period 2023-2026.

Main finding

My Office is in ongoing contact with RTÉ on this matter.

Timeline

Initial contact: 29 May 2019
Latest contact: 9 December 2021

COMHAIRLE CONTAE CHIARRAÍ

Achoimre

Léirigh imscrúdú i mí an Mhárta 2019 nár chuir Comhairle Contae Chiarraí i bhfeidhm coinníoll teanga a cheangail an Bord Pleanála le cead pleanála a deonaíodh d'fhorbairt tithíochta i mBaile an Fheirtéaraigh i nGaeltacht Chorca Dhuibhne. Rinneadh fionnachtain dá bharr gur sháraigh an Chomhairle Contae forálacha teanga de chuid an Achta um Pleanáil agus Forbairt, 2000.

Faoin Acht um Pleanáil agus Forbairt, 2000, caithfidh comhairle contae a bhfuil limistéir Ghaeltachta faoina cúram cuspóirí faoi leith a leagan síos ina Plean Forbartha Contae chun oidhreacht teanga agus chultúrtha na Gaeltachta a chosaint. Faoin Acht céanna, tá de dhualgas ar an údarás pleanála an plean forbartha a chur i bhfeidhm.

Príomh-mholtaí an imscrúdaithe

- Go n-ullmhódh agus go mbunódh Comhairle Contae Chiarraí nósanna imeachta chun mo shástachta a bheadh le leanúint in aon chás ina leagtar coinníoll teanga ar chead pleanála ar fhorbairt tithíochta sa Ghaeltacht chun feidhm éifeachtach a thabhairt don choinníoll sin.
- Go gcuirfeadh Comhairle Contae Chiarraí an Oifig seo ar an eolas maidir le haon chead pleanála a dheonófaí i nGaeltacht Chiarraí go ceann cúig bliana i dtaca le hiarratais mhóra phleanála nó iarratais i leith forbairt breis agus trí theach cónaithe. D'áireofaí freisin an tslí ar comhlíonadh na cuspóirí ábhartha de chuid Phlean Forbartha Contae Chiarraí a bhaineann leis an nGaeilge nuair a bhí an t-iarratas pleanála sin á mheas. Sa chás go gceanglófaí coinníoll a bhaineann le húsáid na Gaeilge le cead pleanála, ba ghá faisnéis a thabhairt don Oifig seo i dtaobh na socruithe a chuirfear i bhfeidhm chun comhlíonadh an choinníll sin a dheimhniú.

An obair iniúchta

> *... dhearbhaigh Comhairle Contae Chiarraí gur ghlac sí le fionnachtana an imscrúdaithe ...*

I gcomhfhreagras chuig m'Oifig ar an 26 Meitheamh 2019 dhearbhaigh Comhairle Contae Chiarraí gur ghlac sí le fionnachtana an imscrúdaithe agus go

KERRY COUNTY COUNCIL

Summary

Comhairle Contae Chiarraí
Kerry County Council

An investigation in March 2019 revealed that Kerry County Council had not implemented a language condition attached by An Bord Pleanála to planning permission granted for a housing development in Baile an Fheirtéaraigh in the Corca Dhuibhne Gaeltacht. A finding was made that the County Council had contravened language provisions of the Planning and Development Act 2000.

Under the Planning and Development Act 2000, a county council with Gaeltacht districts within its functional area must set out specific objectives in its County Development Plan to protect the linguistic and cultural heritage of the Gaeltacht. Under this Act, the planning authority is obliged to implement the development plan.

Main recommendations of the investigation

- That Kerry County Council prepare and establish procedures to my satisfaction to be followed in any case where planning permission granted for housing development in the Gaeltacht is subject to a language condition, in order to give effect to that condition.
- That Kerry County Council notify this Office of any planning permission granted in the Kerry Gaeltacht area for a period of five years in respect of major planning applications or applications for the development of more than three dwellings. This would also include how the relevant objectives of the Kerry County Development Plan relating to the Irish language were met when considering the planning application. Where a condition relating to the use of the Irish language is stipulated by planning permission, this Office would have to be provided with information on the arrangements to be put in place to ensure compliance with that condition.

The audit work

> *... Kerry County Council confirmed it accepted the findings of the investigation ...*

In correspondence to my Office on 26 June 2019 Kerry County Council confirmed it accepted the findings of the investigation and would take

dtógfadh sí na céimeanna cuí le freagairt ar na fionnachtana, mar seo a leanas:

- Go gcuirfeadh Comhairle Contae Chiarraí i bhfeidhm na cuspóirí de chuid Phlean Forbartha Contae Chiarraí a bhaineann leis an nGaeltacht.
- Go n-ullmhódh agus go mbunódh Comhairle Contae Chiarraí, laistigh de thrí mhí ó dháta na tuarascála, socruithe agus nósanna imeachta chun sástacht an Choimisinéara Teanga, a bheidh le leanúint in aon chás ina leagtar coinníoll teanga ar chead pleanála ar fhorbairt tithíochta sa Ghaeltacht chun feidhm éifeachtach a thabhairt don choinníoll sin.
- Go gcuirfeadh an Chomhairle m'Oifig ar an eolas maidir le cead pleanála a dheonófaí d'iarratais mhóra phleanála i gceantar Gaeltachta Chiarraí ina mbeadh níos mó ná trí theach. Dhearbhaigh an Chomhairle freisin go gcuirfeadh sí m'Oifig ar an eolas faoin tslí a gcomhlíonfadh sí cuspóirí a Plean Forbartha Contae maidir le hoidhreacht teanga agus chultúrtha na Gaeltachta a chosaint agus an tslí a bhfeidhmeofaí coinníoll teanga nuair a cheanglófaí sin le forbairt tithíochta.
- Go gcuirfeadh an Chomhairle Contae fionnachtana agus moltaí an imscrúdaithe in iúl d'fhoireann na Rannóige Pleanála agus na Rannóige Dlí sa Chomhairle laistigh de mhí ó dháta an imscrúdaithe.

> *... chuir an Chomhairle Contae cóip de na nósanna imeachta a bhí forbartha aici ar fáil do m'Oifig.*

Rinne m'Oifig teagmháil athuair leis an gComhairle Contae ar an 24 Iúil 2019 ag lorg mioneolais ar na nósanna imeachta a bhí forbartha ag an gComhairle ar mhaithe le feidhmiú an choinníll teanga i gcásanna go mbeadh a leithéid ceangailte le forbairt. Ar an 26 Iúil 2019 chuir an Chomhairle Contae cóip de na nósanna imeachta a bhí forbartha aici ar fáil do m'Oifig. Cuimsíodh sna nósanna imeachta:

- An cur chuige a bheadh á fheidhmiú ag an gComhairle maidir le measúnú a dhéanamh ar iarratais ar aonaid tithíochta ilchónaithe (níos mó ná 3 aonad) i gcomhthéacs na gcosaintí don Ghaeilge atá sa Phlean Forbartha Contae.

appropriate steps to respond to the findings, as follows:

- That Kerry County Council would implement the objectives of the Kerry County Development Plan relating to the Gaeltacht.
- That Kerry County Council, within three months of the date of the report, would prepare and establish arrangements and procedures to the satisfaction of An Coimisinéir Teanga, to be followed in any case where a language condition is attached to planning permission for the development of housing in the Gaeltacht, in order to give effect to that condition.
- That the Council would inform my Office of planning permissions granted in respect of large planning applications – for more than three houses – in the Kerry Gaeltacht area. The Council also confirmed that it would inform my Office of how it would meet the objectives of its County Development Plan for the protection of the linguistic and cultural heritage of the Gaeltacht and how a language condition stipulated for a housing development would be applied.
- That the County Council would communicate the findings and recommendations of the investigation to the staff of the Planning Section and Legal Section of the Council within one month of the date of the investigation.

> *... the County Council provided my Office with a copy of the procedures it had developed.*

My Office re-engaged with the County Council on 24 July 2019 seeking detailed information on the procedures developed by the Council in order to implement the language condition in cases where such a stipulation was attached to a development. On 26 July 2019, the County Council provided my Office with a copy of the procedures it had developed. The procedures included:

- The Council's approach to assessing applications for multi-residential housing units (more than 3 units) in the context of the protections for the Irish language contained in the County Development Plan.

- Lámhleabhar ar nósanna imeachta i gcásanna ina ngabhann coinníoll Gaeilge le cead pleanála d'aonaid tithíochta ilchónaithe (níos mó na 3 aonad) sa Ghaeltacht.

Sheol Comhairle Contae Chiarraí comhfhreagras tráthrialta chuig m'Oifig maidir le cásanna pleanála a bhain le forbairtí tithíochta i gceantar Gaeltachta Chiarraí, ina raibh níos mó ná trí theach i gceist, mar a bhí iarrtha uirthi a dhéanamh leis na nósanna imeachta a d'fhreagair do mholtaí an imscrúdaithe i mí an Mhárta 2019. I gcomhfhreagras ó m'Oifig ar an 24 Lúnasa 2020 a bhain le ceann de na cásanna seo iarradh ar an gComhairle, sa chás go ndeonófaí cead pleanála, go ndéanfadh an Chomhairle Contae cur síos ar an tslí ar comhlíonadh na cuspóirí ábhartha de chuid Phlean Forbartha Contae Chiarraí maidir leis an nGaeilge agus sa chás go gceanglófaí coinníoll teanga leis an bhforbairt go dtabharfaí cuntas ar na socruithe chun feidhmiú an choinníll sin a dheimhniú.

I mí an Mhárta 2021 tarraingníodh anuas dhá ghearán leis an Oifig maidir le heastát tithe sóisialta i nDaingean Uí Chúis, Co. Chiarraí. Bhain na gearáin le feidhmiú an choinníll teanga a bhí ceangailte leis an gcead pleanála a dheonaigh Comhairle Contae Chiarraí don fhorbairt agus le líon na dtithe a bhí curtha i leataobh do chainteoirí Gaeilge ar an eastát. Mar aon leis an dualgas atá ar an gComhairle faoi alt 10(2)(m) den Acht um Pleanáil agus Forbairt, 2000, maidir le hoidhreacht teanga agus chultúrtha na Gaeltachta a chosaint, agus an Ghaeilge a chur chun cinn mar theanga an phobail, bhí cuspóirí luaite ag an gComhairle freisin i bPlean Forbartha Áitiúil Dhaingean Uí Chúis maidir le coibhneas áirithe (31%) de thithe i bhforbairtí ilchónaithe a bheith curtha i leataobh do chainteoirí Gaeilge. Agus na gearáin á bhfiosrú ag m'Oifig leis an gComhairle thug sí le fios gur de réir forálacha san Acht Tithíochta (Forálacha Ilghnéitheacha), 2009 maidir le tithe sóisialta a leithroinneadh na tithe ar an eastát agus dá réir go raibh tionchar aige sin ar ghnóthú na gcuspóirí thuasluaite ó thaobh fheidhmiú an choinníll teanga a d'eascair ón Acht um Pleanáil agus Forbairt, 2000. I bhfocail eile thug an Chomhairle le fios nár feidhmíodh an coinníoll teanga de réir an cheada pleanála a deonaíodh mar gur leithroinneadh na tithe mar thithe sóisialta de réir choinníollacha na nAchtanna Tithíochta, nach gcuirtear critéir ó thaobh inniúlacht teanga san áireamh iontu. Tá teagmháil ar siúl ag m'Oifig leis an gComhairle Contae i láthair na huaire maidir le sainiú na ceiste sin.

- A handbook of procedures in cases where planning permission for multi-residential housing units (more than 3 units) in the Gaeltacht is subject to an Irish language stipulation.

Kerry County Council sent regular correspondence to my Office regarding planning cases relating to housing developments in the Kerry Gaeltacht area featuring more than three houses, as requested to do so in line with the procedures in response to the recommendations of the investigation in March 2019. In correspondence from my Office on 24 August 2020 relating to one of these cases, the Council was asked, should planning permission be granted, to describe how the relevant Kerry County Development Plan objectives in relation to the Irish language have been met and where a language condition was attached to the development to outline the arrangements in place to ensure the application of this condition.

In March 2021, two complaints were raised with the Office in relation to a social housing estate in Daingean Uí Chúis/Dingle, Co. Kerry. The complaints concerned the implementation of the language condition attached to the planning permission granted for the development by Kerry County Council and the number of houses set aside for Irish speakers on the estate. In addition to the obligation on the Council under section 10(2)(m) of the Planning and Development Act 2000, in relation to the protection of the linguistic and cultural heritage of the Gaeltacht and the promotion of the Irish language as the community language, the Council had also stated objectives in the Dingle Local Development Plan with regard to the setting aside of a certain proportion (31%) of houses in multi-residential developments for Irish speakers. In investigating the complaints with the Council my Office was informed that the houses in the estate were allocated in accordance with social housing provisions of the Housing (Miscellaneous Provisions) Act 2009 and that this accordingly had an impact on the above-mentioned objectives in terms of applying the language condition arising from the Planning and Development Act 2000. In other words, the Council indicated that the language condition was not applied in accordance with the planning permission granted as the houses were allocated as social houses in accordance with the conditions of the Housing Acts, which do not include language proficiency criteria. My Office is currently liaising with the County Council in relation to the definition of this issue.

> *... beidh ionadaíocht ... ó na hocht n-údarás áitiúla a bhfuil limistéir Ghaeltachta ina ndlínse ar an nGrúpa.*

Díol suntais é an Grúpa Oibre ar Chúrsaí Pleanála Tithíochta sa Ghaeltacht atá bunaithe faoi scáth na Roinne Tithíochta, Rialtais Áitiúil agus Oidhreachta i gcomhar leis an Roinn Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán. Mar aon le hionadaíocht ón dá Roinn réamhluaite beidh ionadaíocht ó Údarás na Gaeltachta agus ó na hocht n-údarás áitiúla a bhfuil limistéir Ghaeltachta ina ndlínse ar an nGrúpa. I measc na gcuspóirí tosaigh atá luaite leis an nGrúpa Oibre tá forbairt treoirlínte reachtúla faoi alt 28 den Acht um Pleanáil agus Forbairt, 2000 – treoirlínte a dhéanfadh daingniú ar na dualgais atá ar Chomhairlí Contae maidir le nithe ar nós pleananna forbartha áitiúla ar leith a fhorbairt do gach ceantar Gaeltachta i ndlínsí na n-údarás áitiúil, ráitis tionchair teanga chaighdeánaithe a fhorbairt, modhanna caighdeánaithe náisiúnta chun inniúlacht teanga a mheas, treoirlínte maidir le tús áite do chainteoirí Gaeilge ó thaobh leithroinnt tithe sóisialta i gceantair Ghaeltachta agus araile.

Féadfaidh an tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta, faoi ailt 28 agus 29 den Acht, treoirlínte nó treoracha beartais a eisiúint chuig údaráis phleanála maidir le haon cheann dá bhfeidhmeanna faoin Acht. Trí bhíthin na meicníochta úd, d'fhéadfaí caighdeáin agus treoracha reachtúla a leagan síos lena rachfaí i ngleic leis na dúshláin atá ag teacht chun cinn go rialta maidir le cúrsaí pleanála fisiciúla sa Ghaeltacht agus cur chun cinn na Gaeilge mar theanga an phobail.

Príomhfhionnachtain

Tá teagmháil leanúnach ar siúl ag m'Oifig le Comhairle Contae Chiarraí ar an ábhar seo.

Amlíne

Tús teagmhála: 24 Meitheamh 2019
Teagmháil is déanaí: 4 Feabhra 2022

> *... the eight local authorities containing Gaeltacht districts will also be represented on the Group.*

The Working Group on Housing Planning in the Gaeltacht – which has been established under the Department of Housing, Local Government and Heritage in conjunction with the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media – is a significant development. In addition to the two aforementioned Departments, Údarás na Gaeltachta and the eight local authorities containing Gaeltacht districts will also be represented on the Group. The initial objectives of the Working Group include the formulation of statutory guidelines under section 28 of the Planning and Development Act 2000 – guidelines which would reinforce the responsibilities of County Councils in relation to matters such as the formulation of separate local development plans for each Gaeltacht district in local authority functional areas, the formulation of standardised language impact statements, standardised national methods of assessment of language proficiency, guidelines on priority for Irish speakers in relation to the allocation of social housing in Gaeltacht areas and so forth.

The Minister for Housing, Local Government and Heritage, under sections 28 and 29 of the Act, may issue guidelines or policy directives to planning authorities regarding any of their functions under the Act. Those provisions appear, therefore, to be the mechanism under that Act through which statutory standards and directives could be set out to address the evolving challenges regarding physical planning in the Gaeltacht and the promotion of Irish as the community language.

Main finding

My Office is in ongoing contact with Kerry County Council on this matter.

Timeline

Initial contact: 24 June 2019
Latest contact: 4 February 2022

TUARASCÁLACHA CHUIG TITHE AN OIREACHTAIS

I gcomhréir le fo-alt 26(5) d'Acht na dTeangacha Oifigiúla, 2003, ceadaítear dom, mar Choimisinéir Teanga, tuarascáil a chur faoi bhráid gach Tí den Oireachtas má mheasaim gur mhainnigh comhlacht poiblí aon chuid de na moltaí i dtuarascáil ar imscrúdú a rinne mé a chur i ngníomh.

Tá sé de dhualgas ormsa, mar Choimisinéir Teanga, gach beart riachtanach atá faoi réim m'údaráis a dhéanamh chun a chinntiú go gcomhlíonann comhlachtaí poiblí forálacha Acht na dTeangacha Oifigiúla, 2003. Chomh maith leis sin, tá sé d'údarás agam imscrúdú a dhéanamh go bhfaighfear amach ar chomhlíon comhlacht poiblí forálacha d'aon achtachán eile a bhaineann le stádas nó le húsáid teanga oifigiúla.

Tar éis tréimhse réasúnach a bheith caite ón tráth a n-eisítear tuarascáil imscrúdaithe, is gnách le m'Oifig scrúdú a dhéanamh ar an mbealach ar dhéileáil an comhlacht poiblí leis na moltaí a d'eascair as an imscrúdú. Tríd an bpróiseas sin, tugtar deis don chomhlacht poiblí cuntas sonrach a thabhairt ar an mbealach ar cuireadh moltaí an imscrúdaithe i ngníomh.

An Garda Síochána

Thug m'Oifig 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 casta, idir mí Eanáir 2012 agus mí an Mhárta 2021, agus réiteach sásúil á lorg ag an Oifig seo ar an nGarda Síochána ar na heaspaí a sonraíodh san imscrúdú agus san iniúchadh ina dhiaidh. Tugadh deis agus scóip leathan don Gharda Síochána na

REPORTS SUBMITTED TO THE HOUSES OF THE OIREACHTAS

In accordance with subsection 26(5) of the Official Languages Act 2003, I am permitted, as Coimisinéir Teanga, to submit a report to both Houses of the Oireachtas if I consider that a public body has failed to implement any of the recommendations in a report on an investigation I have carried out.

I am obliged, as Coimisinéir Teanga, to take all necessary measures under my authority to ensure that public bodies comply with the provisions of the Official Languages Act 2003. In addition, I have the authority to investigate whether a public body has complied with provisions of any other enactment relating to the status or use of an official language.

After the expiry of a reasonable period from the issuing of an investigation report, my Office usually examines how the public body has dealt with the recommendations arising from the investigation. This process allows the public body to give a specific account of how the investigation recommendations have been implemented.

An Garda Síochána

My Office completed an investigation into 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 the manner in which 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, between January 2012 and March 2021, seeking a satisfactory solution from An Garda Síochána to the deficiencies identified in the investigation and subsequent examination. An Garda Síochána was

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.

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. Rinneadh amhlaidh ar an 26 Aibreán 2021.

Tá súil agam, fós féin, go n-éireoidh leis an nGarda Síochána dul i ngleic leis na dúshláin a tugadh chun suntais sa phróiseas seo maidir le heaspa géilliúlachta na heagraíochta d'fho-alt 33(2) d'Acht an Gharda Síochana, 2005.

An Roinn Comhshaoil, Aeráide agus Cumarsáide

(An Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha, mar a bhí)

> *Is imscrúdú thar a bheith suntasach a bhí ann i dtaobh na húsáide a bhain an córas Eircode as logainmneacha agus ainmneacha agus sloinnte daoine.*

Thug m'Oifig imscrúdú ar an Roinn Comhshaoil, Aeráide agus Cumarsáide chun críche i mí na Nollag 2015. Ba é cur i bhfeidhm scéim teanga na Roinne chomh fada is a bhaineann sé le mír i gCaibidil 2 den scéim sin, a bhaineann le logainmneacha Gaeltachta i gcás an chórais nua Eircode, ábhar an imscrúdaithe sin. Is imscrúdú thar a bheith suntasach a bhí ann i dtaobh na húsáide a bhain an córas Eircode as logainmneacha agus ainmneacha agus sloinnte daoine. Go deimhin, fuair an Oifig seo níos mó gearán ar an ábhar seo leis féin ná mar a fuarthas riamh maidir le haon ábhar aonair eile ó bunaíodh an Oifig.

Cé go ndearna an Roinn iarracht mhacánta teacht ar réiteach sa chás seo trí iarracht iachall a chur ar An Post a bhunachar sonraí seoltaí a leasú ionas gur i nGaeilge amháin a bheadh gach logainm Gaeltachta ábhartha, níor éirigh leis na hiarrachtaí sin. Dá thoradh sin bhí logainmneacha Gaeltachta i mBéarla fós á n-úsáid ag Eircode. Chuir m'Oifig seacht moladh sonracha faoi bhráid na Roinne i dtuarascáil an imscrúdaithe.

given significant opportunity and scope to implement the appropriate remedies, and this Office was available throughout that time to support and advise the organisation.

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

I hope, even at this stage, that An Garda Síochána succeeds in addressing the challenges highlighted in this process in relation to the organisation's lack of compliance with subsection 33(2) of the Garda Síochána Act 2005.

Department of Environment, Climate and Communications

(Formerly the Department of Communications, Energy and Natural Resources)

> *This was a very significant investigation into the use of placenames and personal names/surnames by the Eircode system.*

An Roinn Comhshaoil, Aeráide agus Cumarsáide
Department of the Environment, Climate and Communications

My Office completed an investigation into the Department of the Environment, Climate and Communications in December 2015. The investigation concerned the implementation of the Department's language scheme in relation to a section in Chapter 2 of that scheme, relating to Gaeltacht placenames, arising from the introduction of the new Eircode system. This was a very significant investigation into the use of placenames and personal names/surnames by the Eircode system. In fact, this Office received more complaints on this matter alone than on any other individual matter since the Office was established.

While the Department made an honest effort to find a solution in this case by requiring An Post to amend its database of addresses so that all relevant Gaeltacht placenames would be in Irish only, those efforts were unsuccessful. As a result, Gaeltacht placenames in English were still being used by Eircode. My Office submitted seven specific recommendations to the Department in the investigation report.

Idir Eanáir 2016 agus mí na Samhna 2019, rinne m'Oifig faireachán ar an mbealach a raibh an Roinn ag tabhairt faoi chur i bhfeidhm na moltaí sin. Le linn an phróisis sin, tháinig sé chun solais nár cuireadh na moltaí i ngníomh go sásúil.

Tar éis dom tuarascáil faireacháin a eisiúint ar an ábhar i mí Lúnasa 2020 scríobh mé chuig an Aire Stáit atá freagrach as An Post agus Eircode agus chuir mé in iúl go raibh beartaithe agam tuarascáil a chur faoi bhráid gach Tí den Oireachtas ar an ábhar. Thairg mé deis aon eolas nó beart nua de chuid na Roinne leis an reachtaíocht a chomhlíonadh a chur faoi mo bhráid. Cé gur eisíodh admháil ar an litir sin níor cuireadh aon fhreagra breise ar fáil. Idir an dá linn, fuair m'Oifig breis is scór gearán nua breise ar an ábhar seo, deich gcinn acu sin a bhain go sonrach le seoltaí Gaeltachta.

Tar éis dom athbhreithniú iomlán a dhéanamh ar an gcás, facthas dom nach raibh moltaí an imscrúdaithe curtha i bhfeidhm go sásúil ag an Roinn agus nach bhféadfainnse, faoi réir na gcumhachtaí atá tugtha dom, aon chéim bhreise a ghlacadh chun a chur ina luí uirthi an méid sin a dhéanamh. 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. Rinneadh amhlaidh ar an 28 Meán Fómhair 2021.

Between January 2016 and November 2019, under the monitoring process relating to implementation of the investigation recommendations, my Office examined how the Department was undertaking implementation of the recommendations. During that process, it became clear that the recommendations were not being satisfactorily implemented.

Having issued a monitoring report on the matter in August 2020 I wrote to the Minister of State with responsibility for An Post and Eircode to convey that I proposed to submit a report on the matter to both Houses of the Oireachtas. I offered an opportunity to review any new information or measure from the Department in relation to compliance with the legislation. While an acknowledgement of that letter was issued, no further reply was provided. In the meantime, my Office received more than twenty additional complaints on this matter, ten of which were specific to Gaeltacht addresses.

Following a full review of the case, I concluded that the investigation recommendations had not been implemented satisfactorily by the Department and that I could not, under the powers conferred on me, take any further steps to persuade it to do so. Due to lack of progress, and after my Office had exhausted all possible solutions, I deemed that the only option left open to me was to submit a report on this matter to both Houses of the Oireachtas. This was done on 28 September 2021.

GEARÁIN

Le linn na bliana 2021 fuarthas 727 gearán, méadú de bhreis is 20% ar líon na ngearán a fuarthas le linn na bliana 2020 (604). Díol suntais é an t-ardú atá tagtha ar líon na ngearán ón nGaeltacht le hais blianta roimhe seo. Tháinig díreach os cionn an ceathrú cuid de na gearáin (27%) ón nGaeltacht i mbliana, ardú ar sciar na bliana anuraidh (23%). 18% a bhí i gceist sa bhliain 2019.

> *Léiríonn an figiúr sin go bhfuil éileamh ar sheirbhísí stáit trí Ghaeilge ach nach bhfuiltear á gcur ar fáil ...*

Is cúis mhór imní dom, de réir fhigiúirí na bliana 2021, narbh fhéidir liom ach ceithre ghearán as gach deich gcinn a dhéantar liom a fhiosrú go foirmiúil, más gá sin, de bharr laige Acht 2003 nó i gcorrchás nuair a chuirtear in iúl dúinn nach mian le gearánach cás a tharraingt anuas le comhlacht poiblí thar a c(h)eann nó go raibh an cheist tarraingthe anuas ag an duine leis an gcomhlacht poiblí iad féin. D'fhág sin thart ar leath de na gearáin nach bhféadfainn a fhiosrú go foirmiúil. Goilleann sé sin go mór orm mar Choimisinéir Teanga. Léiríonn an figiúr sin go bhfuil éileamh ar sheirbhísí stáit trí Ghaeilge ach nach bhfuiltear á gcur ar fáil agus go bhfuil práinn faoi leith ag baint anois le tosach feidhme a thabhairt d'Acht 2021 le muinín an phobail sa reachtaíocht teanga a chinntiú.

Is ó Chontae Bhaile Átha Cliath is mó a tháinig na gearáin, mar atá amhlaidh le tamall, ach tháinig líon suntasach freisin ó Chontaetha na Gaillimhe, Chiarraí, Chill Chainnigh, Chorcaí, Dhún na nGall agus Chill Mhantáin.

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

COMPLAINTS

My Office received 727 complaints during the year, an increase of over 20% on the number of complaints received in 2020 (604). The increase in the number of complaints from Gaeltacht areas in comparison to last year is of note. Just over a quarter of complaints (27%) came from Gaeltacht areas this year, an increase on last year's share (23%). 18% is the relative figure for 2019.

> *That figure demonstrates that there is a demand for state services in Irish which is not being met.*

It is a matter of great concern to me that, according to the figures for 2021, I could only formally investigate four out of every ten complaints made to me, if necessary, due to the shortcomings in the 2003 legislation or in the occasional case where we are advised that the complainant does not wish for the case to be raised with the public body on his or her behalf or that the individual had raised the issue themself with the public body. This left approximately half of the complaints that could not be formally investigated. This concerns me greatly as Coimisinéir Teanga. That figure demonstrates that there is a demand for state services in Irish which is not being met. It is now a matter of urgency that the 2021 Act be effected to ensure the public's faith in the language legislation.

The greatest number of complaints was received from County Dublin, as has been the case for some time, although significant numbers were received also from Counties Galway, Kerry, Kilkenny, Cork, Donegal and Wicklow.

As in previous years, my Office resolved the majority of complaints through the informal complaints process or through providing advice to the complainants. In cases such as these the public body makes satisfactory proposals to deal with the complaint. If our efforts do not yield a satisfactory outcome, I have the authority to initiate a formal investigation. Summaries of cases that were not resolved in this informal manner and in respect of which formal investigations were completed are provided in the relevant chapter hereafter.

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 92% de na gearáin le seacht réimse faoi leith:

- forálacha i scéimeanna teanga
- comharthaíocht agus stáiseanóireacht
- freagra i mBéarla ar chumarsáid i nGaeilge
- fadhb le hainm agus seoladh a úsáid i nGaeilge
- achtacháin eile a bhaineann leis an nGaeilge
- úsáid na Gaeilge ar chomharthaí tráchta
- cumarsáid i scríbhinn leis an bpobal le faisnéis a thabhairt

Cuimsíonn scéimeanna teanga in thart ar 140 comhlacht poiblí réimse leathan gealltanas maidir le seirbhísí a chur ar fáil. Is leis an réimse sin a bhaineann an líon is airde gearán. Baineann sciar mór de na gearáin le comharthaíocht agus stáiseanóireacht de bharr a fheiceálaí is a bhíonn siad.

> *Baineann cuid de na gearáin seo le córas ar líne a bheith i bhfeidhm ag comhlacht poiblí ina gcuirtear iallach ar dhaoine den phobal teanga oifigiúil amháin a úsáid ...*

Tá líon agus céatadán na ngearán i dtaca le freagraí i mBéarla ar chomhfhreagras i nGaeilge fós measartha ard i bhfianaise an fhoráil bhunúsach sin a bheith i bhfeidhm ó 2004. Feictear do na comhfhreagraithe gur cleachtas maslach atá sna cásanna sin maidir leis an rogha theanga atá déanta acu. Baineann cuid de na gearáin seo le córas ar líne a bheith i bhfeidhm ag comhlacht poiblí ina gcuirtear iallach ar dhaoine den phobal teanga oifigiúil amháin a úsáid, seachas a rogha teanga oifigiúla, agus nach bhfuil malairt de chóras curtha ar fáil. Ba cheart dul i ngleic leis an gceist seo i gcóras na gcaighdeán, atá le teacht in áit chóras na scéimeanna teanga faoin reachtaíocht nua.

Bíonn deacrachtaí ag daoine a n-ainm agus a seoladh i nGaeilge a úsáid i ngnóthaí leis an Stát ar fháthanna éagsúla. Bhí fianaise ina leith sin i gcás Theastas Digiteach Covid an Aontais Eorpaigh a eisíodh i

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 cooperative. 92% of the complaints related to seven particular areas:

- provisions contained in language schemes
- signage and stationery
- response in English to communications in Irish
- difficulty in using names and addresses in Irish
- other enactments relating to the Irish language
- use of Irish on traffic signs
- communication with the public to provide information

Language schemes in approximately 140 public bodies encompass a wide variety of commitments made to provide services. The highest number of complaints relates to that area. A significant number of complaints relate to signage and stationery due to their visibility.

> *Some of these complaints relate to online systems being in use which compel members of the public to use one official language, instead of their choice of official language …*

The amount and percentage of complaints that relate to answers in English to correspondence written in Irish remains significantly high when one considers that this provision has been in place since 2004. Correspondents regard such incidents as offensive practice in respect of the language choice they have made. Some of these complaints relate to online systems being in use which compel members of the public to use one official language, instead of their choice of official language, with no alternative system provided. This matter should be addressed in the standards system, which is to replace the language scheme system under the new legislation.

People encounter difficulties in using their name and address in Irish for various reasons when dealing with the State. This was evidenced in the case of the EU Digital Covid Certificate which was issued during the

gcaitheamh na bliana. D'fhéadfadh sé go n-éascódh an reachtaíocht leasaithe atá achtaithe ó mhí na Nollag 2021 an fhaillí bhunúsach sin ach beidh sé sin ag brath ar líon ard comhlachtaí poiblí a bheith forordaithe in imeacht tréimhse réasúnta gairid. Ina éagmais sin leanfar leis an droch-chleachtas seo atá maslach agus a dhéanann beag d'fhéiniúlacht an duine.

Baineann céatadán de na gearáin le forálacha d'achtacháin eile ina ndéileáiltear le stádas nó le húsáid na Gaeilge – úsáid na Gaeilge ar chomharthaí tráchta, a léirítear mar fhigiúr ar leith, san áireamh. Is sa *Lámhleabhar do Chomharthaí Tráchta* a leagtar síos na dualgais i leith úsáid na Gaeilge ar chomharthaí tráchta. Bhí titim ar líon na ngearán ar an ábhar seo arís i mbliana, mar a bhí anuraidh, de bharr na srianta taistil a bhí i bhfeidhm le linn na paindéime, meastar. Bhí tionchar nach beag ag an bpaindéim ar an ardú ar líon na ngearán i dtaca le scéimeanna agus comharthaíocht chomh maith.

year. It is possible that the new legislation which has been enacted since December 2021 will facilitate the rectification of this basic neglect, but this will depend on a large number of public bodies being prescribed in a relatively short space of time. Without such a measure, this bad practice, which is insulting and detracts from a person's identity, will continue.

A substantial percentage of complaints related also to the provisions of other enactments concerning the status or use of Irish, including the use of Irish on road signs, which is shown as a separate figure. The obligations on roads authorities in respect of the use of Irish on road traffic signage are set out in the *Traffic Signs Manual*. There was a reduction in the number of complaints received in respect of road signs this year, as happened last year, possibly in light of the restrictions on travel during the pandemic. The pandemic had an effect on the increase in the number of complaints in respect of schemes and signage also.

Bronnadh Ghradam Sheosaimh Uí Ógartaigh, 2021
Ó chlé: Kevin Jennings, Feachtas Rothaíochta na Gaillimhe; Neil O'Leary, Feachtas Rothaíochta na Gaillimhe; Méara Chathair na Gaillimhe, an Comhairleoir Colette Connolly; an Coimisinéir Teanga, Rónán Ó Domhnaill; agus Neasa Bheilbigh, Feachtas Rothaíochta na Gaillimhe.
Seosamh Ó hÓgartaigh Awards Ceremony 2021
From left: Kevin Jennings, Galway Cycling Campaign; Neil O'Leary, Galway Cycling Campaign; Mayor of Galway City, Councillor Colette Connolly; An Coimisinéir Teanga, Rónán Ó Domhnaill; and Neasa Bheilbigh, Galway Cycling Campaign.

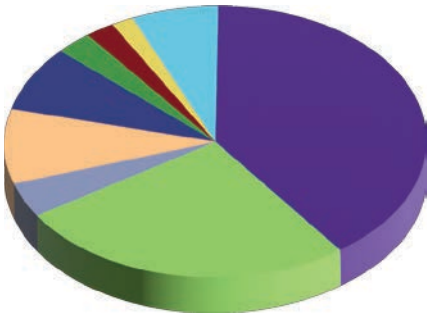
Gearáin: Deacrachtaí agus Fadhbanna – Staitisticí
Complaints: Difficulties and Problems – Statistics

Gearáin le linn 2021 Complaints during 2021

	2020	2021
Gearáin *Complaints*	247	287
Comhairle tugtha *Advice given*	357	440
Iomlán *Total*	604	727

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

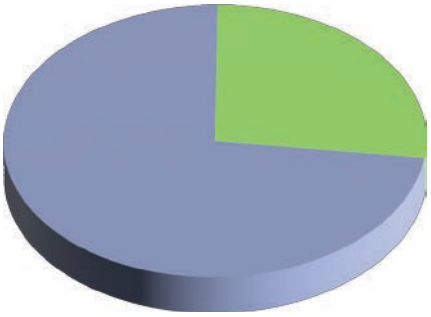


	2020	2021
Foráil de scéim teanga *Provision of a language scheme*	36.1%	39.8%
Comharthaíocht & stáiseanóireacht *Signage & stationery*	23.8%	26.3%
Achtacháin eile a bhaineann le stádas nó le húsáid na Gaeilge *Other enactments relating to the use or status of Irish*	7.5%	3.9%
Freagraí i mBéarla ar chumarsáid i nGaeilge *Replies in English to correspondence in Irish*	6.3%	9.1%
Fadhb le hainm nó le seoladh i nGaeilge *Problem with use of name or address in Irish*	6.3%	7.6%
Easpa Gaeilge ar chomharthaí bóthair *Lack of Irish on road signs*	3.5%	3.0%
Bileoga nó ciorcláin i mBéarla amháin *Leaflets or circulars in English only*	5.0%	2.2%
Foilsiú doiciméad áirithe *Publication of certain documents*	2.3%	1.7%
Fáthanna eile *Other issues*	9.2%	6.4%
Iomlán *Total*	100%	100%

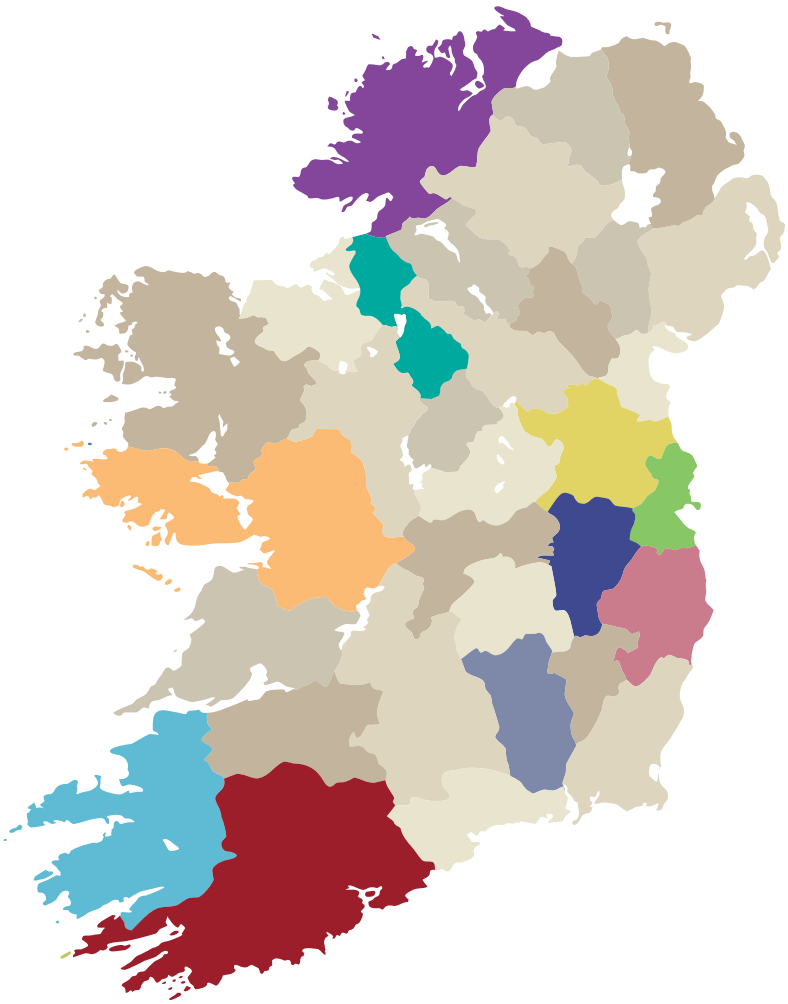
Gearáin: An Ghaeltacht agus lasmuigh den Ghaeltacht

Complaints: Gaeltacht and non-Gaeltacht

	2020	2021
An Ghaeltacht *Gaeltacht*	23%	27%
Lasmuigh den Ghaeltacht *Non-Gaeltacht*	77%	73%
Iomlán *Total*	100%	100%



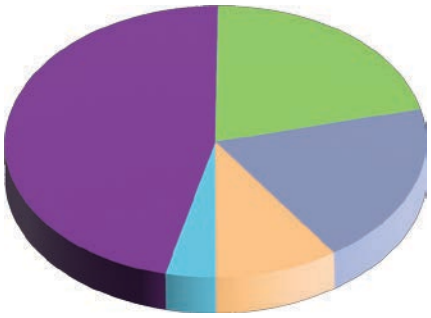
Gearáin de réir contae Complaints by county



	2020	2021
Baile Átha Cliath *Dublin*	33%	26.5%
Gaillimh *Galway*	20%	18.7%
Cill Chainnigh *Kilkenny*	5.5%	10%
Corcaigh *Cork*	4%	4.4%
Ciarraí *Kerry*	6%	4.3%
An Mhí *Meath*	3%	4.1%
Dún na nGall *Donegal*	3.5%	4%
Cill Mhantáin *Wicklow*	2.5%	3.7%
Liatroim *Leitrim*	2.3%	2.2%
Cill Dara *Kildare*	3%	2%
Eile *Other*	17.2%	20.1%
Iomlán *Total*	100%	100%

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

	2020	2021
Ranna rialtais *Government departments*	24.5%	21.3%
Údaráis áitiúla *Local authorities*	16.5%	19%
Údaráis sláinte *Health authorities*	5.0%	9.6%
Údaráis oideachais *Education authorities*	3.8%	3.8%
Eagraíochtaí eile stáit *Other state organisations*	50.2%	46.3%
Iomlán *Total*	100%	100%



Seoladh Oifigiúil Trasna na dTonnta
Ó Chlé:, Larry McCarthy, Uachtarán Chumann Luathchleas Gael; Gráinne McElwain; James Kelly, Príomhfheidhmeannach ICUF; Jack Chambers TD, Príomhaoire an Rialtais agus Aire Stáit Gaeltachta, Spóirt agus Cosanta; Rónán Ó Domhnaill, An Coimisinéir Teanga.
Official Launch of Trasna na dTonnta
From left: Larry McCarthy, GAA President; Gráinne McElwain; James Kelly, CEO, ICUF; Jack Chambers TD, Government Chief Whip and Minister of State for the Gaeltacht, Sport and Defence; Rónán Ó Domhnaill, An Coimisinéir Teanga.

GEARÁIN A BHAINEANN LE COVID-19

Bhí sochaí na hÉireann fós i ngreim ag an ngéarchéim shláinte, shóisialta agus eacnamaíoch a bhaineann le paindéim COVID-19 le linn na bliana 2021. Cé gur aithníodh na dúshláin mhóra a bhí roimh chomhlachtaí poiblí an Stáit soláthar a dhéanamh do riachtanais agus leas an phobail, ba bhocht an léargas a fuarthas i rith na bliana ar a dhaingne atá an ghéilliúlacht d'Acht na dTeangacha Oifigiúla, 2003 fréamhaithe i gcórais riaracháin comhlachtaí poiblí, agus go deimhin, ar an easpa dualgais i réimsí áirithe. Rinne mé cur síos ar na heasnaimh sin sa chur i láthair a rinne mé os comhair Chomhchoiste na Gaeilge, na Gaeltachta agus Phobal Labhartha na Gaeilge ar an 29 Meán Fómhair 2021 ina ndúirt mé:

'Dá nglacfaí leis nach raibh dlite ar chomhlacht poiblí na seirbhísí seo a chur ar fáil go dátheangach ar an údar nárbh acmhainn dó é sin a dhéanamh gan moill a chur leo, d'fhéadfaí a fhorléiriú as sin go bhfuil an teidlíocht reachtúil seirbhís a fháil as Gaeilge ag brath ar thosca nó acmhainn an chomhlachta phoiblí. Ba dhócha, i gcás mar sin, nuair ba thábhachtaí agus ba phráinní an tseirbhís nó an chumarsáid, gur lú an seans go gcuirfí ar fáil as Gaeilge í.

Is ceart a rá go soiléir nach bhfuil an teidlíocht reachtúil seirbhís a fháil as Gaeilge ag brath ar thosca, tosaíochtaí nó acmhainn an chomhlachta phoiblí. Níor cheart go mbeadh coimhlint idir na gníomhartha tromchúiseacha náisiúnta a bhí, agus atá, idir lámha agus dualgais i dtaca le cearta teanga.'

Le linn 2021, rinneadh gearáin le m'Oifig 123 uair faoi ghníomhartha comhlachtaí poiblí a bhain le paindéim Covid-19 ar shlí éigin.

	Líon 2021	Cásanna a bhain le Covid-19	%
Gearáin	287	72	25%
Comhairle don phobal	440	51	12%
Iomlán	**727**	**123**	**17%**

Gearáin agus comhairle don phobal a bhain le Covid-19 in 2021.

COMPLAINTS RELATING TO COVID-19

Society in Ireland remained in the grip of the health, economic and social emergency precipitated by the COVID-19 pandemic during 2021. Although the great challenges faced by public bodies in providing for the needs and welfare of the community were recognised, the insight received during the year into how firmly compliance with the Official Languages Act 2003 is embedded in the administration of public bodies revealed a poor picture and, indeed, a lack of obligation in certain areas. I gave an account of those deficiencies in the presentation I made to the Joint Committee on the Irish Language, Gaeltacht and Irish-speaking Community on 29 September 2021, where I said:

'If it were accepted that public bodies did not have to provide these services on the basis that they couldn't do so without delaying their implementation, then it could be extrapolated that the statutory duty to provide a service in Irish depended on the priorities or resources of the public body itself. In that instance, the more important and urgent the service or communication, the less chance there would be of receiving it in Irish.

It should be clearly stated that the statutory right to receive a service in Irish is not dependent on the particular situation involved, or on the priorities or resources of the public body. There should be no conflict between the grave national actions which were, and are, underway, and obligations regarding language rights.'

During 2021, complaints were made to my Office on 123 occasions concerning activities of public bodies that pertained in one way or another to the Covid-19 pandemic.

	Total 2021	Cases pertaining to Covid-19	%
Complaints	287	72	25%
Advice to the public	440	51	12%
Total	**727**	**123**	**17%**

Complaints and advice to the public pertaining to Covid-19 during 2021.

Bhain 20% de na gearáin a fiosraíodh le comhlachtaí poiblí le linn 2021 le COVID ach uaireanta rinneadh gearáin a bhain le gnó a dhéanamh as Gaeilge nach gcuimsítear in aon dualgas reachtúil. Cuirtear comhairle dá réir ar fáil don ghearánach.

Bhain bunáite na ngearán le modhanna cumarsáide éagsúla chun eolas a chur ar fáil don phobal, idir chomharthaí, leabhráin eolais, shuíomhanna gréasáin agus fógraíocht sna meáin agus an tslí nár soláthraíodh ábhar don phobal as Gaeilge. Ba sciar suntasach de na gearáin córais idirghníomhacha chun clárú nó chun iarratais a dhéanamh ar líne.

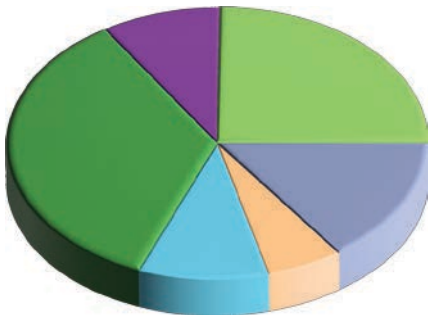
20% of all the complaints raised with public bodies during 2021 pertained to COVID, but in some instances difficulties were encountered in doing business through Irish that are not covered by any statutory obligation. In such cases, the complainant is advised accordingly.

The majority of these cases concerned various means of communication to provide information to the public, including signs, information booklets, websites, advertising through the media and the lack of provision through Irish. Online interactive systems for registering or making applications also constituted a significant share of the complaints.

Gearáin agus comhairle don phobal a bhain le Covid

Complaints and advice to the public concerning Covid

Comharthaí *Signs*	25%
Fadhb le hainm nó seoladh a úsáid i nGaeilge *Problem with using name or address in Irish*	15%
Freagra i mBéarla ar chumarsáid i nGaeilge *Response in English to communication in Irish*	6%
Cumarsáid i scríbhinn leis an bpobal i gcoitinne *Communicating in writing with the general public*	10%
Seirbhísí idirghníomhacha *Interactive services*	35%
Eile *Other*	9%



Ábhar na ngearán agus na gcomhairlí a bhain le Covid-19 le linn 2021.
The types of complaints and advice concerning Covid-19 during 2021.

Seirbhísí Idirghníomhacha

Bhain tuairim is an tríú cuid de na gearáin a fuarthas leis na seirbhísí idirghníomhacha a cuireadh ar fáil ar nós clárú don vacsaín agus leis an Teastas Digiteach. Cé nach raibh dualgas reachtúil sonrach i dtaca leis na seirbhísí sin go minic, mar nach raibh siad áirithe i scéim teanga na heagraíochta, is é tuairim na hOifige gurb amhlaidh, faoi alt 9(2) d'Acht na dTeangacha Oifigiúla, 2003 a bhaineann le cumarsáid i scríbhinn, nach féidir leis an Stát cosc a chur ar dhuine cumarsáid a dhéanamh i bpé teanga oifigiúil a roghnaíonn an

Interactive Services

Approximately one third of the complaints made concerned interactive services provided to register for the vaccine and the Digital Certificate. Although there was often no specific statutory obligation in respect of these services as they were not included in the organisation's language scheme, it is the view of the Office of An Coimisinéir Teanga that under section 9(2) of the Official Languages Act 2003, which concerns communications in writing, the State cannot prevent an individual from communicating with it in that individual's choice of official language. Therefore, when

duine. Mar sin, nuair a thagann córas ar nós tairseach iarratais ar líne i bhfeidhm, ba chóir a chinntiú gur féidir leis an tairseach sin iarratas i gceachtar de theangacha oifigiúla an Stáit a láimhseáil nó go bhfuil córas eile i bhfeidhm le glacadh le hiarratais sa teanga oifigiúil eile.

> *... bhain formhór na ngearán le litir thionlacain a bheith i mBéarla amháin, le drochaistriúchán ...*

Maidir leis an Teastas Digiteach, bhain formhór na ngearán le litir thionlacain a bheith i mBéarla amháin, le drochaistriúchán, le deacrachtaí leis an síneadh fada agus le húsáid an téarma *'Republic of Ireland'* mar ainm na tíre.

B'ábhar sásaimh dom a fheiceáil, áfach, go raibh feabhas tagtha ar an scéal le hais na bliana seo caite i dtaca le cumarsáidí i scríbhinn a bhí á n-eisiúint chuig an bpobal i gcoitinne chun faisnéis a thabhairt. Bhí roinnt cásanna nach raibh géilliúil agus níl aon sárú reachtaíochta inghlactha, dar ndóigh, ach mar sin féin de réir thuiscint na hOifige seo cuireadh ar fáil go comhuaineach sa dá theanga oifigiúla formhór na gcumarsáidí sin de réir mar atá dlite faoin dlí.

a system such as an online application portal is introduced, it must be ensured that the portal can handle applications in either of the State's official languages, or that there is an alternative system in place to accept applications in the other official language.

> *... most of the complaints encompassed the accompanying letter being in English only, poor translation …*

As regards the Digital Certificate, most of the complaints encompassed the accompanying letter being in English only, poor translation, problems with the acute accent *(síneadh fada)* and with the use of *'Republic of Ireland'* as the name of the country.

It was a matter of some satisfaction to me, however, that the situation in regard to the issuing of communications in writing to the public in general to furnish information had improved in comparison to last year. There were some instances of non-compliance, and of course no breach of legislation is acceptable, but that said, it is the understanding of this Office that the majority of communications of this nature were provided in both official languages simultaneously, as is required by the legislation.

Rónán Ó Domhnaill, an Coimisinéir Teanga, ag tabhairt Léacht Comhaltachta D'Arcy McGee Beacon ar líne i mí an Mhárta 2021.
Rónán Ó Domhnaill, An Coimisinéir Teanga, delivering his D'Arcy McGee Beacon Fellowship Lecture online in March 2021.

IMSCRÚDUITHE

Is croífheidhm de chuid an Choimisinéara Teanga imscrúdú a thionscnamh má mheastar go bhféadfadh sárú a bheith déanta ar aon fhoráil de chuid an Achta nó ar aon achtachán eile a bhaineann le húsáid nó le stádas teanga oifigiúla. Is féidir liom imscrúdú a dhéanamh ar mo thionscnamh féin, de bhun gearáin, nó ar iarratas ón Aire. Próiseas foirmiúil a bhíonn i gceist le himscrúdú ina gcuirtear an mhainneachtain reachtúil a d'fhéadfadh a bheith tarlaithe i láthair an chomhlachta phoiblí. Tugtar deis don chomhlacht poiblí a chás a chur i mo láthair agus is gá gach taifead ábhartha a chur ar fáil dom. Tar éis dom an t-eolas ar fad a fháil agus a mheá, eisím tuarascáil imscrúdaithe chuig na páirtithe ábhartha ina mbíonn fionnachtana agus moltaí déanta agam, más cuí sin. Is féidir le páirtí in imscrúdú, nó aon duine a ndéanann mo chinneadh agus na moltaí difear dóibh, achomharc a dhéanamh ar phonc dlí chun na hArd-Chúirte. Tá achoimre le fáil sa tuarascáil seo ar na himscrúduithe a tugadh chun críche le linn na bliana 2021. Is cuntais ghairide iad na hachoimrí agus is sna tuarascálacha oifigiúla atá na tuairiscí údarásacha. Tá achoimre thíos ar líon na n-imscrúduithe a tionscnaíodh agus a tugadh chun críche le linn 2021:

Líon na n-imscrúduithe	2020	2021
Tugtha ar aghaidh ón mbliain roimhe	2	4
Imscrúduithe seolta	6	3
Iomlán idir lámha	**8**	**7**
Tugtha ar aghaidh go dtí an chéad bhliain eile	4	2
Iomlán críochnaithe	**4**	**5**

INVESTIGATIONS

The core functions of An Coimisinéir Teanga include initiating an investigation if it is considered that a contravention of any provision of the Act or any other enactment relating to the use or status of an official language may have occurred. I can investigate on my own initiative, pursuant to a complaint, or at the request of the Minister. An investigation is a formal process in which a possible failure in legislative compliance is presented to the public body. The public body is given an opportunity to present its case and all relevant records must be made available to me. Having received and weighed all the information I issue an investigation report containing findings and recommendations, if appropriate, to the relevant parties. A party to an investigation, or any person affected by my decision and recommendations, can appeal on a point of law to the High Court. This report contains a summary of the investigations completed during 2021. These short reports are summaries and the authoritative versions of these investigations are contained in the official reports. The number of investigations initiated and completed during 2021 is summarised as follows:

Number of investigations	2020	2021
Carried over from previous year	2	4
Investigations launched	6	3
Total dealt with	**8**	**7**
Carried over to the following year	4	2
Total completed	**4**	**5**

Comhairle Contae Dhún Laoghaire-Ráth an Dúin

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 Gaeilge agus le bunú coiste chun monatóireacht a dhéanamh ar dhul chun cinn fhorfheidhmiú na Scéime.

Bunús Gearáin

Rinneadh dhá ghearán liom nach raibh Oifigeach Forbartha Gaeilge ceaptha ag Comhairle Contae Dhún Laoghaire-Ráth an Dúin i gcomhréir le gealltanas a tugadh sa scéim teanga atá daingnithe faoi Acht na dTeangacha Oifigiúla, 2003 i gcás na Comhairle Contae.

> *Tugadh gealltanas sa Scéim Teanga go gceapfaí Oifigeach Forbartha Gaeilge ...*

Daingníodh an dara scéim teanga faoin Acht i gcás Chomhairle Contae Dhún Laoghaire-Ráth an Dúin in 2018. Tugadh gealltanas sa Scéim Teanga go gceapfaí Oifigeach Forbartha Gaeilge agus sonraíodh na dualgais a bheadh ar an Oifigeach sin. Ba ar an Oifigeach Forbartha Gaeilge a luífeadh an phríomhfhreagracht maidir le forfheidhmiú na Scéime ina hiomláine agus bhí ról lárnach le bheith ag an Oifigeach sin sa choiste a bhunófaí chun monatóireacht agus tuairisciú a dhéanamh ar fhorfheidhmiú na Scéime.

An Próiseas Imscrúdaithe

Fiosraíodh an gearán seo leis an gComhairle Contae tríd an bpróiseas neamhfhoirmiúil a fheidhmíonn m'Oifig mar chéad chéim. Tar éis dom freagra na Comhairle Contae ar na fiosruithe sin a mheas, rinne mé cinneadh imscrúdú a dhéanamh maidir le hábhar an ghearáin. Tráth ar tionscnaíodh an t-imscrúdú seo,

Dún Laoghaire-Rathdown County Council

Summary

An investigation revealed 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.

Basis for the Complaint

Two complaints were made to me that Dún Laoghaire-Rathdown County Council had not appointed an Irish Language Development Officer in accordance with a commitment made in the County Council's language scheme which was confirmed under the Official Languages Act 2003.

> *The Language Scheme contained a commitment to appoint an Irish Language Development Officer …*

The second language scheme under the Act for Dún Laoghaire-Rathdown County Council was confirmed in 2018. The Language Scheme contained a commitment to appoint an Irish Language Development Officer and specified the duties of that Officer. The primary responsibility for the implementation of the Scheme as a whole would rest with the Irish Language Development Officer and that Officer was to play a central role in the committee to be established to monitor and report on the implementation of the Scheme.

Investigation Process

This complaint was queried with the County Council through the informal process that my Office operates as a first step. Having considered the County Council's response to these queries, I decided to launch an investigation into the subject matter of the complaint. At the initiation of this investigation, no Irish Language

ní raibh Oifigeach Forbartha Gaeilge ceaptha ná coiste bunaithe (a mbeadh an tOifigeach Forbartha Gaeilge ina bhall de) chun monatóireacht a dhéanamh ar fhorfheidhmiú na Scéime agus tuairisciú a dhéanamh uirthi.

Cuireadh dhá phríomhphointe os comhair an imscrúdaithe:

1. Dúirt an Chomhairle Contae go ndearnadh malairt socruithe chun an Scéim Teanga a fhorfheidhmiú, chun na dualgais reachtúla eile faoin Acht a chomhlíonadh agus chun seirbhísí Gaeilge a chur chun cinn agus go raibh na haidhmeanna sin á gcomhlíonadh go héifeachtach trí na socruithe sin. Áiríodh sna socruithe sin oiliúint a chur ar fáil don fhoireann, doiciméid a aistriú go Gaeilge ar conradh agus forbairtí ar an suíomh gréasáin ó thaobh inrochtaineachta de.
2. De réir mír de chuid na Scéime Teanga, bhí comhlíonadh na Scéime Teanga teagmhasach ar athruithe foirne agus cúrsaí airgeadais agus d'fhéadfadh tionchar diúltach a bheith ag athruithe foirne nó airgeadais nach mbeadh neart ag an gComhairle Contae orthu ar chomhlíonadh ghealltanais na Scéime Teanga.

> *... socraíodh go ndéanfaí ról agus dualgais an Oifigigh Forbartha Gaeilge a shannadh do bhaill foirne a bhí san eagraíocht cheana féin*

Mhínigh an Chomhairle Contae, áfach, mar thoradh ar an gcomhfhreagras a bhain leis an imscrúdú, go raibh athbhreithniú déanta ar chás an Oifigigh Forbartha Gaeilge agus socraíodh go ndéanfaí ról agus dualgais an Oifigigh Forbartha Gaeilge a shannadh do bhaill foirne a bhí san eagraíocht cheana féin. Seo mar a míníodh an ról: *'Ról dhá fheidhm a bheidh ann agus beidh sé mar chuid de dhualgais reatha an fhostaithe'*.

Dúradh freisin go ndéanfaí *'athbhreithniú iomlán agus measúnú eatramhach ar an scéim reatha'* agus go mbeifí *'ábalta bunú Coiste a bhreithniú ag an gcéim sin'* nuair a bheadh Oifigeach Forbartha Gaeilge ceaptha.

Development Officer had been appointed nor had a committee (of which the Irish Language Development Officer would be a member) been established to monitor and report on the implementation of the Scheme.

The County Council presented two main points to the investigation in its replies:

1. The County Council said that alternative arrangements had been made to implement the Language Scheme, to fulfil the other statutory obligations under the Act and to promote Irish language services and that these aims were being met effectively through those arrangements. These arrangements included the provision of training for staff, the translation of documents into Irish through contractual arrangements and website developments in terms of accessibility.
2. According to a section of the Language Scheme, compliance with the Language Scheme was contingent on staff changes and on financial matters and changes relating to staff or finances beyond the control of the County Council could have a negative impact on compliance with the commitments contained in the Language Scheme.

> *... it was decided that the role and duties of the Irish Language Development Officer would be assigned to staff already in the organisation*

Arising from correspondence with the investigation, however, the County Council explained that the case of the Irish Language Development Officer had been reviewed and it was decided that the role and duties of the Irish Language Development Officer would be assigned to staff already in the organisation. The role was described as follows: *'The role will entail dual functions and will form part of the employee's current duties'*.

It was also stated that a *'full review and interim evaluation of the current scheme'* would be carried out and that *'the establishment of a Committee would be considered at that stage'* when an Irish Language Development Officer was appointed.

Faoi alt 12 den Acht, d'eisigh an tAire treoirlínte chuig comhlachtaí poiblí i ndáil le hullmhú dréachtscéimeanna. Deimhnítear sna treoirlínte sin go bhfuil *'na modhanna feidhmíochta, faireacháin agus meastóireachta a shonrú'* ar cheann de na riachtanais a bhaineann le scéim éifeachtach. Faoi alt 18(1) d'Acht na dTeangacha Oifigiúla, 2003, tá dualgas reachtúil ar chomhlachtaí poiblí scéim teanga a dhaingnidh an tAire a chur i gcrích. Tá dualgas ar an gcomhlacht poiblí sa chás sin an Scéim Teanga ina hiomláine a chur i gcrích faoi mar a daingníodh í. Is dlúthchuid de Scéim Teanga na Comhairle Contae na gealltanais a tugadh maidir leis an Oifigeach Forbartha Gaeilge agus an coiste monatóireachta.

> *... níor léir dom gur cuireadh aon fhianaise ar fáil don imscrúdú gur cinneadh ag an am gan Oifigeach Gaeilge a cheapadh ...*

Sonraítear na cúinsí a d'fhéadfadh tionchar diúltach a imirt ar chur i bhfeidhm na Scéime Teanga i mír shonrach de chuid na Scéime Teanga féin: athruithe foirne nó airgeadais nach raibh smacht ag an gComhairle Contae orthu. Gan dochar d'aon tuairim a d'fhéadfainnse a thabhairt amach anseo faoi oiriúnacht ghinearálta forálacha den chineál sin a bheith i scéimeanna teanga, níor léir dom gur cuireadh aon fhianaise ar fáil don imscrúdú gur cinneadh ag an am gan Oifigeach Gaeilge a cheapadh nó gan coiste monatóireachta a bhunú de bharr na gcúinsí sin.

Tar éis don fhoireann imscrúdaithe an t-eolas sin a mheas, scríobh an Bainisteoir Imscrúduithe ar ais chuig an gComhairle Contae lena chur in iúl nár léir aon ní a bheith i Scéim Teanga na Comhairle Contae a thabharfadh le fios nár mhór don phost mar Oifigeach Forbartha Gaeilge a bheith ina phost lánaimseartha. Dá sannfaí na dualgais a sonraíodh do bhall foirne, faoi mar a moladh, agus dá mbunófaí an coiste monatóireachta, d'fhéadfadh réiteach a bheith ar an ábhar gearáin agus bunús scoir den imscrúdú dá réir a bheith ag an gCoimisinéir Teanga.

Ní bhfuair m'Oifig freagra ón gComhairle Contae ar an litir úd ná ar mheabhrúcháin a cuireadh chuig an gComhairle Contae agus tugadh an t-imscrúdú chun críche.

Under section 12 of the Act, the Minister issued guidelines to public bodies in relation to the preparation of draft schemes. Those guidelines state that *'specifying the methods of performance, monitoring and evaluation'* is one of the requirements of an effective scheme. Under section 18(1) of the Official Languages Act 2003, public bodies have a statutory obligation to implement a language scheme which has been confirmed by the Minister. The public body is then obliged to implement the entire Language Scheme as confirmed. The commitments made in relation to the Irish Language Development Officer and the monitoring committee are an integral part of the County Council's Language Scheme.

> *... to my mind no evidence was provided to the investigation that a decision had been made at the time not to appoint an Irish Language Officer ...*

The circumstances that may have a negative impact on the implementation of the Language Scheme are specified in a specific section of the Language Scheme itself: changes relating to staff or finances outside the control of the County Council. Without prejudice to any comments I might provide in the future on the general suitability of such provisions in language schemes, to my mind no evidence was provided to the investigation that a decision had been made at the time not to appoint an Irish Language Officer or not to establish a monitoring committee due to these circumstances.

Following the evaluation of this information by the investigation team, the Investigations Manager wrote back to the County Council indicating that there didn't appear to be anything in the County Council's Language Scheme suggesting that the Irish Language Development Officer post should be a full-time position. The assignment of the duties specified to a member of staff, as recommended, and the establishment of the monitoring committee, could lead to a resolution of the subject matter of the complaint thus leading to the investigation being discontinued by An Coimisinéir Teanga.

My Office received no reply from the County Council to that letter or to reminders sent to the County Council, and the investigation was completed.

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.

Amlíne an Imscrúdaithe

Imscrúdú seolta: 9 Meitheamh 2020
Tuarascáil eisithe: 16 Aibreán 2021

Main Recommendations of 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.

Timeline of Investigation

Investigation launched: 9 June 2020
Report issued: 16 April 2021

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 ghréasáin 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 Inlíon agus ar Shuíomh Idirlín na Comhairle.

Bunús Gearáin

Daingníodh Scéim Teanga Chomhairle Chontae Cheatharlach faoin Acht in 2008. I gcomhréir le fo-alt 18(1) den Acht, leagtar dualgas ar chomhlachtaí poiblí a chinntiú go gcuirtear i bhfeidhm Scéim Teanga atá daingnithe ag an Aire.

Carlow County Council

Summary

An investigation revealed 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 Authorities website will be bilingual within the scheme's period of operation.
- Before the end of the scheme's period of operation, 10% of the static material on the Carlow Local Authorities website will be bilingual.
- Major Policy Documents will be published on the Council's website in English and in Irish at the same time and made available on CD.
- The content of the scheme will be published for the general public on the Council's Intranet and Website.

Basis for the Complaint

Carlow County Council's Language Scheme was confirmed under the Act in 2008. In accordance with subsection 18(1) of the Act, public bodies are required to ensure the implementation of a confirmed Language Scheme.

Ar an 3 Márta 2020, scríobh mé chuig Príomhfheidhmeannach Chomhairle Contae Cheatharlach chun a chur in iúl di go raibh sé i gceist ag m'Oifig iniúchadh a dhéanamh ar an tslí a raibh gealltanais i dtaca le suíomhanna gréasáin agus seirbhísí idirghníomhacha/ar líne, a bhí déanta i scéimeanna teanga, á gcomhlíonadh ag comhlachtaí poiblí.

I bhfreagra dar dáta an 23 Meitheamh 2020 ón gComhairle Contae, cuireadh in iúl dom *'nach raibh Comhairle Contae Cheatharlach in ann na caighdeáin a bhaint amach i ndoiciméad Gealltanais Scéime de bharr géarchéim buiséadacha agus easpa acmhainní.'* Dá bhrí sin, rinne mé cinneadh imscrúdú a dhéanamh ar an ábhar ar mo thionscnamh féin mar a cheadaítear dom faoi fho-ailt 21(b) agus 21(c) den Acht.

An Próiseas Imscrúdaithe

Eisíodh cáipéisí an imscrúdaithe chuig Comhairle Contae Cheatharlach ar an 11 Lúnasa 2020 agus iarradh freagra ón gComhairle faoin 1 Meán Fómhair 2020. Mhínigh an Chomhairle go rabhthas faoi bhrú eisceachtúil de dheasca phaindéim Covid-19 agus lorgaíodh síneadh ama. Ceadaíodh tréimhse bhreise go dtí an 1 Samhain 2020. Nuair nach bhfuarthas aon chomhfhreagras ón gComhairle ina dhiaidh sin scríobhadh arís chuig an gComhairle ar an 30 Samhain 2020 agus tugadh freagra ar an gcomhfhreagras úd ar an 4 Nollaig 2020. Tugadh le fios don imscrúdú:

- nárbh fhéidir céatadán na ndoiciméad dátheangach ná céatadán an ábhair stataigh dhátheangaigh ar shuíomh gréasáin na Comhairle Contae a dhéanamh amach de bharr nádúr agus leagan amach an tsuímh.
- go rabhthas tiomanta mórcháipéisí beartais a fhoilsiú i mBéarla agus i nGaeilge ag an am céanna. Is iad na mórcháipéisí beartais ar tagraíodh dóibh: (i) an Plean Corparáideach; (ii) an Plean Forbartha Contae; agus (iii) an Tuarascáil Bhliantúil.
- nach raibh an Scéim Teanga a daingníodh faoin Acht uaslódáilte ar an suíomh gréasáin.

Iarradh ar an gComhairle Contae cuntas iomlán a thabhairt ar a ndearnadh chun na gealltanais thuas agus gealltanais na Scéime Teanga trí chéile a chomhlíonadh ach níor cuireadh aon fhaisnéis den chineál sin ar fáil don imscrúdú.

On 3 March 2020, I wrote to the Chief Executive of Carlow County Council to advise her of my Office's intention to look into how public bodies were complying with commitments in relation to websites and interactive/online services made in language schemes.

In a response dated 23 June 2020 from the County Council, I was informed that *'Carlow County Council was unable to meet the standards in a Scheme Commitments document due to a budgetary crisis and lack of resources.'* I decided, therefore, to launch an investigation into this matter on my own initiative as provided for under subsections 21(b) and 21(c) of the Act.

Investigation Process

The investigation documents were issued to Carlow County Council on 11 August 2020 and a response was requested from the Council by 1 September 2020. The Council explained that it was under exceptional pressure due to the Covid-19 pandemic and sought an extension. A further period was granted until 1 November 2020. When no further correspondence was received from the Council, we wrote again to the Council on 30 November 2020 and received a response on 4 December 2020. The investigation was told:

- that the percentage of bilingual documents or bilingual static material on the County Council website could not be determined due to the nature and layout of the site.
- that the Council was committed to publishing major policy documents in English and in Irish at the same time. The major policy documents referred to were: (i) the Corporate Plan; (ii) the County Development Plan; (iii) the Annual Report.
- that the Language Scheme confirmed under the Act had not been uploaded onto the website.

The County Council was asked to give a full account of the progress made to meet the above commitments and the commitments of the Language Scheme as a whole but no such information was provided to the investigation.

Le linn an imscrúdaithe, scrúdaíodh na doiciméid a uaslódáladh le linn na mblianta 2019 agus 2020 ar an leathanach *All Publications* ar shuíomh gréasáin na Comhairle Contae (443 doiciméad). Bhí leagan Gaeilge (nó dátheangach) ar fáil de 11 díobh (circa 2.5%). Tugadh faoi deara gur i mBéarla amháin a bhí na foirmeacha iarratais (agus na bileoga eolais a bhí ag gabháil leo) a uaslódáladh le linn na mblianta céanna, cé is moite de chás amháin.

> *Níor éirigh le foireann an imscrúdaithe aon ábhar statach i nGaeilge a aimsiú ar shuíomh gréasáin na Comhairle Contae.*

Níor éirigh le foireann an imscrúdaithe aon ábhar statach i nGaeilge a aimsiú ar shuíomh gréasáin na Comhairle Contae. Níor aistríodh Plean Corparáideach na Comhairle Contae, 2020-2024 go Gaeilge agus níorbh fhéidir leagan Gaeilge de Phlean Forbartha Contae Cheatharlach, 2015-2021 a aimsiú ar shuíomh gréasáin na Comhairle Contae.

Dheimhnigh an t-imscrúdú nach raibh an leagan Gaeilge den Tuarascáil Bhliantúil curtha ar fáil go comhuaineach leis an leagan Béarla sna blianta 2018 agus 2019 agus tugadh faoi deara Ráitis Airgeadais Iniúchta na Comhairle Contae do na blianta 2017 agus 2018 a bheith foilsithe ar an suíomh gréasáin i mBéarla amháin. Thángthas ar leagan Béarla den Scéim Teanga i rannóg ghinearálta foilseachán ar an suíomh ar an 16 Feabhra 2020 ach ní leor é sin chun gealltanas an phoiblithe ábhair a chomhlíonadh.

Níor scrúdaíodh san imscrúdú seo ach cuid áirithe de na gealltanais a tugadh i Scéim Teanga na Comhairle Contae – gealltanais a bhfuil feidhm leo le breis agus 12 bhliain faoi seo – agus léiríodh go raibh faillí á déanamh iontusan. In ainneoin ráitis na Comhairle Contae faoina tiomantas, níor léiríodh go ndeachaidh an Chomhairle Contae i mbun a gcomhlíonta riamh ar aon slí chórasach ná éifeachtach.

Príomh-mholtaí an Imscrúdaithe

Is iad 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

During the investigation, the documents uploaded during 2019 and 2020 were examined on the *All Publications* page on the County Council's website (443 documents). 11 were available in Irish (or bilingually) (circa 2.5%). It was noted that the application forms (and accompanying information leaflets) which were uploaded during these years were in English only, except for one case.

> *The investigation team was unable to identify any static material in Irish on the County Council website*

The investigation team was unable to identify any static material in Irish on the County Council website. The County Council's Corporate Plan 2020-2024 had not been translated into Irish and an Irish version of the Carlow County Development Plan 2015-2021 could not be found on the County Council's website.

The investigation found that the Irish version of the Annual Report was not provided simultaneously with the English version in 2018 and 2019 and that the County Council's Audited Financial Statements for 2017 and 2018 were published in English only on the website. An English version of the Language Scheme was found in a general section of publications on the site on 16 February 2020 but this is not sufficient to meet the commitment in relation to publicising content.

Only some of the commitments made in the County Council's Irish Language Scheme – commitments which have been in effect now for more than 12 years – were examined in this investigation and these were found to be neglected. Despite the County Council's statements of its commitment, the County Council could not demonstrate that it has ever undertaken their implementation in any systematic or effective manner.

Main Recommendations of Investigation

The main recommendations of the investigation are:

- 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

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 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 gcuirfear i bhfeidhm gealltanais uile na Scéime sin go cuí.

Amlíne an Imscrúdaithe

Imscrúdú seolta: 11 Lúnasa 2020
Tuarascáil eisithe: 1 Aibreán 2021

bilingually henceforth on its website regardless of any changes to that site and its content.

- 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 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.

Timeline of Investigation

Investigation launched: 11 August 2020
Report issued: 1 April 2021

Comhairle Contae Dhún Laoghaire-Ráth an Dúin (2)

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.

Bunús Gearáin

> *... leagtar dualgas ar an gcomhlacht poiblí a chinntiú gur i nGaeilge nó go dátheangach a dhéanfar an chumarsáid sin.*

Rinneadh gearán liom go raibh tréimhseachán ráithiúil nuachta agus faisnéise, an *dlr Times*, á sheachadadh chuig tithe i limistéar feidhme Chomhairle Contae Dhún Laoghaire–Ráth an Dúin agus gur i mBéarla amháin a bhí an foilseachán. De réir fho-alt 9(3) d'Acht na dTeangacha Oifigiúla, 2003, sa chás go bhfuil cumarsáid i scríbhinn á déanamh ag comhlacht poiblí leis an bpobal i gcoitinne (nó le haicme den phobal i gcoitinne) chun faisnéis a thabhairt, leagtar dualgas ar an gcomhlacht poiblí a chinntiú gur i nGaeilge nó go dátheangach a dhéanfar an chumarsáid sin.

An Próiseas Imscrúdaithe

Fiosraíodh an gearán seo leis an gComhairle Contae tríd an bpróiseas neamhfhoirmiúil a fheidhmíonn m'Oifig mar chéad chéim. Rinne mé cinneadh imscrúdú a dhéanamh ar an ábhar mar a cheadaítear dom faoi fho-alt 21(c) den Acht agus i ndiaidh dom an t-imscrúdú a thionscnamh, rinneadh gearán eile liom ar an ábhar céanna. Eisíodh cáipéisí an imscrúdaithe chuig an gComhairle Contae ar an 15 Márta 2021. D'iarr an Chomhairle Contae roinnt síntí ama agus ceadaíodh na tréimhsí breise go dtí an tseachtain dar tús an 7 Meitheamh 2021 le freagra a chur ar fáil. Fuarthas freagra ó ghníomhaire dlí na Comhairle Contae i gcomhfhreagras dar dáta an 27 Bealtaine 2021.

Dún Laoghaire-Rathdown County Council (2)

Summary

An investigation revealed 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) to provide information was issued in Irish or bilingually. The investigation concerned the publication of the *dlr Times* newsletter, which is delivered to the public of the catchment area of the County Council.

Basis for the Complaint

> *... the public body must ensure that such communication is made in Irish or bilingually.*

A complaint was made to me that a quarterly news and information periodical, the *dlr Times*, was being delivered to houses in Dún Laoghaire-Rathdown County Council's catchment area and that the publication was in English only. In accordance with subsection 9(3) of the Official Languages Act 2003, where a public body communicates in writing with the general public (or a class of the general public) to furnish information, the public body must ensure that such communication is made in Irish or bilingually.

Investigation Process

This complaint was raised with the County Council through the informal process that my Office operates as a first step. I decided to investigate the matter as provided for under subsection 21(c) of the Act; following the initiation of the investigation, a further complaint was made to me on the same matter. The investigation documents were issued to the County Council on 15 March 2021; a number of extensions were requested by the County Council and the additional periods were granted until the week commencing 7 June 2021 to provide a response. A response from the County Council's legal agent was received in correspondence dated 27 May 2021.

> *... d'áitigh an Chomhairle Contae nach cumarsáid riachtanach a bhí sa nuachtlitir ...*

Míníodh don imscrúdú go ndéantar leagan Béarla den nuachtlitir a phriontáil agus a sheachadadh chuig *'áit chónaithe de thuairim agus 72,000 den phobal a bhfuil cónaí orthu taobh istigh de limistéar feidhme na Comhairle.'* Ghlac an Chomhairle Contae leis go bhféadfadh sé gur cumarsáid leis an bpobal i gcoitinne a bhí sa nuachtlitir chun críche fho-alt 9(3) d'Acht na dTeangacha Oifigiúla, 2003. San am céanna, d'áitigh an Chomhairle Contae nach cumarsáid riachtanach a bhí sa nuachtlitir, go raibh fáil go héasca ar leagan Gaeilge den fhoilseachán ar líne agus nár sáraíodh an dualgas reachtúil dá réir.

Mhaígh an Chomhairle Contae go raibh an dualgas faoin Acht *'faoi réir teorainneacha praiticiúla i gcás nach bhfuil fíor-éagóir substaintiúil déanta i bhfírinne.'* Dearbhaíodh freisin go mbeadh costas de bhreis ar €200,000 ar an bhfoilseachán dá ndéanfaí leagan Gaeilge den nuachtlitir a phriontáil agus a dháileadh ar aon dul leis an leagan Béarla agus go rabhthas den tuairim láidir *'nach bhfuil údar leis an gcaiteachas iomarcach agus mífhreagrach seo i bhfianaise na gcúinsí ....'*

Chuir an Chomhairle Contae in iúl go raibh sí toilteanach feabhas a chur ar an gcaoi a ndeartar, a dtáirgtear agus a gcuirtear an *dlr Times* ar fáil don phobal ar shlite éagsúla: ailt Ghaeilge a fhoilsiú ar chóip chrua den *dlr Times*; tuilleadh airde a tharraingt ar an leagan Gaeilge; agus an leagan Gaeilge a chur chun cinn i measc chomhaltaí tofa na Comhairle.

De réir Dhaonáireamh 2016, bhí 78,601 teaghlach príobháideach sa cheantar feidhme. Níl aon dabht orm, mar sin, ach go bhfuiltear ag iarraidh cumarsáid i scríbhinn a dhéanamh le bunáite dhaonra a limistéir feidhme trí leagan crua den nuachtlitir a sheachadadh orthu agus gur 'aicme den phobal i gcoitinne' iadsan.

Is cinnte go mbíonn eolas agus faisnéis luachmhar san fhoilseachán do phobal an cheantair. Má táthar ag soláthar faisnéise don phobal, tagann gníomh dearfach seachadta i gceist. Nuair a scaiptear faisnéis go gníomhach i mBéarla ní leor faisnéis i nGaeilge a chrochadh ar shuíomh idirlín. Anuas air sin, tugadh faoi deara le linn an imscrúdaithe nach raibh an leagan leictreonach Gaeilge á fhoilsiú ar shuíomh idirlín na Comhairle go comhuaineach leis an gcóip chrua Bhéarla.

> *... the County Council argued that the newsletter was not an essential communication …*

The investigation was told that an English version of the newsletter is printed and delivered to *'an estimated 72,000 residences of the population living within the Council's functional area.'* The County Council accepted that the newsletter may have been a communication with the general public for the purpose of subsection 9(3) of the Official Languages Act 2003. Nevertheless, the County Council argued that the newsletter was not an essential communication, that an Irish version of the publication was readily available online and that the statutory obligation had not been breached.

The County Council claimed that the obligation under the Act was *'subject to practical limitations where there is no genuine and substantial wrongdoing.'* It was also stated that the publication would cost in excess of €200,000 if an Irish version of the newsletter was printed and distributed in line with the English version and that it was considered that *'this excessive and irresponsible expenditure is not justified in view of the circumstances....'*

The County Council expressed its willingness to improve the way the *dlr Times* is designed, produced and made available to the public in a variety of ways: publishing Irish language articles in the hard copy version of the *dlr Times*; drawing more attention to the Irish language version; and promoting the Irish language version among the elected members of the Council.

According to the 2016 Census, there were 78,601 private households in the catchment area. I have no doubt, therefore, that an attempt is being made to communicate in writing with the majority of the population of its functional area by delivering to them a hard copy version of the newsletter and that these constitute a 'class of the general public'.

The publication certainly contains valuable content and information for the people of the area. The provision of information to the public involves an act of deliberate delivery. When information is actively disseminated in English it is not enough to just place information in Irish on a website. In addition, during the investigation it was noted that the electronic version in the Irish language was not published on the Council's website simultaneously with the English language hard copy.

Níor chuir an Chomhairle Contae aon sonraí faoi bhráid an imscrúdaithe maidir le comhdhéanamh an chostais mheasta breise (€90,000+), dar léi, a bhainfeadh le priontáil agus dáileadh an leagain Gaeilge den nuachtlitir. Fiú dá mbainfeadh an costas breise sin leis, cé nach léir bunús an chostais chéanna, dealraítear dom go bhféadfaí cuid den chostas breise sin a chiorrú nó a mhaolú ach foilseachán dátheangach aonair a dhéanamh den *dlr Times*.

Ní ghéillim go mbeadh sé *'iomarcach agus mífhreagrach'* seirbhís chothrom a thabhairt sa dá theanga oifigiúla agus do lucht a labhartha chun dualgas reachtúil a chomhlíonadh.

Príomh-mholtaí an Imscrúdaithe

Mhol mé don Chomhairle Contae go gcloífí feasta leis an dualgas reachtúil teanga atá uirthi nuair a dhéanann sí cumarsáid i scríbhinn leis an bpobal i gcoitinne chun faisnéis a thabhairt agus áirítear an *dlr Times* sa mholadh sin. Mhol mé freisin go gcomhlíonfaí an dualgas sin a luaithe agus is féidir agus go ndéanfaí amhlaidh sa chéad eagrán eile den nuachtlitir a 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.

Amlíne an Imscrúdaithe

Imscrúdú seolta: 15 Márta 2021
Tuarascáil eisithe: 9 Meán Fómhair 2021

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.

Bunús Gearáin

Rinneadh gearán liom nár cuireadh seirbhís ateangaireachta ar fáil do ghearánach ar dhá ócáid sa Chúirt Dúiche in ainneoin gur tugadh le fios roimh ré

The County Council did not submit to the investigation details of the composition of the estimated additional cost (€90,000+) it claimed would result from the printing and distribution of the Irish version of the newsletter. Even if such additional cost pertained, although the basis for this cost is unclear, I believe that part of that additional cost could be reduced or alleviated by converting the *dlr Times* into a single bilingual publication.

I do not accept the contention that it would be *'excessive and irresponsible'* to provide an even-handed service in both official languages and to speakers of those languages in order to fulfil a statutory duty.

Main Recommendations of Investigation

I recommended to the County Council that it fulfil in future its statutory language obligation when communicating in writing to 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 in the next issue of the newsletter. I contended that the findings and recommendations of the investigation should not be used as a pretext for reducing or decreasing the delivery of the *dlr Times* to the population of the County Council's catchment area.

Timeline of Investigation

Investigation launched: 15 March 2021
Report issued: 9 September 2021

The Courts Service

Summary

An tSeirbhís Chúirteanna
Courts Service

An investigation revealed that the Courts Service 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 his or her choice.

Basis for the Complaint

A complaint was made to me that an interpreting service was not provided to a complainant on two occasions in the District Court despite prior

don tSeirbhís Chúirteanna go rabhthas ag iarraidh an Ghaeilge a úsáid sa Chúirt.

Deimhnítear i bhfo-ailt 8(1) agus 8(2) d'Acht na dTeangacha Oifigiúla, 2003 an ceart atá ag aon duine a rogha teanga oifigiúla a úsáid in imeachtaí cúirte agus an dualgas atá ar an gcúirt a chinntiú nach mbeadh an duine sin faoi mhíbhuntáiste as an rogha sin a dhéanamh. Foráiltear i bhfo-alt 8(3) den Acht gur féidir leis an gcúirt saoráidí ateangaireachta a chur ar fáil d'fhonn a chinntiú nach mbeadh aon duine faoi mhíbhuntáiste as úsáid a bhaint as a rogha teanga oifigiúla.

An Próiseas Imscrúdaithe

Tar éis do m'Oifig ábhar an ghearáin seo a fhiosrú mar chéad chéim, rinne mé cinneadh imscrúdú a dhéanamh ina leith de bhun an ghearáin a rinneadh liom, mar a cheadaítear dom faoi fho-alt 21(c) den Acht.

Rinne an gearánach iarratas i Márta 2020 chun ordú cúirte a athrú agus bhí an cás le bheith os comhair na Cúirte Dúiche i mBealtaine 2020. Sheol an gearánach comhfhreagras leictreonach in Aibreán 2020 inar fiosraíodh an mbeadh an éisteacht ag dul ar aghaidh i mBealtaine 2020 toisc na srianta a bhí i bhfeidhm de bharr phaindéim Covid-19 agus thug sé le fios gur theastaigh uaidh go mbeadh ateangaire Gaeilge i láthair dá mbeadh an cás ag dul chun cinn an lá sin.

> *Cuireadh in iúl dó freisin nach mbeadh ateangaire Gaeilge i láthair ...*

Míníodh don ghearánach nach mbeadh ach cásanna práinneacha ag dul ar aghaidh ar an dáta ábhartha i mBealtaine 2020 agus cuireadh in iúl dó nach raibh sé riachtanach dó freastal ar an gcúirt an dáta sin i mí na Bealtaine mar go mbeadh an cás á chur ar atráth. Cuireadh in iúl dó freisin nach mbeadh ateangaire Gaeilge i láthair don dáta sin i mí na Bealtaine 2020 ach go mbeadh ateangaire in áirithe do dháta na héisteachta.

Ar an dáta ábhartha i mBealtaine 2020, cuireadh an cás ar atráth go dtí dáta níos deireanaí i Meitheamh 2020 agus treoraíodh don ghearánach a bheith i láthair. Mhínigh an tSeirbhís Chúirteanna don imscrúdú go raibh treoir tugtha ag an mBreitheamh ar an dáta ábhartha i mBealtaine 2020 gan ateangaire a chur ar fáil don ócáid ina dhiaidh sin i Meitheamh 2020 agus

notification to the Courts Service of the intention to use Irish in the Court.

Subsections 8(1) and 8(2) of the Official Languages Act 2003 confirm the right of any person to use the official language of their choice in court proceedings and that the court is obliged to ensure that that person is not at a disadvantage from making that choice. Subsection 8(3) of the Act provides that the court may provide interpreting facilities to ensure that no person is disadvantaged from using the official language of their choice.

Investigation Process

Having initially looked into the subject matter of this complaint, I decided to launch an investigation into the matter pursuant to the complaint made to me, as permitted under subsection 21(c) of the Act.

In March 2020 the complainant made an application to change a court order and the case was due to come before the District Court in May 2020. The complainant sent electronic correspondence in April 2020 inquiring whether the hearing would take place in May 2020 due to the restrictions arising from the Covid-19 pandemic and indicated that he wished an Irish language interpreter to be present if the case was proceeding on that day.

> *He was also informed that an Irish language interpreter would not be present …*

The complainant was told that only urgent cases would proceed on the relevant date in May 2020 and was informed that it was not necessary for him to attend court on that said date in May as the case would be adjourned. He was also informed that an Irish language interpreter would not be present on the said date in May, but that an interpreter would be engaged for the date of the hearing.

The case was adjourned on the initial hearing date mentioned for May 2020 to a later date in June 2020 and the complainant was instructed to attend. The Courts Service explained to the investigation that on the initial hearing date mentioned for May 2020 that the Judge had instructed not to provide an interpreter

nach ndearna an tSeirbhís Chúirteanna ateangaire a chur in áirithe don ócáid sin, faoi réir na treorach. Rinne an gearánach athiarratas ar ateangaire a bheith sa Chúirt don dáta ábhartha i Meitheamh 2020 mar gur theastaigh uaidh a chás a chur i láthair trí Ghaeilge. Chuir an Breitheamh an cás síos i gcomhair trialach do dháta i mí Iúil 2020 agus thug sé treoracha gur cheart ateangaire Gaeilge a fháil don lá sin.

Mhínigh an tSeirbhís Chúirteanna go raibh comhlacht aistriúcháin ar conradh chun ateangairí a chur ar fáil di agus go ndearnadh áirithint leo chun ateangaire Gaeilge a chur ar fáil do dháta na trialach i mí Iúil 2020. Fuair an tSeirbhís Chúirteanna teachtaireacht ríomhphoist ón gcomhlacht aistriúcháin roinnt laethanta roimh dháta na héisteachta ag tabhairt le fios nárbh fhéidir leo ateangaire Gaeilge a chur ar fáil don éisteacht in ainneoin iarrachtaí teacht ar ateangaire don éisteacht.

Toisc nach rabhthas in ann teacht ar ateangaire Gaeilge nuair a tháinig an cás chun trialach ar an dáta ábhartha i mí Iúil 2020, thug an Breitheamh a bhí ina suí an lá sin rogha don ghearánach: an cás a chur ar atráth go dtí go mbeadh ateangaire Gaeilge ar fáil nó an cás a ligean ar aghaidh i gcomhair trialach. Ghlac an gearánach leis an dara rogha agus lean an éisteacht ar aghaidh ar an dáta ábhartha i mí Iúil 2020 le cead an ghearánaigh.

> *Diúltaíodh seirbhís ateangaireachta don ghearánach ...*

Cuireadh in iúl don ghearánach nach mbeadh ateangaire ar fáil ar an dáta ar sceidealaíodh an éisteacht lena aghaidh i dtús ama i mBealtaine 2020 ach go mbeadh ateangaire ar fáil ar dháta athsceidealaithe na héisteachta i mí an Mheithimh. Ní léir dom gur cuireadh in iúl don ghearánach nach mbeadh ateangaire ar fáil do dháta athlá na héisteachta i mí an Mheithimh. Diúltaíodh seirbhís ateangaireachta don ghearánach cé nár cuireadh an diúltú sin in iúl dó go héifeachtach. 'Rogha an dá dhíogha' a tugadh don ghearánach ag an éisteacht i mí Iúil 2020.

Bhí an gearánach ag iarraidh faoiseamh a fháil ón gCúirt ó mhí an Mhárta roimhe sin agus bhí an éisteacht curtha ar atráth cheana féin i mí na Bealtaine. Dá roghnódh an gearánach an Ghaeilge a úsáid chuirfí an cás ar atráth arís. Idir an dá linn, bheadh feidhm leis

for the hearing on the rescheduled date in June 2020 and that the Courts Service did not book an interpreter for that date, in accordance with the instruction. The complainant re-applied to have an interpreter in Court on the rescheduled date in June 2020 as he wished to present his case through Irish. Subsequently the Judge tabled the case for trial for a date in July 2020 and gave instructions that an Irish language interpreter should be engaged for that day.

The Courts Service explained that a translation company was contracted to provide interpreters to it and that a booking was made to provide an Irish language interpreter for the trial date in July 2020. An email message was received by the Courts Service from the translation company some days before the hearing date stating that despite attempts to find an interpreter for the hearing, they could not provide an Irish language interpreter for the hearing.

As an Irish language interpreter could not be found when the case came to trial on the relevant date in July 2020, the Judge sitting that day gave the complainant the following choice: adjourn the case until an Irish language interpreter is available, or refer the case for trial. The complainant accepted the second option and the hearing proceeded on the relevant date in July 2020 with the permission of the complainant.

> *The complainant was denied an interpreting service …*

The complainant was informed that an interpreter would not be available on the initial hearing date scheduled for May 2020 but that an interpreter would be available for the rescheduled hearing date in June. It is not clear to me that the complainant was informed that an interpreter would not be available for the rescheduled hearing in June. The complainant was denied an interpreting service although he was not effectively informed of this denial. The complainant was given the option of 'the lesser of two evils' at the hearing in July 2020.

The complainant had sought relief from the Court from the previous March and the hearing had already been adjourned in May. If the complainant opted to use Irish the case would be adjourned again. In the meantime, the order from which relief was sought

an ordú óna rabhthas ag iarraidh faoisimh. Bheadh an gearánach 'faoi mhíbhuntáiste' chun críche fho-alt 8(2) den Acht dá dheasca sin.

Nuair a d'iarr an gearánach in Aibreán 2020 ateangaire Gaeilge don dáta ábhartha i mBealtaine 2020 agus arís sa Chúirt ar dháta níos deireanaí i Meitheamh 2020, tá mé sásta gur chuir sé in iúl gur theastaigh uaidh an Ghaeilge a úsáid sa Chúirt. D'ainneoin an méid sin a bheith curtha in iúl aige, ba é a thaithí go raibh sé sa chúirt ar dhá ócáid as a chéile agus nach raibh ateangaire i láthair agus nárbh fhéidir leis an Ghaeilge a úsáid sa Chúirt in éagmais ateangaire a bheith i láthair.

Ní thagann sé faoi mo dhlínse mar Choimisinéir Teanga imscrúdú a dhéanamh ar aon mhainneachtain is féidir a tharla i gcás aon pháirtí nach comhlacht poiblí é. Ní comhlacht poiblí chun críche an Achta breitheamh ná cúirt. Ní mainneachtain de chuid na Seirbhíse Cúirteanna faoi deara nár cuireadh ateangaire ar fáil don dáta ábhartha i Meitheamh 2020. Mar sin féin, bhí iarratas soiléir déanta ag an ngearánach ateangaire a chur ar fáil d'imeachtaí na Cúirte do dháta na héisteachta níos deireanaí i mí Iúil 2020. Sa mhéid is gur theip ar an tSeirbhís Chúirteanna ateangaire a chur ar fáil an lá sin, ba shárú ar chearta an ghearánaigh é sin.

Príomh-mholtaí an Imscrúdaithe

Is iad príomh-mholtaí an imscrúdaithe:

1. Go n-aontóidh an tSeirbhís Chúirteanna socruithe agus nósanna imeachta a bheidh le leanúint nuair a chuireann duine in iúl go bhfuil sé/sí ag iarraidh an Ghaeilge a úsáid sa Chúirt. Áireofar sna socruithe sin beartas scríofa nó ciorclán agus treoirlínte d'fhoireann na Seirbhíse.
2. Go gcuirfear na dréachtsocruithe agus na dréachtnósanna 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 ngabhfar 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.

Amlíne an Imscrúdaithe

Imscrúdú seolta: 4 Meitheamh 2021
Tuarascáil eisithe: 31 Lúnasa 2021

would apply. This would result in the complainant being 'placed at a disadvantage' for the purpose of subsection 8(2) of the Act.

When the complainant requested in April 2020 an Irish language interpreter for the initial scheduled hearing date in May 2020 and again in the Court on a later date in June 2020, I am satisfied that he expressed his wish to use Irish in the Court. Despite expressing this, his experience was that he was in court on two consecutive occasions and that an interpreter was not present and that he could not use Irish in Court in the absence of an interpreter.

It does not fall within my jurisdiction as Coimisinéir Teanga to investigate any failing that may have occurred on the part of any party that is not a public body. A judge or court is not a public body for the purpose of the Act. The failure to provide an interpreter for the relevant date in June 2020 was not due to the failing on the part of the Courts Service. However, the complainant had made a clear request to provide an interpreter for the Court proceedings scheduled for the later hearing date in July 2020. Insofar as the Courts Service failed to provide an interpreter for that day, the complainant's rights were infringed.

Main Recommendations of Investigation

The main recommendations of the investigation are:

1. That the Courts Service agree arrangements and procedures to be followed when a person indicates that he/she wishes to use Irish 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 written 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 receives an apology in this instance for the failure of the Courts Service to provide an interpreter on the day set for the hearing.

Timeline of Investigation

Investigation launched: 4 June 2021
Report issued: 31 August 2021

Comhairle Contae na Mí

Achoimre

Léirigh imscrúdú gur theip ar Chomhairle Contae na Mí na cuspóirí seo a leanas de chuid Phlean Forbartha Contae 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.

Bunús Gearáin

Rinneadh gearán liom inar líomhnaíodh go raibh ag teip ar Chomhairle Contae na Mí cuspóirí áirithe de chuid Phlean Forbartha Contae na Mí, 2013-2019 a chomhlíonadh (nó a chomhlíonadh go sásúil) agus iarratais phleanála ar fhorbairtí sa Ghaeltacht á bpróiseáil agus cinneadh á dhéanamh orthu.

> *Is cuspóirí iad a bhfuil d'aidhm acu* oidhreacht teanga agus chultúrtha na Gaeltachta a chosaint ...

Is cuspóirí iad a bhfuil d'aidhm acu *oidhreacht teanga agus chultúrtha na Gaeltachta a chosaint, lena n-áirítear an Ghaeilge a chur chun cinn mar theanga an phobail* agus a áiríodh sa Phlean Forbartha Contae i gcomhréir le fo-alt 10(2)(m) den Acht um Pleanáil agus Forbairt, 2000.

Is iad éilimh na gcuspóirí i gcás iarratais phleanála i leith forbairtí sa Ghaeltacht:

1. Go ndéanfaí staidéar tionchair teanga sula ndéanfaí aon iarratas pleanála ar thithíocht nó ar fhorbairt tráchtála a bhreithniú;

Meath County Council

Summary

comhairle chontae na mí
meath county council

An investigation revealed that Meath County Council had failed to fulfil (or to fulfil satisfactorily) 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.

Basis for the complaint

A complaint was made to me in which it was alleged that Meath County Council was failing to fulfil (or to fulfil satisfactorily) certain objectives of the Meath County Development Plan 2013-2019 when processing and determining planning applications for developments in the Gaeltacht.

> *These objectives are aimed at* protecting the linguistic and cultural heritage of the Gaeltacht …

These objectives are aimed at *protecting the linguistic and cultural heritage of the Gaeltacht, including the promotion of the Irish language as the community language* and are included in the County Development Plan in accordance with subsection 10(2)(m) of the Planning and Development Act 2000.

The objectives relating to planning applications concerning developments in the Gaeltacht require the following:

1. That a language impact study is carried out prior to considering any planning application for housing or commercial development;

2. Go gcruthófaí leis an staidéar go mbeadh tionchar dearfach ag an bhforbairt a raibh an t-iarratas á dhéanamh ina leith ar chur chun cinn agus ar úsáid na Gaeilge mar theanga an phobail;
3. Go gcuirfí gach iarratas díobhsan faoi bhráid na Roinne Gnóthaí Pobail, Tuaithe agus Gaeltachta agus lucht bainistíochta Údarás na Gaeltachta lena dtuairim a thabhairt orthu;
4. Go gcuirfí na tuairimí seo san áireamh, agus go léireofaí a gcur san áireamh, agus cinntí á ndéanamh i ngach iarratas pleanála den sórt sin.

An Próiseas Imscrúdaithe

> *Chinn mé mionscrúdú a dhéanamh ar an tslí ar phléigh an Chomhairle Contae leis na hiarratais phleanála a fuarthas ón nGaeltacht ...*

Tharraing m'Oifig ábhar an ghearáin anuas le Comhairle Contae na Mí ar an 2 Meán Fómhair 2020 tríd an gcóras neamhfhoirmiúil fiosraithe gearán a fheidhmíonn an Oifig mar chéad chéim. Fuarthas freagra ón gComhairle Contae ar an 28 Meán Fómhair 2020. Tar éis dom an freagra sin a mheas, chinn mé gur chuí imscrúdú a dhéanamh ar an gceist, mar a cheadaítear dom faoi alt 21(f) d'Acht na dTeangacha Oifigiúla, 2003. Chinn mé mionscrúdú a dhéanamh ar an tslí ar phléigh an Chomhairle Contae leis na hiarratais phleanála a fuarthas ón nGaeltacht ar feadh tréimhse cúig bliana (2016-2020), d'fhonn forléargas ginearálta a fháil ar an tslí a rabhthas ag cur na gcuspóirí thuas i gcrích.

149 iarratas pleanála a cuireadh faoi bhráid na Comhairle Contae le linn na tréimhse sin, cé gur bhain cuid de na hiarratais chéanna le ceadanna coinneála agus sínte. Chuir an Chomhairle Contae sonraí ar fáil don imscrúdú ar 62 iarratas pleanála – 33 i mBaile Ghib agus 29 i Ráth Chairn – agus bhain 8 gcinn de na hiarratais le forbairtí tráchtála, forbairtí nár bhain na ceanglais faoi chuspóirí CER OBJ1 ná CER OBJ3 leo. Bhain 54 de na hiarratais phleanála sa sampla le tógáil tithe nua. Nuair a cuireadh diúltuithe agus iarratais ar thithe nua a thógáil in ionad seantithe as an áireamh bhí 48 iarratas ar thithe nua i gceist san iomlán.

2. That the study proves that the development in respect of which the application is being made would have a positive impact on the promotion and use of Irish as the community language;
3. That all such applications be submitted to the Department of Community, Rural and Gaeltacht Affairs and the management of Údarás na Gaeltachta for their opinion;
4. That these views are taken into account, and are seen to be taken into account, in making decisions in all such planning applications.

Investigation Process

> *I decided to examine in detail how the County Council had dealt with the planning applications received from the Gaeltacht …*

My Office raised the subject matter of the complaint to Meath County Council on 2 September 2020 through the informal complaints query system which the Office operates as a first step. A response was received from the County Council on 28 September 2020. Having considered this response, I deemed it appropriate to carry out an investigation into the matter, as permitted under section 21(f) of the Official Languages Act 2003. I decided to examine in detail how the County Council had dealt with the planning applications received from the Gaeltacht for a period of five years (2016-2020), in order to form a general overview of how the above objectives were being achieved.

149 planning applications were submitted to the County Council during the said period, although some of those applications related to retention and extension permissions. The County Council provided details to the investigation of 62 planning applications – 33 in Baile Ghib and 29 in Ráth Chairn – and 8 of the applications concerned commercial developments, which did not relate to the requirements under the objectives of CER OBJ1 or CER OBJ3. 54 of the planning applications in the sample related to the construction of new houses. When refusals and applications to reconstruct old houses were excluded, a total of 48 applications for new houses were involved.

De na 48 iarratas sa sampla, tagraíodh d'fhianaise scríofa theangeolaíoch (staidéar tionchair teanga nó litir thacaíochta) a bhí curtha ar fáil i gcás 35 iarratas díobh (73%). De na 35 cás sin, cuireadh ar fáil don imscrúdú cóip den bhunfhianaise i gcás 13 de na hiarratais (37%). Dá réir sin, bhíothas ag brath ar an tráchtaireacht nó ar an tuairisciú a rinneadh ar an bhfianaise sin i dtuarascáil an phleanálaí, i gcás dhá thrian de na hiarratais san anailís a rinneadh orthu, chun críche an imscrúdaithe seo.

De na 35 iarratas sa sampla ina raibh fianaise den chineál sin curtha ar fáil, bhí 16 chás i gceist (46%) inar aimsigh an t-imscrúdú gur maíodh gur cainteoir Gaeilge a bhí san iarratasóir, gur tuairiscíodh gur maíodh é i dtuarascáil an phleanálaí nó go gcaithfí an tátal sin a dhéanamh as an bhfianaise a cuireadh ar fail. I gcás 36 iarratas pleanála ar thithe cónaithe, d'iarr an t-imscrúdú ar an gComhairle Contae an chuid díobh a seoladh chuig Údarás na Gaeltachta a shonrú agus tugadh le fios go ndearnadh amhlaidh i gcás seacht n-iarratas díobh. Is léir gur céatadán íseal de na hiarratais trí chéile a cuireadh faoi bhráid an Údaráis.

> *Bhí sin le déanamh trí fhianaise a chuirfí ar fáil dó i bhfoirm staidéar tionchair teanga a mheá ...*

Deimhnítear cuspóirí plean forbartha contae i gcomhréir leis an bpróiseas atá forordaithe san Acht um Pleanáil agus Forbairt, 2000. Is faoin údarás pleanála atá sé oiriúint na gcuspóirí sin dá limistéir feidhme agus dá shochaí a dheimhniú. Nuair a bhíonn an Plean déanta, áfach, ní mór na cuspóirí sin a chur i gcrích. Chuir cuspóirí áirithe de chuid Phlean Forbartha Chontae na Mí ceanglas ar an údarás pleanála é féin a shásamh go mbeadh tionchar dearfach ar úsáid na Gaeilge mar ghnáth-theanga an phobail ag gach iarratas pleanála ar fhorbairt nua sa Ghaeltacht. Bhí sin le déanamh trí fhianaise a chuirfí ar fáil dó i bhfoirm staidéar tionchair teanga a mheá agus trí chomhairle a ghlacadh ón Roinn agus ó Údarás na Gaeltachta.

Cuireadh fianaise ar fáil go ndearna pleanálaithe de chuid na Comhairle Contae iarracht áirithe an cúram sin a chomhlíonadh. Tá fianaise ar fáil sna tuarascálacha a scrúdaíodh i dtaca leis an imscrúdú seo gur iarr siad

Of the 48 applications in the sample, reference was made to written linguistic evidence (language impact study or letter of support) which had been provided for 35 of the applications (73%). Of these 35 cases, a copy of the original evidence was provided to the investigation for 13 of the applications (37%). Therefore, I was reliant on the commentary or on the reporting of that evidence in the planner's report, in the case of two-thirds of the applications analysed, for the purpose of this investigation.

Of the 35 applications in the sample, where such evidence was provided, there were 16 cases (46%) where the investigation found that the applicant purported to be an Irish speaker, or is reported to have purported to be so in the planner's report or that this conclusion had to be drawn from the evidence provided. In the case of 36 residential planning applications, the investigation requested the County Council to specify the portion of these that had been referred to Údarás na Gaeltachta; seven of the applications were indicated as having been referred to Údarás na Gaeltachta. It is clear that the percentage of all applications referred to Údarás na Gaeltachta was low.

> *This was to be done by assessing evidence to be provided to it in the form of language impact studies …*

The objectives of a county development plan are arrived at in accordance with the process prescribed in the Planning and Development Act 2000. It is up to the planning authority to confirm the suitability of such objectives to their functional areas and their society. However, once the Plan has been made, these objectives must be achieved. Certain objectives of the Meath County Development Plan required the planning authority to satisfy itself that each planning application for new development in the Gaeltacht would have a positive impact on the use of Irish as the general community language. This was to be done by assessing evidence to be provided to it in the form of language impact studies and by taking advice from the Department and from Údarás na Gaeltachta.

Evidence was provided that some effort was made by County Council planners to perform this task. The reports examined in connection with this investigation suggest that they requested applicants to provide a

ar iarratasóirí staidéar tionchair teanga a chur ar fáil i gcásanna ina raibh an t-eolas sin in easnamh agus go ndearnadh iarracht an fhianaise scríofa theangeolaíoch a cuireadh ar fáil (agus fianaise ábhartha eile) a mheas.

Léirítear sna tuarascálacha a scrúdaíodh chun críche an imscrúdaithe seo an cúram críochnúil a dhéantar d'fhorálacha eile de chuid an Phlean Forbartha a bhaineann le hiarratais phleanála a mheas agus an fhreagracht a ghlacann an Chomhairle Contae astu. Is mór idir é sin agus laghad an chúraim stiúrtha agus an easpa cur chuige córasach a léiríodh don imscrúdú maidir le cur i bhfeidhm na gcuspóirí teanga de chuid Phlean Forbartha Chontae na Mí.

Léirigh an t-imscrúdú gur chuir easpa cur chuige Chomhairle Contae na Mí ar an iomlán as go mór d'éifeacht chur i bhfeidhm na gcuspóirí sin. Níor léir:

- go raibh aon tuiscint chruinn ann ar an rud is staidéar tionchair teanga ann chun críche na gcuspóirí;
- go raibh treoir curtha ar fáil faoi na saintréithe ba chóir a lorg ina leithéid de dhoiciméid;
- go raibh aon treoir tugtha ná comhthuiscint ann maidir leis an gcineál fianaise a bheifí a lorg chun an tionchar dearfach teangeolaíoch a chruthú ná faoi tslí a ndéanfaí an fhianaise sin a mheas; san áireamh, go háirithe, fianaise faoi chumas nó iompar teanga;
- go raibh aon bheartas ann ná treoir maidir leis an tslí a bpléifí le hiarratais ón nGaeltacht ina raibh dlúthbhaint ag na hiarratasóirí leis an bpobal tuaithe sin (mír 10.4) i gcomhréir leis an gcéad alt de mhír 10.13.1;
- go ndearnadh iarracht ar bith na cuspóirí sin a chomhlíonadh i gcás iarratais áirithe;
- go ndearnadh aon iarracht fhónta teacht i dtír ar chomhairle na Roinne ná Údarás na Gaeltachta i bhformhór na n-iarratas pleanála.

> *Ghlac an Chomhairle Contae leis gur sáraíodh na cuspóirí seo.*

Ghlac an Chomhairle Contae leis gur sáraíodh na cuspóirí seo. Maíodh gur mar gheall ar *'leibhéal athrúcháin foirne nach raibh súil leis agus ar a méid níos mó iarratas a rinneadh le roinnt blianta anuas'* a rinneadh an fhaillí sin ach tugadh le fios gur cuireadh é

language impact study in cases where this information was lacking and that an attempt was made to evaluate the written linguistic evidence provided (and other relevant evidence).

The reports examined for the purpose of this investigation show the thorough attention given to other Development Plan provisions relating to planning applications and the responsibility assumed by the County Council in their regard. This is in stark contrast to the limited direction and the lack of a systematic approach revealed to the investigation in relation to the implementation of the language objectives of the Meath County Development Plan.

The investigation revealed that the overall lack of approach by Meath County Council has seriously affected the effectiveness of these objectives' implementation. It was not clear:

- that there was any proper understanding of what constitutes a language impact study for the purpose of the objectives;
- that guidance had been provided as to the details to be sought in such documents;
- that there was any guidance or common understanding as to the type of evidence that would be sought to prove the positive linguistic impact or how that evidence would be evaluated – in particular, evidence of language proficiency or linguistic behaviour;
- that there was any policy or guidance as to how applications from the Gaeltacht were to be treated where the applicants had a close relationship with that rural community (section 10.4) in accordance with the first paragraph of section 10.13.1;
- that any attempt had been made to meet those objectives in the case of particular applications;
- that any meaningful effort had been made to seek advice from the Department or from Údarás na Gaeltachta in most planning applications.

> *The County Council accepted that these objectives had been contravened.*

The County Council accepted that these objectives had been contravened. It was claimed that this failure was due to *'an unexpected level of staff turnover and a greater number of applications in recent years'* but it

sin ina cheart tríd an bhFoireann Bainistíochta Forbartha a chur ar an eolas gur gá na cuspóirí sin a chur i bhfeidhm agus cinneadh á dhéanamh ar aon iarratas ábhartha pleanála.

Príomh-mholtaí an Imscrúdaithe

Is iad príomh-mholtaí an imscrúdaithe:

- Go gcuirfidh 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-ullmhódh agus go mbunódh 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 teangeolaíocha 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.

Áireofar 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.)
- 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 deimhin á déanamh de thionchar dearfach na forbartha.
- Aon treoir eile is gá chun feidhm phraiticiúil a thabhairt do chuspóirí teangeolaíochta/Gaeltachta a bheidh deimhnithe sa Phlean Forbartha Contae agus iarratais phleanála á meas.

Amlíne an Imscrúdaithe

Imscrúdú seolta: 13 Samhain 2020
Tuarascáil eisithe: 19 Lúnasa 2021

was advised that this situation had been corrected by informing the Development Management Team of the need to implement these objectives when determining any relevant planning application.

Main Recommendations of Investigation

The main recommendations of the investigation are:

- That Meath County Council implements 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 shall 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.)
- 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.

Timeline of Investigation

Investigation launched: 13 November 2020
Report issued: 19 August 2021

SCÉIMEANNA TEANGA

SCÉIMEANNA DAINGNITHE

Dhaingnigh an tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán **trí** chéadscéim teanga, **seacht** ndara scéim teanga, **cúig** tríú scéim teanga agus **trí** cheathrú scéim teanga le linn na bliana 2021. Níor daingníodh aon chúigiú scéim teanga in 2021. 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.coimisinéir.ie

SCÉIMEANNA IN ÉAG

Bhí **77** scéim teanga, as **141** san iomlán, imithe in éag faoi dheireadh na bliana 2021. In éagmais scéim teanga nua a bheith aontaithe ag na comhlachtaí poiblí, ní raibh aon dualgas orthu na seirbhísí a chuirtear ar fáil don phobal trí Ghaeilge a threisiú.

DRÉACHTSCÉIMEANNA

Ag deireadh na bliana 2021, bhí **137** dréachtscéim teanga fós le daingniú ag an Aire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán:

- **40** céad-dréachtscéim, **48** dara dréachtscéim, **25** tríú dréachtscéim, **20** ceathrú dréachtscéim agus **4** chúigiú dréachtscéim.

I gcás **23** de na comhlachtaí poiblí sin tá os cionn deich mbliana caite ó iarradh orthu scéim a ullmhú agus os cionn cúig bliana caite i gcás **37** comhlacht poiblí eile.

LANGUAGE SCHEMES

SCHEMES CONFIRMED

The Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media confirmed **three** first language schemes, **seven** second language schemes, **five** third language and **three** fourth language schemes during 2021. No fifth language scheme was confirmed in 2021. By the end of the year **141** language schemes were confirmed and in place. A list of public bodies with confirmed language schemes by the Minister is available on this Office's website: www.coimisineir.ie

SCHEMES EXPIRED

Of the **141** language schemes, **77** had expired by year-end 2021. This meant that, in the absence of a new language scheme, no additional commitments in relation to improved services in Irish were required of those public bodies.

DRAFT SCHEMES

By the end of 2021, **137** draft language schemes remained to be confirmed by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.

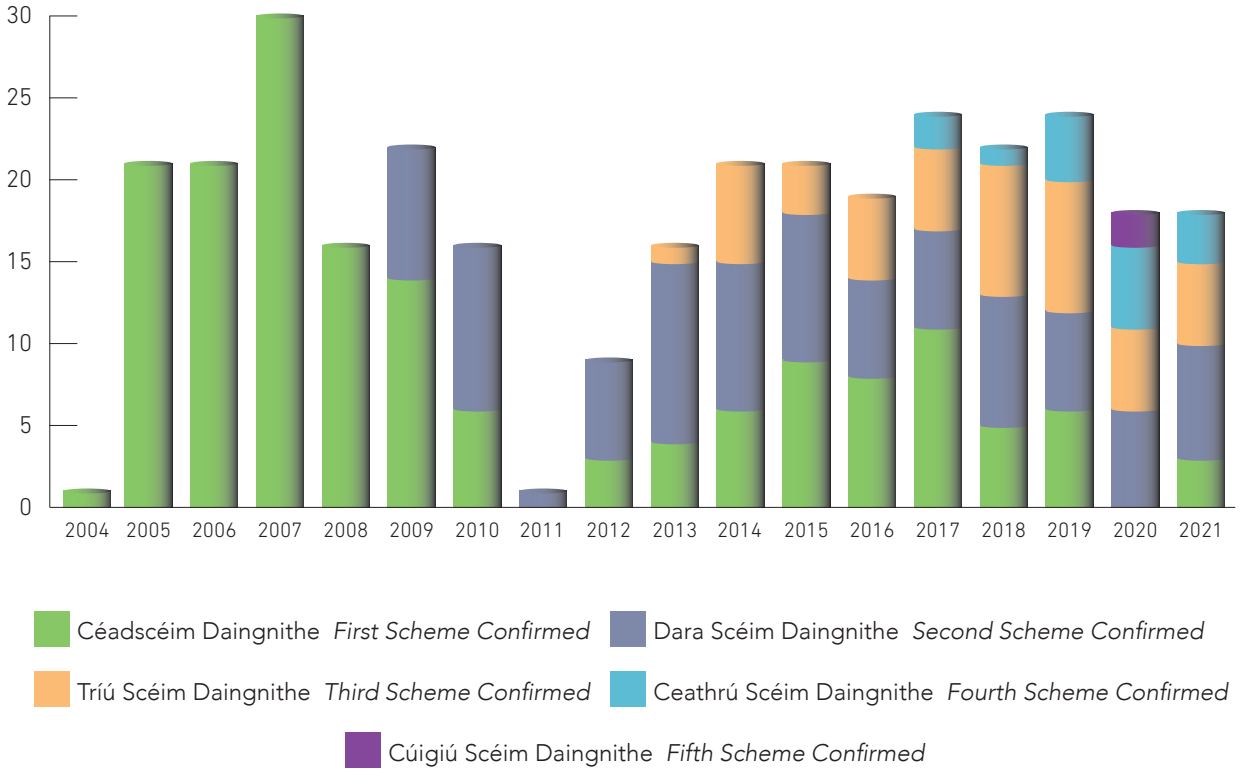
- **40** first draft schemes, **48** second draft schemes, **25** third draft schemes, **20** fourth draft schemes, and **4** fifth draft schemes.

More than ten years have elapsed since **23** of these public bodies were asked to prepare a scheme and more than five years in the case of **37** of these public bodies.

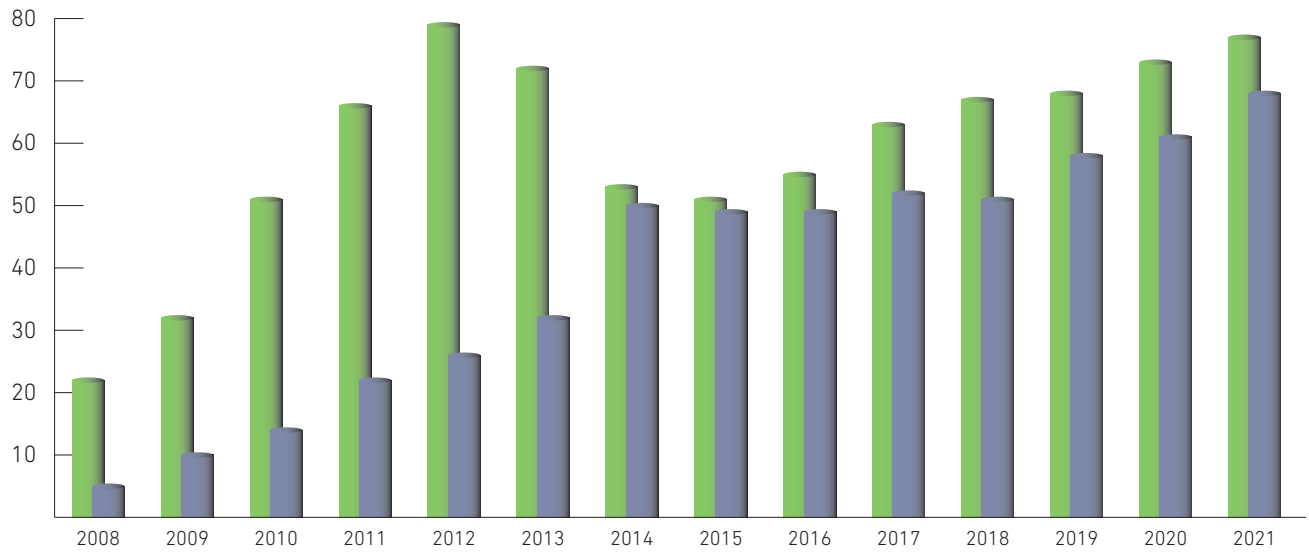
Bliain ar daingníodh an chéad Scéim Teanga Year in which first Language Scheme was confirmed

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
	164
Scéimeanna dímholta *Schemes superseded*	5
Scéimeanna as feidhm *Lapsed schemes*	18
Iomlán *Total*	141

Scéimeanna daingnithe ag an Aire Schemes confirmed by the Minister



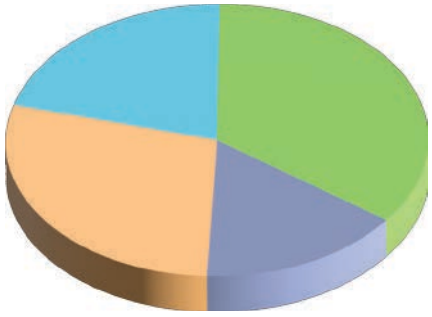
Scéimeanna imithe in éag Schemes expired



Líon na scéimeanna in éag de réir a dtréimhse in éag

Number of schemes expired and the period since they expired

Os cionn 7 mbliana *Greater than 7 years*	27
Idir 4-7 mbliana *Between 4-7 years*	12
Idir 1-3 bliana *Between 1-3 years*	22
Níos lú ná bliain *Less than a year*	16



Tá eolas breise maidir leis na scéimeanna teanga daingnithe agus maidir le hiarratais ar dhréachtscéimeanna a ullmhú le fáil ar shuíomh gréasáin Oifig an Choimisinéara Teanga ag www.coimisinéir.ie

Additional information regarding confirmed language schemes and requests to prepare language schemes is available on the Office of An Coimisinéir Teanga website at www.coimisineir.ie

CÚRSAÍ AIRGEADAIS

Cuireadh soláthar €887,000 ar fáil don Oifig don bhliain 2021 agus tarraingíodh anuas €881,422 den bhuiséad sin.

Tá ráitis airgeadais na hOifige don bhliain 2021 ullmhaithe don Ard-Reachtaire Cuntas agus Ciste lena n-iniúchadh 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 chuí 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 €887,000 was provided to this Office for 2021 and €881,422 of that budget was drawn down.

The financial statements of the Office for 2021 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 2021 *Period Covered: 1 January – 31 December 2021*

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 *Number of payments made within 15 days*	220	174,449	100%
Líon na n-íocaíochtaí a rinneadh laistigh de thréimhse idir 16 lá agus 30 lá *Number of payments made within 16 days to 30 days*			
Líon na n-íocaíochtaí a rinneadh sa bhreis ar 30 lá *Number of payments made in excess of 30 days*			
Líon iomlán na n-íocaíochtaí sa tréimhse ***Total number of payments made in the period***	**220**	**174,449**	**100%**

ÚSÁID FUINNIMH

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

Forbhreathnú ar 2021

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 73.94 MWh leictreachais le linn na bliana 2021, ardú 9% ar úsáid na bliana 2020.

Gníomhartha a rinneadh in 2021

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.

Gníomhartha atá beartaithe do 2022

Leanfar de na beartais sábhála fuinnimh atá tionscanta cheana féin. Déanfar monatóireacht rialta ar úsáid leictreachais i gcaitheamh na bliana 2022. Tá sé beartaithe freisin ag an Oifig iniúchadh a dhéanamh ar úsáid fuinnimh na hOifige i gcomhthéacs bearta caomhnaithe fuinnimh.

ENERGY USAGE

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

Overview of 2021

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 73.94 MWh of electricity during the year, an increase of 9% on 2020 consumption.

Actions taken in 2021

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.

Actions planned for 2022

The energy-saving policies already initiated will be continued. Electricity consumption will be monitored on a regular basis during 2022. The Office also intends to undertake an energy conservation audit in regard to energy conservation measures for the Office.

NOCHTADH COSANTA

Tuarascáil Bhliantúil Oifig an Choimisinéara Teanga do 2021 i gcomhréir le halt 22(1) den Acht um Nochtadh Cosanta, 2014. Is í seo an séú Tuarascáil Bhliantúil um Nochtadh Cosanta ó Oifig an Choimisinéara Teanga agus clúdaítear inti an tréimhse ón 1 Eanáir 2021 go dtí an 31 Nollaig 2021.

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 2021.

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 2021 in accordance with section 22(1) of the Protected Disclosures Act 2014. This is the sixth Protected Disclosures Annual Report from the Office of An Coimisinéir Teanga and it covers the period from 1 January 2021 to 31 December 2021.

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 2021.

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
	Stiúrthóir *Director*	Séamas Ó Concheanainn
	Bainisteoir Cumarsáide *Communications Manager*	Órla de Búrca
	Bainisteoir Imscrúduithe (ar scor) *Investigations Manager (retired)*	Éamonn Ó Bróithe
	Bainisteoir Géilliúlachta *Compliance Manager*	Eileen Seoighe
	Bainisteoir Gnóthaí Corparáideacha *Corporate Affairs Manager*	Nóirín Sheoige
	Oifigeach Feidhmiúcháin *Executive Officer*	Gráinne Ní Shúilleabháin
	Oifigeach Feidhmiúcháin *Executive Officer*	Sara Ní Neachtain
	Oifigeach Feidhmiúcháin *Executive Officer*	Deirdre Nic Dhonncha
	Oifigeach Cléireachais *Clerical Officer*	Ciara Dolphin

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

Is é an leagan Gaeilge buntéacs na Tuarascála seo.
The Irish language version is the original text of this Report.

NÓTAÍ | NOTES

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