

Eithne Fitzgerald
National Disability Authority
Dublin

Is this response the personal opinion of the respondent or is the response given on behalf of the above organisation?

On behalf of the above organisation

Are you willing to have this response published on the Department's website www.ahg.gov.ie?

Yes

Communication under section 9 of the Act (Letters, emails & mail shots)

Current obligations under the Act:

- To respond to communication in the language in which it was received;
- To issue information in writing or electronically in Irish or bilingually.

1. In your opinion, are these obligations adequate, are they excessive or do they need to be amended?

In the view of the National Disability Authority, it is reasonable to be required to correspond to communication in the language in which it was received. There is a technical difficulty about automatic 'out of office' responses which may be computer-generated and which may not be possible to supply bilingually. It may be useful to clarify that such replies would not constitute a reply to correspondence for the purposes of the Act. Where information is published on a website that is reasonable to believe is of importance to the public at large (such as information on rights and entitlements), it would be a reasonable legal requirement that this be bilingual. However, the requirement to issue information to the public only in Irish or bilingually is not a cost-effective way to ensure that information is available to the public in the language of their choice. In 2007, the National Disability Authority (NDA) issued an information leaflet to the public on aspects of the National Disability Strategy affecting citizens with disabilities, distributed to every household. In good faith, the NDA implemented a targeted approach to distribution in different language formats, which was subsequently found to be in breach of the Official Languages Act. However, there is interesting learning from this episode about the costs of a targeted approach versus the current legal requirements. The distribution was as follows: - bilingual copies were available on the website. - Some 41,000 copies, in Irish, were delivered in Gaeltacht areas, with a message in English directing them to a lo-call number where copies in English could be obtained. There were 49 requests for an English version - the reverse procedure was adopted for the rest of the country, with 1.73 m leaflets in English distributed, and a message about where to get an Irish copy. There were 32 such requests for Irish copies (plus 15 requests for extra copies in Irish from those who already had received such). The reserve stocks in Irish of about 49,000 copies were subsequently pulped.

This example illustrates that the current requirements of the law are an expensive way of meeting the legitimate demand of citizens to receive a document in the language of their choice, and a more targeted approach can meet the demand for Irish language versions in an effective way. It should be noted that the requirements for public bodies under the Disability Act on access to information and communications, as set out in s.28, provides for communication, on request, in a form accessible to an individual with a disability "as far as practicable". Electronic information, and information relevant to persons with intellectual disabilities is required "as far as practicable" to people with vision impairments or intellectual disabilities. The requirements to communicate with people with disabilities are thus more circumscribed than the requirements to publish in Irish or bilingually.

Publications under section 10 of the Act

Current obligations under the Act:

- To publish certain documents simultaneously in Irish and in English (e.g. annual reports, audited accounts, public policy proposals, strategy statements etc.)

2. In your opinion, are these obligations adequate, are they excessive or do they need to be amended?

Corporate documents such as annual reports are ones for which there is little public demand, in either English or Irish. The requirement for translation adds to public expense. The National Disability Authority spent €2,300 in 2011 on translation of the Annual Report (€1,600) and the statutory report on employment of people with disabilities in the public service, into Irish. It is now NDA practice to publish these to the website, and to run off only the limited number of copies required by our parent Department. There were extra costs associated with producing and publishing bilingual reports when printing was the norm. The National Disability Authority frequently engages in public consultation with disability organisations and others around aspects of its work - drafts of guidelines, for example. An efficient way to do this is to place the consultation document on the website and invite submissions. In relation to one particularly complex document on which we undertook consultation, the Building for Everyone guidance on elements of building design and planning, running to 9 booklets and 900 pages and involving detailed specifications and drawings, our advice was that publishing it for general consultation would have required translation into Irish, whereas distributing it to a targeted audience did not require such translation. In the event, the NDA adopted the targeted approach rather than an open consultation, as the cost and difficulty of translation would have been prohibitive, and to little purpose.

Signage, stationery & recorded oral announcements under Regulations of the Act (S.I. No. 391 of 2008)

Current obligations under the Act:

- To comply with the Regulations in regard to the use of Irish and English on signs, stationery and in recorded oral announcements.

3. In your opinion, are these obligations adequate, are they excessive or do they need to be amended?

These requirements have the potential to cause confusion and difficulties for people with disabilities, particularly as regards signage. The requirements under the Regulations are that the notices in each language must be of equal size, and the Irish language notice must come first. The National Disability Authority's guidance on signage in buildings emphasises the need to provide clear signs of adequate size (to facilitate people with impaired vision) as well as tactile signage. The risk is that to comply with the requirements of bilingual signage, that the typeface is reduced in order to reduce the overall footprint of the sign, thus making it hard to read. The NDA also guides on the importance of having signage which is accessible for people with intellectual disabilities to follow, including direction signage and safety signage. Again, there is the risk that safety signage where the Irish text comes first would be disregarded by this particular audience. More flexibility in using different weight, font styles etc. to distinguish signage in each language would also be useful. The application under the regulations to incidental signage in public buildings - notices in lifts, instructions about use of photocopiers etc., will be onerous and of limited practical benefit. On more minor points, there are many organisations whose logo is comprised of their initials, as with the National Disability Authority whose logo is a stylised NDA. The requirement to put the Irish language version (Údarás Náisiúnta Míchumais) ahead of the English version under these logo initials does not make sense.

Language Schemes under the Act

The language schemes form the core of the Language Act. The language schemes set out the system through which public bodies develop their services in Irish over a period of time. It is through the language schemes that the use of Irish is dealt with on websites, leaflets, brochures, forms, through telephone services, through other interpersonal services, through online services etc.

4.(a) In your opinion, is the system of language schemes satisfactory, excessive or does it need to be amended?

The National Disability Authority has no direct experience of the system of language schemes. In our work, however, we guide on the importance of ensuring that information on websites, brochures and forms is accessible to people with disabilities, and that online application forms etc are designed so that people with disabilities can effectively conduct their business this way. This is in line with the provisions of part 3 of the Disability Act 2005 on accessible public services and information, and the statutory Code of Practice on Accessibility of Public Services and Information provided by Public Bodies. It is important that statutory requirements on provision of services bilingually or in the language of a person's choice are implemented in a way that is also consistent with the statutory requirements for provision of accessible information and communication for people with disabilities.

4.(b) Would you recommend an alternative system which would be more efficient and more effective?

The National Disability Authority cannot comment on how the system of language schemes is in practice and whether an alternative system would be more efficient or effective.

Services from public bodies in the Gaeltacht

In order for the State to support the status and use of Irish in the Gaeltacht, it is vital that Gaeltacht communities can carry out their official business with the State through Irish.

5.(a) Are you satisfied with the services being provided by public bodies in Irish in the Gaeltacht?

The National Disability Authority has no direct experience in this area

5.(b) Would you recommend any amendments that would enhance the effectiveness and efficiency of public bodies in this area?

The National Disability Authority has no direct experience in the area of provision of services to citizens in Gaeltacht areas through Irish

Other provisions of the Act

Other provisions of the Act ratify rights with regard to the use of Irish in the Oireachtas, in the courts and in the State's placenames system.

6. In your opinion, are these provisions adequate, are they excessive or do they need to be amended?

The National Disability Authority has no comment to offer, other than that signage with regard to placenames needs to be sufficiently large for people with impaired vision. Where both names of a place are used, this should not be at the expense of adequate-sized lettering.

Public bodies under the Act

The Act requires public bodies, which are listed under the Act, to provide services through Irish. The full list of public bodies featured under the Act can be found at www.ahg.gov.ie.

The following public bodies are listed under the Act – Government Departments and offices, local authorities, universities, other third-level institutions, vocational education committees, An Garda Síochána, the Courts Service, the Revenue Commissioners, the Health Service Executive, other State agencies, boards & companies.

7. In your opinion, is this list of public bodies under the Act appropriate or is an amendment necessary in this area?

An Coimisinéir Teanga in his review of the operation of the Official Languages Act highlighted the importance of ensuring adequate language competence in public bodies which give direct services to the public, and those providing services in Gaeltacht areas. He suggested drawing a distinction between bodies which deliver direct services to the public, and those which would not have such a role. The National Disability Authority's function is primarily to advise the Minister for Justice on disability matters, and does not provide a service to the public. We would welcome some differentiation of obligations under official languages law according to the functions of a public body, and whether it is serving the public directly.

The Office of An Coimisinéir Teanga

The Office of An Coimisinéir Teanga was established under the Act. The main role of the Office is to monitor the implementation of the Act.

8. In your opinion, are the powers and functions of that Office adequate or excessive and do they need to be amended?

Other legislation (e.g. the Freedom of Information Act) has provisions in relation to blocking frivolous or vexatious complaints. It has also been established that a particular pattern of repeated appeals by an individual can give rise to a ruling that an appeal is frivolous or vexatious. It would be useful to examine equivalent provisions for the Official Languages Act. The cost of dealing with a complaint, in time and legal advice, can be considerable for a public body, in particular should a ruling in favour of the public body result in a High Court challenge. It is therefore important to have some mechanism to establish whether there is a genuine complaint and not a vexatious one. Many appellate mechanisms (e.g. the Disability Appeals Office under Part 2 of the Disability Act) provide for mediation between parties in dispute. That approach is likely to be a constructive one where there is good faith on both sides.

In general

9. Are there other amendments to the Act that you would recommend in order to ensure that the legislation is suitable and appropriate to its function?

See answers to previous questions

10. What services through Irish do you personally require from public bodies or what services do you think should be given priority?

No services required by the National Disability Authority through Irish. Priority should be given to provision of information required by citizens in their everyday dealings with

state bodies (e.g. on entitlements etc) and enabling citizens to conduct such transactions, insofar as practicable, in the official language of their choice.

11. What do you think are the obstacles or difficulties associated with providing the same standard of services in Irish by public bodies?

From a disability perspective, there are limitations on the technology. While it is readily possible to accommodate someone with a disability with information in Irish in some of the accessible formats, such as large print or audio recording, there is no screen reader software to convert Irish language text into spoken or braille output for someone with a vision impairment.

12. What amendments would you recommend to the Act in order to develop State services through Irish in an efficient and cost-effective manner?

The absolute legal obligations on public bodies in relation to bilingualism should be confined to areas of practical benefit to people who wish to transact their business in Irish, such as requirements to reply to correspondence in the language received; a requirement on organisations serving the general public to be able to transact business in two languages; and a requirement to provide essential information on rights and entitlements of the public in both Irish and English. Where information on rights and entitlements is published in both languages, there should however be no obligation to provide that in the one document. It could be produced in both languages on the website, and in separate leaflets in each language with an appropriate print run to reflect the likely demand for each version (and with cross-references to the availability of the other-language version). In other areas, the use of qualifiers such as "on request, where reasonable and appropriate" should be used. Requirements to have bilingual versions of corporate documents such as Annual Reports should be repealed.