

An Roinn Ealaíon, Oidhreacht  
agus Gaeltachta

14 FEB 2012

Department of Arts, Heritage  
and the Gaeltacht



Oifig an Ombudsman  
Office of the Ombudsman

Our Reference: OF/IRL/001

0066

13 February, 2012

Seosamh Ó'hÁghmaill, Uasal  
Secretary General  
Department of Arts, Heritage and the Gaeltacht  
23 Kildare Street  
Dublin 2

Dear Mr. Ó hÁghmaill,

### **Review of the Official Languages Act 2003**

I refer to the review of the Official Languages Act 2003 being carried out by your Department in line with the Programme for Government and to the consultation process currently underway in connection with this review.

I understand that the review was notified by letter to the Secretaries General of Departments on the understanding that this would be communicated in turn to bodies and agencies within remit. The process was not communicated in a formal way to this Office (the Office of the Ombudsman and the Office of the Information Commissioner). In the circumstances I propose to make a brief submission on the matter and trust that these views will be taken into account.

The Official Languages Act provides the statutory framework for the delivery by public bodies of services in Irish. This Office welcomes the decision to review the Act. The Irish services offered by this Office, as set out in our own Scheme under Section 11 of the Act, are of a high standard. Implementation of the Act and the Scheme by this Office is monitored by the MAC; the evidence to date is that demand for service through Irish has been very low or, in certain areas, non-existent.

The particular experience of the Office is that the language scheme has proved to be an inflexible instrument, incapable of supporting a varying and appropriate response by the public body. In this context it should be noted that a second draft scheme prepared by this Office [Scheme 2009- 2011] was sent to your Department in December 2008 but has not yet been progressed in any meaningful way.

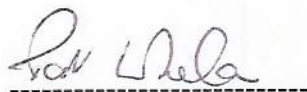
The Office notes the recently expressed views of An Coimisinéir Teanga concerning the lack of confidence in the standing and efficacy of statutory language schemes under the Act, particularly in view of the failure to agree schemes with a significant number of public bodies and the failure to agree revised schemes with other public bodies (such as our Office).

This Office agrees with the view of An Coimisinéir Teanga that it is now time to develop an alternative framework for the delivery of services in Irish by public bodies, one that would target those bodies with a significant exposure to the public, as well as those bodies operating within Gaeltacht areas. It is essential that any revised framework would have the flexibility to respond to demand, or the absence of demand, to allow for a rational use of resources. It should be noted in this context that public bodies rely heavily on the goodwill and Irish language skills of a small minority of staff to meet the demand from the public for personal interaction in Irish. As these staff retire the capacity of public bodies, including this Office, to provide such services will diminish.

The right to avail of public services through Irish is a right for everyone. Underlying whatever statutory provision may emerge from this present review is the fact that the Constitutional position of Irish, as "the national language" and "the first official language", remains. Thus, it seems to this Office that whatever specific statutory framework for delivery of services through Irish may emerge from the current review, that framework will need to take cognisance of the underlying rights and obligations arising from the Constitutional status of Irish.

Please contact Fintan Butler (01 6395650) or Aoife Nic Réamoinn (01 6395661) if you need additional clarification.

Yours sincerely,



Pat Whelan  
Director General

Cc Máire Uí Churraoin