

The Public Sector Duty in Local Authorities

AILG Elected Member Training Programme October 2022

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team



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

Equality is not about treating everyone the same



**Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas**

Irish Human Rights and Equality Commission

The Irish Human Rights and Equality Commission

IHREC is Ireland's national human rights and equality institution.

- IHREC is an **independent public body**, appointed by the President and directly accountable to the Oireachtas.
- We have a **statutory remit** to protect and promote **human rights and equality** and build a culture of respect for human rights, equality and intercultural understanding in Ireland.
- Our vision is of an **inclusive Ireland** where human rights and equality are respected, protected and fulfilled for **everyone, everywhere.**



The Irish Human Rights and Equality Commission

IHREC Strategy Statement 2022–2024.

Our strategic priorities for 2022 to 2024

- 1. Economic equality**
- 2. Justice**
- 3. Respect and recognition**
- 4. Futureproofing**
- 5. Public Sector Duty**



The Public Sector Equality and Human Rights Duty?



S42 of the Irish Human Rights and Equality Commission Act 2014



Number 25 of 2014

Irish Human Rights and Equality Commission Act 2014

Public bodies

- 42.** (1) A public body shall, in the performance of its functions, have regard to the need to—
- (a) eliminate discrimination,
 - (b) promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and
 - (c) protect the human rights of its members, staff and the persons to whom it provides services.



What do Public Sector Bodies have to do?

In summary, S42(2) of the IHREC Act 2014 requires a public body:

1. To assess



Set out in its **strategic plan** an **assessment** of the **human rights and equality issues** it believes to be relevant to the functions and purpose of the body, in a manner that is **accessible to the public**.

2. To address



Set out in its **strategic plan** the **policies, plans and actions** in place or proposed to be put in place to address those issues, in a manner that is **accessible to the public**.

3. To report



Report on **developments and achievements** in relation to 1 and 2 above **in its annual report**, in a manner that is **accessible to the public**.



Across the Functions

- Organisational Planning
- Corporate Services
- Human Resources
- Service Provision
- Regulatory Functions

Strategic Planning Cycle

- The Duty is an **ongoing** obligation on public bodies, which **must be incorporated** as part of an organisation's **strategic planning cycle**.





The Public Sector Equality and Human Rights Duty

Why is it important?

It is the **State's responsibility** to:

- **respect, protect and fulfil human rights**, in line with its international commitments.
- to be **proactive** in ensuring that all public bodies are **human rights and equality** compliant.
- **Improving public services** by addressing issues so that they **meet the needs of everyone** who requires them.





Public services should meet the needs of all people to whom they provide a service.



Navigating **public services**
requires literacy and digital
literacy skills.



Navigating **public services** requires an understanding of social cultures and norms.



Communication and access information



- 1 in 6 Irish Adults have **difficulty with written word**.
- 1 in 4 Irish adults have **difficulty with numbers and basic maths**
- 42% of Irish adults describe themselves as being below average for **digital skills**.
- 13.5% of the population have a **disability**.
- 13% of the population **don't speak English** well.



Monaghan County Council Pilot Project



- SMT buy in
- Cross department team
- Mixture of seniority/roles
- Values identified
- Issues highlighted
- Suggested actions put forward
- Recommendations to IHREC



Monaghan County Council Pilot Project



- Lack of awareness/understanding
- Inaccessible Communication
- Inaccessible Information
- Policy decision making
- Corporate planning guidelines
- Procurement
- Public Consultation

Human Rights and Equality issues identified



- **Playgrounds were not accessible**, play opportunities are not inclusive for children with limited mobility, sensory or developmental differences.
- **Inclusive and accessible design** needs to be embedded into the procurement process

Inclusive playground policy developed



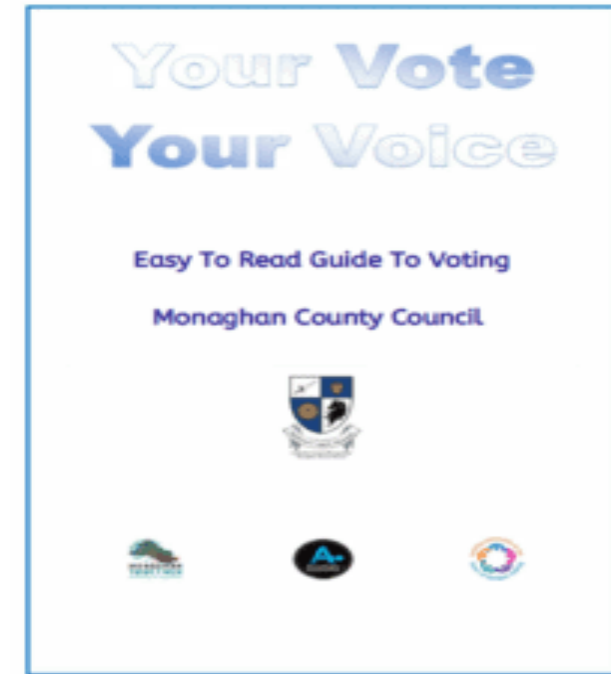
Public procurement, as a function of local authorities, is subject to the Public Sector Duty.



Human Rights and Equality issues identified

Easy to read guide to voting developed

- **Low voter participation** among certain groups.
- Large percentage of **spoiled ballots**.
- Information on **voting in elections** is not accessible.
- Lack of awareness of **supports available** to voters.





Human Rights and Equality issues identified

- **Public Consultation** processes is not inclusive, it doesn't provide equal opportunity to participate.
- Only views captured those who can fill out a survey or attend a meeting.
- Information about subject of consultation not accessible or **easy to read**.
- **No feedback** on consultation

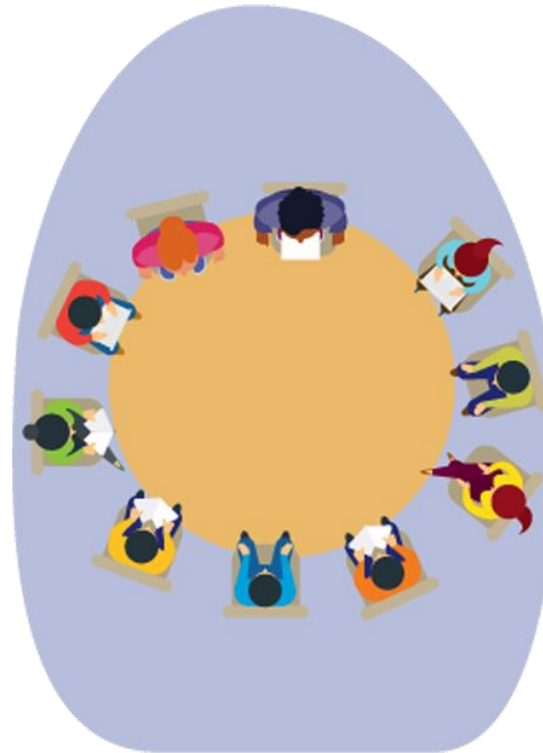
Inclusive Consultation policy developed



The Public Sector Equality and Human Rights Duty

Elected Members

- As an Elected Member of your Local Authority you will make decisions which **inform the practice and policies** of the council.
- You can make a real difference by bringing **equality and human rights** into your analysis of plans, programmes and policies that you make decisions on.



The Public Sector Equality and Human Rights Duty

What can you do?

Ask your Chief Executive what they are doing with regards to the

Public Sector Equality and Human Rights Duty.

- Can an update on the public sector duty be included in the **CE Monthly management reports?**
- Is there is someone who has responsibility within the council for the **Public Sector Duty?**
- Has an **assessment of equality and Human rights issues** been completed or is it planned?
- Has an **action plan to address equality and human rights** issues been prepared/planned?



The Public Sector Equality and Human Rights Duty

What can you do?

Ask your Chief Executive if **Equality and Human Rights proofing** has been conducted on any all plans, policies adopted by the council.

- Think about the **purpose of the policy** presented and how the propose actions relate to and impact on the **people you represent**.
- Before you sign off on plans, programmes and policies put forward to Council you should be confident that **no one in the community** will be left behind by decisions made.



The Public Sector Equality and Human Rights Duty

What can you do?

- Ensure the **Annual report** includes progress on the implementation of the duty before adopting it at council.
- In the preparation for the next **Corporate plan**, ensure the duty is embedded in the strategic planning process
- Ask your executive for **more information on equality and human rights** if you need it

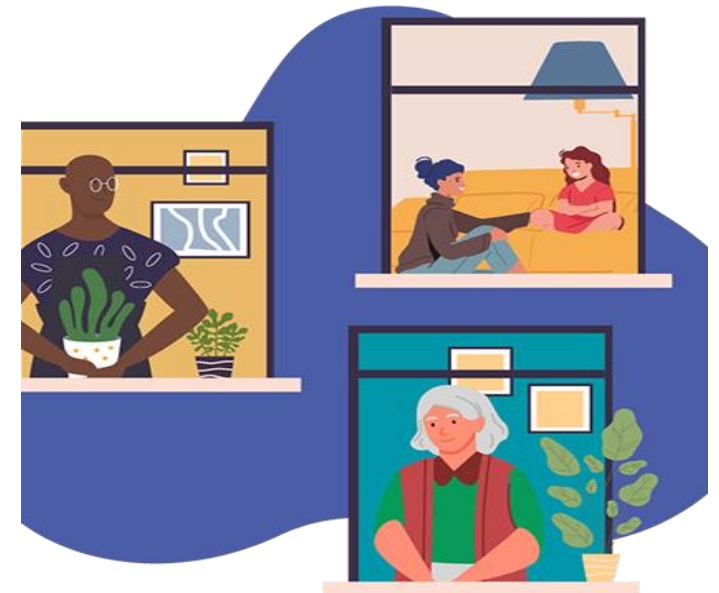


The Public Sector Equality and Human Rights Duty

What can you do?

Elected members should become familiar with the **Equality and Human Rights** in the public service.

- Consider completing **Introductory module in Equality and Human rights in the public service** eLearning from IHREC.
- Engage with your **PPN** to identify issues in your community.



Implementing the Public Sector Equality and Human Rights Duty

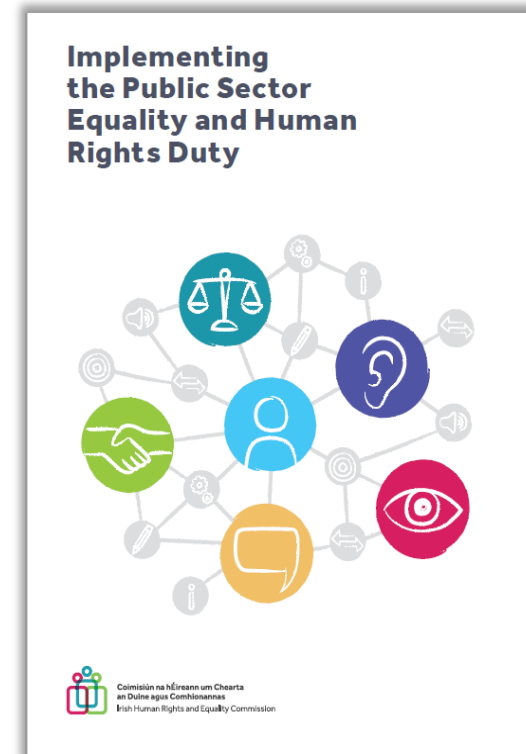


<https://vimeo.com/467731986>



The Commission's Role Re: the Duty

- **Section 42(3):** May **give guidance** to public bodies in developing policies of, and exercising, good practice and operational standards in relation to, human rights and equality.
- **Section 42(4):** May **issue guidelines** or **prepare codes of practice**.
- **Under section 42(5),** the IHREC may, in certain circumstances, invite public bodies to:
 - carry out a **review** in relation to the performance by that body of its functions
 - prepare and implement an **action plan** in relation to the performance by that body of its functions
 - such a review or action plan may be general or have a specific focus related to an aspect of human rights or discrimination





If you have any queries, questions or would
like further information email

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