



Coiste um Fhorbairt Pobail Áitiúil
Chathair na Gaillimhe
Galway City Local Community Development
Committee



Realising Potential

Public Sector Equality
and Human Rights Duty
Implementation Manual



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

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1 INTRODUCTION

Galway City Local Community Development Committee (LCDC) has developed this manual to support its own work and that of its member organisations in implementing the public sector equality and human rights duty. It reflects a shared commitment of the LCDC to equality and human rights for all who experience disadvantage and inequality, a commitment to the wellbeing of a wide spectrum of people in Galway City.

Galway City LCDC has previously published an equality and human rights statement to underpin its implementation of the public sector duty¹. This establishes a values-based approach to its implementation based on the values of: dignity; autonomy; participation; inclusion; social justice; and environmental justice. This manual is based on this statement, and takes these equality and human rights values as its foundation.

2 PUBLIC SECTOR EQUALITY AND HUMAN RIGHTS DUTY

The Irish Human Rights and Equality Commission Act, Section 42, requires that:

“A public body shall, in the performance of its functions, have regard to the need to—

Eliminate discrimination;

Promote equality of opportunity and treatment of its staff and the persons to whom it provides services; and

Protect the human rights of its members, staff and the persons to whom it provides services”.

Public bodies are required to:

- Set out in an accessible manner an assessment of the human rights and equality issues relevant to their functions and purpose;
- Establish the policies, plans and actions in place or proposed to be put in place to address those issues; and
- Report annually on developments and achievements in this regard.

¹ See: <http://galwaycitycommunitynetwork.ie/wp-content/uploads/2018/10/LCDC-EqualityandHumanRightsStrategy.pdf>

The manual provides tools for application during the different stages in implementing the duty, to: establish an internal set up for implementation; assess the equality and human rights issues; identify actions to address these issues; report on progress made; and work in a collaborative manner. The six tools that make up this manual are:



1. Structures and Systems: Guidance on the structures and systems within organisations required to drive implementation of the public sector duty.



2. Assessment: Guidance on the assessment of equality and human rights issues relevant to the functions of a public body.



3. Impact Assessment: Guidance on including actions to address these issues in the plans and programmes of a public body.



4. Budget: Guidance on including actions to address these issues in the budgets of a public body.



5. Civil Society Engagement: Guidance on involving civil society organisations representing those experiencing inequality and human rights issues in the public body's implementation of the public sector duty.



6. Inter-Agency Collaboration: Guidance on developing a forum for peer support and joint work by public bodies in implementing the public sector duty

These six tools have been developed as part of a project funded by the Irish Human Rights and Equality Commission and implemented with the support of Values Lab².

² See: www.values-lab.ie



TOOL ONE: STRUCTURES AND SYSTEMS

The Tool

The public sector equality and human rights duty requires adequate organisational structures and systems within organisations to secure its implementation. This tool provides guidance on:

- establishing and further developing the organisational capacity to implement an effective values-based approach to implementing the public sector duty

LCDC Equality and Human Rights Statement

The values defined for the LCDC Equality and Human Rights Statement are the shared starting point for implementing the duty by public bodies in Galway City. These are:

- **Dignity:** is about care and respect for people. It involves embracing diversity and protecting, promoting, and fulfilling people's rights. It means working with people in a non-judgmental and fair manner, based on a parity of esteem.
- **Autonomy:** is about independence, self-determination, choice and a bottom-up approach. It involves being flexible in meeting changing, emerging and contextual needs and supporting a capacity to make choices and be involved in decision-making.

- **Participation:** is about meaningful participation in decision-making and processes of accountability. It involves the right to be heard and to pose a challenge. It includes open debate in building shared visions with space for differences and compromise.
- **Inclusion:** is about enabling and recognising the right of people, in particular those experiencing disadvantage and exclusion, to participate.
- **Social Justice:** is about transparency and fairness in the distribution of economic, educational, cultural and other resources. It involves proactive targeted approaches to support those experiencing injustice.
- **Environmental Justice:** is about recognising the right to a clean, safe, and sustained environment for this and future generations. It involves a concern for climate change and its impacts, in particular on marginalised groups and communities.

IHREC Guidance

The guidance published by the Irish Human Rights and Equality Commission for implementing the duty³ identifies the potential of a values-based approach to implementing the public sector duty:

³ Implementing the public sector equality and human rights duty, Irish Human Rights and Equality Commission, Dublin, 2019.

Explicit equality and human rights values can also provide a useful framework that an organisation can apply when establishing its priorities, budgetary decisions, organisational systems, how it carries out its work and engages with people availing of its services, allocation of staff roles and responsibilities and staff practices.

The guidance identifies the need for senior management leadership, and engagement of staff from across the different organisational functions, to embed the duty across the planning processes in the organisation. It suggests possible approaches, including to:

- Allocate responsibility for implementing the public sector duty to an existing cross-organisational structure;
- Build responsibility for the duty into the work of an existing committee with responsibility for equality and human rights issues; or
- Establish a specific unit for implementing the public sector duty.

The guidance identifies the need to consider and develop staff capacity in relation to equality and human rights in order to:

- Create general awareness in the organisation of duty;
- Enable staff to prevent and respond to equality and human rights issues for service users and staff; and
 - *Develop specific skills on the duty for:*
 - *Staff responsible for driving implementation of the duty;*
 - *Front-line staff who interact with service users; and*
 - *Staff with responsibility for the collection and interpretation of data.*

Outcomes Expected from this Structures and Systems Tool

The outcomes from an effective implementation of this tool would be:

- Structures and systems in place to implement the duty.
- Buy-in and ownership across the organisation of the ambition for and approach taken to implementing the duty.
- Awareness, skills and commitment to implementing the duty across parts and levels of the organisation.

Steps to Take

Leadership

Senior management should agree an equality and human rights statement for the specific purpose of implementing the duty in the organisation. This would be aligned with the LCDC Equality and Human Rights Statement.

This would involve action to:

- Allocate responsibility for leading out on the duty to a senior manager.
- Implement a process to tailor the LCDC Equality and Human Rights Statement:
 - *A workshop conducted with the cross-organisational committee responsible for driving implementation of the duty (see 1.4.3 below) to:*
 - Inform them of the duty and its requirements;
 - Brief them on values and how values work;
 - Introduce the values-based approach to implementing the duty; and
 - Conduct an exercise to tailor the LCDC Equality and Human Rights Statement.

- *Tailoring the LCDC Equality and Human Rights Statement, by:*
 - Retaining the six values as defined by the LCDC;
 - Developing a statement of priority, that indicates the implications of the value for the directions taken or change sought by the organisation in its work, and doing so on the basis of the objective set out by the LCDC for each of the six values; and
 - Developing a statement of process, that indicates the implications of the value for the procedures and ways of working pursued by the organisation in its work, and doing so on the basis of the objective set out by the LCDC for each of the six values.

- Facilitate a special senior management meeting to:
 - *Inform them of the duty;*
 - *Brief them on the values-based approach;*
 - *Present the equality and human rights statement for the organisation; and agree a final version of the statement.*
- Include a regular agenda item on implementation of the duty for senior management meetings.

Organisational Values Audit

Audit the values currently motivating the outcomes, processes, and practices of the organisation. This will:

- Establish where these equality and human rights values currently reside within the organisation;
- Enable staff to reflect on their values and how these find expression in their work; and

- Provide baseline information to inform the work of the cross-organisational committee responsible for implementing the duty.

This organisational values audit is a complex exercise and might require external support to conduct or to ensure the staff conducting the audit are sufficiently versed in such an approach. The organisational values audit would involve⁴:

- Staff workshops to:
 - *Present the public sector duty;*
 - *Introduce the equality and human rights statement and the values-based approach to implementing the duty;*
 - *Enable staff awareness of values and how they work in organisations, and brief them on the audit process.*
- A staff survey to:
 - *Identify the three core values they view as predominant in the organisation;*
 - *Give their definition or understanding of what these values mean;*
 - *Give examples of where they see these values in the outcomes, processes, and practices of the organisation.*
- Analysis of the survey responses to identify the alignments and gaps between the values viewed as predominant and the equality and human rights values in the equality and human rights statement, and to establish the implications of this for the ongoing implementation of the duty.
- Reporting the results to staff.

Structure

Identify cross-organisational structures currently within the organisation that have some responsibility for equality and human rights

⁴ This is based on an approach devised by Values Lab. See: www.values-lab.ie

issues, or, where these are not in place, that could take responsibility for such issues and do so as a priority. Establish, or identify, on foot of this, a cross-organisational equality and human rights committee for the organisation.

The membership of this committee would be compact for efficiency. It would include senior management representation and have its members drawn from across the organisation with knowledge of the different parts of and different levels in the organisation.

The terms of reference for this committee would be to drive and ensure effective implementation of the duty. More specifically it would be responsible to:

- Stimulate and encourage engagement with the equality and human rights values and buy-in to the values-based approach to implementing the duty.
- Conduct the general assessment of equality and human rights issues and keeping this up-to-date.
- Ensure the public sector duty is implemented to a high standard at key moments in the work of the organisation, including:
 - *Preparing strategic plans and annual work plans;*
 - *Development of new policies, programmes, services, and internal procedures;*
 - *Evaluations and reviews;*
 - *Preparing budgets, and*
 - *Introducing funding streams.*
- Monitor and report on a regular basis to senior management on the progress made in the implementation of the duty.

Processes

Internal processes would be pursued to support implementation of the duty, including:

- Communication initiatives to:
 - *Engage staff and service users on an ongoing basis with the equality and human rights values;*
 - *Give visibility to the equality and human rights statement in communications messages, materials, and systems; and*
 - *Provide information on the work done and progress made in implementing the duty.*
- Training initiatives that are timely, relevant and accessible, to provide:
 - *General training for staff on equality and human rights, the duty, and the equality and human rights statement on an ongoing basis; and*
 - *Specific skills development training for staff responsible for implementing the duty as required.*
- Assess internal systems to establish those in which the duty needs to be integrated, including:
 - *Data gathering and analysis systems;*
 - *Planning and evaluation systems;*
 - *Internal systems for employment and service provision.*
- Staff appraisal systems, through performance management and development systems, would include a focus on the public sector duty, enabling dialogue-based appraisal of staff for their engagement with the equality and human rights values, and staff feedback on any organisational barriers to such an engagement. This would include a particular focus on the contribution of staff members to the statements of priority and of process in the equality and human rights values statement.
- Participation on the inter-agency forum established for collaboration and peer support on implementing the duty.



TOOL TWO: ASSESSMENT OF EQUALITY AND HUMAN RIGHTS ISSUES

The Tool

The public sector equality and human rights duty requires public bodies to assess the equality and human rights issues relevant to its functions and purpose. This tool provides guidance on:

- Assessing and prioritising, in an evidence-based manner, the equality and human rights issues to be addressed for each function of the organisation.

LCDC Equality and Human Rights Statement

The values defined in the LCDC Equality and Human Rights Statement provide a framework within which to gather and assess the equality and human rights issues relevant for the different functions of the organisation. These values are:

- **Dignity:** is about care and respect for people. It involves embracing diversity and protecting, promoting, and fulfilling people's rights. It means working with people in a non-judgmental and fair manner, based on a parity of esteem.
- **Autonomy:** is about independence, self-determination, choice and a bottom-up approach. It involves being flexible in meeting changing, emerging and contextual needs and supporting a capacity to make choices and be involved in decision-making.

- **Participation:** is about meaningful participation in decision-making and processes of accountability. It involves the right to be heard and to pose a challenge. It includes open debate in building shared visions with space for differences and compromise.
- **Inclusion:** is about enabling and recognising the right of people, in particular those experiencing disadvantage and exclusion, to participate.
- **Social Justice:** is about transparency and fairness in the distribution of economic, educational, cultural and other resources. It involves proactive targeted approaches to support those experiencing injustice.
- **Environmental Justice:** is about recognising the right to a clean, safe, and sustained environment for this and future generations. It involves a concern for climate change and its impacts, in particular on marginalised groups and communities.

The LCDC Equality and Human Rights Statement provides an initial set of general equality and human rights issues under each of the values. These serve as a checklist to assist the organisation in assessing the equality and human rights issues relevant to its functions. The equality and human rights issues identified by the LCDC for each of the six values are:

Dignity: Stigma, stereotypes, negative attitudes towards groups and lack of respect; All forms of discrimination; Lack of awareness of rights; Undervaluing of care and caring; All forms of violence, in particular violence against women and children; Appropriate design of, forms of communication in, and coordination of services in securing friendly and welcoming service provision.

Autonomy: Inflexible plans and policies that fail to address changing and emerging needs; Processes where people are ignored, decision-making that excludes, and decisions coming from a single source; Communities and their members being stripped of independence or subject to coercion or not listened to.

Participation: Powerlessness and lack of influence; Lack of voice and influence for those who are marginalised; Disengagement from decision-making processes by those who are marginalised and the need to reinvigorate participation; Limited approaches to participation; Lack of accountability; Organisational cultures that constrain participation in decision-making.

Inclusion: Isolation; Lack of access and barriers to accessibility; Diminished sense of belonging in community; Limited recognition of diversity.

Social Justice: Poverty in all its manifestations; Unemployment, underemployment and precarious work; Lack of education and issues of literacy; Lack of income and low incomes; Homelessness; Inadequate childcare.

Environmental Justice: Access to clean water, public and sustainable transport, and recreational spaces; Impact of climate change on a coastal city; Inefficient use of scarce resources; Threats to the green belt for the city.

IHREC Guidance

The Irish Human Rights and Equality Commission guidance for implementing the public sector duty⁵ notes that the assessment should cover all functions of the organisation, including:

- Service provider;
- Employer;
- Policy-maker; and
- Administration.

It suggests to keep the focus on specific groups in the assessment:

- Groups at risk of poverty and social exclusion; and
- Groups covered by the nine grounds under equality legislation: gender (including gender identity), civil status, family status (including lone parents, carers), age, sexual orientation, disability, race, religion, and membership of the Traveller community

It points out that the assessment should be evidence based, and could draw from:

- External sources:
 - *Equality and human rights legislation.*
 - *National plans or strategies relating to the nine grounds and to those at risk of poverty or social exclusion.*
 - *UN concluding observations under international treaties*⁶.
- Internal sources:
 - *Specific equality and human rights structures and policies in place in the organisation, and the evidence available from these.*

⁵ Implementing the public sector equality and human rights duty, Irish Human Rights and Equality Commission, Dublin, 2019.

⁶ A repository of concluding observations by UN treaty monitoring bodies, and specifically concluding observations on Ireland, is available at: tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=83

- *Data gathered and knowledge developed by the organisation about policy, beneficiaries, service-users and employees and the equality and human rights impact of current approaches and initiatives.*
- *Knowledge garnered from participation on inter-agency initiatives.*
- Consultation with:
 - *Staff;*
 - *Service-users;*
 - *People with experience of discrimination and human rights abuses and their representative organisations.*

Outcomes Expected from this Assessment of Equality and Human Rights Issues Tool

The outcomes from an effective implementation of this tool would be:

- A publicly available general assessment of equality and human rights issues relevant to each function of the organisation, organised under each of the six values in the equality and human rights statement.
- A mechanism for keeping the assessment of equality and human rights issues up-to-date and for making it relevant to particular policies, plans, programmes, procedures, budgets, or funding streams being developed.

Steps to Take

Approach

A general assessment would be developed for each function of the organisation as an initial step in implementing the duty. This would be kept up-to-date by means of an annual review. This would be the responsibility of the equality and human rights committee established to drive and ensure effective implementation of

the duty. This process could be assisted by the development of shared resource materials through the inter-agency forum established for collaboration on implementing the duty.

General Assessment

This general assessment would involve, for each of the functions of employment, service provision, policy-making, and administration, steps to:

- Gather evidence under each of the six values from a range of sources including:
 - *Relevant national policies or strategies;*
 - *UN Concluding Observations;*
 - *National research and reports;*
 - *Inter-agency data gathering and analysis at local level;*
 - *Relevant local research, reports, and reviews;*
 - *Internal data gathering, and analysis; and*
 - *Evaluations and reviews.*
- Develop an initial draft of the relevant equality and human rights issues under each of the six values.
- Consult with staff and civil society organisations representative of service users experiencing inequality and human rights issues on the initial draft assessment of equality and human rights issues (see Section 5).
- Prioritise the issues to be addressed on the basis of:
 - *Issues that are already being addressed by the organisation;*
 - *Issues that are shared by a number of groups;*
 - *Issues that are key for specific groups;*

- *Issues with potential for progress to be made; and*
- *The frame of issues already identified by the LCDDC for each value.*

Tailoring for Specific Initiatives

This general assessment of equality and human rights issues for each function of the organisation can be tailored, as required, for use at key moments in the implementation of the duty by the organisation. Such key moments include initiatives to:

- Prepare strategic plans, and annual work plans;
- Prepare budgets for the organisation;
- Implement new developments in the work of the organisation such as new policies, programmes, and services;
- Introduce new internal policies and procedures for the functioning of the organisation; and
- Design and provision of new funding streams.

This tailoring should ensure a relevant list of equality and human rights issues are taken into consideration at these key moments. It would be based on the function covered, the target group(s) for the particular initiative, and the aims, objective and scope of the particular initiative. This tailoring would be done by those responsible for the initiative with the support of the equality and human rights committee as required.

Feedback

The assessment of equality and human rights issues would be a publicly available and published document. This would allow for ongoing internal and external feedback. This feedback would allow for the assessment to be further developed over time and to be kept up to date.





TOOL THREE: EQUALITY AND HUMAN RIGHTS IMPACT ASSESSMENT

The Tool

The public sector equality and human rights duty requires public bodies to identify the plans, policies and actions in place or proposed to be put in place to address the equality and human rights issues they have assessed for each of their functions. This tool provides guidance on:

- Assessing a policy, plan or programme at final draft stage, or while under review, to establish if it adequately responds to the equality and human rights issues identified.
- Assessing an internal policy or procedure at final draft stage, or while under review, to establish if it adequately responds to the equality and human rights issues identified.

LCDC Equality and Human Rights Statement

The statement of objective that accompanies each value in the LCDC Equality and Human Rights Statement will have been tailored by the public body to serve as a:

- Statement of priority, that indicates the implications of the value for the directions taken or change sought by the organisation in its work; and

- Statement of process, that indicates the implications of the value for the procedures and ways of working pursued by the organisation.

These statements are used in the assessment of policies, plans, programmes or procedures at final draft stage.

IHREC Guidance

The Irish Human Rights and Equality Commission guidance for implementing the public sector duty⁷ notes that organisations should integrate their assessment of equality and human rights issues and the actions to address these into their strategic planning process. It further states that a review mechanism should be put in place to assess progress on these issues, specifically on implementing the actions responding to these issues, in order to be able to report on progress annually as required.

The actions to address the equality and human rights issues, it is suggested, can include:

- New and existing commitments;
- Short and long-term actions;
- New initiatives; and
- New ways of working.

⁷ Implementing the public sector equality and human rights duty, Irish Human Rights and Equality Commission, Dublin, 2019.

An inclusive and evidence based approach should be pursued in identifying these actions according to the guidance, including consultation with external stakeholders and staff.

Outcomes Expected from this Tool

The outcomes from an effective implementation of this tool would be:

- Systematic addressing of relevant equality and human rights issues in policies, plans, programmes, and internal policies and procedures.
- Improved outcomes where new policies, plans, and programmes, and internal policies and procedures have a greater capacity to reach the full diversity of their target group and where current good practice is affirmed and strengthened.

Steps to Take

Preparation

An equality and human rights impact assessment is an assessment of the predicted or likely impact of a policy, plan, programme or internal policy or procedure on equality and human rights issues of concern.

At the start of any process of preparing or reviewing policies, plans, programmes or internal policies or procedures, it is useful to communicate the intention to conduct an equality and human rights impact assessment to all involved in such an initiative. This will help those involved to keep in mind the need to ensure actions or provisions are included that address the relevant equality and human rights issues assessed.

The equality and human rights impact assessment should be conducted by those responsible for developing the policy, plan, programme or internal policy or procedure. Mentoring by an external expert could be

provided, as needed, to support and evolve capacity in this regard. The equality and human rights committee should play a quality assurance role to enable an even standard of impact assessment across the organisation. Those responsible for conducting the equality and human rights impact assessment should report on the process to the committee.

The first step in the impact assessment process is to establish the goal of the policy, plan, programme, or internal policy or procedure to be assessed for its impact on equality and human rights. This will identify the organisational function involved and the groups being targeted and the implications of these for the impact assessment. This should be followed by a tailoring of the general assessment of equality and human rights issues for use in this particular process.

Assessment

The impact assessment should follow the following steps:

- Gather and analyse the quantitative and qualitative data and information available for each of the equality and human rights issues identified as relevant to the policy, plan, or programme or internal policy or procedure.
- Assess the extent to which:
 - *The policy, plan, or programme or internal policy or procedure includes actions or steps to adequately address the equality and human rights issues identified.*
 - *If this concerns a policy, plan or programme, the manner in which it progresses the statement of priority identified for each value.*
 - *If this concerns an internal policy or procedure, the manner in which it progresses the statement of process identified for each value.*

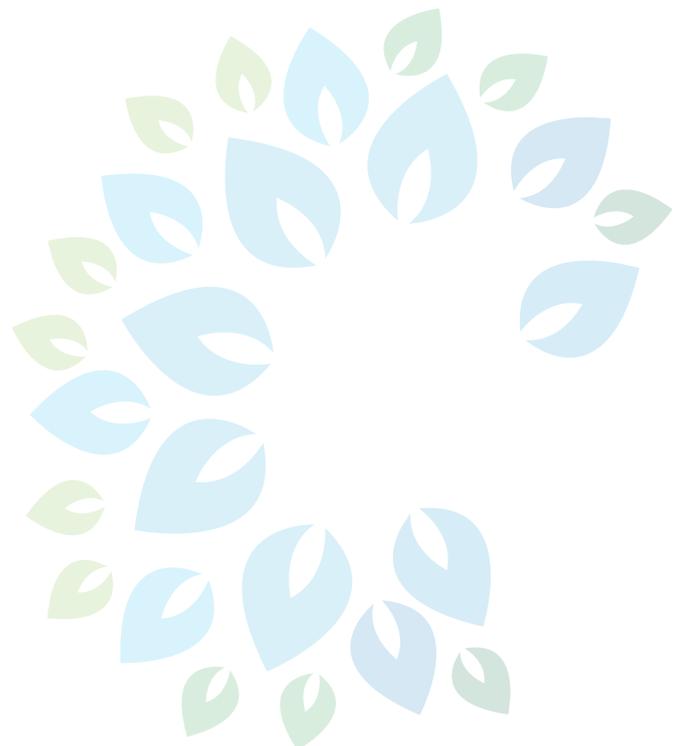
- *The policy, plan, or programme or internal policy or procedure includes any actions or steps which might run counter to an effective response to the equality and human rights issues identified.*
- Consult with staff and civil society organisations representative of service users experiencing inequality and human rights issues on the quality and adequacy of the assessment conducted as a means of deepening and validating the process.
- Decide on corrections required to ensure the equality and human rights issues are adequately addressed and the implications identified for each value are adequately addressed.
- A short report on the equality and human rights impact assessment and any changes made on foot of this should be made publicly available.

Monitoring and Reporting

This impact assessment is concerned with the potential impact on equality and human rights issues. The actual impact on equality and human rights issues of the policy, plan, or programme, or internal policy or procedure also needs to be monitored. This would involve:

- Adequate data and reporting systems being in place to enable this monitoring and reporting.
- Where the actual impact is found to be at variance with the predicted impact, making corrections to secure the actual impact sought.

The overall progress made on addressing the equality and human rights issues needs to be reported on annually in accordance with the duty. This monitoring process is key to enabling accurate and complete recording of such progress.



TOOL FOUR: BUDGETS FOR EQUALITY AND HUMAN RIGHTS



The Tool

The public sector duty applies to the administration functions of the public body, including the preparation and allocation of budgets, and the management and use of financial resources. This tool provides guidance on:

- Tracking, making visible, and assessing the adequacy of the investments made in actions that target the equality and human rights issues assessed.
- Ensuring procurement processes, contracts, funding processes and grant-making adequately reflect and appropriately transmit the obligations on the public body under the public sector duty.

LCDC Equality and Human Rights Statement

The LCDC Equality and Human Rights Statement and the statement tailored for use by the public body includes statements of priority for each value that establish a benchmark for use in allocating the budgets of the public body.

IHREC Guidance

The Irish Human Rights and Equality Commission guidance for implementing the public sector duty⁸ identifies that the duty covers

all functions of the body, including corporate services with responsibility for budget allocation, procurement, and grant-funding.

The guidance points out that it may be necessary, in addressing the equality and human rights issues identified, to allocate a budget in relation to the actions identified. It highlights that when reporting on progress under the duty, public bodies could reflect on the equality and human rights issues they have identified and on how these issues have been addressed across a range of organisational functions, including procurement and grant-making.

Outcomes Expected from this Tool

The outcomes from an effective implementation of this tool would be:

- Transparency in the process to allocate adequate investments for equality and human rights actions in an organisation's overall budget.
- Appropriate transmission of the obligations imposed on the organisation by the duty to all contractors to the organisation through procurement processes.
- Inclusion of criteria in grant-making to ensure a coherence between activities supported by grant schemes and the equality and human rights values of the organisation.

⁸ Implementing the public sector equality and human rights duty, Irish Human Rights and Equality Commission, Dublin, 2019.

Steps to Take

Budgetary Process

The following steps should be taken in relation to the organisational budgetary process:

- Establish the level of specific investments in actions to address the equality and human rights issues identified for the body as the budget is being prepared for the organisation.
- Assess the adequacy of these specific investments for the actions to achieve progress on addressing the equality and human issues identified.
- Prepare a note on the results of the assessment of adequacy investments in actions to address the equality and human rights issues, that would be attached to the budget and make this process transparent.

Procurement

The following steps should be taken in relation to procurement by the organisation:

- Requests for tender issued by the organisation, where there is local discretion, would highlight relevant equality and human rights legislation, including the public sector duty, and place a requirement on successful contractors to demonstrate a capacity to meet their obligations under this legislation and evidence of having done so.
- Contracts of service, such as service level agreements or memoranda of understanding, with successful contractors would transmit the duty by requiring such contractors to:
 - *Identify a responsibility within the organisation for equality and human rights issues and establish an equality and human rights standard and procedures for its implementation.*

- *Conduct an assessment of the equality and human rights issues relevant to the functions of the organisation and implement actions to address these.*

- *Report on an annual basis on the progress made in addressing these issues.*

- Where such processes are governed by national bodies or national criteria, a reminder would be sent to such bodies or bodies responsible for setting such criteria in relation to obligations under the duty.

Grant Making

The following steps should be taken in relation to grant making by the organisation:

- Application forms for grant schemes would reference the public sector duty and the equality and human rights statement of the organisation.
- A criterion for evaluating applications, with appropriate marks allocated to it, would be developed to assess the engagement of the organisation with the relevant values in the statement and the potential contribution of their activity to the statement of priority and procedure for these values.
- A question would be included in the application form to allow organisations to demonstrate their fulfilment of such a criterion.
- The letter of offer made to successful grantees would include reference to engaging with the equality and human rights values, in the priorities and procedures of the successful grantee, among the conditions set for the offer.
- The monitoring and evaluation of successful grantees would include an assessment of the extent to which equality and human rights values have been effectively engaged in implementing the supported activity.

TOOL FIVE: CIVIL SOCIETY ENGAGEMENT



The Tool

The public sector equality and human rights duty offers public bodies an opportunity for a different type of engagement with civil society organisations, one of shared engagement in a complex task that has the potential to both enhance the impact of public bodies and mark their achievements with regard to equality and human rights. This tool provides guidance on:

- Establishing an effective, inclusive, and manageable process for engagement with relevant civil society organisation in the implementation of the duty

LCDC Equality and Human Rights Statement

The LCDC Equality and Human Rights Statement identifies ‘participation’ as one of the six values that motivate their concern for equality and human rights. This is defined in terms of “meaningful participation in decision-making and processes of accountability”. It is important that equality and human rights values shape not only what priorities are pursued but also the manner in which they are pursued. This includes the manner in which the duty is implemented.

IHREC Guidance

The Irish Human Rights and Equality Commission guidance for implementing the public sector duty identifies the importance of civil society participation in implementing the duty⁹, with specific reference to service-users, staff and people with experience of discrimination and human rights abuses and their representative organisations.

The purpose of such participation includes to:

- Inform an evidence-based approach to implementing the duty, making use of the knowledge and experience of these groups; and
- Find solutions to equality and human rights issues by learning directly from those impacted on by them.

It emphasises the need for this participation to:

- Be accessible with adequate provision of briefing and information;
- Encourage a diversity of voices; and
- Be open and accountable, including feeding back on how the engagement has informed the process.

⁹ Implementing the public sector equality and human rights duty, Irish Human Rights and Equality Commission, Dublin, 2019.

Outcomes Expected from this Tool

The outcomes from an effective implementation of this tool would be:

- Structure in place for the engagement of civil society organisations representative of service users experiencing inequality and human rights issues at key moments in the implementation of the duty.
- Positive working relationship with civil society organisations representative of service users experiencing inequality and human rights issues in meeting a shared challenge to effectively implement the duty.

Steps to Take

Who to Engage?

This engagement with civil society organisations is a specific engagement for a particular purpose in what is a technical task of implementing the duty. It is not to replace the normal channels of participation and consultation of the public body with civil society organisations in the preparation of plans, policies, and programmes. The engagement needs to be representative and inclusive in seeking to cover the people covered by the nine equal treatment grounds and those at risk of or experiencing poverty and social exclusion. However, this engagement must be manageable

A public sector equality and human rights duty panel could be set up to enable engagement by a range of public bodies with civil society organisations representative of service users experiencing inequality and human rights issues. This could be developed by the social inclusion linkage group of Galway City Community Network (GCCN). It would be structured, in a manner deemed feasible and effective by GCCN, to provide representation of issues from across the nine grounds and for those

experiencing poverty and social exclusion in the implementation of the public sector duty. This engagement would primarily involve staff from organisations within GCCN.

Within organisations, staff engagement, reflective of staff from across the grounds covered by the equality legislation and of those experiencing poverty or social exclusion, would be structured and organised through the equality and human rights committee of the organisation or similar structure.

How to Engage?

There would need to be discussion between the public bodies and GCCN in order to manage:

- Resource and support issues for GCCN.
- Resource issues for civil society organisations involved.
- Information flows to civil society organisations involved.
- Capacity building supports for civil society organisations involved to engage effectively with the particular challenges posed by the duty.
- Formats for engagement between public body and civil society organisations at the key moments agreed.
- Provision of feedback from the public body to the civil society organisations involved on impact from the engagement.

A civil society point of contact for the duty could usefully be established in the public body and in GCCN.

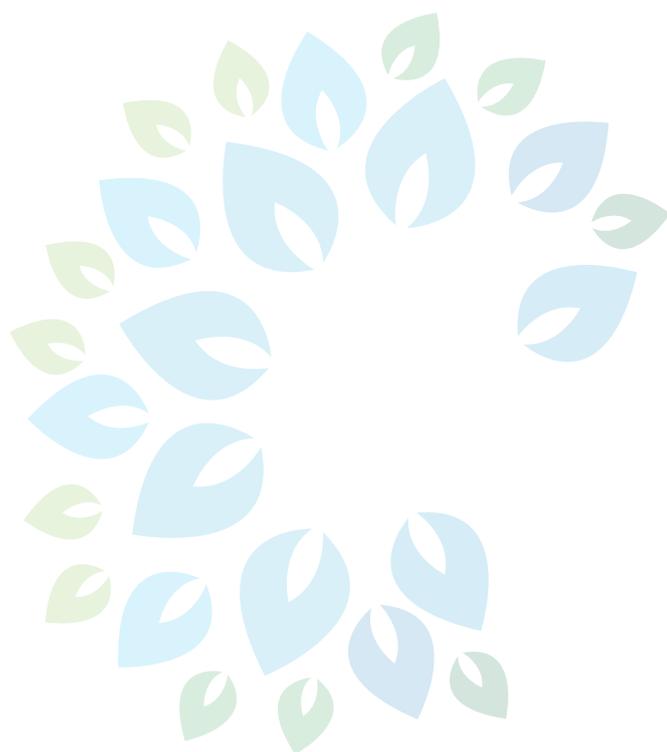
When to Engage?

The purpose of the engagement with staff and civil society organisations representative of service users experiencing inequality or human rights issues is to:

- Secure access to the knowledge, analysis, and understanding of the lived experience of the relevant equality and human rights issues.
- Contribute to identifying actions that are adequate to addressing the relevant equality and human rights issues.
- Validate the key processes involved in the implementation of the duty.

The key moments for engagement with staff and service users and their representative organisations in the implementation of the public sector duty are at the point of:

- Considering the final draft of the general assessment of equality and human rights issues.
- Considering the outcomes of an equality and human rights impact assessment of a draft policy, plan, programme or internal policy or procedure.
- Monitoring and reporting on progress made in addressing the equality and human rights issues assessed and in implementing the actions identified to address them.





TOOL SIX: INTER-AGENCY COLLABORATION

The Tool

The public sector equality and human rights duty sets a shared challenge for public bodies at local and national level. There is a role for collaboration in enabling an effective response to this challenge. This tool provides guidance on:

- Establishing an effective, inclusive, and manageable process for mutual support between public bodies in their implementation of the duty.

Outcomes Expected from this Tool

The outcomes from an effective implementation of this tool would be:

- Regular meetings convened to involve those leading implementation of the public sector duty in public bodies in a process of peer support.

Steps to Take

A collaborative forum would be convened on a regular basis, up to three times a year. The forum would have an initial membership of representatives of the public bodies leading out on implementing the public sector duty as part of the LCDDC initiative, and of GCCN, as coordinator for civil society engagement. Representatives will be those holding responsibility within their organisation for the duty and those playing a role

in championing and enabling implementation of the duty within their organisation. This membership of the collaborative forum will expand and grow over time with the inclusion of further public bodies as they get fully engaged in implementing the duty.

The collaborative forum would be given the role to:

- Offer a space for public bodies to exchange information, experience, and learning with each other from their engagement with and implementation of the public sector equality and human rights duty.
- Provide peer stimulus and support to members in their practical implementation of the public sector equality and human rights duty.
- Develop joint initiatives, using pooled resources, to provide input to and support for the full and effective implementation of the public sector equality and human rights duty.
- Build the relationships with local institutions external to the public sector that could make a contribution to the full and effective implementation of the public sector equality and human rights duty.
- Generate a priority for and an allocation of human and financial resources to the implementation of the duty in Galway City.

There is a significant resource demand apparent on public bodies, on foot of the public sector equality and human rights duty. This is particularly evident for the start-up phase. It is generally considered that this level of demand will taper off considerably in the ongoing implementation of the duty, with growing familiarity with the duty, and as implementation of the duty becomes part of day-to-day business in the organisation.

External support for public bodies through this start-up phase for implementation of the duty is valuable and necessary. Some such support was made available to public bodies through this phase by the LCDC project supported by the IHREC. This type of external support could usefully be made available to public bodies over a longer period and for other public bodies beyond the initial sites covered by the project.

There are a number of steps in the implementation of the duty that require common inputs that could be developed jointly by public bodies. This would save time and effort and ensure best use of resources. These steps include:

- Identifying, developing, and providing general and specific skills training modules to build capacity for implementing the duty.
- Creating resource materials, using national and local sources, for an evidence base that could be used by a wide range of public bodies in preparing their assessment of equality and human rights issues.
- Establishing a partnership with the civil society sector, through GCCN, in creating and managing systems and supports to achieve an effective engagement in implementing the duty by civil society organisations representing the groups experiencing equality and human rights issues.

- Developing case studies of good practice by public bodies in implementing the five tools developed by the LCDC, to serve as a resource for their ongoing and wider implementation across the public sector.

The six tools developed by the LCDC include some actions of a complex nature that would benefit from the provision of mentoring type supports to public bodies when engaged in their initial implementation. These actions include:

- Conducting organisational values audits;
- Implementing equality and human rights impact assessments of plans, policies, programmes, and procedures; and
- Applying the duty to the budgetary, procurement and grant-making processes of public bodies.

The full and effective implementation of the duty would benefit from an ongoing availability of expertise and experience that is external to the public bodies involved in its implementation. In particular, processes to secure ongoing and positive contribution and support from academia and from civil society would be particularly valuable.

Public sector bodies are under pressure with high levels of demands being made on them and with resources, both human and financial, continuing to be less than required to respond to such demands. Within this context, it will be important to find a means to enable some priority to be given to the full and effective implementation of the duty. The collaborative forum will assist in this, as would the inclusion of actions to support its implementation under the Local Economic and Community Plan for Galway City.

