



An Roinn Leanáí, Comhionannais,  
Míchumais, Lánpháirtíochta agus Óige  
Department of Children, Equality,  
Disability, Integration and Youth

# Department of Children, Equality, Disability, Integration and Youth

## Public Sector Duty Assessment and Implementation Plan



# Contents

<b>Introduction</b>	<b>3</b>
<b>Human rights and equality issues relevant to the functions and purpose of the Department and their associated actions</b>	<b>4</b>
<b>Planned measures for implementing the Public Sector Duty</b>	<b>14</b>
<b>International Engagement work relevant to the Public Sector Duty</b>	<b>19</b>
<b>Conclusion</b>	<b>20</b>

## Introduction

The Public Sector Equality and Human Rights Duty ('the Duty') places a statutory obligation on public bodies to eliminate discrimination, promote equality of opportunity and protect the human rights of those to whom they provide services and staff when carrying out their daily work. It puts equality and human rights in the mainstream of how public bodies execute their functions. The Duty has been part of Irish law since 2014, and is set out in Section 42 of the Irish Human Rights and Equality Commission Act 2014.

The 2014 Act requires a public body, having regard to its functions, purpose, size and resources available to it, to:

1. **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;
2. **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;
3. **Report** - report on developments and achievements in its annual report.

The obligation to integrate the Duty in a public body's strategic plan and annual report means that assessing and addressing equality and human rights issues is an ongoing process that should be reviewed and developed in accordance with strategic planning cycles.

Notwithstanding the Duty, Human Rights and Equality issues are central to the work of the Department of Children, Equality, Disability, Integration and Youth (DCEDIY).

DCEDIY has carried out an assessment of the human rights and equality issues it believes to be relevant to its functions and purpose as well as outlining the policies, plans and actions in place or proposed to be put in place to address those issues. The Department's assessment and action plan is detailed herein.

## Human rights and equality issues relevant to the functions and purpose of the Department and their associated actions

The Department has identified a significant number of human rights and equality issues relevant to its functions and purpose, and their associated actions, which are as follows:

***Ensuring that all interactions with the Department are respectful with particular regard to correspondence with individuals who are members of a minority community, are particularly vulnerable or face particular discrimination in society***

In order to achieve its goals, we work in close partnership with other Government Departments, agencies and offices, service providers, members of the public, elected representatives, non-Governmental organisations, international organisations and voluntary and representative groups who do business with the Department and our staff.

Our commitment to our customers' satisfaction is very important to us and we aim to achieve this by giving our customers the best possible service and advice; treating customers in a proper, fair, impartial and courteous manner; aiming to ensure that rights to equal treatment set out by equality legislation are upheld in the delivery of our services; aiming, where possible, and meeting any special needs our customers may have.

Our Customer Service Action Plan, which will be reviewed and updated, and the associated Customer Charter affirms our commitment to the delivery of high quality services to all our customers. Our Customer Charter outlines the standards of service that customers can expect to receive when they interact with us. The Action Plan sets out how we will implement the Charter commitments and review and report on our performance in this regard.

Building access and appropriate accommodation is also provided for staff and visitors in order to cater for their individual needs.

***The work of the Department is underpinned by employment legislation and circulars issued by the Department of Public Expenditure and Reform***

The Department ensures through the application of employment legislation that rights to equal treatment set out in equality legislation are upheld in the delivery of our services.

The Department is committed to developing a positive working environment for all staff where people are treated with dignity and respect, where staff feel valued and where an open supportive communication environment is the norm, resulting in genuine staff engagement at all levels.

***Support, educate and equip the staff of the Department to keep the public service duty at the centre of how they approach their work and interact with their colleagues and stakeholders***

There is regular engagement with staff to ensure that they are kept abreast of human rights and equality developments and are made aware of any issues that Learning and Development interventions can or must address.

The Department regularly provides training on topics such as unconscious bias, disability awareness training, GDPR, staff wellness/stress management, stakeholder engagement on sensitive issues and policy analysis. In addition, training providers are made aware of the importance of human rights and equality in the design of bespoke training for the Department.

***Ensure that the Unit's compilation and publication of evidence and data to inform policy development is underpinned by the human rights and equality requirements outlined in the Public Sector Duty***

The Department engages in a range of research, data and evaluation projects that specifically build knowledge around discrimination and inequality, as experienced by populations served by us. A key aim of these projects is to assist policymakers in making informed decisions that help meet the human rights and equality requirements outlined in the Duty. The relevant workstreams include:

- The *Growing Up in Ireland* national longitudinal study of children and young people;
- The compilation and publication of data that tracks the experiences of DCEDIY service user populations;
- A programme of research that investigate the experiences of DCEDIY service user populations;
- Dedicated evaluations of DCEDIY policies and programmes.

The Department engages in a range of research, data and evaluation projects that specifically target the building of knowledge around discrimination and inequality, as experienced by populations served by the DCEDIY.

***Ensure that the Department's work with key partners in building capacity and improving knowledge and data is informed by the human rights and equality requirements outlined in the Public Sector Duty***

The Department ensures that all interactions with stakeholders and the public are respectful, with particular regard to correspondence with individuals who are members of a minority community, are particularly vulnerable or face particular discrimination in society (groups protected under the nine grounds detailed in the Equal Status Acts, 2000-2018).

The Department has conducted an analysis of submissions from stakeholders and the general public to inform the development of its Statement of Strategy for 2021-2023. The themes identified in the analysis included a broad range of human rights and equality issues. This analysis helped

inform the development of the Strategy and has been published alongside the Strategy and this Public Sector Duty Assessment and Action Plan.

***Ensure that the Department's aegis bodies are implementing the public sector duty***

Aegis bodies will be required to confirm that they are acting in compliance with the Public Sector Duty as part of a structured governance compliance engagement each year.

This includes an assurance with regard to HR matters that aegis bodies adhere to the provisions of the Employment Equality Acts, 1998–2015.

Due regard is also given to the requirement for non-discrimination in the recruitment of Board members of aegis bodies, particularly in relation to gender balance. The Public Appointment Service State Boards recruitment process is utilised for the filling of vacancies that arise in bodies under the Department's aegis.

***Management of the Department's budget/Vote***

The Department ensures that in managing of its budget/Vote that due regard is given to the requirements of the Public Sector Duty.

***Data Protection and Information Management***

Data protection considerations are embedded across the work of the Department where it is engaging with individual data subjects (or where data subjects are being engaged with on our behalf). The Department has a large cohort of clients who are children, and there are additional responsibilities when dealing with this group. The Department is mindful that children are data subjects in their own right, and we will continue to be sensitive to access requests made on behalf of children.

A range of data protection policies are publicly available on the Department's website at [www.gov.ie](http://www.gov.ie). The contact details for the Department's Data Protection Officer are also included.

***Raising awareness of the State's obligations to support parents and supporting effective measures to uphold these obligations***

The UNCRC (article 18(2)) requires that States shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities. UNCRPD (article 23(2) – states that State Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities. The Department is currently leading on the development of a national model of parenting support services. This will help to ensure that all public sector organisations with a parenting support role understand their contribution to upholding these commitments.

***Ensuring that International Human Rights instruments, and in particular the Convention on the Rights of the Child, must be appropriately reflected in all child welfare and protection policies and legislation***

The Department's work involves proactive consideration of the rights of children and young people in the review of and development of child protection and welfare policy and legislation. Examples of this include contributing to the review of the Child Care Act, 1991 and co-ordinating the Children First inter-departmental review group.

***Ensuring that children's rights are protected and promoted in policy-making and that the voice of the child is heard in child care proceedings***

Human rights and equality issues are central to the work of the Department. This includes promoting a range of children's rights such as the right to have their voice and best interests considered in decisions. DCEDIY is currently undertaking four key projects that aim to protect and promote children's rights and they are as follows:

- Reform of Guardian Ad Litem arrangements;
- Review of the Child Care Act, 1991;
- United Nations Convention on the Rights of the Child – DCEDIY is currently co-ordinating the submission of the latest State report on the measures it has taken to give effect to the Convention.
- Second Optional Protocol to UNCRC – DCEDIY is currently exploring the possibility of ratifying the Protocol.

***Overseeing the provision of services to people who experience domestic, sexual and gender violence may suffer from different human rights violations including the right to life, freedom from torture and degrading treatment, freedom from discrimination and the right to safety and security***

Tusla - the Child and Family Agency has statutory responsibility for the care and protection of victims of domestic, sexual and gender based violence in Ireland and funds over 60 organisations in the Community and Voluntary sector to deliver support services. The Department is responsible for monitoring and oversight of Tusla's Domestic, Sexual and Gender Based Violence (DSGBV) Services.

***Ensuring that children and families can access early learning and care (ELC) and School Age Childcare (SAC) services on an equal and non-discriminatory basis***

The principles of equality and non-discrimination underpin the delivery of early learning and care services. ELC services which provide early learning and care under Department funded schemes must enter into contracts with the Department. These contracts require service providers to comply with the Equal Status Acts and failure to comply with these Acts can result in suspension or termination of the funding agreement.

The National Childcare Scheme (NCS) is a statutory scheme, which contains specific measures to support access to childcare. It establishes an equitable and progressive system of universal and

income-related subsidies for children up to the age of 15 years through a progressive subsidy aligned to household income. The NCS also makes provision for sponsor arrangements for those with specific needs. Section 14 of the Childcare Support Act, 2018 allows special arrangements, where a child can be referred by certain statutory organisations for an NCS subsidy, where childcare is needed on child welfare, child protection, family support or other specified grounds.

***Ensuring policy on quality, regulation and accessibility of ELC and SAC provision is developed based on equality and non-discrimination, supports children's rights, and is in line with the UN Convention on the Rights of Persons with Disabilities***

The Department is responsible for raising quality standards in the provision of ELC and SAC, including regulation and the funding and oversight of training and professional development. The Department promotes equality, diversity and a children's rights-based approach to delivery of ELC and SAC services. ELC and SAC Regulations set minimum standards for services to meet. DCEDIY is also responsible for oversight and further development of the Access and Inclusion Model (AIM), which supports children with disabilities to access and meaningfully participate in the Early Childhood Care and Education (ECCE) programme. In 2019, in collaboration with the Centre for Excellence in Universal Design in the National Disability Authority, the Department published Universal Design Guidelines for ELC Settings, which provides guidance to ELC owners and managers and to designers and architects in supporting access to ELC settings for all.

The Department is responsible for workforce policies for ELC and SAC, including developing a Workforce Development Plan. Issues of non-discrimination, equality and diversity in the workforce influence workforce development policies. The Department's workforce actions include managing a qualifications recognition process for practitioners with qualifications from other jurisdictions, which requires equity and non-discrimination.

***Overseeing and monitoring the implementation of First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028***

In 2019, the Department published *First 5*, Ireland's first ever cross-departmental strategy to support babies, young children and their families.

The ambitious ten-year plan is designed to deliver:

- a broader range of options for parents to balance working and caring;
- a new model of parenting support;
- new developments in child health, including a dedicated child health workforce;
- reform of the Early Learning and Care (ELC) system, including a new funding model;
- a package of measures to tackle early childhood poverty.

***Improving the lives of the Traveller and Roma communities and LGBTI+ communities in Ireland through the promotion of inclusion, protection of rights and the improvement of the quality of life and wellbeing enabling them to participate fully in Ireland's social, economic, cultural, and political life***

The Department drives, monitors and supports the implementation of Government strategies to promote equality and inclusion in Irish society including, the National Traveller and Roma Inclusion Strategy and the LGBTI+ Inclusion Strategy. Many civil society organisations, which receive funding from Departmental projects, are working directly with individuals, who fall under one or more of the protected grounds under equality law.

***Processing applications for the Magdalen Redress Scheme and pay awards in accordance with the recommendations contained in Justice Quirke's Report and the Ombudsman's Recommendations***

The applicants to the Magdalen Scheme are supported and treated in a fair and respectful manner and their applications are dealt with as speedily as possible.

***Developing and implementing Government policy on equality, with a particular focus on gender equality and migrant integration. Responsibility for equality legislation and family leave legislation and policy***

Work on gender equality and migrant integration is framed through the National Strategy for Women and Girls and the Migrant Integration Strategy, which have the promotion of equality at their core. The Department co-ordinates and monitors the implementation of both Strategies and will lead on the development of new Strategies which will also centre on the promotion of equality.

The Department also has responsibility for equality legislation, which is currently being reviewed, to ensure that it fully reflects all forms of discrimination. DCEDIY also participates in the Equality Budgeting Advisory Group led by the Department of Public Expenditure and Reform and has jointly commissioned the OECD to do a policy scan to consider how equality mainstreaming can be undertaken more systematically.

***Providing the International Protection Accommodation Service (IPAS), which provides accommodation and ancillary services to those protection applicants who seek accommodation while they are in the protection process***

IPAS has previously commissioned equality and diversity training for contractors to ensure that they are aware of their equality obligations. A Child Protection and Welfare Policy incorporating national guidance, developed to implement provisions of the Children First Act 2015, is in place in all centres operated by IPAS to safeguard the rights of children while they are residing in IPAS accommodation. IPAS has also developed a policy and practice document to safeguard against domestic, sexual and gender based violence and harassment in centres. The Department also oversees both policies. All such policies are reinforced with appropriate training for contractors and their staff to ensure that they have the tools they need to identify issues of concern and meet their obligations in relation to each area. IPAS has also introduced a standard provision in all contracts

for the provision of accommodation to protection applicants requiring contractors to employ a staff member with particular expertise and experience in and intercultural awareness and equality.

Since 2018, the International Protection Procurement Services (IPPS) has redesigned its procurement processes to move focus away from physical buildings to place a person centred social care ethos at the heart of service delivery. All successful tenderers must provide details of a social care plan for residents and outline proposals to meet the cultural, integration and recreational needs of residents. In addition, all successful tenderers must provide independent living – a system where all residents can choose and prepare meals and also specific family living rooms are provided to allow more independence and to facilitate families spending time together outside of a bedroom environment. A number of reviews of the Direct Provision system have been carried out in recent times, most recently culminating in the establishment of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process in October 2019. The group, chaired by Dr. Catherine Day submitted its final report to Government on 20 October 2020. The findings of the Report were accepted by Government and the report was published the following day on 21 October 2020.

The key finding of the group was that the current system of supports for applicants, originally devised over 20 years ago, is no longer fit for purpose. In its Programme for Government, the Government has also committed to ending the current system and replacing it with a not-for-profit model. A White Paper on the approach to this work will be published by Government in early 2021. Human rights and equality principles will be embedded in its approach.

***Implementation of the Irish Refugee Protection Programme (IRPP), which was established by Government Decision on 10 September 2015 as a direct response to the humanitarian crisis that developed in Southern Europe as a consequence of mass migration from areas of conflict in the Middle East and Africa***

Under the IRRP programme, the Government initially pledged to accept 4,000 persons into the State. Under IRPP 2, a further 2,900 people will be admitted to the State. IRPP's client base encompasses many whose rights are protected under equality legislation. All come under the race ground. Some are from minority religions, some have disabilities, some are lesbian, gay or bisexual, many are lone parents and some are elderly. As many of IRPP's client base are children, they also come under the protections of the UN Convention on the Rights of the Child. Similarly, a significant number of protection applicants are women, and therefore the provisions of the UN Convention on the Elimination of Discrimination Against Women also apply. The provisions of the UN Convention on the Rights of Persons with Disabilities also apply, requiring IRPP, Local Authorities and service providers to ensure that specific provision is made for persons with physical and intellectual disabilities who are housed through the programme. Staff in accommodation centres have received training in Children First. Accommodation centres are also required to produce evidence of staff training in equality and related topics.

***Ensuring that policy and legislative developments fully reflect the range of equality grounds, and the intersectionality of equality, with a particular focus on Anti-Racism and Disability policy***

The Department is responsible for preparing the State Reports on the implementation of the UN Convention on the Elimination of Racial Discrimination and the UN Convention on the Rights of Persons with Disabilities. We also monitor the implementation of the Comprehensive Employment Strategy for People with Disabilities (2015-2024) and the National Disability Inclusion Strategy, which have the promotion of equality at their core. The Department is also leading on the development of and implementation plan for the new National Action Plan Against Racism.

We also have responsibility for specific disability legislation, which is being reviewed to ensure that it fully reflects all forms of discrimination. In this regard, human rights considerations informed the Assisted Decision-Making (Capacity) Act 2015 which was drafted to comply with the UN Convention on the Rights of Persons with Disabilities.

***Duty of care to children remanded and detained in Oberstown Children Detention Campus***

The Department continues to promote a high standard of accommodation for the children on Campus by supporting capital developments, to build on a recently completed major capital development project. Continued funding and promotion of initiatives that support advocacy and promote the voice of the child for children on Campus is a priority. Funding is provided for initiatives that promote children's reintegration into society and prepare them to make a positive and productive contribution to society. There is also independent inspection of the Campus by HIQA.

***Duty to former residents, their families, and wider society, to acknowledge past failures and ensure responses to the statutory investigation address national and international human rights and equality obligations***

The Department ensures that all its interactions with those who spent time in institutions, their families and advocates are respectful, with particular reference to groups protected under the nine grounds prescribed in the Equal Status Acts, 2000-2018.

Ensuring that the voice and experience of those who spent time in mother and baby homes is central to the development of measures intended to respond to their needs and expectations is a priority. The Department also takes a strategic approach to engagement and communication with stakeholders.

The Department ensures that human rights and equality obligations are addressed within the individual measures being advanced in the delivery of strategic goals. In any work, which involves dealing directly with members of the public, special attention is given to their constitutional rights to privacy and autonomy.

***Duty to ensure the dignified final repose of persons who died in institutional settings and were buried in unacceptable ways***

Every stage of the Certain Institutional Burials Bill has been developed with a focus on respect for human dignity, and interventions will be carried out in a manner that places human dignity and transparency at the core of any proposed works. Rights concerning identity and privacy, in particular, are extensively engaged in the Bill, most strongly in relation to proposed DNA testing.

There is a continuing focus on respect for human dignity issues during development of legislation and there is careful engagement with the relevant experts to ensure obligations are met.

***Duty to ensure the voice of children and young people in decision-making and to strive towards full equality of LGBTI+ young people***

The obligations of the Irish State as directed by the United Nations Convention on the Rights of the Child, specifically article 12, is the primary policy driver for the work of the Irish Government and the Department with respect to the voice of the child in decision making on matters that affect their lives.

Ireland is a world leader in having a National Strategy for Children and Young People's Participation in Decision Making and a strategy specifically for LGBTI+ young people. Both Strategies are cross-sectoral with specific actions and objectives for all relevant stakeholders. The Department has the lead role in overseeing and monitoring the implementation of these actions.

With regard to participation, the Department also oversees and supports the dedicated permanent structures, *Dáil na nÓg* and *Comhairle na nÓg*, to enable young voices to participate in the policy development process at national and local level. The Department also acts in the role of partner across Government to enable consultation with children and young people on an on-going basis.

***Duty to contribute towards achievement of the right to play for children***

Article 13 of the United Nations Convention on the Rights of the Child provides a similar policy driver with respect to the work undertaken by the Department with respect to promotion and provision of play. The Department has two significant measures in place to promote and provide for play and they are:

- **Annual Play Day** - this is an opportunity to promote play and is run in conjunction with the Local Authorities across the country;
- **Capital Funding for Play Groups and Play Group Works** – this funding is provided on an annual basis to ensure playgroup adequacy and upkeep to provide for play.

First 5, the Whole of Government Strategy for Babies, Young Children and their Families published in 2018 by the Department also contains significant commitments to positive early learning experiences and positive play based environments.

***Improve access to youth work supports for all young people, with an additional focus on disadvantaged, marginalised and vulnerable young people and promote equality of opportunity for young people***

A key objective of the funding provided to the youth sector is to promote equality of opportunity and improve the developmental outcomes of all young people, in particular through the support of youth work targeted at disadvantaged, marginalised and vulnerable young people.

The vision of our targeted young funding scheme is that all young people are enabled to realise their maximum potential, by respecting their rights and hearing their voices, while protecting and supporting them as they transition from childhood to adulthood. The implementation of this vision supports the realisation of certain human rights, notably Articles 23, 29 and 31 of the UNCRC.

The *UBU Your Place Your Space* targeted funding scheme is designed and managed to ensure that funding is provided where it is most needed and to support disadvantaged, marginalised and vulnerable young people.

As part of these activities, young people are free to participate in a wide range of quality non-formal educational activities, which address inequality, celebrate diversity, and promote inclusion.

The active participation of young people in the design, delivery and evaluation of projects is one of the criteria upon which services funded under the *UBU Your Place Your Space* Scheme must report to the Department. Likewise, the active participation of young people was one of the conditions for receiving funding under the Youth Climate Justice Fund, administered by the Department.

---

## Planned measures for implementing the Public Sector Duty

***Ensuring that all interactions with the Department are respectful with particular regard to correspondence with individuals who are members of a minority community, are particularly vulnerable or face particular discrimination in society***

- The Department will review its Customer Service Charter and Action Plan in 2021.
- We will continue to ensure that all interactions with stakeholders and the public are respectful, with particular regard to correspondence with individuals who are members of a minority community, are particularly vulnerable or face particular discrimination in society.

***Support, educate and equip the staff of the Department to keep the public service duty at the centre of how they approach their work and interact with their colleagues and stakeholders***

- The Department will identify the training needs of staff with respect to the full implementation of the Public Sector Duty.

***Ensure that the Unit's compilation and publication of evidence and data to inform policy development is underpinned by the human rights and equality requirements outlined in the Public Sector Duty***

- The Department will consider how it can continue to deepen its engagement with dedicated research projects that help progress the Department's fulfilment of the duty.

***Ensure that the Department's aegis bodies are implementing the public sector duty***

- The Governance Oversight Agreements between the Department and its aegis bodies will be reviewed and will include a specific reference to the Public Sector Duty, pursuant to Section 42 Irish Human Rights and Equality Commission Act, 2014.
- The Department will have regular formal engagements with all of its agencies and ongoing consultation across the Department, and with its agencies and stakeholders, to identify any gaps in implementing the Duty on an ongoing basis, and to provide remedies for same.

***Data Protection and Information Management***

- Further work will be carried out by the Department on the Record of its Processing activities (ROPA), in view of the transfer of functions.
- The Department will review contracts entered into with other parties for compliance with GDPR Article 28 obligations.
- The Department will compile a comprehensive retention schedule, noting the retention approach to all classes of personal data, as part of an overall Records Management exercise. A Data Retention policy will also be completed.

- The Department will carry out work on the cataloguing of hard copy and legacy personal data.

***Ensuring policy on quality, regulations and accessibility of ELC and SAC provision is developed based on equality and non-discrimination, supports children's rights, and is in line with the UN Convention on the Rights of Persons with Disabilities***

- Work is planned for the introduction of comprehensive regulations for School Aged Childcare, and the extension of regulation to non-relative childminders, with inspection systems to be introduced to monitor compliance with the regulations. Both measures will support the implementation of children's rights in services.
- The Access and Inclusion Model (AIM) will be evaluated in 2021 to ensure that it is delivering on its objectives to ensure inclusive participation in the Early Childhood Care and Education (ECCE) programme. The evaluation will be followed by policy consideration as to the possible extension of AIM, either to other age groups and/or to children with other additional needs.
- Actions to support the rollout of the Universal Design Guidelines for Early Learning settings are planned for 2021.

***Overseeing and monitoring the implementation of First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028***

- The Department will develop a research and evaluation programme to support First 5 implementation and build evidence around innovative and integrated service delivery in the early years. This includes the development and implementation of a programme of research, evaluation and data supports for early years care and education and school-age childcare. The Department will also work with partners and stakeholders nationally and internationally (Pobal, CSO, DoE, HIQA, DoH, Tusla, OECD) to improve existing data coverage, in addition to identifying and filling gaps in the administrative data profile for early years.
- The Department will publish First 5 Annual Implementation Reports detailing progress on the delivery of milestones as per the outputs and milestone timeframes as set out in the First 5 Implementation Plan.
- The Department is undertaking a comprehensive and inclusive stakeholder engagement and consultation on future funding for early learning and care and school-age childcare. Recommendations of the Expert Group on the development of a new funding model will be informed by this consultation and by international evidence provided through a Research Partner. The Expert Group is committed to the transparency of the project and all relevant materials are published.
- The Department will ensure that projects under First 5 Pilots will be trialled and reviewed.

***Ensuring that children and families can access early learning and care (ELC) and School Age Childcare (SAC) services on an equal and non-discriminatory basis***

- The Department will continue its review of Compliance and Governance functions to ensure continued equitable and transparent access to Early learning and Care and School Age Care services.

***Ensuring that policy and legislative developments fully reflect the range of equality grounds, and the intersectionality of equality, with a particular focus on Anti-Racism and Disability policy***

- An assessment will be undertaken to examine how the intersectional issues of gender and disability can be integrated more fully into the work carried out in relation to Traveller / Roma and LGBTI+ policy.
- The Department will ensure that a Public Sector Duty clause is inserted into all agreements with partners funded by the Department.
- The Department will develop initiatives to build the capacity of other Government Departments to undertake equality mainstreaming on relevant policies.

***Providing the International Protection Accommodation Service (IPAS), which provides accommodation and ancillary services to those protection applicants who seek accommodation while they are in the protection process***

- In its Programme for Government, the Government has also committed to ending the current system and replacing it with a not-for-profit model. The Government will publish a White Paper on the approach to this work in 2021. Human rights and equality principles will be embedded in its approach, which will also take into account the obligations arising from the Public Sector Duty.
- It is also proposed to build upon work already outlined above by developing a new suite of training for contactors and centre staff which, as well as incorporating updated training on the above, will also feature modules on dealing with victims of trauma, victims of trafficking and persons with suicidal ideation or engaged in self-harm, cultural orientation training and mediation and negotiation.
- The Department will ensure that the Public Sector Duty is a priority in drafting actions for the National Action Plan Against Racism.
- We will ensure that human rights considerations inform the development of policy to reform International Protection accommodation and on disability.

***Ensuring that International Human Rights instruments and in particular the Convention on the Rights of the Child must be appropriately reflected in all child welfare and protection policies and legislation***

- The Department will continue to review of implementation of Children First legislation including co-ordinating the Children First Inter-Departmental Group to ensure the full implementation of the rights of children and young persons to protection.
- The Department will continue to review policy and legislative developments in order to identify potential gaps in child protection.
- Legislative proposals developed by the Department, such as the Child Care Amendment Bill 2020 and the future General Scheme related to the review of the Child Care Act are and will be rights proofed and approved by the Office of the Attorney General.
- Work on the ratification of the Second Optional Protocol to the UNCRC will also be progressed.
- The Department will have ongoing engagement with regulatory bodies, end service users, front line social care teams, Government agencies, Departments, and other stakeholders

to ensure that potential gaps in implementing the public sector duty are identified and mitigated against.

***Overseeing the provision of services to people who experience domestic, sexual and gender violence may suffer from different human rights violations including the right to life, freedom from torture and degrading treatment, freedom from discrimination and the right to safety and security***

- The 2020 Programme for Government (PfG) sets out a number of commitments regarding DSGBV services including implementation of a plan for future refuge space. The Department is in regular contact with Tusla - the Child and Family Agency, to monitor progress on a review of domestic violence emergency accommodation and expects the final report to be issued in Q2 2021.
- Tusla has also been requested to prioritise the collation and verification of data relating to DSGBV services and impacts, in order to better understand the nature and scale of the issue and any unmet need that may be arising. The PfG also plans for an audit of the segmentation of responsibilities related to DSGBV across Government. The Department is collaborating with the Department of Justice in the oversight of the audit. It is expected that the audit will inform the most appropriate infrastructure to address all the issues relating to DSBV in an effective and holistic manner.

***Duty of care to children remanded and detained in Oberstown Children Detention Campus***

- The preparation of legislation to provide for sentence remission for children is underway.
- The Department will develop bespoke career guidance modules for children in the Oberstown Detention Campus.
- Further Capital development of the Campus is also planned.

***Duty to former residents, their families and wider society to acknowledge past failures and ensure responses to the statutory investigation address national and international human rights and equality obligations***

- The State has extended an invitation to the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to visit Ireland to consider its response to the legacy of former Mother and Baby Homes and to examine the progress being made on these matters.

***Duty to ensure the dignified final repose of persons who died in institutional settings and were buried in unacceptable ways***

- Referral of the Certain Institutional Burials Bill to pre-legislative scrutiny.

***Duty to ensure the voice of children and young people in decision-making and to strive towards full equality of LGBTI+ young people***

- Establishment of a National Office for children and young people's participation to expand the opportunities for more young people to participate in a wider range of policy and service

design / evaluation processes. This National Office will also enhance visibility of the obligations on state actors to enable participation.

- Hub na nÓg as a Centre of Excellence for children and young people's participation will further develop its work to build capacity across sectors and professional groups.
- With respect to LGBTI+ Strategy, throughout 2021 the emphasis will be on increasing visibility.

***Improve access to youth work supports for all young people, with an additional focus on disadvantaged, marginalised and vulnerable young people and promote equality of opportunity for young people***

- Work will continue to further incorporate the voice of young people in service delivery under the Department's targeted funding scheme.

## International Engagement work relevant to the Public Sector Duty

The Department engages with a number of international bodies including the EU, the Council of Europe, the UN and the OECD on work which is relevant to the implementation of the Duty. The Department is responsible for preparing the State Reports on the implementation of the following UN Conventions:-

- UN Convention on the Rights of Persons with Disabilities;
- UN Convention on the Elimination of Discrimination Against Women;
- UN Convention on the Elimination of Racial Discrimination;
- UN Convention on the Rights of the Child.

The Department's work is also framed by the EU Anti-Racism Action Plan (2020-2025); and the EU Qualification Directive of 2011 on International Protection. Some of the Department's other international work of relevance to the Duty includes:

- Participation in international fora/networks relating to children.
- Active role in the development of EU youth policy, including Erasmus+ and the European Solidarity Corps; through the EU Youth Working Group Party, and associated events, and in support of the Council of Ministers for Education, Youth, Culture and Sport.
- Active role in the development of EU Youth research, policy and cross border peer collaboration through the Expert Group on Mobility of Young Volunteers and Cross-Border Solidarity.
- Participation in the EU Commission Thematic Working Group on Early Childhood Education and Care, which was established to develop a European Quality Framework for Early Childhood Education and Care.
- Participation in the OECD Early Childhood Education and Care Network.

## Conclusion

Equality and human rights obligations are cornerstones of policymaking and service delivery within the Department of Children, Equality, Disability, Integration and Youth. In line with the Public Sector Equality and Human Rights Duty, the Department has completed its assessment of the implementation of the Duty in relation to its function and purpose. We will continue to report on developments relating to the implementation of the Duty in our Annual Report.