



Ollscoil na hÉireann
National University of Ireland

**The Public Sector Duty:
Assessment of Human Rights and Equality Matters in NUI**

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1 CONTEXT

NUI has a legal obligation, the Public Sector Equality and Human Rights Duty, to promote equality of opportunity, eliminate discrimination, and protect the human rights of its staff and service users. The Employment Equality Acts 1998-2015 and Equal Status Acts 2000-2015 prohibit discrimination, harassment, and sexual harassment in employment. The nine protected grounds under these Acts are gender, civil status, family status, sexual orientation, disability, age, race, religion, and membership of the Traveller community.

Implementation of the Public Sector Duty (PSD) is guided by the Irish Human Rights and Equality Commission (IHREC) and IHREC has published a number of documents¹ to support the work of public sector bodies in implementing the Duty, which consists of three main stages:

1. **Assess:** A public body is required to set out in its strategic/corporate plan an assessment of the equality and human rights issues relevant to its purpose and functions, in a manner that is accessible to the public
2. **Address:** A public body is required to set out in its strategic/corporate plan the policies, plans and actions to address issues raised in the equality and human rights assessment, in a manner that is accessible to the public
3. **Report:** A public body is required to report annually on developments and achievements in regard to the equality and human rights issues and actions, in a manner accessible to the public, in its annual report.

While the assessment stage should ideally take place as part of the strategic plan development cycle, NUI was undergoing its first external institutional review (CINNTE) by QQI at the same time as the new strategic plan was in development. With significant changes in leadership roles at NUI and a small team of 20 people at the same time, full integration of the PSD was not achievable. This was acknowledged by the senior management team, and it was agreed that work on the PSD would follow as soon as possible after the CINNTE review. The final stage of the CINNTE review, submission of the institutional implementation plan to QQI was completed in December 2023 and the PSD working group had its first meeting that same month.

This report provides an overview of the assessment activities undertaken by the internal PSD working group, which has representatives from most areas and all grade levels across the organisation.

¹ Most notably, Irish Human Rights and Equality Commission (IHREC) (2019) [*Implementing the Public Sector Equality and Human Rights Duty: Section 42 of the Irish Human Rights and Equality Commission Act 2014*](#). Dublin: IHREC. Supporting documents include: IHREC (2020) [*Assisting the Effective Implementation of the Public Sector Equality and Human Rights Duty: Tool for an evidence-based assessment of equality and human rights issues*](#). Dublin: IHREC and IHREC (2020) [*Assisting the Effective Implementation of the Public Sector Equality and Human Rights Duty: Tool for a consultative approach*](#). Dublin: IHREC.

1.1 NUI's Primary Functions

The PSD obliges organisations to focus on human rights and equality (HRE) issues that are relevant to the functions and purpose of the organisation. NUI's primary functions, as a federal university that does not provide programmes of education directly to students, include:

1. Connecting and promoting member institutions (and their strategic priorities)
2. Supporting students and graduates of the NUI federation (particularly with regard to matriculation, conferrings, verification of qualifications, funding and quality assurance)
3. Advancing the civic good (promoting the Irish language, organising events of cultural, social and educational importance).

The IHREC PSD implementation guide to consider the following when assessing the equality and human rights impacts of its functions:

- What equality and human rights legislation is most relevant to the functions and purpose of your organisation?

For NUI, these are the Employment Equality and Equal Status Acts, which have implications for

- organisational planning/Corporate services – *strategic planning, budget allocation, procurement.*
 - human resources – *recruitment, human resources policies and practices and staff awareness and capacity building.*
 - service provision – *delivery of services (matriculation exemption, qualification verification, archival research, elections and awards).*
 - policy function – *development of policies for the federation and the recognised colleges, in particular.*
- How does your organisation measure its impact? Does it include measurement of impact on any of the groups protected by the Equality Acts? Does it include any measurement of socio-economic impact?²
Because most of our stakeholders/service users are 'secondary' to our member institutions, NUI has not, historically, measured the impact of services (since they are primarily the domain of the member institutions).
 - What does your organisation know about its service users, with specific reference to the nine protected grounds covered by the Equality Acts? This can be informed by data collection, or consultation, or both.
We do not have a comprehensive picture of all service users. Recently, NUI began EDI (equality, diversity and inclusion) monitoring of awards applicants and conducted a more general HRE survey of stakeholders. As both exercises are recent, we don't have longitudinal data. Indications are that the majority of Awards applicants are white. The competitive awards are at post-graduate level, and this population tends to be whiter.
 - Does your organisation have a role in implementing national plans or strategies aimed at enhancing equality or human rights in Ireland? See Part 1 for a sample list of these strategies.

² While socio-economic status is not currently one of the nine protected grounds in the EEA, the Cabinet Handbook does require that all significant policy proposals include consideration of the likely effects on people at risk of poverty or social exclusion, and an indication of the actions necessary to counteract any negative impact.

NUI does not have a direct role in such national plans/strategies; all public sector bodies have some role to play in advancing the plans/strategies in these areas where relevant to their activities.

- Does your organisation have a role in policy areas identified by the United Nations in its concluding observations on how Ireland is performing under the international treaties it has signed up to?

No.

1.2 NUI Values

In addition to reviewing HRE issues against core functions, guidance from IHREC advises alignment with organisational values. NUI values articulated in the Strategic Plan 2023-2027 are:

- **Excellence:** NUI strives for excellence through a culture of continuous review and improvement in its quality processes and services and through the dedication and innovation of its team
- **Empathy:** NUI accepts and celebrates difference; it always acts with integrity and it seeks to benefit society and the environment in all it does. It is responsive to its community and will enhance inclusion in this strategic cycle.
- **Realising and recognising potential:** NUI wants every student, researcher, academic and member of support staff to maximise their potential. NUI promotes this through a range of awards that support and celebrate all achievement.
- **Collaboration:** NUI collaborates inside and outside its federation. It actively seeks collaborations that advance NUI values and goals or benefits higher education in Ireland or civic society. Partnership will be a key focus in this strategic cycle.

1.3 NUI's Areas of Activity

As outlined in s1.1 above, NUI has a number of unusual areas of activity for a HEI, as a non-provider federal university:

Governance of the Federal University: the University is comprised of four constituent universities (with significant autonomy) and two recognised colleges. NUI Senate is the main governing body for the federation, and NUI supports the activity of the Senate.

Graduate Document Services: NUI produces the parchments for all NUI qualifications (conferring ceremonies in the institutions), verifies the qualifications of graduates and provides duplicate documents as required.

Graduate Register: the graduate register is used for NUI convocation elections. It will also be the basis for the Seanad Éireann NUI constituency election (a statutory function) in January 2025. Thereafter, NUI will have a statutory function to verify eligibility of NUI graduates to register for the new Higher Education constituency.

Awards: NUI awards a number of prizes, grants and scholarships to students, graduates and staff affiliated with NUI institutions. There are a number of inclusion-focused awards for students from under-represented groups. The post-graduate awards are competitive whereas the majority of undergraduate and graduate prizes are nomination-based (and pertain to academic achievement).

Public Engagement: NUI has a number of annual and biennial lectures as well as a higher education (HE) seminar series, which platforms academic research and facilitates conversations on key issues in HE.

2 EXISTING NUI HUMAN RIGHTS & QUALITY STRUCTURES

2.1 NUI's HRE Policies

With respect to service users, NUI has had an EDI statement for NUI Awards applicants since 2023.

With respect to staff, NUI has the following policies with a human rights and/or equality dimension:

- NUI Respectful Workplace policy
- NUI Working from Home policy
- NUI Grievance policy
- NUI Leave of Absence policy
- NUI Maternity Leave policy.

In addition, NUI has recently been developing an inclusive approach to recruitment (to include candidate handbooks, guidance for selection panels and is considering the possibility of advance sharing of interview questions).

NUI has a number of documents in development, the most relevant to human rights and equality is:

- Flexi-time working policy.

Gaps identified:

- EDI statement/policy for staff
- Disability in the workplace policy.

2.2 NUI's Staff Code of Conduct

NUI has a [Code of Conduct for Employees](#) and a [Code of Conduct for Members of Senate](#).

3. PRIORITY HRE ISSUES FOR NUI

3.1 Policy and Strategy Obligations most relevant to NUI

A number of policy, strategy and research documents relating to human rights and equality (particularly those relating to higher education in Ireland) have been reviewed during the assessment stage:

- CESCR - Concluding Observations on the 4th Periodic Report of Ireland, E/C.12/IRL/CO/4, March 2024.
- CPCR - Concluding Observations on the 5th Periodic Report of Ireland, CAPRI/C/IRL/CO/5, January 2023
- European Union Agency for Fundamental Rights (2020) [Travellers in Ireland: Key results from the Roma and Travellers Survey 2019](#).
- HEA (2022) [Gender Equality: Report of the Expert Group on the 2nd HEA National Review of Gender Equality in Irish Higher Education Institutions](#).
- IHREC (2023, Sept) *Ireland and the Convention on the Elimination of all Forms of Discrimination against Women: Submission to the Committee on the Elimination of Discrimination against Women for the List of Issues Prior to Reporting on Ireland's 8th periodic cycle*.

- Irish Human Rights and Equality Commission (2022, June) *Ireland and the International Covenant on Civil and Political Rights: Submission to the Human Rights Committee on Ireland's fifth periodic report.*
- IHREC (2021) [Submission to the Third Universal Periodic Review Cycle for Ireland.](#)
- Kempny, M & Michael, L (2022?) *Race Equality in the Higher Education Sector: Analysis Commissioned by the Higher Education Authority.*
- TCD, National LGBT Federation, RCSI & TENI (2019) [Understanding the Lived Experience of Gender Minority Students in Irish Third-level Education: A National Survey of Transgender, Non-Binary, and Gender Non-Conforming Students.](#)
- UN General Assembly (2021) *Report of the Working Group on the Universal Periodic Review: Ireland.* [A/HRC/49/18.](#)
- Department of Social Protection (2020) [Roadmap for Social Inclusion 2020-2025: Ambitions, goals and commitments.](#)

NUI noted the national strategies and plans have mostly expired (and some have not been replaced by successor strategies/plans), but identified key actions related to higher education. As a HEI that is not a provider, the recommendations in international and European human rights instruments have little direct impact on NUI. Similarly the national strategies/actions were more relevant to provider institutions. However, some broad themes regarding HRE are relevant to some of NUI's functions (as an employer, a funding body and a service provider). Some fall clearly within the established protected characteristics:

- Disability
- Gender equality (including women and gender minorities)
- Members of the Traveller community
- Ethnic minorities.

A few other groups that arose in the policy literature that also come within NUI's scope (with regard to strategic commitments and areas of activity) include:

- Socio-economically disadvantaged³
- Lone parents
- Carers.

3.2 Staff and Service User Surveys

NUI conducted a survey of service users from May-July 2024 and a staff survey in May 2024.

3.2.1 Service User Survey

The responses indicated no significant issues in relation to protected characteristics; of 21 respondents, 15 had had a positive experience with NUI, five had had a neutral experience and one had had a mixed experience but did not provide further details in the associated free-text box.

³ As with many national strategy and policy documents, NUI recognises that while socio-economic status or disadvantage is not a protected characteristic (beyond the limited context of housing), there is a significant equality and inclusion impact. NUI further recognises that this is particularly evident in higher education.

Some comments indicated that EDI matters were of interest and concern to service users, which is what we would expect.

The timing of the survey was less than ideal (at the end of the academic year) and this may account for the low number of responses (21). We plan to repeat this exercise at different times in the future to capture a range of perspectives.

3.2.2 Staff Survey

The staff survey consisted of two parts. In the first part, respondents were asked to identify any protected characteristics that applied to them in order to provide NUI with a more comprehensive profile of staff and their needs. The second part was not associated/linked with the first. It provided the PSD group with more qualitative data on staff members' experience working in NUI in relation to the protected characteristics. The first part had 17 respondents and the second part had 15 respondents (out of 20 staff members).

The analysis identified current and potential HRE issues for NUI staff, awareness of and engagement with structures and initiatives currently in place and issues to be prioritised for action in the coming year.

Current and potential HRE issues for staff

The demographic data show that all respondents identified as White Irish and that just over half identified as men. Almost half of respondents identified as women and the same number of respondents (not necessarily women) felt they had been unfairly treated due to their gender. The majority (88%) of respondents identified as heterosexual; a small minority of respondents were not always comfortable being open about their orientation. Just over half the respondents identified as Catholic; no issues relating to religious belief (including no belief) were reported. Almost half of respondents are parents/guardians of children under 18 years of age.⁴ Over one-third of the respondents reported a disability and the same number (not necessarily the same respondents, though it seems likely there was some overlap) were neutral or disagreed that NUI is an inclusive and supportive workplace for people with disabilities.

In terms of age, the largest group fell into the category 46-55 years of age. A significant minority of respondents reported being treated unfairly due to age. Due to the nature of the survey, we are not clear on whether this was experienced by older, younger or a mix of older and younger respondents. Similarly, almost a third of respondents felt they had been unfairly treated due to their family status, but due to the nature of the survey we don't have sufficient data to understand whether this was – for example – always related to having family commitments, related to being single, a mix of both or something else. Further information gathering is required for us to have a better understanding of the issues and take action to address them.

For existing staff, the issues we need to pay attention to are gender, disability, age and family status. In addition to undertaking required further investigation into the latter two, initial actions will focus on

⁴ While not within the scope of the Act's protected characteristics, we are aware of colleagues who have significant caring responsibilities for non-dependent relatives.

gender and disability. The demographic information indicates a high degree of homogeneity amongst existing staff, and this is something to keep in mind for future recruitment (increased diversity with regards to race/ethnicity, age and continued and enhanced inclusion of those with disabilities are key).

Awareness of structures and initiatives currently in place

The relevant section of the survey had 15 respondents. The results of the survey show that not all members of staff have an equal awareness of the current structures and initiatives in place. Eight respondents (53%) agreed that EDI is a priority in the work of NUI. Eleven respondents (73%) were somewhat or very satisfied with NUI's direction of travel on EDI matters; however, three were neutral or somewhat dissatisfied.

A majority of managers (63%) reported having sufficient resources and guidance to support a member of staff with a disability but only 53% of all respondents reported awareness of supports for staff with a disability.

Issues to be prioritised for action

Free-text boxes in the survey allowed respondents to make suggestions for changes and improvements and to discuss the matters they consider to be of particular importance.

Respondents particularly identified:

- access to a human resource professional
- EDI training
- greater accessibility in the NUI building and in work practices
- wellbeing initiatives.

4 ACTION PLAN

4.1 Actions for Service Users/Stakeholders

- Improve website accessibility to comply with European Union (Accessibility of Websites and Mobile Applications of Public Sector Bodies) Regulations 2020
- Identify (and advertise) NUI's Access Officer
- Continue to expand NUI inclusion-based awards (scholarships, grants and prizes) with particular attention to the groups that are under-represented in higher education: persons with disabilities, members of the Traveller Community, carers, lone parents, socio-economic disadvantaged persons. This is also a strategic priority for NUI.
- Access audit for the NUI offices at 49 Merrion Square
- Introduce inclusive interviewing process for competitive awards
- Audit application forms for plain language
- Inclusion audit / toolkit for NUI events (note: identified in staff survey but relates to service users/ general stakeholders).

4.2 Actions for Staff

- Appoint independent HR professional and produce staff handbook with a complete set of HR and human rights and equality (HRE) policies.
- Management to discuss process for addressing bullying and harassment, discrimination on basis of family status and discrimination on the basis of age with staff (subject to further information gathering on the latter two issues).
- Provide single point of access to all HR and HRE policies for all staff
- Develop formal disability policy and equality, diversity and inclusion statement
- Introduce regular EDI training, including specific disability awareness training, for all staff
- Ongoing promotion of EDI values and policies, e.g. through standing item on staff meeting agenda, events and training
- Improve inclusion of all staff in hybrid meetings
- Accessibility audit of building (see also 4.1)
- Accessibility audit of work practices
- Introduce health, nutrition and wellbeing activities/events/workshops for staff
- Explore disability support group for staff
- Further research needed on experience of staff in relation to two protected characteristics: family status and age
- Athena SWAN preparations (during the strategic plan term 2023-2027).