



Public Sector Equity and Human Rights Duty 2025 – 2027

1. Introduction

1.1 Overview

Section 42 of the Irish Human Rights and Equality Commission (IHREC) Act, 2014 places an obligation on public bodies to have regard to the human rights and equality considerations in the performance of their duties. The Section 42 of the IHREC Act states:

(1) A public body shall, in the performance of its functions, have regard to the need to:

- (a) eliminate discrimination,*
- (b) promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and*
- (c) protect the human rights of its members, staff and the persons to whom it provides services.*

(2) For the purposes of giving effect to subsection (1), a public body shall, having regard to the functions and purpose of the body and to its size and the resources available to it to:

- (a) set out in a manner that is accessible to the public in its strategic plan (howsoever described) an assessment of the human rights and equality issues it believes to be relevant to the functions and purpose of the body and the policies, plans and actions in place or proposed to be put in place to address those issues, and*
- (b) report in a manner that is accessible to the public on developments and achievements in that regard in its annual report (howsoever described).*

The guidance issued by the Irish Human Rights and Equality Commission in December 2024 entitled *Implementing the Public Sector Equality and Human Rights Duty* states:

The elimination of discrimination for the purposes of section 42 of the IHREC Act 2014 is understood as discrimination occurring where one person is treated less favourably than another person in a comparable situation on any of the discriminatory grounds listed in the Employment Equality Act and the Equal Status Act.

The protection of human rights for the purposes of section 42 of the IHREC Act 2014 are the rights, liberties and freedoms which are binding under the law of the State, whether by virtue of the Constitution, the European Convention on Human Rights Act 2003, or international agreements binding on, and given the force of law in, the State.

1.2 The Concepts underpinning the Public Sector Duty

The IHREC December 2024 guidance identifies a number of concepts underpinning all public sector organisation's duties under the Act. These are:

- Eliminating discrimination (to include direct discrimination, indirect discrimination, discrimination by imputation or discrimination by association)
- Making reasonable accommodations for disabled persons
- Positive actions to promote equal opportunity
- Promoting equality of opportunity and treatment
- Protecting human rights

The IHREC guidelines state that the assessment should focus on the following groups:

- People covered by the nine grounds under equality legislation: gender (including transgender persons or persons transitioning to another gender), civil status, family status (including lone parents and carers), age, sexual orientation, disability, race, religion, and membership of the Traveller community.
- People at risk of poverty and social exclusion; and
- Rights-holders under the various human rights instruments relevant to the functions and purpose your public body.

1.3 The Dental Council's Duty

The Dental Council welcomes the opportunity outline what it is doing in this area. Even though this has not been formally captured previously, the concepts underpinning the Dental Council's duty have always been an engrained part of the council's operations. The council has always operated under the principles of fairness, reasonableness and proportionality in all its work.

The purpose of this document is to set out the Dental Council's assessment and implementation plans under the IHREC Act. This document should be read in conjunction with the Dental Council's Strategic Plan 2024-2027 which is available on the Dental Council's website. The Dental Council will report on the implementation plan identified as part of its annual reports for the years 2025 onwards. It is anticipated that future reports will build on this report and become more comprehensive over time.

1.4 Dental Council Function, Purpose, Size and Resources

The Dental Council is the regulatory body for the dental profession in Ireland. It was established by the Dentists Act, 1985 and its main functions are to:

- Maintain the registers of dentists, dental specialists and auxiliary dental workers (including the Dental Council's examination process)
- Set and monitor the standards of education in programmes entitling the holders of qualifications to register with the Dental Council
- Consider the fitness to practise of dentists and dental specialists
- Issue guidance to the profession, the Minister for Health and the public on matters of professional behaviour and ethical conduct, and matters concerning the functions assigned to the council under the Dentists Act.

The Dental Council is one of 19 bodies under the aegis of the Department of Health. In terms of staffing (14.8 FTE at year end 2024) and budget (€1.3m), it is the smallest body under the aegis of the department, and it is one of the smallest organisations in terms of staffing and budget across the entire public sector.

1.5 Dental Council Organisation

At the year-end 2024, the Dental Council employed 15 staff on a permanent basis in mainly administrative roles. The Dental Council owns its own premises and it is a protected structure under Irish law.

2 IHREC Assessment

In carrying out this assessment, the Dental Council considered each of the five 'Concepts underpinning the Public Sector Duty' (see number 1.2 above) against the Dental Council's statutory functions (see section 1.4) above and its organisation (see 1.5 above).

2.1 Eliminating Discrimination

(a) Statutory Functions

Registration: there is no direct or indirect discrimination under any of the nine grounds in the council's registration process. The only criteria used to assess applications are dental qualification, capacity to speak English and an applicant's good standing in their home country. While the council's language requirements may be seen as an indirect discrimination against those who are not from an English language country, the levels required for registration are consistent with other regulators and with those seeking a place on an Irish dental programme.

Education Process: the Dental Council mainly deals with institutions and not individuals. The council's processes ensure that places in dentistry are available to students from marginalised communities.

Fitness to Practise: There is no direct discrimination or discrimination through association or imputation as this process is open to any dental patient. People whose first language is not English may have an indirect disadvantage as our processes are in English but the council will take reasonable steps to ensure that their issue is understood. The Dental Council has provided translators during fitness to practise inquiries when required.

Guidance documents: Dental professionals are ethically obliged not to discriminate against patients on any of the nine grounds, and a failure to comply with this may result in fitness to practise proceedings.

(b) Organisation

The Dental Council recruitment and HR policies look to eliminate discrimination in the organisation. The council has provided EDI training to all staff and it has recently published its inclusion policy. The Dental Council prides itself on having a diverse workforce.

2.2 Making Reasonable Accommodation

(a) Statutory Functions

Registration: Because of the nature of dentistry, there are few dentists engaging with the Dental Council requiring the council to make a reasonable accommodation. The Dental Council is committed to providing reasonable accommodation when required. The Dental Council introduced a special registration pathway for refugee dentists. Because many of these dentists arrive in Ireland at short notice, in distress and with untranslated documents, the Dental Council covers the costs of translating documents into English to allow us to assess their applications for registration.

Fitness to Practise: The Dental Council will make reasonable accommodations to ensure that witnesses at fitness to practise inquiries can give evidence. The Dental Council has previously provided translators for witnesses at inquiries to allow them to provide their evidence in their native language.

Guidance Documents: The Dental Council's website is designed to the accessibility requirements set by the National Disability Authority. The Dental Council's *Code of Practise regarding Professional Behaviour and Ethical Conduct* was approved by the National Adult Literacy Agency as meeting their required standards.

(b) Organisation

The Dental Council is committed under its HR policies to making reasonable accommodations for staff with disabilities of chronic illness where appropriate within the confines of the council occupying a building designated as a protected structure under Irish law.

2.3 Promoting Equality of Opportunity and Treatment

(a) Statutory Functions

Guidance Documents: Dental professionals are ethically obliged not to discriminate against patients on any of the nine grounds, and a failure to comply with this may result in fitness to practise proceedings.

Education: When assessing education programmes, the Dental Council reviews the entry criteria to the dental programmes it accredits to ensure the education institutions are meeting the accessibility guidelines for access to education, especially those from socially deprived areas. The Dental Council has also encouraged a wide range of education providers from around the country (and outside of the two established dental schools) to provide training opportunities in dental nursing. Because of the nature of dentistry, it may be difficult for some disabled people to train and practice as dentists.

Registration: Anyone holding a dental degree may apply for registration with the Dental Council.

Fitness to Practise: Anyone may make an allegation of professional misconduct against a registered dentist.

(b) Organisation

The Dental Council has equality at the centre of its HR policies, including in recruitment. Even though the Dental Council is a small organisation, over the last ten years it has employed staff from at least three quarters of the classes protected by equality legislation. In 2024, the Dental Council introduced its new equality, diversity and inclusion statement and it has provided training in this area to its staff. Fairness is embedded into the council's processes.

2.4 Protecting Human Rights

(a) Statutory Functions

The United Nation's Universal Charter of Human Rights (the charter) and the Irish Constitution are directly relevant to the operations of the Dental Council's enforcement proceedings under the Dentists Act, 1985. Some of the charter's other rights are supported by work the council does in professional registration and education.

Fitness to Practise: The Dental Council's processes are consistent with the following rights granted under the Universal Declaration of Human Rights. These rights further supported by rights granted to citizens under Irish Constitution. The rights the council's processes could impact are Article 10 (the right to a fair hearing), Article 11 (the presumption of innocence) and Article 23 (the right to work and earn a living). The Dental Council's fitness to practise processes also support the provisions of Article 8 (remedy by a court) as the High Court oversees the Dental Council processes.

- The process the council's follows are well established both through the direct provisions of the Dentists Act, 1985 and professional regulation case law. The council's processes include the following protections:
- a barrister advises the council and fitness to practise committee when they sit to consider enforcement matters,

- the dental healthcare professional is entitled to be legally represented and to make submissions,
- the dental healthcare professional is presumed innocent until proven otherwise,
- evidence is considered and proven in accordance with processes equivalent to the Courts' processes,
- decisions of the Dental Council may generally be appealed to the High Court.
- the High Court must approve sanctions that may impact on a dental healthcare professional's right to earn a living.

Registration: the registration pathway introduced by the Dental Council for refugee dentists supports Ireland's obligations under Article 14 of the charter which supports a person's rights to seek asylum in another country and Article 23 which supports a person's right to earn a living.

Education: Any programme of education in Ireland which may allow a graduate register on a register maintained by the Dental Council must be approved by the council. As part of the process, the Dental Council reviews the entrance criteria to programmes to ensure that the education provider meets Irish requirements regarding access to educational opportunities. This work supports the provisions of Article 26 of the charter (the right to education and access to technical and professional education on merit).

(b) Organisation

No human rights issues were identified internally.

2.5 Positive Actions

The Dental Council is proud of two positive actions it has taken to promote an equal opportunity relating to council functions.

1. Registration Pathway for Refugee Dentists

The Dental Council has established a special registration pathway for dentists who have been granted international protection by Ireland. This process provides a pathway for refugee dental professionals to access the register and to practise in their chosen profession while ensuring that the public continue to be protected. Notable features of this process include mentored practice in a supportive environment, fair employment conditions, the waiving of the registration fee, the council covering and the cost of translating documentation. The Dental Council welcomes the support shown by the dental profession in Ireland in providing opportunities and mentorships to refugee dentists.

2. Examination for Non-EEA Dentists

Places on the Dental Council examination for non-EEA qualified dentists has been significantly oversubscribed for several years. Entry to sit the examination was on 'first come' basis once applications opened. The Dental Council has introduced a new entry policy that affords an advantage in the application process to dentists who are already living and committed to Ireland.

3. Gaps Identified and Implementation from 2025 - 2027

1. IHREC Assessment Process

This is the first assessment conducted by the Dental Council and it was largely an internally driven review to determine if there were any significant gaps in its duty. While the council is pleased that there are no significant gaps, it views this report as its first step on a continuing journey. The next step will be to enhance the council's processes to protect against future discrimination. The council plans to complete its next assessment in conjunction with its next review of strategy in 2027 and to introduce external views into the process (**target date: Q3/2027**)

2. Reporting

The Dental Council will include a section on its implementation of the gaps identified in its 2025 annual report and annual thereafter (**target date: Q2/2026**).

3. Dental Council Code of Practice regarding Professional Behaviour and Ethical Conduct

The Dental Council usually reviews its Code of Practice regarding Professional Behaviour and Ethical Conduct every five years. This is the council's document that sets out the profession's ethical obligations. The present code makes it an ethical obligation for dentists not to discriminate under any of the nine grounds set out in equality legislation. The council will specifically consider the IRHEC duty as part of the next review of the code, which is due to commence in 2026 or 2027. The council will specifically ensure the ethical obligations on dentists reflect the principles set out by the IRHEC (**target date: Q4/2027**).

4. Review of Dental Council HR Policies

The Dental Council will be reviewing its staff handbook shortly and as part of this, it will ensure that the revised handbook is consistent with the council's obligations as an employer under its IHREC duties. It will also ensure that its HR policies are consistent (**target date: Q4/25**).