



SIGMA

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Public Administration: Responding to the COVID-19 Pandemic

*Mapping the EU member states' public administration responses to the COVID-19 pandemic
(for EU Enlargement and Neighbourhood countries)*

IRELAND

1 April 2020

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IRELAND

Centre of Government, policy co-ordination and decision-making process

1. How is the Government (Council of Ministers) functioning (organisation of virtual meetings, remote sessions etc...)?

The Government continues in place despite the recent election resulting in a hung parliament. A new Government is expected shortly. The Government is mainly operating on a caretaker basis, though for the COVID-19 crisis it is operating substantively. However, the response to COVID-19 is cross-Government and public health-led, founded on well-established and evidence-based approaches in dealing with outbreaks of infectious disease. All parties are supportive of this approach. Anecdotal evidence suggests that the public are happy with the current approach and there is no strong demand for a change in Government yet. The necessity for a new government relates to a deadline for appointing a new Upper House for the bi-cameral Parliament; if the deadline passes, no legislation may be enacted.

Cabinet Sub-Committee will deal with day-to-day political matters surrounding COVID-19. In line with public health policy, the Cabinet meets on an incorporeal basis; this has been practice from time to time even before the crisis.

2. How are the crisis management and external communications co-ordinated within the Government? What is the role of the CoG in this? Is there a central strategy/guidance?

Ireland's national response to COVID-19 is supported by a dedicated governance structure to ensure a public health-led, whole-of-society approach. The National Public Health Emergency Team (NPHET) for COVID-19 met for the first time on 27 January 2020. Chaired by the Chief Medical Officer, it oversees and provides direction, guidance, support and expert advice on the development and implementation of a strategy to respond to COVID-19 in Ireland. It meets weekly to assess the international data, receive guidance regarding the outbreak and to review Ireland's ongoing preparedness in line with advice from the WHO and the ECDC. The NPHET is supported by an Expert Advisory Group and a number of subgroups. The NPHET works closely with the HSE National Crisis Management Team which leads and manages the HSE's response. The Government established the Special Cabinet Committee on COVID-19 Response chaired by the Taoiseach on 3 March 2020. The Committee is being supported by a committee of senior officials across all Departments and the Health Service Executive and a dedicated Communications Group which co-ordinates a whole-of-Government communications response.

3. Any arrangements (rules, working procedures) which aim to streamline and accelerate the government decision-making process (as regards deadlines, public consultations, transparency, impact analysis)?

A Stakeholder Forum chaired by the Department of the Taoiseach has been established. This is an authoritative platform to disseminate important public health information and support public health measures; as well as to inform Government on emerging downstream social and economic impacts of COVID-19 in Ireland. The Stakeholder Forum comprises bodies from a wide variety of sectors (business, education, health, childcare and social services, sport, tourism etc.) with membership currently at 120 organisations. This Stakeholder Forum has been convened in Government Buildings on three occasions since Monday 2 March. All sessions have been well attended. Further sessions, most likely via teleconferences, will convene as required.

Public service and human resource management

1. What arrangements regarding teleworking? What is the share of civil servants teleworking? What is the share of civil servants still coming to the office?

Prior to 24 March, all staff were encouraged to work from home if possible, but all Government offices remained open and many officials with single office space may have opted to work in the office. Since a further step-up on 24 March, and a subsequent announcement on 27 March, most offices are now closed and all their staff work from home. However, services requiring interaction with the public continue with social distancing measures applying, e.g. a lot of work of the courts is paper based; wills, for example, cannot be taken out of the office. Accordingly, the Courts Service is limiting its public interfaces to a minimum number of offices, and staff are alternating between working from home and in the office on a rota basis.

While there is variation, certain Departments have 90% of staff working remotely. However, calculating the overall share of civil servants teleworking and coming to the office is not a priority at this stage. Post-crisis, this will be a key factor in assessing how effectively the civil service operated but that is for the future. Minimising the number who need to come to the office is a priority. Another priority is to reallocate staff on a temporary basis to priority areas for essential work.

2. What other flexible working arrangement (part time work, distribution of working hours over 7 days...)?

There has been some discussion in the media, and announcements from employee representative bodies, that additional hours need to be recognised but there has been no announcement about this so far.

3. If civil servants cannot telework, how are they paid?

When the closure of public buildings was announced, staff were given a short amount of time to obtain all they needed from the office. Civil service staff should have access to all they need to work from home. The Office of the Government Chief Information Officer (OGCIO) has in recent years been preparing a suite of 'build to share' applications to facilitate remote working. In certain cases, they may not be able to work from home and they will continue to be paid as normal, since no announcement to the contrary has been made. This is consistent with the overarching policy of minimising the number of people not remaining indoors.

4. Are civil servants being sent on mandatory annual leave? If not, is use of annual leave recommended? Any other special arrangement on absence management?

This is not proving an issue. There is no demand for annual leave and staff are not forced to take it. Staff may apply for special leave with pay if they have to care for someone who needs to isolate for COVID-19 reasons. There is a recognition that staff working from home with young children in the house will be less productive than normal.

5. Any new, special regulations for working overtime (removing limitations to overtime work e.g. for medical staff)?

No special regulations have been announced.

6. Arrangement for paying for extra workload (health care)?

No public sector staff are being paid more owing to extra workload from COVID-19. Non-salaried staff who are entitled to overtime and allowances will receive this in the normal way and consequently the pay bill may increase slightly.

7. What measures have been introduced to create fiscal space to fund health care, economic measures etc. against COVID-19 (salary cuts, freeze of recruitment, promotions...)?

There have been no salary cuts or freeze on recruitment; there is pressure for a recruitment drive in the health sector. There have been no announcements regarding promotions but to defer already agreed promotions would not be practicable. Anecdotal evidence suggests that there could be a delay in filling vacancies in non-essential areas, but so far this is not being considered as a cost saving measure.

Accountability

1. How did you keep the national parliament operational? Any simplification of parliamentary procedures?

The bi-cameral parliament is sitting on a limited basis. The election on 8 February resulted in a hung Parliament and so the previous Government continues in office. On 19 March, the Dáil (lower House) met under social distancing measures to pass emergency legislation, Health (Preservation and Protection and other Emergency Measures in the Public Interest) Bill 2020. By agreement, the sitting was limited to 48 of the 158 Members of Parliament. The legislation passed all stages, and, following requests by opposition MPs, included a provision for a sunset review in November. On 20 March, the Seanad (Upper House) – also sitting in reduced numbers – passed the legislation after a three-hour debate and the President wrote the legislation into law later that day, giving the state the power to detain people, restrict travel and keep people in their homes in order to restrict the pandemic.

2. How about the Ombudsman (e.g. overseeing the situation in prisons)

On its website, the Ombudsman states “the office is closed to all personal callers. Please correspond with us by e-mail or online if possible. This will help us to maximise our staff resources, following current guidance on limiting the spread of coronavirus. Due to the current public health emergency it is unavoidable and understandable that it is causing considerable disruption to the delivery of public services, as well to the work of our own Office. With this in mind, we would ask for your patience and cooperation and in particular:

- a) *Please think about whether you really need to make complaints about healthcare and social support services, both of which are under huge strain at the moment.*
- b) *In terms of the work of the Office of the Ombudsman, our staff will continue to work during this time. However, we rely on interaction with the service providers to carry out our work, and there will be significant delays in getting responses from service providers, particularly those in healthcare. Additionally, some of our own staff will be redeployed to vital front line services. We apologise for the delays which will result”.*

3. Does administrative justice work? Have deadlines changed?

The judicial system continues to function and the courts continue to sit while respecting social distancing to the best extent possible. Ireland does not have a Law on General Administrative Procedures but infringement of rights can be addressed through an application for a judicial review

in the first instance. Although most non-criminal cases have been adjourned, urgent business including denial of rights are being considered and this includes judicial review applications. Legal cases must be held in person as justice must be done and seen to be done which means in public (in camera cases for family disputes are an exception). There are video links in limited cases relating to people on remand or children. Public offices in the courts are open by appointment only and for essential business only.

There are no changes regarding deadlines. In “normal” circumstances, statutes of limitations, which restrict the time within which legal proceedings may be brought, are automatically extended in the event of a period expiring on a day the court is closed. This will apply in the event of closure owing to COVID-19. There is active consideration ongoing as to how enforced self-isolation will affect deadlines being extended, but this has not been an issue so far.

4. Any public debates in respect of principles of good administration (legality, proportionality, predictability) of protective measures?

The mechanisms for legal challenge to legislation perceived as unconstitutional or inappropriate remain very much in place. Any individual who feels that measures or legislation introduced contravenes their rights, may initiate a legal challenge. So far, any debate has focused on whether the measures go far enough when compared to our EU partners.

The Irish Police (An Garda) are currently using a mixture of persuasion and previously existing public order legislation to enforce social distancing. It is actually not entirely clear yet (emergency legislation) but it seems that the new powers and regulations will not alter their authority or approach. They have no authority to issue fines but this may change.

Service delivery

1. Which services are being delivered (all, some, only the essential)?

All public services continue within the confines of the measures introduced. Clearly this is difficult but service continues and if necessary individual managers are allowed to prioritise. An unfortunate example in the health area is where surgeries and procedures have had to be deferred to free resources for dealing with COVID-19 cases.

In the courts system, essential and emergency matters only are being dealt with. These include bail applications, remands in custody, urgent domestic violence applications, and urgent applications for injunctions and judicial review. Jury trials, other than those that had commenced prior to 16 March 2020 are all adjourned.

Existing, local structures are also being re-purposed to support vulnerable people. In relation to food delivery, the funding for school meals is being used in a variety of ways through school structures to ensure continued provision to vulnerable children. See <https://www.education.ie/en/Press-Events/Press-Releases/2020-press-releases/PR20-03-26.html>.

The Government has announced that where resources are short, staff from other agencies can be re-assigned on a temporary basis to alleviate pressures in priority areas. All civil and public service bodies will release staff who are not working in roles that are currently deemed essential by their organisation in order that critical work needs in other areas can be fulfilled. It is notable that initial redeployments related to contact tracing for COVID-19.

2. Are there any modifications done to the obligations of:

- i. *the administrations towards citizens/businesses (e.g. freezing of deadlines)?*

- ii. *citizens/businesses towards public administration (reporting, payments of taxes, contributions, fees...)?*

Yes, as above regarding prioritising. Non-urgent matters can be deferred. It should be noted that delays are emerging in the courts and backlogs may have to be addressed by holding proceedings on days when the courts would not normally sit. The possibility of courts sitting through August and/or September (normally times of court recess) is being considered informally.

Reporting requirements remain in place but flexibility will be shown. For example, the tax collection authority (Revenue Commissioners) has informed its business clients that tax returns should be made on time but in the event of SMEs suffering cash flow difficulties, the Revenue has offered to work with and assist such entities. The payment dates for a number of capital taxes has been deferred, debt enforcement has been halted and the application of interest on late payments has been suspended.

3. Has the crisis initiated any simplifications or enhanced the use of alternative tools :

- i. *in the internal procedures of the Government (e.g. acceptance of formal approvals over e-mail)?*

There has been an increase in digital solutions but this is not quantified. The implementation of simplifications and alternative tools is for management in public bodies to implement taking account of risks to security, safety, need to deliver services and legal requirements (for instance, primary and secondary legislation cannot be done remotely).

- ii. *in the administrative procedures with citizens and businesses (e.g. replacement of handwritten signature with scanned copies or simple exchange of mails)?*

There have been demands for relaxing business regulations (for example, the Europe-wide demand from banks to reduce capital to asset ratio levels which the ECB has done) but the main focus so far has been on providing financial support to help business with a wage subsidy scheme and liquidity support.

One simplification in the courts is that consent applications for adjournment are being done by e-mail now. Furthermore, a lot of interaction between the citizen and the State already can be done electronically. However, some services only can be done by personal submission of written documents. In urgent cases, it is anticipated that this can be carried out within social distancing requirements.

Also, each public body is expected to give guidance on its website regarding Covi-19 arrangements. An extract from the Courts Service guidance is set out below:

“In relation to criminal matters in the District and Circuit Court, persons on bail need not attend and the case will be remanded in their absence. Accused persons will be informed of the new court date by their solicitor or by the Courts Service if they do not have a solicitor. In relation to custody cases, accused people will appear by way of Videolink”.

Public financial management

1. Are COVID-19 response measures being introduced within the framework of or with reference to existing fiscal rules (budget deficit or public debt ratio limits etc...)

The normal rules are not a priority now. The objective is to introduce measures that will alleviate the pressure on business and maintain employment so that the Irish economy is well placed to recover when the virus dissipates. In this regard, the Government introduced a fiscal package of a gross €7.2 billion (about 2% of GDP) that includes income support measures, liquidity support for affected businesses and an increased allocation to the health sector. There is an expectation that the ECB will provide monetary policy support that will enable the Government to fund these measures.

2. Are the cost of these measures being published?

It is impossible to accurately forecast the effect of the virus and/or the response measures on the Irish economy and on public finances, but a recent forecast by the Economic and Social Research Institute (ESRI) forecasts a 7.1% fall in GDP, whereas its previous pre-Virus forecast had been for growth of 4%. The ESRI also forecasts that instead of running a budget surplus, as had been expected, the Government now expects to face a budget deficit of 4.3% (€12.7bn) due to the significant fall in tax revenues to the exchequer.

The Parliamentary Budget Office has published information on the Parliamentary website at https://data.oireachtas.ie/ie/oireachtas/parliamentaryBudgetOffice/2020/2020-03-26_ireland-s-fiscal-response-to-covid-19-a-pbo-analysis-of-the-emergency-measures-in-the-public-interest-covid-19-bill-2020-and-previous-act_en.pdf.

3. Have budget users been asked to identify cost-saving measures to partially offset the cost of the response measures?

So far there has been no such requests although there will have to be at some point in the future. For example, in many expenditure programmes there will be less activity owing to activities being deferred or cancelled. With staff being re-allocated between agencies on a temporary basis, there may be some savings to the "home" agency budget. However, the reality is that any reallocations will be relatively minor in the scale of things.

4. Are internal controls continuing to operate smoothly (electronic signatures)?

Anecdotally, within the Civil Service, increased digitalisation in recent years means there is better provision for electronic sign off. Internal financial controls incorporate electronic means so they should continue smoothly, as long as key officials do not fall ill. Even in that eventuality, there are contingency plans in place. Most requirements can be fulfilled with electronic signatures, up to the level of a Minister. However, original signatures are still required in some cases (e.g. Statutory Instrument)

5. Does each budget user or at least ministry have a risk management strategy that envisaged emergency measures in response to a sudden crisis? How is staff and customer safety balanced against the need to deliver required services?

There is a National Risk Strategy. Each budget user is expected to have a risk management strategy and a risk officer in place. The risk mitigation preparations for Brexit, which was expected to impact significantly on the Irish economy, will have helped in this regard. With regard to remote working and communications interruptions, the recent spate of weather warnings proved valuable to managing

the challenges posed by COVID-19. However, it is impossible to suggest that there was a contingency plan that envisaged the impact currently being felt.

Staff and customer safety are the overarching priority and if services require human contact, all safety precautions are taken.