



## **Response by the Equality Commission for Northern Ireland to the consultation by The Executive Office on its Equality Impact Assessment: Spending Plans for 2023-2024**

### **Section 75 of the Northern Ireland Act**

The current challenges facing decision makers across the Northern Ireland public sector are recognised. In this context, when difficult decisions around reducing or cutting public services are being considered the need to comply with the Section 75 duties, while always important, is even more essential. Any decisions taken have the potential to have major adverse impacts on people in the Section 75 groups, to exacerbate existing inequalities and have long lasting impacts.

In complying with the Section 75 duties, The Executive Office (TEO) must do so by adhering to the arrangements contained in its equality scheme, considering potential differential impacts of each proposed policy (i.e. individual budgetary decision), as well as the potential cumulative differential impacts of a range of such decisions, between those groups of people who avail of those services and who share particular Section 75 characteristic, e.g. young people, people with disabilities, people with dependents.

Such assessments should be informed by relevant data and information on which inequalities would be exacerbated with due consideration being given to taking all possible steps to avoid or reduce any likely adverse impacts to protect people in our society most at risk of disadvantage within the Section 75 groups.

Effective Equality Impact Assessments (EQIAs) should therefore inform policy decisions. In this scenario, this should include consideration of the anticipated equality impacts of budget proposals, consideration of mitigation and/or alternative policies with the final report detailing any policy changes to the proposed policy in light of consultation and evidence informing the EQIA.

## Comments on EQIA

While **data** sources are referenced in the EQIA, the relevant data is not extracted. It is therefore unclear how the assessment of potential impacts has been determined, putting the onus on consultees to interpret data and determine equality impacts. It is for the public authority to evaluate the data it has relied on to determine potential equality impacts on people in the respective Section 75 groups of the proposed budget cuts. The assessments of impacts in the EQIA relate to various Section 75 equality groups as well as 'vulnerable' and 'disadvantaged' groups (further comments on impacts below).

The consideration of **mitigation and/or alternative policies** is crucial in the context of budget reductions, including trying to mitigate any differential equality impacts through the redistribution of internal budgets. The main mitigations identified in the TEO EQIA, apart from staff moratoriums, relate to the allocation of money, if further budget becomes available during the year. The mitigations (listed at paragraph 43) are aimed at mitigating the impact of the budget more generally rather than mitigating specific impacts on people in the Section 75 groups. The EQIA should have clearly set out the priorities for allocating any additional budget spend in terms of which inequalities it would aim to mitigate. It is unclear from the EQIA whether there has been consideration of redistribution of internal budgets across functions, in light of considering the equality impacts. Allocation of any in-year money, while welcome, is likely still to present very real difficulties for service users and the service providers in reinstating services, which may not be easily and readily re-instated.

**Consultation**, should, as noted above, clearly set out the policy proposals, include clear, relevant and specific data (not solely the titles of data sources), assess potential impacts and consider mitigations and/or alternative policies. The current consultation asks consultees for their views on budget cuts which would lessen the impacts on people in the Section 75 groups and asks for responses as soon as possible, preferably within 4 weeks. The onus is therefore on consultees rather than TEO to analyse the data sources and to provide options for budget cuts. Given the limited consultation period, further consultation methods, as included in TEO equality scheme, would have facilitated more effective consultation with stakeholders.

In considering the data and consultation responses it is important that TEO is **open minded** to change its policy proposals, given that some decisions may have been made prior to the EQIA being conducted and

appropriate consideration being given to potential equality impacts. Equality scheme commitments include equality assessments (screening and EQIAs) being undertaken prior to policy decisions being taken.

The EQIA must set out the **monitoring arrangements** that will be put in place to monitor the actual impacts on the Section 75 groups of budget decisions. The Stage 7 EQIA report should include the arrangements that have been put in place for monitoring and publishing the actual impacts of the policy.

Going forward, whether further budget becomes available or not, TEO are advised that the Section 75 duties are **continuing duties** and the Department is required to equality assess any changes to circumstances. It is important that the Department demonstrates that it has paid the appropriate level of regard to its promotion of equality and good relations in its budget decisions, as required by the duties.

It is also important that consideration is given to the potential **cumulative adverse impacts** of budget decisions across Government Departments, for example the cumulative impacts on disabled people, older and younger people.

Further Section 75 advice is appended.

### **Equality Impacts**

The Commission is concerned about the potential for funding decisions to impact on equality of opportunity across the equality grounds. Funding decisions should be such that they serve to advance equality, tackling longstanding inequalities and addressing any emergence or exacerbation of inequalities, including those associated with COVID-19 and the public policy responses to it.

In making decisions about the allocation of funding, we draw your attention to the importance of ensuring progress to tackle long-standing inequalities and prevent the exacerbation of existing inequalities. We draw out some key examples below, with further information available via the links provided, or by contacting [publicpolicy@equalityni.org](mailto:publicpolicy@equalityni.org)

The EQIA determines that a reduction in TEO's budget is likely to have a negative impact on good relations between people of different religious belief, political opinion or racial group. Across the **equality groups**, the Commission has highlighted the need to tackle prejudicial attitudes, behaviour and hate crime to ensure that workplaces, services, public

spaces and communities are free from harassment and/or discrimination across the equality grounds.<sup>1</sup>

The EQIA determines that proposed cuts to the Central Good Relations Fund (CGRF) may have a particularly adverse impact on people with a **disability**, who may benefit from participation in CGRF projects that promote respect, tolerance, and inclusion. The Commission has consistently called for effective actions to raise awareness of rights, promote positive attitudes towards people with disabilities, and tackle hate crime.<sup>2</sup>

On **gender**, the EQIA assesses that a reduction of funding to the End Violence Against Women Group (EVAWG) programme will result in negative impacts on women and girls. The Commission has consistently highlighted that action is required to tackle gender-based violence and domestic violence and has previously raised the need to tackle the nature and specific impact of gender-based violence on women and men, as well as gender-based violence due to a person's gender identity. Tackling stereotypical attitudes through education should remain a priority.<sup>3</sup>

Regarding proposed cuts to programmes supporting **minority ethnic groups**, the Commission has consistently recommended actions to tackle prejudicial attitudes; to tackle racist violence and improve reporting; to promote values of acceptance and respect so as to improve good relations; and to increase representation in public life. This includes prioritising the reduction and elimination of racist violence through a range of actions including; addressing issues of under reporting; early intervention; improved operational response to hate crime and support for victims of racist hate crime.<sup>4</sup>

The Commission has welcomed TEO's launch of a consultation on racial equality law, and, in the absence of progress on single equality legislation, has recommended urgent reform of the legislation.<sup>5</sup>

The Commission has set out actions to address the key gaps in **equality data**, including on the grounds of gender identity, sexual orientation, and race; and to rectify the lack of data disaggregation in relation to ethnicity,

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<sup>1</sup> Equality Commission for NI (2022) [Programme for Government and Budget Recommendations](#)

<sup>2</sup> For further details, see: [www.equalityni.org/Disability](http://www.equalityni.org/Disability)

<sup>3</sup> Equality Commission for NI (2016) [Gender Equality: Policy Priorities and Recommendations](#)

<sup>4</sup> Equality Commission for NI (2014) [Racial Equality – Policy Priorities and Recommendations](#)

<sup>5</sup> For further details, see: [www.equalityni.org/RaceLawReform](http://www.equalityni.org/RaceLawReform)

disability and gender<sup>6</sup>. It is essential that all key measures of government are also tracked by equality ground, and that the required data is routinely collected to facilitate this.

There is also a need for the TEO to ensure a focus on identifying and addressing any equalities, emerging or exacerbated, as a result of the COVID-19 pandemic or the policy responses to it.

6<sup>th</sup> June 2023

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<sup>6</sup> For further details, see: [www.equalityni.org/www.equalityni.org/EqualityData](http://www.equalityni.org/www.equalityni.org/EqualityData)

## Appendix 1

### Section 75 Advice

Detailed Section 75 advice on this EQIA, aligned to each of the EQIA stages, is set out below - [What is an EQIA - Equality Commission NI](#)

#### 1. Defining the aims of the policy

- The EQIA includes the aims of the policy.

#### 2. Consideration of available data and research

- The EQIA (para 35, page 14) notes that *'impacts have been considered against the backdrop of available data and the stated policy intent, to determine whether differential impacts identified are adverse'*. TEO should commit to making efforts to gather further data and evidence, quantitative and qualitative, where gaps have been identified. Gaps in data should be addressed in the arrangements for Section 75 and be included in Section 7 of the EQIA report.
- The EQIA lists (at para 36) the available data sources, including for example the 2021 Census; NISRA statistics; T:BUC data; draft EQIA on Ending Violence against women and girls. However, the EQIA does not reference the specific Section 75 data from these data sources which is relevant to the policy options being considered. Specific information/evidence should be included to enable TEO to assess the extent of the impact of the budget cuts on the nine Section 75 categories.

#### 3. Assessment of impacts

- The EQIA states (para 39) that *'there is not enough sufficient robust data to determine impact on all Section 75 groups. The services provided by the Department are generally universal in nature and provide benefit to all citizens across Northern Ireland. It is therefore difficult to assess the impact of service reductions on Section 75 groups. The Department will seek to gather further information on potential impacts through consultation.'*
- The EQIA determines a range of impacts caused by the budget reductions on the Section 75 categories (pages 15-18). The data relating to the Section 75 groups does not enable an assessment as to whether the potential equality and good relations impacts of the proposed cuts, set out in the EQIA, are appropriate.
- It is not clear how these assessments of impacts have informed the EQIA proposals. The Stage 7 EQIA report should clarify how

the assessment of potential impacts informed the proposed decisions regarding cutting/reducing services in order to lessen the adverse impact on the Section 75 groups.

#### **4. Consideration of mitigating measures or alternative policies**

- The EQIA (paragraph 43) outlines a number of potential mitigations, some of which are broad statements, rather than measures suggesting how different budget cuts could lessen the impact on particular Section 75 categories, such as disabled people, minority ethnic groups, young people, etc. Such statements include, (a) *seeking to protect the most vulnerable people*; (f) *having regard to situations where there is a legitimate expectation of continuing funding*, which appear to be 'criteria' for making budget decisions, rather than mitigations. The mitigating measures that are listed are mitigating the impact of the budget more generally, rather than mitigating specific equality or good relations on particular section 75 groups.
- The EQIA references the potential reallocation of any additional funding that becomes available in year to mitigate impacts. It is unclear whether there has been any current consideration given to mitigating adverse equality impacts of the proposals by redistribution of internal budgets and how any additional funding would be prioritised going forward i.e. which programmes would additional funding be directed to and to mitigate which particular impacts.

#### **Alternative Policies**

- The EQIA identifies two policy options (paragraph 32) i.e. applying a common reduction of 11.1% across all non-ringfenced business areas and using the EQIA to inform decisions where budget cuts could be done in a way that limits the impact on the most vulnerable people. The second option is part of the purpose of undertaking the EQIA, rather than a policy proposal.
- The EQIA notes that it will inform spending decisions and limit the impact on the most vulnerable groups. TEO should specify how each of the proposed policy options impacts on the equality groups.
- It is unclear if alternative policies are proposed in light of the EQIA.

#### **5. Consultation**

- Consultation timelines for this EQIA are shorter than those included in TEO equality scheme commitments. The Department

should ensure it records any rationale for deviation from scheme commitments. Where the 'exceptional circumstances' provisions of an equality scheme are relied upon, public authorities should be in a position to stand over these decisions.

- The letter to consultees regarding this consultation refers to the equality screening and screening form, whereas the website is clear and references this EQIA. The terminology used should be clear as the EQIA process continues.

## **6. Decision and publication of EQIA results**

- As outlined in this response, the EQIA, at Stage 7 should include evidence of TEO consideration of mitigating measures/ alternative policies, and how these have informed decision making, providing a rationale where alternatives/mitigations have not been adopted.

## **7. Monitoring for adverse impact**

- The EQIA does not contain arrangements for monitoring the impact of the budget reductions on the Section 75 groups.
- The final EQIA report must set out clear and specific arrangements for how TEO intends to monitor and publish the actual impacts of the policy.