

**Final Report of Commission Investigation under Paragraph 10
of Schedule 9 of the N. Ireland Act 1998**

Charles McCartney &

Northern Ireland Office (NIO)

FILE No: SDI/11/04

ALLEGED FAILURE TO COMPLY WITH SCHEME

This complaint relates to a document issued by NIO in December 2002, purporting to be an Equality Impact Assessment (EQIA), which did not appear to follow the seven stage approach to the conduct of an EQIA as required by Annex 1 of the Guide to the Statutory Duties, and may not have been properly consulted upon. The Complainant alleges that NIO therefore failed to comply with its approved Equality Scheme which states at paragraph 3.2 (page 24);

“Equality Impact Assessments will be conducted in accordance with the procedure set out in Annex 1 to the Equality Commission’s guidelines on the form and content of Equality Schemes”.

Investigation Findings

1) The report which is the subject of the complainant, (i.e. the initial report compiled by NIO in December 2002) is not a formal EQIA for consultation. The Statutory Duty Investigations Committee notes the comment in the covering letter to said report that;

“Over the next few months consideration will be given to using this assessment as the basis for completing an equality impact assessment under s.75 of the Northern Ireland Act 1998.

2) A subsequent report issued by NIO in July 2003 appears to have been consulted upon properly in accordance with NIO’s scheme commitments.

The complainant had specifically criticised two aspects of the “initial” report.

i) Failure to properly consider data

NIO supplemented the data considered in the second “July” report in light of this criticism. It has also instructed the consultants carrying out this piece of work to reconsider the issue of data in light of criticisms made by both the Commission and the complainants during the formal consultation exercise, when finalising its EQIA decision.

2) Failure to properly consider alternative policies/mitigation

This is also a matter that the NIO appears to be keen to address, the issue again having been highlighted in consultation, and the NIO have instructed the consultants concerned to properly address the issue in recommending a final EQIA decision.

A draft Statutory Duty Investigation Committee Final Report in this matter was issued to the parties on 9/4/04, and both the complainant and the public authority were given an opportunity to submit any further written representations they wished to make. No further representations have been made.

The Statutory Duty Investigations Committee does not consider that a failure to comply with approved Equality Scheme has been established.