

MMMAConsultancy

Assessing the Roles of the Voluntary and  
community sectors in Contributing to the  
Effectiveness of Section 75 of the Northern  
Ireland Act

February 2007

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## 1.0 Introduction

1.1 MMMAConsultancy was appointed in October 2006 by the Equality Commission for Northern Ireland (the Commission or ECNI) to undertake an assessment of the roles of the voluntary and community sectors in representing the views of persons likely to be affected by the Section 75 duties. The project was part of the Commission's review of the effectiveness of the legislation.

## 2.0 Background

2.1 Schedule 9(1) (a) of the Northern Ireland Act placed a duty on the Equality Commission to '*keep under review the effectiveness of the duties imposed by Section 75*'. In October 2005, the Commission agreed the following Terms of Reference for the review:

1. To review the effectiveness of the duties on public authorities as set out in Section 75 of the Northern Ireland Act 1998 in terms of the impact which their discharge has on the development of public policy, on the provision of services and on the practical outcomes for the nine categories insofar as promoting equality of opportunity is concerned and for the three categories insofar as promoting good relations is concerned.
2. To consider whether any issues arise for consideration by the Commission itself or on which it might wish to make recommendations to Government.

2.2 The effectiveness of Section 75 is dependent on public authorities, The Equality Commission for Northern Ireland, OFMDFM, and other stakeholders, e.g. the voluntary and community sectors. The review will therefore consider the roles and responsibilities of these stakeholders. This project, which looks specifically at the role of the voluntary sector, is therefore a central objective of that review.

## 2.3 Project Aim

2.3.1 The aim of this specific assignment is to assess the roles of the voluntary and community sectors in representing the views of persons likely to be affected by Section 75 and in participating in public policy decision making for the purposes of Section 75.

## 2.4 Objectives

2.4.1 The Commission has identified the following objectives for this assignment.

- To consider the extent to which the voluntary and community sectors have effectively used Section 75 to ensure that their equality and good relations considerations are reflected in the development and implementation of public policy
- To consider the extent to which the unique experience and expertise within the sectors have contributed to the effectiveness of Section 75
- To consider the responsiveness of the public authorities to the representations of the voluntary and community sectors in respect of Section 75 issues
- To consider the extent to which the voluntary and community sectors have been able, through involvement with all stages of the Section 75/Schedule 9 processes, and urging thereby greater public compliance with the legislation, to enhance the implementation of Section 75
- To consider the capacity of the voluntary and community sectors to respond to the role which the legislation envisages for such representative groups, and to consider the extent to which this has impacted on their participation in the policy process.

## 3.0 Methodology

### 3.1 Community and Voluntary Sector

3.1.1 The tender document agreed with the Commission proposed a qualitative methodology combining questionnaires, a focus group and semi-structured interview techniques, with a document review.

3.1.2 At the initiation meeting with the Equality Commission it was agreed that a 10% random sample of community and voluntary organisations, boosted by samples from Section 75 specific organisations would comprise the essential data collection tool from within the sector. This would be complemented by a focus group discussion to be arranged through the Equality Coalition. Provision was made for individual semi-structured interviews if there was an inadequate response from Section 75 groupings.

3.1.3 A 10% random sample, with regard to District Council area, comprising 435 groups, of community and voluntary organisations was provided by Northern Ireland Council for Voluntary Action. This was reduced to 389 when inadequate addresses, projects within organisations and not relevant groups (e.g. animal welfare, local music groups) were taken out. This core sample was boosted by a further 100 organisations drawn from a separate random sample taken from groups in the following Section 75 categorisations: Sexual orientation (12), Race (13), Disability (24), Age (29; 11 from older people's organisations, 18 from younger persons), and Gender (22; 2 men's groups, 20 women's groups).

3.1.4 A draft questionnaire was piloted with 5 organisations and the final questionnaires (Appendix A) were sent with a stamped addressed envelope and cover letter in the week commencing 20<sup>th</sup> November 2006 with a three week turn around period. The final number of questionnaires distributed by post (or email on request) was 489.

3.1.5 Three questionnaires were returned as not known at the address provided; four organisations replied stating that they were no longer functioning; four organisations contacted the researchers to discuss the relevance of the questionnaire to their work and it was agreed that it was inappropriate (an aviary centre, an ELB out-reach centre, a fund-raising group within a UK-based charity and a locally based charity working in Eastern Europe). It was not possible to respond to a telephone answer message in a language other than English.

3.1.6 This provided a random sample of 477, from which a total of 77 responses or 16.1% were received. There are a number of possible reasons for the low response rate: many of these are locally based community organisations with no staff and therefore it may not have not been possible to return within the time scale provided; many locally based organisations may have deemed the survey inappropriate to their work; and finally, the questionnaires were distributed at a time of the year when many community and voluntary organisations are involved in activities and events.

**Table 1.** Responses from geographic base of organisation (self – identified)

<b>n=77</b>	<b>Number</b>	<b>%</b>
Regional	26	34%

Sub regional	04	05%
Local	39	51%
No answer	08	10%

3.1.7 A further analysis of responses by this classification identifies 4 respondents who worked across all District Councils areas, 4 worked in sub regional areas based in Belfast and Derry, 21 different District Council areas were identified, while 34 did not provide information on District Council area. This range of responses provides a broad canvass of organisations across Northern Ireland.

3.1.8 13% of respondents described themselves as Section 75 specific identified in the table below.

**Table 2.** Respondents by Section 75 classification, where identified

Racial Group	Yes
Age	Yes (older and younger people)
Gender	Yes (Women)
Political Opinion	N/A <sup>1</sup>
Religious Belief (faith based)	Yes
Sexual Orientation	Yes
Disability	Yes
Marital Status	N/A
With or without dependants	Yes

3.1.9 From all questionnaire respondents it has been established that 73% (56) were in existence before 1998 Northern Ireland Act and 18% (14) have been formed since 1998 Northern Ireland Act. 9% (7) did not reply to the question.

3.1.10 The questionnaires were supplemented with a focus group discussion organised by the Equality Coalition. This comprised of seven regional organisations with policy officers which are listed at Appendix B.

3.1.11 In conclusion, the views of 93 (19%) community and voluntary sector organisations contributed to the data collection. However, as four organisations still retained on the NICVA database are no longer

<sup>1</sup> NICVA data base does not contain a political opinion or religious belief category: consequently only responding organisations who chose to define themselves by these groupings are included.

functioning, it is probable the response rate is closer to 20% of organisations still active.

### **3.2 Public authorities: District Councils, District Policing Partnerships and Equality Commission**

3.2.1 At the initial meeting with the Equality Commission it was agreed that District Councils, as the local democratic tier of government in NI, and District Policing Partnerships, as a local forum inclusive of both public representatives and some citizens, would be appropriate public authorities to include in this report as part of the data verification process.

3.2.2 These public bodies would initially receive a questionnaire to be supplemented by up to six in-depth interviews, if required, three from each sector, to explore the issues in greater depth. No more or less than the community and voluntary sector, public authorities are not an undifferentiated mass. Some are very small organisations, some are commercial bodies operating in the public interest, others are major public services working with the public and employing tens of thousands of people. It is hardly surprising therefore that in the many engagements between these two sectors on Section 75 there will have been different experiences with different agencies. This covers both how the community and voluntary sector view public authorities interpretation of Section 75 and how they conduct consultation.

3.2.3 Fifty-two questionnaires (Appendix C) were posted in late November 2006, with a preferred return date of 15<sup>th</sup> December 2006. A total of 12 (46%) District Council's responses were received and a follow up discussion took place with one District Council. Four District Policing Partnerships (15%) responded. All District Councils and District Policing Partnerships who responded are listed in Appendix D.

3.2.4 There were three meetings with the Equality Commission: an initial meeting on award of the contract, a meeting in December 2006 subsequent to the agreement of the Project Initiation Document, when a verbal report was made and a substantive discussion with the Head of Policy and Director of Policy in January 2007. There were a number of telephone discussions including two on survey content.

### **3.3 Desktop research**

3.3.1 There is a considerable volume of literature available on Section 75. This has been referenced in the main body of the report in a specific context rather than as a separate review. A bibliography is provided at the end of the report.

## **4.0 Some contextual considerations**

A number of important considerations about Section 75 generally were raised which, while not specific to the Effectiveness Review and the roles of the community and voluntary sectors, impact upon it. The community and voluntary sectors are a large complex and sometimes disparate collective which has been under financial pressure in the last number of years. Some information is provided at the outset as it provides a context for the remainder of the report.

### **4.1 What is meant by Equality?**

4.1.1 McCrudden<sup>2</sup> considers various perspectives on the interpretation of equality in Section 75 and concludes that Section 75 'goes beyond any of the limited concepts of discrimination' (p19). Non-discrimination is a baseline, but public authorities are required to act positively to promote equality between the groups identified by Section 75. He argues that that Section 75 is aimed 'at a reduction in inequalities between groups' over time.

4.1.2 The focus group discussion revealed that many in the community and voluntary sector now believe that the interpretation of Section 75 is changing to one where 'everything must be balanced' or 'everything is the same'. Examples quoted were proposed new sexual offences legislation that will be 'gender neutral' and Domestic Violence legislation, which will require the Women's Aid Help line to be open to men. A recent CAJ publication<sup>3</sup> argued that some current government initiatives such as Targeting Social Need, Taskforce on Protestant Working Class Communities and Shared Future, risk ignoring issues of inequality. This approach, it is contended, has the potential to exacerbate existing inequalities and sectarianise the debate. The

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<sup>2</sup> Mainstreaming Equality in Northern Ireland 1998-2004: A Review of issues concerning the operation of the Equality Duty in Section 75 of the Northern Ireland Act 1998, Mc Crudden.

<sup>3</sup> Committee on the Administration of Justice, Equality in NI: the rhetoric and the reality, CAJ, 2006

HAZNews<sup>4</sup> (December 2006, Issue 13) comments:

*'There has been considerable concern about the Renewing Communities Action Plan with its particular emphasis on Protestant communities, given that direction has traditionally come from an analysis of need, regardless of which section of the community'.*

4.1.3 McLaughlin and Faris (Nov 2004) found that there appeared to be 'some misunderstanding among some designated public authorities that equality of opportunity requires 'equal treatment' on each occasion for and between all the nine dimensions of Section 75', which had been harmful to the availability of resources for some types of provision such as 'women only' and language provision.

4.1.4 The CAJ publication argues that any movement away from an approach based on identified need ignores structural inequalities and does not recognise different needs or difference. This could undermine the Belfast Agreement and run counter to both provisions in the Agreement and legislation introduced in the wake of the political negotiations which secured that Agreement. In this context, the Equality Coalition contends that equality is not understood, whereas Section 75 recognises the need to address imbalances and is about positive action (McCrudden).

4.1.5 The revised Equality Commission Guidance for Implementing Section 75 of the Northern Ireland Act 1998 (February 2005) is explicit in the view that:

*' The promotion of equality of opportunity...requires proactive measures to be taken to secure equality of opportunity between the groups identified in Section 75 (1).....there should be no conflict between affirmative action or positive action to counter disadvantage or accommodate difference. Likewise there should be no conflict with specific policy initiatives such as New Targeting Social Need'.*

4.1.6 The matter of 'definition' of equality did not feature in any of the questionnaire responses from either the community and voluntary

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<sup>4</sup> HAZ is the North and West Belfast Health Action Zone, a partnership of statutory bodies and local partnerships which works in partnership to reduce inequalities, create a healthier, more prosperous and socially inclusive North & West Belfast'.

sectors or public authorities. However, some of the former responses suggested that they understand Section 75 as meaning the inclusion of Section 75 categories of persons. This may indicate that the words equality and inclusion are used as inter-changeable concepts.

## 4.2 Political Dispensation

4.2.1 The Section 75 equality and good relations duties are an integral part of the constitutional agreement of 1998. Section 75 is not a piece of stand-alone legislation. As McCrudden points out 'it would be a mistake to see the development of the Northern Ireland equality-mainstreaming model as divorced from either the constitutional context, which places equality issues high on the political agenda, or the extensive statutory provisions dealing with anti-discrimination and equality, which preceded and followed the Agreement' (p3). He goes on:

*'the absence of the Assembly during suspension of the institutions has clear implications for this essentially political mechanism' (p19) and 'lessens the opportunity for Section 75 issues to be ventilated in a public forum' (p54).*

Hill, Mc Auley, Mc Laughlin and Porter (2006) comment:

*'the political will to ensure full implementation of the human rights and equality agenda may not always have been present in the post 1998 period, and concern about the lack of such will has concentrated on the statutory equality duties'.*

4.2.2 The focus group discussion identified the political dispensation of Devolution or Direct Rule in Northern Ireland as a factor in their work on Section 75 issues. It was their view that the community and voluntary sectors have found engagement with Section 75 much more difficult under Direct Rule and that this stems from a lack of political commitment to it. In particular, those policy areas which are 'reserved', i.e. not devolved, can cause difficulty, even though the Northern Ireland Office (NIO) itself has a statutory duty to comply with Section 75.

4.2.3 It was the Coalition's view that continued political disagreement at local level, which frustrates the outworkings of the NI Act in terms of political institutions, leaves political decision-making in the hands of

reluctant and unwilling Northern Ireland Office Ministers. This presents two difficulties. As the constitutional arrangement is not in place as intended Ministers may take the view that Section 75, as part of that arrangement, is not accorded the high priority it would receive when part of the settlement. In this context the Direct Rule regime is driven by 'policy read across' from GB to NI. The present Government's policy focus, it is argued, is about community cohesion, not human rights and equality issues. An example quoted of this 'read across' policy is the Anti-Poverty strategy, although in GB this strategy has very clear targets for the reduction of child poverty whereas in Northern Ireland no target has been set for the eradication of child poverty.

4.2.4 The NICVA Policy Manifesto 2006 (p8) states the sector's concern with political uncertainty in the broader social policy context in no uncertain terms:

*...suspension of devolution...has caused great uncertainty in many policy areas in which voluntary and community organisations operate....The unaccountable legislative process under direct rule has been of particular concern.*

4.2.5 In purely practical terms Direct Rule requires some intensive lobbying of Ministers and officials on Section 75 issues by regional organisations, to be conducted at Westminster, so compounding capacity issues within the sector, as well as the costs and potential effectiveness of the exercise. The NICVA manifesto identifies access to local politicians, greater closeness to the decision-making process, the opportunity of greater legislative scrutiny and a sense of real accountability as among the changes that were evident with devolution.

### **4.3 Context for the Community and Voluntary Sector**

4.3.1 The current analysis of the community and voluntary sector<sup>5</sup> identifies 4,500 organisations in existence within NI, although some of these are regional bodies of UK-wide organisations. Community development and education and training are cited as the most common primary purposes of these organisations. The most common

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<sup>5</sup> Northern Ireland Council for Voluntary Action, State of the Sector IV, 2005, NICVA.

primary beneficiaries are identified as the general public, local communities, older people and children. Income to the sector has fallen by 10% over the last five years and the numbers employed in the sector has fallen by 764 (0.8%) over the same period, from 29,168 to 28,932.

4.3.2 The community and voluntary sector is diverse both in terms of the size and functions of organisations. It can range from a locally based group such as a guitar club, with no resources, to the regional arm of an international charitable organisation providing services under contract from the State. The vast majority of the sector, 78.5%, has an annual income less than £100,000. The report notes that:

*‘Half of total income is generated by those general charities in the £1million plus income bands. Conversely, almost eight in every ten organisations between them share the equivalent of less than 7p of every £ generated’.*

4.3.3 While much of the discussion within the sector focuses on the sector as being under threat and reducing, the survey responses indicate that the situation is maybe somewhat more fluid and dynamic. New organisations are being formed, albeit some of these may be the result of amalgamations or mergers of existing organisations, while other organisations become defunct as a consequence of demographic changes e.g. a pre-school playgroup.

4.3.4 In general terms community organisations tend to be locally based self-help groups and account for the vast majority of organisations; voluntary organisations are more likely to be regional organisations, or regional arms of UK charities/voluntary organisations, either providing services or performing an advocacy role or both.

4.3.5 Investing Together (2004) describes voluntary and community action as ‘people working together to identify and address problems, many of which are rooted in social need and disadvantage’ while its role in the development of public policy and its challenge function is clearly stated:

*The sector must continue to be the critical friend of Government in the development of policy and statutory practice and is at its best when challenging disadvantage, neglect and intolerance*

*and should play an increasingly active role in promoting equality and good relations.*

## **5.0 FINDINGS**

This section provides the findings set out against objectives obtained from the survey returns of community and voluntary sector organisations (77), District Councils (12) and District Policing Partnerships (4) supplemented by a focus group discussion with Equality Coalition, in depth discussion with one Council officer and discussions with the Equality Commission.

**5.1 Objective 1: To consider the extent to which the voluntary and community sectors have effectively used Section 75 to ensure that their equality and good relations considerations are reflected in the development and implementation of public policy.**

*5.1.1 The extent to which equality and good relations are a key aspect of the organisation's work.*

5.1.1.1 Given the random sample methodology chosen to ascertain views within the sector it was necessary to establish to what extent equality and good relations were key aspects of these organisations' work.

5.1.1.2 Community and voluntary sector organisations were asked to indicate to what extent equality and/or good relations were a key aspect of their organisations' activity. From all respondents who answered this question (n=77), 83% (64) described equality/good relations as a key aspect of their work with a further 15% (11) describing it as a medium priority. 3% (2) respondents did not answer. It is clear that equality and good relations are concepts regarded by the sector as of value and utility in their work. As identified at 3.1.8 a number of organisations are Section 75 specific or involved with wider social justice campaign issues and consequently are heavily involved with equality/good relations work at a policy level.

*5.1.2 Relationship between equality and good relations*

5.1.2.1 The linking of equality and good relations has been in the political and academic discourse since 1998. The Equality Commission in its revised Guide to the Statutory Duties (2005) quotes

the then Secretary of State, Dr Majorie Mowlam, in the Parliamentary debate:

*'[W]e regard equality of opportunity and good relations as complementary. There should be no conflict between the two objectives. Good relations cannot be based on inequality between different religions or ethnic groups. Social cohesion requires equality to be reinforced by good relations....'*

House of Commons, Official Report, 27 July 1998, col.109.

5.1.2.2 The Equality Commission reinforced this view in their response to *A Shared Future* (2003) stating that 'Section 75 recognises the interdependence between equality of opportunity and good relations...good relations must be anchored in strong human rights and equality principles' (p4) and that 'equality is a pre-requisite for good relations' (p6). It goes on:

*'A policy which aims to bring about a more shared and pluralist society must facilitate the recognition of inequalities, an understanding of others' needs and concerns by all sectors of society, and a willingness to come together to respond appropriately'.*

Equality Commission response to *A Shared Future* (2003)

5.1.2.3 Mc Crudden (2004) also addresses this issue, stating that the idea that there is a tension between good relations and equality is 'dangerous' and that the stronger the equality goal the more the foundations for improved relations across all communities exist.

5.1.2.4 The most recent report on good relations<sup>6</sup>, commissioned by the Equality Commission, claims that the equality duty in Section 75 (1) had:

*'Overshadowed the good relations duty until the governmental policy initiatives such as A Shared Future consultation (2003), strategic policy (2005) and Triennial Action Plan (2006). These*

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<sup>6</sup> Embedding Good Relations in Local Government, Challenges and Opportunities, Good Relations Associates, 2006

*have brought good relations into the core of NI governance and placed it firmly on the policy agenda and within the ongoing political process’.*

5.1.2.5 Despite this continuous explicit linking of the two duties, by Government, the Equality Commission and the Task Force Report on Resourcing the Voluntary and Community Sectors, some within the voluntary sector continue to express unease about that link. This stems from a concern that without equality as an underpinning value it is not possible to build enduring good relations. In this respect the legislative difference between Section 75 (1) equality duty (‘due regard to promote equality of opportunity’) which is stronger than Section 75 (2) good relations (‘have regard to the desirability of promoting good relation’) is not helpful. There was, however, no suggestion that the legislation should be changed nor indeed would proposing legislative change be desirable in the current climate of political uncertainty.

5.1.2.6 A recent report<sup>7</sup> on the extent of community relations work (as between two religious communities) within voluntary action identified the fact that most ‘organisations are located in neighbourhoods with whom and for whom they work’, reflecting the wider communal divisions. It identified one of the voluntary sector’s strengths as an ability to build cross-community coalitions on particular issues but recognised that the capacity issue limited a more thorough addressing of difficult and challenging issues.

5.1.2.7 The counter view, which concurs that both duties are interdependent and complementary rather than at odds, was also expressed during the focus group discussion, reflecting the diverse nature of the community and voluntary sector.

*‘In rural communities achievement of equality depends on addressing good relations and vice versa’.*

*5.1.3 Knowledge, understanding and effectiveness of Section 75: the relationship between Equality Commission and community and voluntary sector organisations.*

5.1.3.1 The survey explored the relationship between the community

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<sup>7</sup> Voluntary Action and Community Relations in Northern Ireland, Acheson N, Cairns Ed, Stringer M, and Williamson A, University of Ulster, Office of First Minister Deputy First Minister and Northern Ireland Council for Voluntary Action 2006.

and voluntary sectors and the Equality Commission to ensure that Section 75 was widely known, understood and effective. The responses to this question were as follows:-

**Table 3**  
**(n=77)**

Very well	4%
Well	35%
Between well and poorly	3%
Poorly	35%
Very poorly	13%
No answer	10%

5.1.3.2 Of those who scored the relationship as 'very poorly', 6 (out of 10) were Section 75 specific groups, 4 operating at regional level and 2 at local level.

*'One of the big issues is that most people are not aware of Section 75 and what it stands for.'*

5.1.3.3 The apparently high level consensus around the concepts and terms equality and good relations within the community and voluntary sector is not matched by awareness or understanding of what Section 75 actually is and the role it plays. Unsolicited comments attached to ten responses, eight of whom had indicated that they regard equality/good relations, as being 'high' in their organisation's work, said that Section 75 was not relevant to them while a further two questionnaires were so sparsely answered that it suggests they were not aware of Section 75. Four of these respondents were working with children or young people and included a playgroup, a scout group and two locally based organisations working with children or young people. Typical comments were: -

*'I have not completed this form as it is really irrelevant to our organisation---young children'.*

*'How much of this is relevant to our or any uniformed group?'*

*'Our organisation is not involved with Section 75 at any level'.*

*'Don't really understand this. Don't think it applies to us unless we do things without realising'.*

*'To be honest, never heard of it and know nothing about it so can't answer most of the questions'.*

5.1.3.4 These findings are not surprising when examined against those of the Equality Commission's Survey on 'Awareness of Equality Issues amongst the general public in Northern Ireland' (2006). This opinion poll survey found that public awareness of Section 75 of the Northern Ireland Act 1998 was 28%, from a very low base indeed of 9% in 2002.

5.1.3.5 This low level of awareness among some groups, particularly local community organisations, is in stark contrast with those regional or sub-regional organisations, which are Section 75 specific. The focus group discussion with policy officers from regional community/voluntary organisations identified one of the key roles of the sector as raising awareness of Section 75. This dichotomy suggests two issues requiring attention:

- (i) The need for on-going education and information on Section 75 within the community and voluntary sector, particularly at the sub-regional and local level, regardless of the constituency of interest of the organisation; and
- (ii) The need for mechanisms to be found to ensure better transmission of information within that sector so that Section 75 work does not become an exclusive reserve within the specific Section 75 groups. The undoubted expertise which exists within the sector needs to be disseminated throughout it. Much work needs to be done to improve the relationship to benefit Section 75 constituents.

#### *5.1.4 Understanding of Section 75 within the community and voluntary sectors*

5.1.4.1 When asked to score their understanding of Section 75, respondents replied as shown in Table 4 below.

**Table 4 Level of understanding of Section 75  
n=77**

	Number	Percentage
Full	35	45%
Partial	32	42%
Don't	8	10%

Understand		
No answer	2	3%

5.1.4.2 One respondent pointed out that the level of understanding could depend on the individual within the organisation dealing with the matter. This serves to demonstrate that even within organisations familiar and involved with Section 75 the values and worth of Section 75 may not yet be core to the organisation.

5.1.4.3 An analysis by the status of groups at regional, sub-regional or local level provides the following information.

**Table 5 Understanding of Section 75 by status of group as regional, sub-regional or local  
n=77**

Status of respondent	Number	%	Full understanding		Partial understanding		Don't Know	
Regional	27	35%	15	19%	11	15%	1	1%
Sub regional	5	6%	3	4%	2	3%	0	0%
Local	35	45%	18	24%	16	21%	1	1%
No info	10	13%	0	0%	1	1%	9	12%

5.1.4.4 The research sought to establish who took lead responsibility for work on Section 75 within respondent organisations. 45% identified staff, 33% management committee and 6% volunteers. 12% did not respond. Only one organisation identified all four categories, another identified staff and management. The involvement of management committee in a lead role on Section 75 is encouraging, providing as it does leadership within the sector and 'mainstreaming' within some parts of the sectors. What is less clear is how far equality considerations are 'the business' of service users, i.e. many of the very persons for whom, as public policy, Section 75 should be affording opportunities to combat previous unequal treatment and status in society. This may reflect the wider difficulty facing the sectors in ensuring that equality/good relations matters and Section 75 information is made available to its members, individually and collectively in a manner consistent with organisational priorities and resources available.

5.1.4.5 One organisation made the valid point that the section or person within an organisation which takes the lead on Section 75 issues could depend on the type of function being addressed. Different parts of the organisations undertake different functions such as 'delivery to these groups' or 'consultation with them' which would primarily be staff concerns but 'ensuring organisational good practice' would be more located within the management committee. The diverse nature of the sector makes it difficult to draw general conclusions that would be valid for all.

### *5.1.5 Equality Commission Role*

5.1.5.1 The focus group was critical of the failure of THE EQUALITY COMMISSION, when consulting on their guidance on the new Disability duty, to provide alternative formats at the outset of the process, instead of offering to make alternative formats available if requested. They pointed to what they regarded as 'a clear and evident need' for this guidance to be available in accessible formats, particularly from what they would wish to regard as a 'best practice' organisation. As the issue was disability the group believed that resources, time and money for alternative formats should have been written in at the outset of the process. They accepted that the need for alternative formats should be proportionate: e.g. a child accessible format of the Review of Public Administration may not be necessary, but it most certainly is for Children's Strategy.

5.1.5.2 One local community organisation asked that Commission guidance on good practice be 'designed for small voluntary organisations like ourselves'. This may reflect the fact that small community organisations, given their diverse membership base, may be aware that the Commission offer public authorities advice and would wish such advice to be tailored to meet their own requirements and specific role.

5.1.5.3 Two public authorities were not without their criticisms of the Commission in respect of its role in policy development through Section 75:

*'It would be appreciated if the Commission was more pro-active in working with public bodies to progress mainstreaming of the statutory duties, rather than merely continue to post guidance/consultation documents to public bodies to implement.'*

*Indeed recognition that not all public bodies are the same would also assist the process of mainstreaming’.*

*‘The section of consultation within the Section 75 guidance is reasonable to a point. However, two things should be kept in mind by the EC in relation to this matter. First, there is no need to emphasise the obvious as those endeavouring to implement the statutory duties are capable of knowing who to consult, why they are consulting and when consultation should occur. Secondly, “guidance” from the EC would be more helpful if it was shorter and more direct as to the objectives of the guidance’.*

5.1.5.4 This latter comment suggests that some public authorities, have a somewhat lazy approach to Section 75 and this minimalist position does no more than ensure compliance with the Section 75 duty rather than an embrace of the duty as offering new ways of developing policy. As will be seen later it is simply not true that all public authorities know ‘who to consult, why they are consulting and when consultation should occur’.

5.1.5.5 As opposed to these criticisms one Council said they ‘would appreciate more guidance if available’.

## **5.2 Objective 2 To consider the extent to which the unique experience and expertise within the sectors have contributed to the effectiveness of Section 75**

5.2.1 In the foreword to Investing Together (Report of the Task Force on Resourcing the Voluntary and community sectors, October 2004, Task Force Secretariat, Belfast) it is stated:

*‘Voluntary and community organisations make an important contribution to civic life in Northern Ireland. They help individuals and communities to understand and realise their potential. They deliver services and support that complement and enhance public services. Critically, they act as a challenge to current practice and develop new and better ways of meeting community needs’.*

5.2.2 Collective action is the underpinning ethos of the sector. The Compact between the sector and Government in Northern Ireland in the mid 1990’s was formal recognition of the role of the sector within

Government policymaking. That compact, and the subsequent Task Force Report, recognises the independence of the sector and its role in challenging public services and public bodies to improve services. In recognition of this role those 'voluntary, community and trades union groups and organisations representing the various categories included in Section 75' are identified in the Equality Commission Guidance for Implementing Section 75 of the Northern Ireland Act 1998 as among those who should be included in consultation. (2(d), p59). The Commission makes clear that this list is not exhaustive.

5.2.3 The community and voluntary sectors identify three key aspects of their role regarding Section 75:

- (i) the challenge function which they consider critical and which Section 75 itself provides the basis for that challenge;
- (ii) that of 'enabling voices to be heard' which requires the engagement between public authorities and the sector to be issue-based and not technical; and
- (iii) raising awareness of Section 75 within the sector itself.

5.2.4 Critical to the ability of the umbrella organisations to fulfil these roles are their own organisational structures and communications systems as well as the skills and resources available to them to conduct the work. As will be seen later, the evidence suggests that the first two of these roles are undertaken at a number of different levels, but it is not clear that regional umbrella organisations are always aware of the direct engagement taking place at local level. The biggest gap appears to be in the area of awareness raising where the need 'to create the space' for raising awareness is recognised, but this work has to fit in with organisational plans of both the umbrella groups and their member organisations as well as having the resources available. It is not evident, to date, that a systematic roll out of Section 75 has taken place within the sector, partly due to the need of umbrella groups to become familiar with Section 75 in the first instance and partly as a result of the financial constraints of recent years. It may be however, that the reduction in the sheer number of public authorities which will happen as a consequence of the Review of Public Administration process, coupled with the fact of Section 75 going beyond its bedding down and process stage will enable this to be addressed in the short to medium term.

5.2.5 These roles are consistent with the principles and core Functions of infrastructural organisations within the community and voluntary sector as laid out in Investing Together (Annex D,p48/9):

*Infrastructure organisations will engage in advocacy and campaigning on behalf of their constituent groups and individuals and will seek to challenge and influence Government policies”.*

5.2.6 There is, however, the potential for some confusion to arise in the context of Section 75 specific ‘consultation role’ and the wider inclusion agenda, already alluded to at 4.1.6 and as is evidenced below.

5.2.7 In the survey of community and voluntary sector organisations, 80% could not or did not identify any occasion on which their ‘unique experience and expertise’ had been utilised by a public authority. Typical comments from this group of respondents were:

*‘Never, because they don’t want to know’*

Women’s Group

*‘No, which is a pity, because our experience and expertise could inform and influence’*

Regional group working across all Section 75 identities

*‘Views are expressed but not taken on board’*

Regional gender specific group

5.2.8 This last view reflects the potential for misunderstanding Section 75 and public policy development. Section 75 consultation processes should seek to secure ‘evidence-based policymaking’, not hearing views. Section 75 groups are now involved in the policy making process to assess their needs and identify the effect of policy on them. There is also a tendency to confuse consultation with negotiation. Consultation requires that views are considered, but there is no open ended commitment to act upon those views. Negotiation, on the other hand, does require all parties to reach a consensus on the subject matter. It might well be that, in any given consultation process, there will be an agreed outcome i.e. negotiation.

5.2.9 In contrast to those who could not identify instances of their unique experience and expertise contributing to the effectiveness of Section 75, the 21% (16) who did respond positively provided a range of evidence including:

- Disability: Production of accessible information; consultation directly with people with a learning disability; identification of impact of policy on individuals with a learning disability/carers; provision of advice and guidance and direct feedback from point of view of disabled people; contributing to the Bamford Review of Mental Health and Learning Disability and the Promoting Social Inclusion working group on Disability;
- Children and Young People: Being part of an advisory panel on Arts Council youth arts policy; providing assistance a number of times to allow direct consultation with children and young people; by providing public bodies with the opportunity to consult with young people; consultation on Children's Strategy from OFMDFM; Education and Training Inspectorate's survey regarding Education for Marginalised Young People;
- Gender: Our gender based work is recognised by public bodies and we are consulted on equality on a regular basis; consultation with grass roots women around the gender equality strategy;
- Sexual Orientation: Involved with the Review of Public Administration, reporting of harassment and housing policy;
- Racial Group: piloted methods of increasing attendance in the arts by families of minority ethnic communities.

5.2.10 Other contributions identified a range of public bodies that they had worked with, either through Section 75 fora or on an individual basis including the Northern Ireland Housing Executive, the Learning and Skills development agency, local councils, OFMDFM, DARD, DoE/DRD; and the Staff Commission for Education and Library Boards. One group stated that they were involved 'through our working partnership with local schools, youth groups and local government', while another 'tried to participate in those with human resource implications'. Other policy consultation proposals cited were the consultation documents on infertility and TASERs and a complaint to the Commission regarding the NIO and the introduction of Anti-Behaviour Orders.

5.2.11 Given the diverse nature of the sector it is to be expected

that there is a wide range of public policy covered by the respondents. It is evident that at a local level many of these organisations have a more active engagement with public authorities than merely respondents, while specialist organisations will focus on those policies and public authorities which are clearly within their remit. There is however a potential gap emerging between locally based community organisations and regional representatives bodies: at least some local groups are engaged with public authorities through Section 75 duties and an ‘engagement’ is taking place although it is beyond the remit of this work to make an assessment of the quality of that engagement.

5.2.12 The sector’s own view of the effectiveness of its input is somewhat at odds with the public authorities who identified a long list of policies adjusted precisely because of their involvement with Section 75 duties. In broad terms these public bodies view that input as bringing:

- (i) a different perspective to the discussion and new ideas;
- (ii) a different view to the delivery mechanism of equality outcome;
- (iii) experience of policy in relation to how it is delivered; and
- (iv) ‘are great at identifying barriers to participation when we get feedback’.

*‘(they bring) grass roots issues and examples of problems or good practice’*

*‘We are always mindful that some community/voluntary groups are very focussed with regard to their aims and objectives. Because of this it can be the case that rather than consult with one group, consultation may be required with several. Disability is one example where it is insufficient to consult with a group or groups whose focus is physical disability without consulting with those groups relevant to sensory or learning disability’*

5.2.13 For some public authorities the number of organisations and differing roles they have within the sector pose difficulties in ensuring that all relevant groups have been included in the consultation process. One public authority pointed out that

*‘There are a number of groups who may have a strong political lobbying profile. These groups, while being proactive in relation to their own constituents, because of their “positioning” at any*

*point in time may reduce the impact that other groups (even within the same sector) can have. Council needs to take broader view in relation to many policy areas and try to ensure that all relevant groups are included’.*

5.2.14 This can be interpreted in a number of ways. It may be that the public authority can determine that considerations other than relevance may be brought to bear on the selection of organisations to be involved in the consultation process, perhaps even a hint at the exclusion of organisations which have knowledge and expertise and may not be afraid to exercise their challenge function on behalf of Section 75 interests. On the other hand there is no certainty that organisations even within the one Section 75 grouping will have unanimity of views on any specific issue and perhaps those that are ‘more political’ may unwittingly act as ‘gatekeepers’ to the consultation process. It does serve to emphasise the need for the community and voluntary sectors to be ‘joined up’ in a collective approach to the broad thrust of any specific policy, while allowing room for divergence of opinion on detail, without detriment to the constituency of interest. It is evident that the selection of relevant interests to be involved with the consultation aspect of Section 75 can be fraught.

5.2.15 This evidence suggests that, at this time, there is a considerable gap between the community and voluntary sector’s perception of the impact of its contribution and that of the public authorities. It is clear that at least some public authorities do gather and make use of the insight to the actual lived experience of citizens within Section 75 groupings and, without exception, all stated they have developed good working relationships with community and voluntary sector organisations. The next section examines the evidence of any policy changes effected by this engagement.

### **5.3 Objective Three: To consider the responsiveness of the public authorities to the representations of the voluntary and community sectors in respect of Section 75 issues**

5.3.1 Respondents were asked to indicate their view of public authority responses to their Section 75 representations on a scale of Very Good to Very Poor. The replies are provided in Table 6 below.

**Table 6**

**n=77**

Very good	1	1 %
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It varies	1	1%
Good	20	26%
Poor	24	31%
Very poor	12	15%
No answer	19	25%

5.3.2 One group who indicated 'very poor' went on to comment that 'it was difficult to generalise'. A further 7 respondents who indicated 'poor' subsequently identified public authorities who had changed their policy as a result of representations made. Another group said that public bodies did not usually identify changes made as a result of representations. This might suggest that unhappiness about how public authorities are thought to respond does not mean that no account is taken of representations made. Equally Section 75 is not a homogenous group and views presented from different constituencies, even within constituencies of interest, may vary. Involvement with Section 75 processes does not guarantee the community and voluntary sector an outcome of agreeing with any particular policy. It should, however, mean that any adverse impact on their constituency of interest is identified and mitigation put in place and/or that they can seek the involvement of the Equality Commission if they believe an equality scheme has been breached.

5.3.3 The majority of community and voluntary sector respondents, 66% (51), indicated that in their experience any representations made to public authorities on Section 75 had not effected a change. A much smaller number, 13 in total, who reported change identified separately 19 public authorities including 5 Government Departments, including the education and health care families, 3 District Councils, PSNI and a funder. It is interesting that these are the same number of organisations, 20%, who believe that their unique experience and expertise is being utilised (5.2.9), reinforcing the fact that it is only a small segment of the sector who either are engaged with Section 75 or finding that engagement a positive experience.

5.3.4 When asked if they thought their contribution had been properly considered community and voluntary sector organisations responded as shown in Table 6 below.

**Table 7**  
**n=77**

Yes	No	Don't Know No answer
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27%	38%	35%
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5.3.5 Among the 'don't know' section, comments such as 'it varies' and 'sometimes' demonstrate the sheer number of public authorities and the scale of their functions as well as the range of specific policy issues; 'not sure', perhaps suggests that some change was agreed but not as much as the participant would have wished for. A final comment, 'when able to attend' is more troubling in that it suggests a single method of consultation process and a failure to seek out views of those who, for whatever reason, can not be present at a specific event. One respondent said they didn't know 'as no feedback given.'

5.3.6 Public authorities, on the other hand, had a much more positive view of their relationship with the sector and indicated that they responded to representations by a range of methods including: letter, website, advertisements placed in the local press to inform the whole community of the outcome of, for example, impact assessments, phone calls or face to face meetings. Others spoke of publishing consultation responses and providing generic responses to submissions. Consultative panels and community forums were also identified, as were:

- providing a copy of the final policy or Equality Impact Assessment (EQIA) by email or letter;
- written feedback advising why a particular step had been taken;
- redrafting policy (e.g. community support plan and good relations plan);
- EQIA matrix at back of EQIA indicating comments and reports evaluation; and
- Full comments are sent to Section 75 groups.

5.3.7 Over 75% of the public authority respondents believed that they properly consider the representations the community and voluntary sector organisations make during Section 75 discussions, although one did comment: 'Not always as I am not well informed enough'.

5.3.8 The feeling among some community and voluntary sector organisations that they are not able to be effective is in stark contrast to the public authorities view where ranges of policy changes were identified as a result of representations. These included:

- Grant aid policy (identified by 3 councils);
- Pricing policy (identified by 3 councils);

- Further development of access (disability) strategy (identified by 2 councils);
- Changes implemented to (unspecified) policies at EQIA stage;
- Being mindful of specific training requirements for staff in relation to particular groups etc;
- Flags and Emblems 'in particular community tackling this issue and support from council(ors) in the form of a code of conduct';
- More inclusive to meet the specific needs of some of the Section 75 dimensions that are based in experience of users;
- Inclusion in user group for leisure centre;
- Use of interpreters;
- Women only activities (leisure centre);
- Mitigating measures developed following consultation on the Council's EQIA on the proposal to close a local leisure centre;
- Community engagement helped to shape the council's Good Relations Strategy; and
- Increasing accessibility of website.

5.3.9 One Council singled out the organisation Disability Action for commendation for their work in influencing that council's pricing policies and forcing a review of their Home Safety Scheme

5.3.10 One community and voluntary sector respondent identified the importance of 'first point of contact' or 'customer relations' in how relationships can be built or damaged:

*'The Equality Commission should not respond to enquiries in such an intimidating and aggressive manner—it does not encourage further enquiries or requests for assistance'.*

5.3.11 Virtually all public authority respondents state that their Section 75 consultative relationships cover umbrella groups locally and regionally when dealing with Section 75 and include most, if not all, of the Section 75 categories.

*'A very productive two-way communication to ensure the most appropriate policy and policy delivery is identified and delivered.'*

*'Groups are willing to be involved in Council policy formulation.'*

*‘On-going contact through a range of services with various groups and these are utilised as appropriate’.*

*‘Knowing most of the regional group personnel on a personal basis helps build relationships.’*

5.3.12 Some Councils spoke of the evolution of ‘consultative partnerships’, which may have developed into ‘working’ partnerships. More frequently, community fora, which were facilitated and in some cases, funded by the Council, were identified as a vehicle for co-ordination.

5.3.13 These are not inconsiderable advances in respect of Section 75 persons at an individual and group level locally and do reflect considerable engagement and tenacity on the part of the community and voluntary sector to effect change.

**5.4 Objective Four: To consider the extent to which the voluntary and community sectors have been able, through involvement with all stages of the Section 75/Schedule 9 processes and urging thereby greater public compliance with the legislation, to enhance the implementation of Section 75**

*5.4.1 Involvement with Section 75*

5.4.1.1 There is an even spread among voluntary and community organisations of the extent of their involvement with public bodies in developing policy as regards Section 75 duties.

5.4.1.2 From 75 respondents, 9% (7) describe themselves as ‘always involved’. Four of these are local organisations and two regional. 30% (23) state they are ‘frequently involved’, 36% (28) are involved a little and 25% (19) say they are never involved.

5.4.1.3 The number of community and voluntary sector organisations who consider themselves to be pro-active on Section 75 work is 40% (23).

5.4.1.4 The regional Section 75 sectoral organisations who participated in the focus group discussions were much more involved with government departments and were familiar with all aspects of Section 75 processes. Their difficulty is one of time and resources to

be involved with the range of policies that come from central government. As one contributor put it:

*‘Our relationship with those we represent is at stake. We recognise the need to create a space for consciousness-raising within the sector but are hindered in that process function by lack of resources and organisational demands. The ability of any organisation to provide training to their member groups is about organisational priority and resource availability’.*

#### 5.4.2 Factors which determine involvement with Section 75

5.4.2.1 Organisations were asked to identify no more than three factors that determined their level of involvement with Section 75. Table 8 below indicates that, as might be expected with such a range of organisations type and size, there was no single outstanding factor. The following factors were identified and are provided in order with which they occurred.

**Table 8 Factors which determine involvement with Section 75  
N= 77**

Reason	Number	Percentage
Relevance of Section 75 to their work and client groups	13	17%
Funding issues	9	11%
Employer Good Practice	5	7%
Time required to complete consultation response	4	6%
Presence of expertise to develop response within the group	4	6%
Being invited to participate and available to attend at meetings for which the group had received notification;	3	4%
Organisations who work on a cross community basis	3	4%
Reasons of service planning and delivery	2	3%
Accessible service provision.	2	3%
Organisations in receipt of funding from public bodies	2	3%
Recognition by others of our role	2	3%
Format for request i.e if the public body was pro-active in seeking involvement	2	3%

Accessible service provision.	2	3%
Being aware of the existence of organised groups around the Section 75 categories	1	1 %
'Ethos, training and education programmes' of the organisation	1	1%
Utilising Section 75 as a protocol on make up of Boards of Directors	1	1%
Developing organisation's policies for inclusion and equal opportunities	1	1%
Wanting to keep up with legislation and policies and try to meet its requirements	1	1%
Impact of policy- potential for change	1	1%
Likelihood of involvement making a difference to Government	1	1%

5.4.2.2 What is striking in these various rationales is that many community and voluntary organisations internalise Section 75 to their own organisation, thus spreading the impact of public policy beyond its statutory remit. This group is more likely to be those voluntary organisations who are both service providers and employers. The challenge function is applied within as well as without and equality considerations are being 'mainstreamed' within some voluntary organisations within the sector.

5.4.2.3 Given the low level of awareness of Section 75 among the sector in general this response provides evidence of Section 75 meaning different things to different organisations and is clearly also linked to issues of capacity, skills and resources within any particular organisation. As will be seen later, at least one organisation now believes that it is time to find more creative ways of being involved with Section 75. There is no huge expectation within the sectors that their involvement through Section 75 work is going to make a difference to policy formulation but the range of reasons for involvement do emphasise the earlier findings (5.1.1) about equality and good relations being key aspects of the work of individual organisations.

5.4.2.4 For the public authorities surveyed the factors that determine their decision on when and how to involve the sector in the public policy process include:

- The prevalent issues at the time e.g. new legislation, new policy formulation and issues of mutual concern such as a hospital campaign;
- Policies that have the potential to impact on the community as a whole; and
- The relevance of the policy.

5.4.2.5 This provides some overlapping considerations with those of the sector. The fact that the public authority determines the 'relevance' of any particular policy may suggest a less than comprehensive approach on their part. However this needs to be balanced against the earliest consultation period when all public authorities 'swamped' the sector with consultation documents. The issue of consultation is dealt with more comprehensively in Section 5.5.1.

5.4.2.6 The majority of public authority respondents viewed consultation as an integral part of their equality scheme and they regard the community and voluntary sectors as having a significant role to play in developing meaningful policies. All indicated that they consulted with the regional Section 75 groups when necessary, but were very keen to work with their locally based organisations as a matter of course.

5.4.2.7 One Council takes a singularly different approach.

*'Elected members take the view that they represent the citizens of the area and this has meant that to date "no panel" to facilitate consultation across the designated groups has been developed. This has meant, therefore, that consultation occurs on a "pragmatic" basis in relation to particular policies or issues etc'.*

5.4.2.8 This narrow 'pragmatic' approach could fall foul of the statutory duty requirement and is the exception to the rule. It is the starkest evidence of a public authority for which a minimalist approach is the norm; compliance with the Section 75 because it is required and not an embrace of new ways of developing public policy and placing equality of opportunity and good relations at the centre of decision-making. Any inconsistencies among public authorities regarding who and when they consult can only make for confusion and discontent within the sector.

5.4.2.9 The focus group identified examples of community and voluntary sector involvement at various stages of the equality process

where their involvement had made a difference. These included the requirement for an EQIA on the New Deal policy, which, when conducted, demonstrated that the New Deal disadvantaged Catholics as this policy worked best in those areas where there were already jobs for entrants to access. Another was the struggle by the Children's Law Centre to require the PSNI to do an EQIA on their proposals to introduce Tasers. The engagement of regional organisations on policy making by central government and/or public authorities at a regional level may well be expected to be more challenging than that found at local level. The examples serve to remind public authorities that Section 75 compliance is not a tick box exercise and that EQIAs should now be an integral part of the policy making process.

#### *5.4.3 Aspects of Section 75 with which community and voluntary sectors organisations are engaged*

5.4.3.1 When asked about specific aspects of Section 75 work in which they had been involved, there was no response from 18 organisations or 24% of the valid sample return. The remaining 57 respondents identified the following aspects of Section 75 as those with which they were most engaged.

**Table 9 Aspects of Section 75 with which organisations are engaged**  
n=77

Section 75 Function	Number	Percentage
Section 75 Good Relations process;	44	57%
Consultation on policy formulation with those likely to be affected by the policy;	32	42%
Consulted on an EQIA;	27	35%
Developing an equality scheme	24	31%
Consultation on selection of policies for screening	20	26%
No answer	17	22%

5.4.3.2 It is interesting that given concerns about linking of Section 75 (1) and (2), as well as the University of Ulster 2006 report, (4.4.2--4.4.8) when asked to describe their involvement with a range of Section 75 activities good relations was cited by 57% of questionnaire respondents, greater than any other Section 75 activity. This suggests that, at local community level, many organisations are engaged in some manner with good relations work and activity, regardless of their

knowledge of its legislative basis while specific Section 75 policy making processes are more likely to be the concern of the regional voluntary organisations.

5.4.3.3 Among all community and voluntary sector respondents, five organisations; two regional and three local or sub-regional, claimed to be involved in all the options provided. Three of these were working with specific Section 75 categories. This further reinforces the earlier findings that much of Section 75 work within the community and voluntary sector is the active concern of a small number of organisations. This has both positive and negative consequences. In the former category is the availability of a pool of well informed, motivated and policy competent persons and information which can be made available to the public sector. What is more disturbing is the absence of evidence that this knowledge is being disseminated throughout the sector to build capacity and ensure more robust engagement at local level.

5.4.3.4 All councils indicated that they consulted on policy formulation with those likely to be affected by them, when developing an equality scheme and when conducting Equality Impact Assessments. 25% of these respondents said they did not consult with groups on the selection of policies for screening.

5.4.3.5 The involvement of groups was at various stages of the policy making process and varied from:

- (i) 'pre consultation on the development of our major policies',;
- (ii) 'at all stages of policy development in relation to Section 75;
- (iii) consultation in relation to the Council's Good Relations Strategy and Community Development plan;
- (iv) 'not greatly developed in the initial stages of policy development- more advanced with regard to consultation on draft policies'; and
- (v) 'when developing policy if identified as stakeholders'.

5.4.3.6 Two specific issues with regard to screening were identified in the focus group discussion. One was the introduction of Anti-social Behaviour Orders, where sectoral groups complained that the initial failure of the NIO to conduct an EQIA on the proposed policy was evidence of their (NIO) lack of commitment to the equality duty and pointed to the absence of any sanction against the

Minister/Department as evidence of ineffectiveness of the Section 75 duty.

5.4.3.7 The second case identified as being problematic was how the Government, through the civil service, are able to deem some 'high level' policies such as the £16 billion Investment Strategy for NI, as exempt from the need for EQIA. This is a major cause for concern (5.4.4) which when coupled with the failure to date to provide robust data on existing inequalities could suggest that Section 75 does not tackle structural inequalities. The failure to screen this policy was 'justified' on the grounds that the THE EQUALITY COMMISSION Guidance did not require it. The wording in the guidance states 'consider it'. The Equality Coalition believe that such wording may be 'too weasly'.

5.4.3.8 In both these cases the Coalition argue that it is not clear what evidence and analysis is provided to reach a conclusion to exempt policies from EQIA, and fear that too much of the decision making process on screening can be 'tick box' as evidenced by one response which demonstrates exactly such an attitude. This group stated that there was:

*'low awareness and visibility of lesbian and bisexual women by statutory organisations, i.e. they think that talking to gay men covers sexual orientation'.*

5.4.3.9 The focus group thought that it was difficult to measure policy work in general as on any given policy there might just be one outcome or few evident outcomes. A measure suggested was the extent to which the sector is respected by public authorities, in terms of their enabling role. One sectoral organisation might be in partnership with a public authority in developing policy, while in another case it may 'just getting the truth or information out of them'. The sector might not change the policy but having identified failures in a proposed policy would be a measure.

5.4.3.10 The focus group discussion stated that there is not enough Equality Commission advice on consulting or screening. The formal part of Section 75, as far as the community and voluntary sector is concerned, is consultation and where that activity is not done and the Equality Commission does not challenge the public authority concerned or the consultation is conducted exclusively via a web site

then the consultation requirement and Section 75, by definition, becomes ineffective. The sector urged THE EQUALITY COMMISSION to 'police consultation processes rigorously and continually or the community and voluntary sector effectiveness will become residual'.

5.4.3.11 Within Section 75 the sector identifies the Commission as a public authority with whom it wishes to have a positive working relationship without precluding its right to challenge the Commission in how it meets its duties.

#### *5.4.4 Research, evidence and information*

5.4.4.1 Equality Commission Guidelines (p 72) make it quite clear that public authorities should work collectively to collect and analyse data, both qualitative and quantitative, identify any data gaps and commission new data, if necessary 'to make a judgement on the extent of the impact on any of the nine equality categories'. The responsibility is clearly placed on the public authority before drafting policy proposals or undertaking Equality Impact Assessments. However, some community and voluntary sector organisations believe that not all authorities undertake this function with necessary rigour before policy gets to the consultation stage. Examples provided included that of proposed new adoption legislation where the sponsoring Department (DHSSPS) indicated that there was no evidence available to begin with. Given that adoption is a major issue for that organisation, Children's Law Centre were able to find research evidence which could inform the process. This suggests a reliance on SCF for information about child poverty even though there is an anti-poverty unit located in OFMDFM and suggests a failure by the public authority to systematically use the NISRA multiple deprivation index. In this respect only one public authority respondent identified the NISRA multiple deprivation index as a source of potential information.

5.4.4.2 There is a fear within the sector that the public authorities regard the absence of or an unwillingness to find data as an avoidance mechanism to properly consider equality implications. It would be improper for any public authority to be aware of the existence of relevant data and either ignore it or manipulate it to avoid finding adverse impacts. Although no evidence was provided in the discussion about any specific instance of this happening the cases quoted do suggest that rigour is not always regarded as mandatory and this may

poses questions as to the reliability of an EQIA if it has been carried out without reference to available data.

5.4.4.3 The current absence of data, which map inequalities among and between the various Section 75 categories and the absence of any targets to reduce such inequalities, can frustrate the potential of legislation. OFMDFM, through their Equality and Targeting Social Needs Groups, have been looking at this matter and have published, on their web site, (January 2007) a major piece of research on this matter.<sup>8</sup>

5.4.4.4 Nothing in the whole Section 75 process requires that progress on reducing inequalities be measured. In this context the focus group considered that greater cognisance needs to be taken of 'where we are at' in NI in terms of measurable inequalities. It remains to be seen where the above OFMDFM report, coupled with that part of the Section 75 Review process which is developing a methodology for measuring the impact of Section 75 on individuals, will fill the gap. It may be that agreement on measuring tools and periodic reviews, which measure change should be part of the next phase of Section 75 implementation i.e. more focused on outcomes than process.

5.4.4.5 There is another consideration for the community and voluntary sector. Some of the bigger organisations, at least, wish to be involved with the policy making process before the drafting stage. When this happens it is legitimate to expect that anyone, including the community and voluntary sector, should provide the public authority with any evidence that exists. By definition, public policy and public knowledge, belongs to the public. This is somewhat different from the sector being effectively asked to act as unpaid researchers for public authorities.

#### *5.4.5 Past and current practice*

5.4.5.1 The Section 75 legislation and Equality Commission are, in Northern Ireland political terms, new. As the actual practice of implementing the legislation has evolved and the Commission clarifies

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<sup>8</sup> Indicators of Equality and Diversity in Northern Ireland—Measuring Change: A Technical Consideration of the indicators suggested in the Consultation Exercise which also addresses methods of measuring inequalities and Ways Forward for monitoring. Carr-Hill R, Buchanan R, Dixon P and Jamison J. [www.ofmdfmi.gov.uk/measuring-change.pdf](http://www.ofmdfmi.gov.uk/measuring-change.pdf)

its role there is a perception among some in the community and voluntary sector that the Commission has changed its role:

*‘When first introduced, the Commission played an important role in ensuring/facilitating understanding. Now this role is rarely undertaken by the Commission except through ad hoc meetings/consultations’*

*‘(The) Commission (should) ‘reclaim’ its’ positions as ‘champion’ of disadvantaged groups rather than ‘neutral’ inspector of Section 75 duty’*

5.4.5.2 The Commission points to its legislative duty as one of providing advice to public authorities on implementation of Section 75 and it exercises this by adopting an anticipatory approach. The sectors wish the Commission to be an advocate and not ‘an independent arbitrator between unequal forces’. The latter position would, it is claimed<sup>9</sup>, leave the Commission with no credibility among public authorities and impinge on its independence and autonomy.

5.4.5.3 One example demonstrating the gap between the sector and the Commission in this regard was the Department for Social Development’s legislation on Unauthorised Encampments (2005). This legislation gave police the power to forcibly remove Travellers, and confiscate their vehicles, where they were parked ‘illegally’. There were no transit sites within NI at which Travellers could camp ‘legally’. The focus group pointed to the inherent inequality between Travellers (recognised as an ethnic group under the Race Relations Order) and the Department (DSD) and thought the Commission, in their role as a consultee, could have used its investigation powers under Schedule 9, Paragraph 11 more robustly. The playing field was not level and the Coalition believed that the Equality Commission should have had more visibility and openly supported the Travellers against the proposed legislation.

5.4.5.4 The Commission, on the other hand, points out that it was involved in the process in a number of ways including briefing Law Lords, the Chief Commissioner meeting with the Secretary of State and Departmental Minister to continue to scrutinise the legislation and using their powers to secure a commitment to the provision of

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<sup>9</sup> In interview with MMMAConsultancy (Jan 2007)

emergency halting sites and so mitigating the negative impact on Travellers.

5.4.5.5 There was some criticism by both public authorities and sectoral organisations of the Commission's relationship, or lack of it, with locally based groups as evidenced by:

*'the Equality Commission has helped to create a hierarchy with regional voluntary and community groups at the top and little regard to local groups';*

*'it (Equality Commission) does need to be locally based and those relationships can only develop at that level'.*

*'Section 75 is difficult for voluntary and community groups, (and the) Equality Commission needs to be much more proactive in assisting 'local' rather than regional groups'.*

5.4.5.6 This was also reflected in some of the community organisations' responses who requested that the Equality Commission be 'more accessible' and have greater 'visibility' as well as being 'more accountable and transparent in its processes'.

5.4.5.7 A range of suggestions were proposed in relation to how both parties could work better together to achieve better outcomes for Section 75 categories although one respondent thought that would be difficult to achieve because of the 'Commission's role in relation to complaints'.

5.4.5.8 The Equality Coalition wants the Commission to use their powers and to work more closely with the community and voluntary sectors. They believe that a recent judgement by Girvan, confirming the right of community and voluntary organisations to be regarded as 'an individual' for the purposes of taking a complaint under Paragraph 10 of Schedule 9 of the Northern Ireland Act, is an important step affirming the role of the sector and the Commission to hold public authorities to account.

5.4.5.9 The absence of any sanction for non-compliance and the slowness of the complaints procedure was thought to undermine the effectiveness of Section 75. It was suggested that the Commission should rigorously enforce the statutory minimum and that it should

speed up its handling of investigations into alleged breaches of equality schemes which, they argued, could take a year and a half. This delay, it was suggested, indicated that the Commission was 'appearing hesitant to police'. Given that the complaints process is quasi-judicial it may not be possible to 'fast track' it as requested.

5.4.5.10 The community and voluntary sector specifically identified consultation and engagement with children and young people as one area where work needed to be developed and welcomed the fact that the Equality Commission are now preparing guidance on the subject. They accept that this work can be difficult, and in the past public authorities have tended not to do it. They pointed to two examples within the sector where such work had been done as evidence of the fact that it can be done.

**5.5 Objective 5 : To consider the capacity of the voluntary and community sectors to respond to the role which the legislation envisages for such representative groups, and to consider the extent to which this has impacted on their participation in the policy process.**

#### *5.5.1 Consultation*

5.5.1.1 Consultation with the community and voluntary sectors is identified in Commission guidelines as an important aspect of developing public policy and the role accorded to the sector is an integral part of the legislation and regarded by the sector as the 'bedrock' of their challenge function (5.2).

5.5.1.2 A review of consultation processes was conducted for OFMDFM in 2003, in light of a recognition that the burden placed on consultees and public authorities alike might be difficult to sustain, and concerns that the focus had been more on procedural correctness rather than quality. Subsequent reports by both McCrudden (2004) and McLaughlin and Faris (2004) return to the same subject. The problems identified by Kremer, and endorsed by the other findings can be summarised as:

- (i) shortage of resources, expertise and capacity;
- (ii) not enough feed-back and understanding of the relationship between the content of consultation and subsequent decision-making; and

- (iii) instances of inefficient and wasteful use of community and voluntary sector capacity.

5.5.1.3 When asked if they had been involved in the consultation aspect of development of public policy 58% (45) said 'no', 34% (26) said 'yes' and 8% (6) said 'sometimes'. That almost 60% of respondents have not been involved should be a cause for concern. It also stands in contrast to the earlier reports within the sector of 'consultation fatigue' and 'burn out'. In this review only one organisation referred to 'many organisations are *over consulted*' (their emphasis). There are three possible explanations:

- Five years ago consultation was new and over 100 public authorities arrived on the community and voluntary sector almost simultaneously and with little in way of previous experience or informed guidance;
- There may be too few community and voluntary sector organisations engaged and the process is not 'trickling down' within umbrella organisations to sub-regional or local level; and
- It reflects the lack of knowledge about Section 75 within the sector, particularly at local level.

5.5.1.4 The profile of those organisations who have been involved in the development of public policy indicates that all are well established within the sector, pre-dating the 1998 legislation, two-thirds of them are Section 75 category specific organisations (disability, gender, sexual orientation, race, children and faith were all self-identified) and 79% are regional or sub-regional groups. This demonstrates that many generic community and voluntary organisations remain outside the public policy development process, despite the presence of Equality Commission guidelines for over five years.

5.5.1.5 It has been identified earlier that many locally based groups are not aware of Section 75. Among those who were aware there was a repeated call for 'more education on Section 75', 'better notification of workshops/meetings'; and better information flows. This was coupled with a request that public bodies 'recognise time pressures already impacting on the voluntary and community sectors and, in some cases, limited experience'.

5.5.1.6 Fifteen organisations provided examples of such an engagement, with specific Section 75 groupings including children and

young people (5), women (2) or specific programmes, e.g. arts and minority ethnic communities. One respondent identified a consultation document on infertility as a specific policy development to which they had contributed.

5.5.1.7 Two regional thematic organisations, not Section 75 specific, made the point that they can work on and with Section 75 in different ways without going into formal consultation processes. One states that they have a 'specific public policy role and have relevant skills' and point to the 'time limits to policy expertise,' so they did not usually respond to consultations, but sought rather to 'support Section 75 main general delivery on community development and health'. The second organisation said they sought to 'raise awareness of issues rather than influence public policy' and does this in relation to Section 75 by distributing its art work created by young people to relevant statutory and voluntary organisations. This suggests that organisations can find creative and less time consuming ways to be involved with Section 75.

5.5.1.8 The public authority responses indicated a broad range of consultation methods including letters/mailings, focus groups, questionnaires, website, meetings, telephone feedback, responding to requests for information, email, one-to-one meetings, use of consultative panels or community fora, seminars, surveys and workshops. One respondent said they provided 'clear and concise documentation' while another 'provided training on Section 75 to community and voluntary sector organisations and continue to do so'.

5.5.1.9 It is unlikely that every community and voluntary organisation will be involved, or will want to be involved, or have the capacity to be involved, with every public policy development. The issue of resources and organisations determining their own priorities in the process are also a consideration. As one group stated:

*'We would be more effective if we could follow up with public authorities, but this would be another full-time job in itself'.*

5.5.1.10 When internal work priorities determine that an organisation should not respond, this lack of response is sometimes criticised, reflecting, the sector believe, an attitudinal problem to the sector by public authorities that is not helpful.

5.5.1.11 Criticism of some consultation processes continue today but not on the scale of earlier complaints. These included:

- (i) a regional consortium complaining that while they were consulted on developing public policy this was not done 'far enough in advance', a view also expressed at the focus group discussion;
- (ii) another queried whether the consultation process was meaningful or 'just a formality on their part';
- (iii) a third stated that the public authorities had to be 'encouraged'; and
- (iv) a fourth complained about a 'lack of genuine consultation by public authorities' and queried the meaningfulness of consultation process saying that it was 'often no more than a tick box exercise by statutory agencies'. (4.7.3.7)

5.5.1.12 As well as these broad generalisations, very specific criticism of some Government departments was levelled by the sector. These included:

- (i) the use of private sector firms to do consultation on behalf of departments;
- (ii) consultation being done directly, in one instance, with parents and children and by passing community and voluntary sector organisations;
- (iii) Department of Social Development consultation on proposed changes in Incapacity Benefit, which has major implications for many persons with a disability. The closing date for comment was 5<sup>th</sup> January 2007 although the same consultation document stated that the new policy would come into effect on 15<sup>th</sup> January 2007.

5.5.1.13 These criticisms pose a number of questions. In the first case mentioned it is apparent that at least some in the sector believe public authorities should personally conduct their own consultation process or perhaps sub-contract it into the sector. This is not possible; like the community and voluntary sectors, public authorities face constraints on staff time and can not do it all themselves and for the same reasons a 'preferred sectoral partner' to undertake consultation may not be available at any point in time.

5.5.1.14 The second criticism is somewhat more troubling, suggesting

a 'custodial or 'guardian' approach by the sector which is at odds with its development ethos. The issue of how to consult effectively with children has been discussed (5.4.5.10) and guidelines are now being prepared but it can not be wrong for a public authority to directly engage with Section 75 groups. This example may also demonstrate that some sectoral organisations are unaware that engagement is taking place already with Section 75 groups at some levels. That is not to comment on the quality of that engagement but does suggest that some groups within the sector at regional and policy level need to look downwards and inwards among their membership as well as looking outwards at public authorities at central level.

5.5.1.15 The final issue raised relates back to the earlier discussion (4.2.2) around reserved powers being implemented by a statutory body required to comply with Section 75. Social Security Benefits are reserved powers and consequently no amount of consultation is going to change a Westminster driven policy. Clearly there is a question over the merits of consultation in this instance.

5.5.1.16 One Council requested that 'the (Equality Commission ) advice to Council could be more specific. We know targeted consultation should take place but advice on which methods work most effectively would be helpful'.

5.5.1.17 The format being adopted by some public authorities in providing a series of questions to be answered in consultation documents was criticised by some as effectively providing leading questions, which if not answered means an organisation's own comments tend to 'get lost'. Some believe that this format is evidence of 'a paper exercise that is constructed to deliver pre-determined outcomes'.

5.5.1.18 Section 75 has been in place for seven years. At this time 44% of respondents believe that they are contacted by relevant public authorities on relevant issues for their organisation. This leave 55% still saying they are contacted on issues of no relevance to them. One sexual orientation respondent complained about:

*'an avalanche of irrelevant consultation requests e.g. road widening!'*

5.5.1.19 On the other hand, 75% of public authority respondents said they contacted the relevant community and voluntary sector organisations for input to their Section 75 work and that they dealt with these organisations in a manner that met those organisations needs: 'nothing to indicate otherwise at this time.' This does suggest, however, that the burden of being involved rests with the consultee and not the public authority.

5.5.1.20 There is still some work to be done by public authorities to ensure that relevant sectoral organisations are contacted. This would reduce some of the frustration within the sector about the volume of Section 75 documentation. Some public authorities believe that a 'hierarchy' of community and voluntary sector organisations exists. This suggests that serious consideration is not given to the relevance of any specific policy proposals across the Section 75 categories. It ought surely to be a matter of course for the local public authority to identify the relevant groupings from its own community organisation database and to identify the relevant regional organisations from either local groups own knowledge or the Equality Commission's guidance list.

5.5.1.21 6% of respondent organisations stated they were usually consulted on an individual basis, 44% in forums and 20% in both manners. This reflects the stated desire of public authorities to develop forums. Such an approach is not without its dangers: it can become 'exclusive' in terms of membership (both organisations and individuals) and a 'comfort zone' for both parties with the challenge function effectively neutered. Neither should such forums become the only consultative mechanism to be used by any public authority. An either/or approach (i.e. individual consultation versus forum method) is neither necessary or desirable as clearly some Section 75 categories will require discreet consultation processes and some policy proposals will require a range of methodologies. On the other hand, the use of forums could help build social solidarity and cohesion among disparate groups as well as spreading knowledge and awareness of Section 75 specific issues within the sector.

5.5.1.22 There may also be a useful role to be played by NICVA as the regional representative body for the community and voluntary sector. During the implementation of the Review of Public Administration, NICVA could be resourced (DSD, OFMDFM or both) to assist the new public authorities to identify relevant Section 75 organisations to their

administrative areas from within the NICVA database. It must be remembered that the sector is not static and organisations will be created and fold up on a regular basis in response to need.

### 5.5.2 *Need for awareness raising and training on Section 75*

5.5.2.1 As has been identified earlier (5.1.3), the lack of knowledge of and information about Section 75 among a large number of community and voluntary sector organisations, in particular those of a more generic nature and not Section 75 specific. The issue of Section 75 training received by the sectors was explored in both the questionnaires and focus group. Two organisations had received accredited training on Section 75, one accreditation provided by a Health Board and the second by Open College Network. This was confirmed by the focus group discussion where it was accepted that there has been no accredited training on Section 75 as such. NICVA pointed out that their training tends to focus on how to use complaints procedures and human resource issues for members as employers and thought it was possible that ‘too much time is spent on process’. A number of organisations stated that they have taught themselves about Section 75 while others identified ‘early information sessions’ organised by the Equality Commission or the Equality Coalition.

5.5.2.2 The need for free and accessible training was identified by a number of respondents:

*‘Most community and voluntary work is done within a Section 75 remit. However very little training is offered to understand the whole concept, i.e. it needs to be linked to the rights agenda in people’s thinking’.*

*‘Better understanding, perhaps offering training to community and voluntary sector organisations before asking them to respond to consultation’*

5.5.2.3 The most consistent request was for more information, communication and education. It was suggested that the Equality Commission should take the lead on policy related matters by hosting seminars or information sessions. This included requests for more consultation, including regular updates on developments (summaries) via internet; facilitated consultation sessions with ‘relevant representatives which remove the jargon from the process’; increased

and better communication through information or fact sheets, regular meetings, forums and (free) training days. This is related to the absence of information at local level of Section 75 and points to an absence of real knowledge about Section 75, what it says, what it means and how to use it for many organisations within the sector. Others called for 'clarity of actions and purpose'.

5.5.2.4 The community and voluntary sector, more so at local community level, identify the Equality Commission as the agency which has the knowledge and expertise around Section 75. In terms of understanding or misunderstanding of Section 75, it is appropriate that the Commission would have at least some role in ensuring that any information is accurate and widely known. There was not a universal view among public authority respondents that 'leading on policy' was their role. There is an evident role for some collaborative working between the Commission, public authorities and regional voluntary organisations to improve the profile of Section 75 among locally based community organisations.

5.5.2.5 A single respondent (regional thematic organisation) suggested that in the future the Equality Commission might consider supporting the 'development of policy engagement skills as content rather than a Section 75 EQIA as a separate exercise' and a move from policy to practice:

*'Statutory bodies (are) focused on delivery of equality policies – these are largely in name only and need to be operationalised. To get government bodies to practice what they preach. Start doing work that makes Section 75 real, not just a policy that can be filed away'.*

5.5.2.6 This reflects the earlier (5.5.1.7, 5.5.1.1.8) discussion on the ability of some organisations to consider more creative, less time consuming and potentially more practical ways for organisations, particularly at local level or those with fewer resources, to be involved with Section 75 for mutual gain.

5.5.2.7 Some sectoral organisations recognise that policies which are not 'operationalised' are meaningless. It is most often the practice of the public authorities which are felt by the public as opposed to the policy. The community sector is rooted in self-help initiatives which sought to address perceived neglect by public authorities. The growth

of the sector in recent years and its evolving role in policy development may cause some to lose focus of the practice of public authorities. This is not to suggest there is a simple and easy split between policy and practice but unless policy and practice are seen as the two sides of the same coin there is potential for misplaced focus on process and policy outcomes while practice may fall behind. There is a need for a bottom up and top down approach to Section 75 within the community and voluntary sectors.

5.5.2.8 Some 80% (62) of respondents asked for annual or bi-annual training to reflect the following:

- i) New groups are formed continually in response to specific needs and so training/education/information on Section 75 within the sector needs to be on-going;
- ii) People within the sector move on, both within and between other community and voluntary sector organisations, and beyond, so expertise and experience can be diluted unless the specific organisations have very good internal communications systems;
- iii) The earlier evidence indicates that there still is a very low knowledge base both among the general public and the community and voluntary sector in general about Section 75;and
- iv) As public policy evolves and those organisations within the community and voluntary sector with a policy function become more experienced in the effective use of Section 75 there is a need for new knowledge to be spread within the sector to maximise its effectiveness.

5.5.2.9 Every individual is covered by the Section 75 categories and consequently the spread of knowledge is in itself a worthy objective. The existence of umbrella groups within the sector should provide an automatic point of reference upwards to identify an agency with the capacity to enable a challenge to be mounted. The focus group did suggest that given the resource intensive nature of Section 75 a support network is needed to enable local groups to participate. On the other hand such a role has been identified as 'a core function' of infrastructural organisation (Investing Together). There would appear to be a gap at sub-regional level and this needs to be addressed in the short to medium term if local organisations are not to be left behind

and lost to the equality/good relations agenda completely during the RPA process over the next two to three years.

5.5.2.10 The reasons training within the sector should be accredited are:-

- (i) to improve its own skills base, in keeping with that identified gap in the Task Force report;
- (ii) to ensure consistency of content and quality of delivery across all sectors and constituencies of interest;
- (iii) to encourage uptake of training opportunities by management, staff and volunteers and, in so doing, promote awareness of Section 75;
- (iv) to acknowledge the contribution of various parties to the training manual.

5.5.2.11 The other side of training is that which takes place in the public sector itself in Section 75. This survey sought to identify the extent of public authority training and their use of Section 75 organisations as a source of expertise, to contribute to that training. Eight public authorities (50%) stated that they engaged community or voluntary organisations in the delivery of training provided for staff in terms of Section 75. One authority specifically identified their local disability network. Two (12%) authorities said they did not utilise the expertise of Section 75 organisations.

5.4.2.12 Public authorities were asked what training, if any, they had provided for community and voluntary sector organisations regarding their role and responsibilities under Section 75. Four respondents (25%) said they had undertaken such training since 2004, one said they had been doing this 'on many occasions over the last 6 years', four (25%) said they had not provided any, although two of these pointed out that 'officers do attend meetings of a variety of groups within the area and utilise this means to inform groups of statutory activity' and 'at public meetings we provide an overview of Section 75 responsibilities'. One local authority identified an occasion where their good relations officer had provided good relations training for a regional organisation.

### 5.5.3 Resources

### 5.5.3.1 Funding and resources to engage in Section 75 work were identified

as a major factor in the sector's self-perception of its effectiveness. There was recognition that some regional groups had secured funding to do consultation work from the Commission's Advisory Support Grant in 2000/1. Seven organisations identified additional resourcing, two of which were for very specific pieces of work at local level. In the context of RPA it will be important to identify and ensure that best practice in this regard is carried forward rather than being lost. 87% of organisations said they had not been provided with additional resources to participate in Section 75 work.

5.5.3.2 A number of respondents requested support for projects that directly affect or benefit the Section 75 categories. Four of these called for practical advice and funding summed up in the statement that:

*'the community and voluntary sector Section 75 organisations need better and more sustainable resources in order to work better with the Equality Commission'.*

5.5.3.3 This can be interpreted as part of the wider requirement within the sector for more sustainable resources to maintain and develop their work, particularly those working with Section 75 categories. It serves to underline yet again the fact that many in the sector look to the Commission as their 'reference point' on Section 75 and may be having difficulty in their dealings with public authorities. What is clear is that the vast majorities of community and voluntary sector organisations have engaged with Section 75 despite additional resourcing. As local public authorities recede in number the gap between local organisations and such authorities will grow with the potential for further disengagement on Section 75 and wider community planning issues.

5.5.3.4 None of the eight public authorities had their training provision to community and voluntary sector organisations accredited. This however did not preclude a honest assessment of the work needed at local level:

*'Still a lot of work is needed to enable the community and voluntary sectors to respond and lobby councils regarding Section 75: they need to be given the capacity to respond'*

5.5.3.5 The inability of the sector to secure funding for its advocacy work was advanced as a reason why the sector's role and impact on effectiveness is not as it might be. One reason advanced for being unable to attract independent funding for advocacy work is the emphasis placed by funding bodies on outcomes and the very elastic nature of policy development work making this difficult to measure. Against a backdrop of reducing resources within the sector the burden of new and additional work is easily understood.

5.5.3.6 The focus group was concerned that with fewer resources available within the sector that there may be a growing absence of sectoral involvement in consultation processes in the future. This may be counter-balanced somewhat by the fact that there will be significantly fewer public authorities seeking the views of consultees, coupled with the fact that 'Phase 1' of Section 75 implementation is now concluding and 'Phase 2' can build on the lessons learned to proceed with more focused consultation.

5.5.3.7 Resources are human as well as financial, particularly at regional level. One example provided by the Children's Law Centre was where 3 out of a complement of 11 staff worked together to provide a response to proposed physical punishment legislation which, they believed, had resulted in a breach of the relevant equality scheme at screening stage. This example also serves to demonstrate the rigour applied by representative bodies to their involvement and the impossibility of such action being replicated by member organisations or local groups. The key internal sectoral issue is how such information and knowledge can be spread downwards within the various constituencies of interest group members.

5.5.3.8 Two Council respondents said they did provide additional support for Section 75 work although not always in the form of a specific Section 75 grant.

*'No direct support provided although through the various grant aid processes monies provided to many community groups to undertake a range of activity including activity related to the statutory duties (equality of opportunity and good relations)'.*

5.5.3.9 Others cited the provision of training, crèche facilities, payment for services, working with a Section 75 specific organisation on

research into young gay suicide rates in NI, small grant aid, development support and technical assistance.

## **6.0 Looking Forward and Enabling better Involvement and Participation**

6.1 There is a welcome degree of agreement among both sets of respondents on how involvement and participation can be developed in the future.

6.2 The primary issue to emerge, by frequency with which it was mentioned in questionnaire responses, was a desire that community organisations be involved at the earliest possible stage of the policy making process. Typical responses were:-

*'By consulting/involvement at the planning and design stage before they form public policy';*

*'not giving us something to rubber stamp'.*

*'they're doing better at writing papers, but if they could focus more on policy design stage, involvement rather than separating out a Section 75 exercise'.*

6.3 'Pre-consultation' was also identified by a council as the best way forward. This is not without resource implications, and has the potential to enhance the challenge function of the community and voluntary sectors. The earlier the sector is engaged with public authorities in developing policy then the opportunity to ease some of the existing tension would be enhanced. Conversely, it would be more difficult for the sector to effectively challenge a policy which it itself has assisted to develop.

6.4 A second key theme to emerge was quality of consultation or real engagement. The 'Shared Future' consultation was cited by one organisation as 'an excellent way of engaging and consulting with the community'. Barriers to participation and the need for public authorities to think harder about how they facilitate participation, and asking groups how they would like to participate, remains a live issue for some groups. These issues are in the context of the need for better, targeted consultation on relevant issues. Specific ideas on how the quality consultation could be improved included:

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- (i) An acknowledgement from public bodies of the expertise that lies within the sector;
  - (ii) Clarity about what can or cannot change when consulting; and
  - (iii) Feedback about what changed or did not change following consultation

6.5 The third area identified was that of resources, although just five (6.5%) of questionnaire respondents stated that additional resources or funding for a policy development worker was the mechanism they required to participate. Another sectoral group, with members trained to act as community facilitators believed they 'could ensure effective consultation' if they had funding.

6.6 The fourth area identified to enhance better participation was the need for information, education, and communication, which has been dealt with at length in the previous section. Specifically groups requested that information be provided in a clear and concise manner, that jargon be avoided and that the process be open, accessible and relevant.

*'The sector would seek to give public authorities a positive input but poorly written documents don't help for meaningful engagement'.*

6.7 There was a preference for phased and/or grouped consultation sessions to maximise the exchange of information, and for consultation to take place through participation in activities where community and voluntary groups are working together. In this respect there appears to be agreement between public authorities and the sector that different consultative forums that have been established, such as the NIHE and the Education and Library Boards are 'positive steps'.

6.8 Within public authorities there is a clear desire to ensure meaningful participation. With one exception public authority respondents spoke about:

- (i) The creation or development of what were variously described as 'citizens panels', 'working groups' and 'reference groups' with decision makers;

- (ii) Making greater use of the sector as partners in policy development;
- (iii) Valuing community and voluntary sector time and contribution by working directly with representative individuals thus meeting the aspirations of the sectors to 'enable the engagement' through 'meeting the individuals with whom we work';
- (iv) the need to ensure the sector is regularly informed about developments in relation to Council policies and that they fully understand the Section 75 process;
- (v) Capacity building and resources, being aware of voluntary and community sectors existence, more centralised consultation exercises to take the pressure off their resources, and training on these issues.

6.9 These are not 'kite flying' proposals but based on their experience of implementing Section 75 to date and their relationship with the community and voluntary sector as part of that process. The recurring theme in this development was more involvement in consultation exercises, including focus groups and extending this practice to rural areas; building on the good relationships across many groups and organisations both local and regional; the development of 'consultative panels' to represent Section 75 categories; the provision of training for voluntary and community representatives, both on Section 75 and the public authorities duties and responsibilities and keeping channels of communication open at all times.

6.10 There is a slight danger that a move towards fora and collaborative consultation could, whether intentionally or not, exclude some Section 75 groups. For example, a sexual orientation group pointed out that they consistently had to 'seek out the local authority' and that councils:

*'lack commitment to assist in developing capacity for isolated LGBT communities.....places like Armagh and Enniskillen, where we know that LGBT people of all ages are cut off from contact with the mainstream organisations in Belfast and Derry. We cannot emphasise how important this is for the emotional security and mental (and physical) health of an LGBT person'.*

6.11 The singular exception to the expressed wish of public authorities to work in a more inclusive manner comes from that Council where

'pragmatism' is the order of the day (5.4.2.7). Looking forward a similar approach is being adopted:

*'a pragmatic approach is being taken at present in relation to the matter. Officers will keep under review the potential that may occur in future to further develop direct contact across all the groups within the community and voluntary sector.'*

6.12 Formal partnership working between the public, private, community and voluntary sectors has emerged in recent years both as a necessary part of European Funding distribution, local strategy partnerships and a more joined up approach in some sectoral areas such as health through Health Action Zones. 75% of respondents said they were not involved with partnership working as a result of **Section 75** or did not answer, while the 21% (15) who replied in the affirmative identified thirteen different public bodies and four District Councils. Some positive responses did not identify specific agencies. These positive respondents came from both Section 75 specific groups and local groups. One stated that they had not yet had the opportunity to develop such approaches, while a further two sectoral organisations had partnership working arrangements though not as a result of their Section 75 duties.

6.13 Given the diverse range of groups and their constituencies of interest, it is not feasible for all to be engaged in such arrangements. The emergence of such working arrangements specifically on Section 75 could provide an opportunity for the challenge function to be prosecuted in a less adversarial fashion of 'them' against 'us' and lead to more creative and constructive ways of working together to make policy and practice more meaningful for all. However, the partnership must be of mutual benefit to participants and specifically must produce positive outcomes for Section 75 groupings if they are to be effective.

6.14 On the downside, the Equality Coalition pointed out that some partnership approaches which existed up to 2001 or 2002 have now disappeared although not as a consequence of Section 75. The implementation of the Review of Public Administration will impact on existing arrangements over the next three or four years and some good practice may be lost. Indeed ensuring the good practice is carried forward into the new public authorities could be a key task for the sector and the Commission in the short term.

## 7.0 Conclusion

7.1 The Section 75 effectiveness review could be said to mark the end of the first phase of the operation and delivery of the legislation. While the community and voluntary sectors roles in the implementation of Section 75 during this initial phase has been responsive rather than pro-active, its right to be involved in the public policy making process, and conducting its challenge function with public authorities is largely accepted.

7.2 The evidence from this report indicates that, from the initial stages of Section 75 implementation, when the community and voluntary sectors complained about being 'swamped' by consultation, 'consultation fatigue' and 'burn out' today there is a more considered involvement on the part of both the sector and public authorities. Consultation 'fatigue' appears to have been replaced by consultation 'disappointment': there is a sense that views are now being expressed but ignored. This appears to reflect a misunderstanding of the role of Section 75 and the consultation process and a lack of sound knowledge about Section 75. Nevertheless, the main focus of these organisations in relation to Section 75 is through consultation in the policy making process.

7.3 It is evident that a considerable volume of quality work has been carried out to meet the demands placed upon the sector at both local and regional level, by those organisations who are aware of the sector's challenge role and Section 75. This evidence suggests that most of that engagement has been positive for Section 75 groups, the community and voluntary sectors and public authorities, and, at local level at least, has resulted in changes to policy making processes to the benefit of Section 75 categories. It is less evident that the community and voluntary sectors recognise the positive contribution they have made, and the changes that have been effected to the equality of opportunity and good relations agenda.

7.4 The biggest single obstacle to the effective implementation of Section 75, through community and voluntary sector involvement, is the lack of knowledge about Section 75, despite equality and good relations being key values within the sector (5.1.3.5). This lack of knowledge requires urgent redress in the short to medium term. It is

not possible for public policy or legislation to be effective if the public and local community organisations are not aware of it.

7.5 There is a pool of knowledge, skills and expertise on Section 75 within the sector, which appears to be concentrated at regional level. There has been no systematic programme of awareness-raising of Section 75 at local level by either public authorities or sectoral organisations. There is a need for large membership organisations, infrastructural groups and those organisations with policy officers to work with community organisations at a local level, to ensure that Section 75 awareness is universal throughout the sector, rather than being a 'specialism' within some organizations.

7.6 There are a number of legitimate reasons why this has not happened to date, including the absence of adequate resources, organisational priorities within organisations and the fear of being involved in apparently futile, paper-chasing exercises, rather than being able to effect real change. The absence of knowledge about Section 75 among the wider public also impedes the ability and capacity of local groups although it is less evident why those public authorities who have a professional relationship with community organisations do not embrace Section 75 as a vehicle for change, rather than merely fulfilling a duty.

7.7 There is disappointment within the sector that the Equality Commission has apparently moved away from a position of being a champion of Section 75 categories to one of being a 'neutral arbiter' in unequal battles between Section 75 categories and public authorities and also that the Commission's role as a persuader on Section 75 compliance is under valued.

7.8 Of some concern is the manner in which some voluntary and community sectors organisations see themselves as 'guardians' or 'custodians' of Section 75 and the consultation role. Such a view is damaging to the collective action ethos of the sector and inhibits capacity building within their own ranks. As Glenn Paterson remarks in a somewhat different context, when writing about communities:

*Laudable aims like self-empowerment and self-confidence appear at times to be pursued without much in the way of self-scrutiny and self-criticism. (Open Up, p68, Lapsed Protestant, New Island, 2006)*

7.9 Some voluntary organisations now see their role as changing from one of 'presenting views' and 'articulating Section 75 groups needs' to 'enabling the engagement'. While this may be true it also reflects the 'custodial' view mentioned above and does not recognise the fact that, at local level, such engagement has been taking place. That is not to comment on its quality, but the evidence indicates that the engagement has caused change within the public authorities' policies and practice.

7.10 There is some evidence emerging of a small number of regional thematic organisations, not Section 75 specific, beginning to think about finding new ways of engaging on Section 75 which would be of mutual benefit both to their member groups as well as public authorities. This reflects an awareness of the need to ensure that Section 75 becomes a visible mark of how public authorities interact with people and are not another policy on a shelf.

7.11 The community and voluntary sectors were keen to stress the need for a tripartite relationship between the community and voluntary sector, public authorities and the Equality Commission to maximise the potential of Section 75 to promote equality of opportunity and good relations. The current situation where the Commission's legislative role is to advise public authorities with no formal role or relationship with the sector, can cause frustration and sometimes lead to inaccurate views on the Commission's role. In their challenge role the community and voluntary sector need the Commission to fulfil its duties to ensure that Section 75 is at least being complied with in minimalist terms. There is a repeated desire by local community organisations for information on Section 75 from the Commission. A more structured relationship between the three parties might make for greater cohesion and collaboration and consequently advance the equality and good relations agenda. The community and voluntary sector indicated a willingness to develop work in this area with the Commission in the future.

7.12 The sector recognises the clear link and interdependence between the different remits of the Equality Commission in respect of Section 75; i.e. advice, monitoring compliance and enforcement, but believe that the Commission is not effective as it might be in this regard. This may reflect lack of accurate information about the Commission's role and a failure to understand the inevitability of quasi-

judicial systems. For example, in relation to complaints, which of necessity take some time to be completed.

7.13 There is a common positive thread among both community and voluntary sector organisations and public authorities that ‘fora’ may be a preferred option for future consultation processes. This is not without its dangers as well as merits but it can not be applicable to all Section 75 categories in all circumstances. The evidence to date suggests the use of fora has encouraged engagement and dialogue as well as providing mutual support among the Section 75 categories.

7.14 Some concern was expressed within the voluntary sector about the linking of equality of opportunity and good relations. At local level it is the good relations aspect of Section 75 with which most groups have been engaged, while at regional level the absence to date of hard data to measure inequalities is regarded as failing to face potentially uncomfortable truths. Equality does not happen by wishing it to happen and there is a perception that the Equality Commission in its Section 75 guidelines does not call for the eradication or reduction of inequalities; simply their recognition. It is felt that this makes the task of combating structural inequalities very difficult. The absence of hard data to measure of the reduction in inequalities, and lack of evidence of outcomes continues to frustrate some in the community and voluntary sectors.

7.15 The sectors believe that they can best be effective when requests for their input are tailored and targeted to each audience, and where the sectors are resourced and supported to respond. There is evidence that this is happening although some organisations continue to be invited to comment on totally irrelevant matters.

7.16 The sectors regard Section 75 as having introduced a new element of accountability in public authority decision making. When the community and voluntary sectors use the tools available in Section 75, in conjunction with the Freedom of Information Act and Judicial Review process, they can hold statutory agencies to account. This role can only be properly conducted by those organisations within the sector that have capacity, resources and expertise. Their relationship with their member groups and ability to ensure open lines of communication within the sector and across the Section 75 categories will play a part in determining the extent of the challenge they can mount.

7.17 There is a view that Section 75 itself has not made major advances for the named groups and for example, that the biggest advances for disabled people came through the Disability Discrimination Act. This needs to be balanced against a failure to recognise many changes which have been made in both the existing practice of public authorities and proposed policy initiatives as a consequence of their involvement with Section 75 processes at all levels.

7.18 In looking ahead the biggest external challenge to community and voluntary sector involvement with Section 75 is the government's vision for the sector. There is concern that the government wants community and voluntary sector organisations to become a vehicle for service delivery with no commitment to enabling it retain its challenge function. This is despite the Compact, Positive Steps and Investing Together which all stress the challenge role of the sectors. The government currently talks about an 'independent sector', inclusive of both the private and community and voluntary sectors; market testing is taking place within public services and there is a relentless demand for private sector resources to be brought into the public sector. This will have implications for the sector.

7.19 As some of the bigger community and voluntary organisations become more involved in the delivery of public services, it is likely that they will be required to comply with Section 75. Some are already doing this even though not required and they do not feel this compromises their advocacy role. The recent University of Ulster report suggests that EQIAs should be required from voluntary organisations in any future letting of contracts or service agreements for the delivery of public services.

7.20 The Review of Public Administration will provide fewer public bodies and specifically new councils will have a much wider range of functions including a community planning role. If local community organisations are to properly engage then information about Section 75 needs to be provided at local level, rather than being a preserve of regional policy organisations. The RPA itself should provide some economies of scale for the public sector: the challenge for the community and voluntary sectors will be reorganise in an orderly manner so that the apparent lack of infrastructural organisations at

sub-regional level can be filled quickly to support local groups who may be more removed from political decision making.

## **8 Recommendations**

8.1 It is recommended that the community and voluntary sectors infra-structural and Section 75 organisations consider how best they can maximise their expertise and experience on Section 75 work to inform and skill local community organisations and so enable them to contribute to the equality and good relations agenda.

8.2 Infrastructural organisations within the community and voluntary sectors should consider how best to maximise the opportunities arising from the RPA, in terms of fewer public authorities to ensure that:

- (i) the evidence of existing best practice with public authorities on Section 75 is transferred to the new authorities constituted under the RPA;
- (ii) how equality of opportunity and good relations issues can be placed at the heart of the new community planning functions of councils and their members enabled to participate effectively in this new role; and
- (iii) the gap between regional bodies with policy functions and local groups is narrowed through some realignment of existing resources to work within the sector

8.3 The Government should provide the community and voluntary sectors with funding for the change process as part of RPA, not least to ensure a structure of infrastructural organisations at sub-regional level to take the lead with Section 75.

8.4 Infrastructural groups should consider how more effective internal communications can be developed with their member organisations with regard to engagement with Section 75.

8.5 The Equality Commission's remit should be extended to include a formal engagement role with the community and voluntary sectors to ensure the provision of accurate information, including the development of an accredited training package on Section 75 for use in the sectors as a contribution to raising awareness of Section 75 and capacity building within the sectors.

8.6 The Equality Commission should press Government on the urgent need for a public awareness-raising initiative on Section 75 and be permitted to work the community and voluntary sectors to develop a sector specific initiative in this area.

8.7 The Equality Commission should ensure that the recent OFMDFM work on indicators of equality and diversity to measure change in NI is used by public authorities and that periodic reviews are conducted to measure change.

8.8 The Equality Commission should produce a five yearly report on the state of inequalities between Section 75 groups.

8.9 The Equality Commission should ensure that the RPA structures fully utilise greater powers to embed equality and good relations and in particular use the Community Planning Partnerships and power of well-being to this end. Equality of opportunity and good relations should be fully developed at all stages and within all structures, including the shadow arrangements and all consultative processes (from Good Relations Associates, December 2006).

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## Bibliography

Acheson N, Cairns Ed, Stringer M, and Williamson A: Voluntary Action and Community Relations in Northern Ireland, University of Ulster, Office of First Minister Deputy First Minister and Northern Ireland Council for Voluntary Action, 2006.

Committee on the Administration of Justice, Equality in NI: the rhetoric and the reality, CAJ, 2006

Equality Commission for Northern Ireland: Response to 'A Shared Future', a consultation on improving relations in Northern Ireland, September 2003

The Equality Commission's revised 'Guidance for Implementing Section 75 of the Northern Ireland Act 1998', published in February 2005

Equality Commission, Awareness of Equality Issues amongst the General Public in Northern Ireland, June 2006. Equality Commission June 2006.

Good Relations Associates, Embedding Good Relations in Local Government Challenges and Opportunities, December 2006

Hill, Mc Auley, Mc Laughlin and Porter: Working Paper No 5. Eighty years of Talking about Equality in Northern Ireland: A History of Equality Discourses and Practices: Equality and Social Inclusion in Ireland Project, March 2006 [www.qub.ac.uk/heae](http://www.qub.ac.uk/heae)

Kremer, Review of Section 75 Consultation processes, OFMDFM, 2003

Mc Crudden C, Mainstreaming Equality in Northern Ireland 1998-2004: A Review of Issues Concerning the Operation of the Equality Duty in Section 75 of the Northern Ireland Act 1998: a contribution to the Operational Review of the statutory equality duty, 2004.

Mc Laughlin and Faris, The Section 75 Equality Duty—An Operational Review, Volume 1, November 2004, Northern Ireland Office.

Northern Ireland Council for Voluntary Action, State of the Sector IV, 2005, NICVA.

Northern Ireland Council for Voluntary Action, NICVA Policy Manifesto, 2006, NICVA.

Osborne, R.D. Progressing the Equality Agenda in Northern Ireland, Journal of Social Policy 32,3,339-360. 2003 Cambridge University Press

Patterson,G. Lapsed Protestant, New Island, 2006.

## Appendix A

Questionnaire to community and voluntary sector organisations drawn from NICVA database.

1. To what extent, if any, are equality and/or good relations a key aspect of your organisation's work?

High       Medium       Low       No

2. How would you rate your organisation's understanding of S.75 of the Northern Ireland Act?

Full       Partial       Don't Understand

3. Which of the following best describes your organisation's involvement with public bodies in developing policy as regards S.75 duties?

Always       Frequently       A little       Never

4. Please state no more than three factors which determine your level of involvement and participation in S.75.

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5. Please indicate what aspect/s of the S.75 processes you have been engaged with:

Consultation on policy formulation with those likely to be effected by the policy	<input type="checkbox"/>
Developing an equality scheme	<input type="checkbox"/>
Consultation on selection of policies for screening	<input type="checkbox"/>
Consultation on Equality Impact Assessment	<input type="checkbox"/>
Good Relations	<input type="checkbox"/>

6. Can you identify any instances where your unique experience and expertise assisted a public body with its S.75 duties?

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7. In your experience, do you think public authorities consult with you when developing public policy?

Yes       No

8. How would you describe the response of public authorities to your representations in respect of S.75?

Very Good  Good  Poor  Very Poor

9. In your experience has any public authority made changes to their existing or proposed policy because of your representations on S.75?

Yes  No

If yes, can you name these authorities?

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10. How do you think public authorities could better enable you to participate?

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11. Has your organisation developed any partnership working with a public authority arising from S.75 duties?

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12. How well do you think the Equality Commission has worked with the community and voluntary sector in ensuring that S.75 is widely known, understood and effective?

Very Well  Well  Poorly  Very Poorly

13. How do you think the Equality Commission and the community and voluntary sector could work better together to achieve better outcomes for the S.75 named groups?

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14. What training, if any, did your organisation receive to undertake S.75 work?

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14 (a) When was training undertaken?

14 (b) Was your training accredited?

Yes  No

If yes, please state awarding authority

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15. How often should such training be provided for community and voluntary sector organisations?

Annually  Bi-annually  Tri-annually  Ad hoc

16. Did you receive any additional resourcing to undertake S.75 work?  
Yes  No

If yes, what form did this take?

---

17. Who, within your organisation, takes lead responsibility for S.75 work? (tick one only) Is it:

Management Committee  Staff  Volunteers  Users

18. Is your organisation pro-active in influencing public authorities in developing public policy?

Yes  No

If yes, can you please provide no more than three examples.

---

19. If your organisation only responds when invited to do so can you please tell us:

are all the public bodies who contact you for input relevant to your work; Yes  No

do they deal with your organisation on an individual basis or in forums with other relevant organisations in the community and voluntary sector?

Individual  Forums

do they provide you with additional resources to enable you to participate?

Yes  No

do you believe your contribution is properly considered?

Yes  No

20. Are there issues connected with the community and voluntary S.75 role to which you wish to draw attention?

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Please complete the profile below in order to help us to ensure a representative sample of community and voluntary organisations by S.75 groupings and District Council areas.

Is your group (tick one box only)

Regional  Sub regional  or Local

Local and sub regional groups please indicate the District Council area(s) in which you work

.....

Is your group primarily working with a specific S.75 category?

Yes  No

If yes, which one(s)?

.....

.....

Was your group in existence in 1998 when the Northern Ireland Act came into force?

Yes  No

If no, can you please state the year you were formed.....

Can you please return the completed questionnaire in the enclosed sae not later than 08<sup>th</sup> December 2006.

Thank you for your time and contribution.

Section 75 categories:

Racial Group, Age, Gender, Political Opinion, Religious Belief, Sexual Orientation, Disability, Marital Status, with or without dependants.

Good relations categories:

Politics, Religion, Race.

Appendix B Community and Voluntary Sector Organisations  
participating in Equality Commission convened Focus Group

Children's Law Centre

Committee on the Administration of Justice

Disability Action

Northern Ireland Council for Ethnic Minorities

Northern Ireland Council for Voluntary Action

Northern Ireland Rural Womens Network

Womens Support Network

## Appendix C

Questionnaire to District Councils and District Policing Partnerships regarding the role of the community and voluntary sector in contributing to the effectiveness of Section 75 (S.75) of the Northern Ireland Act (1998).

1. What relationships have you established with community and voluntary sector organisations regarding S. 75?  
\_\_\_\_\_
2. How would you describe your organisations involvement with community and voluntary sector agencies in developing policy as regards S.75 duties?  
\_\_\_\_\_
3. What factors determine your organisation's decision on when and how to consult with the community and voluntary sector in developing public policy and implementing S.75?  
\_\_\_\_\_
4. Can you describe briefly the range of consultation methods you use to engage with community and voluntary sector organisations around S.75?  
\_\_\_\_\_
5. Have you engaged with community and voluntary organisations on the following processes:
 

Consultation on policy formulation with those likely to be effected by the policy	<input type="checkbox"/>
Developing an equality scheme	<input type="checkbox"/>
Consultation on selection of policies for screening	<input type="checkbox"/>
Consultation on Equality Impact Assessment	<input type="checkbox"/>
6. In your experience, what is the particular experience and expertise that the voluntary and community sectors bring to your work on S.75?  
\_\_\_\_\_
7. Can you provide any examples of when policy has changed as a result of community and voluntary sector engagement in the S.75 processes?  
\_\_\_\_\_

8. How do you respond or provide feedback to representations made by the community and voluntary sector in respect of S.75 duties?

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9. How do you think you could enable community and voluntary sector bodies to better participate in the development of public policy generally and equality and good relations work specifically?

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10. Have you developed any new ways of working with the community and voluntary sector as a result of S.75 duties?

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11. Do you think the Equality Commission has provided you with sufficient advice and information to enable you carry out your role with the community and voluntary sector in ensuring that S.75 is used to produce better outcomes for the named groups?

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12. Did you provide any training for community and voluntary sector organisations regarding your role and responsibilities under S.75?

If yes,

When was this undertaken.....

Was it accredited?

Yes  No

If yes, please state awarding authority

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13. Did you provide any additional resourcing or support to community and voluntary organisations to undertake S.75 work?

Yes  No

If yes, what form did this take?

---

14. Do you involve any community or voluntary organisations in the delivery of training you provide for staff in terms of SECTION 75?

Yes  No

15. Do you believe that:

---

you contact the relevant community and voluntary sectors organisations for input to your Section 75 work?

Yes  No

you deal with these organisations in a manner that meets their own organisational needs

Yes  No

you properly consider the representations the community and voluntary sector organisations make during S. 75 discussions?

Yes  No

16. Are there any issues about the role of the community and voluntary sector and S.75 to which you wish to draw attention?

17. Any other comments

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Please complete the profile below in order to help us to ensure a representative sample of District Councils and District Policing Partnerships.

Please indicate your District Council area(s).....

Please state whether

District Council or District Policing Partnership

Can you please return the completed questionnaire in the enclosed sae as quickly as possible and not later than 20<sup>th</sup> December 2006?  
Thank you for your assistance in this matter.

## Appendix D

### District Councils respondents

Ards

Armagh

Belfast

Coleraine

Cookstown

Craigavon

Down

Limavady

Lisburn

Newtownabbey

North Down

Omagh

### District Policing Partnership respondents

Antrim

Ballymoney

Down

Newry