



EQUALITY COMMISSION FOR NORTHERN IRELAND

Local Government Reform: Establishment of Transition Committees in Statute

May 2009

1. The Equality Commission for Northern Ireland (“the Commission”) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, age, sexual orientation and disability. The Commission’s remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 (s 75).
2. The Commission’s general duties include:
 - working towards the elimination of discrimination;
 - promoting equality of opportunity and encouraging good practice;
 - promoting positive / affirmative action;
 - promoting good relations between people of different racial groups;
 - overseeing the implementation and effectiveness of the statutory duty on relevant public authorities; and
 - keeping the legislation under review.
3. The Commission welcomes the opportunity to contribute to this consultation on the arrangements for the establishment of transition committees. We consider the RPA to be the opportunity for complete reform of our society and we aim to ensure that the principles of equality of opportunity and good relations are embedded in the decision making process within the review and in the policy outcomes.

Vision and opportunities

4. The transition committees have a role of fundamental significance in the development of our new local government. They will set the corporate vision for the period of change, determine how communication will be fostered and set in place new structures for delivery such as community planning. In essence, they will determine the shape and standard of public services for the foreseeable future. We cannot, then, allow this moment to pass without taking every step possible to mainstream equality of opportunity and good relations at the heart of this public policy development.
5. The establishment of the transition committees and their work must be driven by the principles which the Commission identified as the bedrock of public service reform – leadership, communication, accountability, collaboration and inclusion. Most of all the exercise of leadership will ensure that equality of opportunity and good relations are integral to core business for local government.

Section 75

6. The Commission has found, through ongoing advice work and in independent research as part of the Effectiveness Review, that the potential afforded by s 75 mechanisms has not been realised. The Commission has advised, in relation to the transition committees, that rigorous application of screening procedures and a consistent methodology for the way forward across local government will be effective in achieving equality goals and resisting majoritarianism, protecting minorities wherever they exist¹. The Commission does not see this in the consultation document.
7. The Commission would specifically be interested in further information relating to the screening exercise undertaken by the Department. This would relate to both the information used for the screening process and the means of coming to the decisions relating to adverse impact. The Commission's *Statement on Key Inequalities in Northern Ireland* (ECNI 2007), for instance, has a section directly considering inequalities in public participation.

¹ Letter to Minister 29 January 2009

8. From review of the consultation list it appears that only Travellers have been consulted in race and only one women's group has been consulted. This would in any situation provide an extremely limited consultation response, not fully covering the grounds. Given that women and members of minority ethnic groups are known to be under-represented in local government the Commission would expect significant engagement on the part of the Department with these groups.
9. The transition committees will be subject to s 75. The Commission is concerned that there is no recognition of this in the arrangements paper. There are no reporting or liaison relationships described between the transition committees and the existing councils. There is no commitment to screening and EQIA of new policies, structures and institutions created by and through the transition committees. The Commission requires more information on the arrangements in this regard.

Under representation

10. Under-representation of particular groups in policy and decision making should be acknowledged and addressed. In local government, there is under-representation of minority ethnic groups, people with disabilities and women.
11. To examine one example, the composition of the temporary transition committees shows that this under-representation is not only replicated but increased for women. It will be necessary address this imbalance in the transition committees, in sub committees and in the outworking of major functions of the transition committees such as the appointment of senior officers and the trialling of community planning. If community planning partnerships are to be appointed ex officio the situation will be further compounded.
12. This is likely to be the case for other grounds and appropriate action should be taken given legislative possibilities (13 below) and models of good practice (14 below).
13. The RPA, including the establishment of the transition committees, provides an opportunity to further the intent of the positive duties on disability to increase disabled peoples' participation in public life.

14. Steps have been taken to redress the situation for women in local government. For example, all councils participate in the Women in Local Councils, Making a Difference initiative where partners with the Equality Commission include NILGA and the Local Government Staff Commission. Councils develop gender action plans and this could be one step in addressing the under-representation of women and the means of finding other positive actions. These steps could contribute to meeting the requirements of international instruments such as CEDAW and UNSCR 1325.
15. Other examples exist demonstrating the value of embracing s 75 principles and mechanisms. The Commission would recommend that the lessons of this good practice are mainstreamed in the work of local government to address under-representation of minority ethnic groups, people with disabilities and women.

Conclusion

16. The Commission is committed to ensuring that opportunities for progressing equality of opportunity and good relations are at the heart of local government reform. We would be grateful if the Department would provide further information on steps taken to ensure implementation of the s 75 duties in this process and specifically on interventions taken to implement the Commission's earlier advice.
17. We would also wish to have information on any positive action or mitigating measures which the Department intends to ensure that barriers to participation in public life are removed.
18. This communication is made without prejudice to any consideration or determination which the Commission might make in performance of its statutory function to investigate individual complaints under Schedule 9 of the Northern Ireland Act 1998 or conduct any other investigation under that schedule.

Equality Commission
May 2009