



Response to Arts Council of Northern Ireland (ACNI) Draft Section 75 Audit of Inequalities and Action Plan

October 2012

Executive Summary

1. In general, we commend the approach taken by the Arts Council for Northern Ireland ('the ACNI') in undertaking a comprehensive audit of inequalities, and developing a draft 5 year Section 75 action plan.
2. We welcome the fact that the draft action plan identifies key inequalities to be addressed across all Section 75 categories, as well as those with multiple identities; set out clear action measures, performance indicators and timescales across a wide range of areas. We further welcome the proactive work already under taken by ACNI in promoting equality of opportunity and good relations across a number of Section 75 groups.
3. We **recommend** that the ACNI:-
 - reviews its proposed performance indicators to ensure they identify **clear outcomes** for the Section 75 group in question;
 - as part of its proposed action in reviewing and addressing data gaps, ACNI liaise with DCAL, on potential steps to address gaps in equality data;

- highlights not only in the audit but the final action plan its proposed approach to linking the audit, and action plan to the ACNI's five year strategy, corporate and annual business plans;
- when developing and implementing **all** its Strategies and programmes considers how best to collect and collate data relating to multiple identities as well as clear actions to address barriers;
- refers in the draft Section 75 action plan and identifies appropriate measures (and performance indicators) to address this identified under-representation on the grounds of community background for SIAP applications and appointees;
- considers developing a Good Relations Strategy;
- on an ongoing basis considers what further steps it can take in order to ensure that the obligations placed on the UNCRPD are complied with;
- includes clearer actions and performance indicators aimed at increasing the visibility of LGB individuals within the arts.

Introduction

5. The Equality Commission for Northern Ireland has set out below its views on the draft Section 75 audit of Inequalities and action plan of the Arts Council for Northern Ireland ('the ACNI'). Further details on the scope of the Commission's remit, duties and expertise are contained in Annex 1.
6. In general, we welcome the fact that the Arts Council has:
 - undertaken a comprehensive audit of inequalities, has identified in its draft 5 year Section 75 action plan key

inequalities to be addressed across all Section 75 categories, as well as those with multiple identities; set out clear action measures, performance indicators and timescales;

- included proposed measures aimed at addressing barriers to accessing/participating in the arts; promoting good relations, encouraging participation in public life, employment within ACNI, procurement and addressing gaps in equality data;
- highlighted in its action plan a range of proactive measures the Arts Council is already taking forward to promote equality of opportunity and good relations for Section 75 groups, as well as additional actions to be progressed following a consideration of its audit findings;
- clearly sets out in the draft action plan who will be responsible for taking the actions forward.

7. We welcomed the opportunity to meet with ACNI on its draft action plan and audit. In addition, we welcome the fact that the ACNI has, in general, in developing its draft audit and action plan, adopted an approach in line with the Equality Commission's recommendations.
8. In addition, it is clear that the ACNI has taken on board a number of the recommendations highlighted by Commission staff at our recent meeting.
9. The ACNI is clearly already taking a range of proactive measures to promote equality of opportunity and good relations through a range of its programmes/ Strategies; including through, for example, its *Intercultural Arts Strategy* , *Arts and Older People's Strategy* and its initiatives to promote the participation of disable people in the arts. We note that further proactive measures are proposed; including through the *Youth*

Arts Strategy 2012-2016 due to be finalised in the Autumn 2012.

10. It is also noteworthy that a recent independent survey commissioned by ACNI has revealed a high level of customer satisfaction with ACNI's commitment to equal opportunity.¹
11. As discussed at our meeting and as highlighted in the audit of inequalities, there are a range of new significant opportunities for the ACNI to promote both equality of opportunity and good relations over the lifespan of the draft action plan; including, for example, participation in the arts as part of the Derry/Londonderry UK City of Culture, and the commemorations of historical events. We recommend that these opportunities are maximised by the ACNI.

Recommendations

12. As you are aware, the Commission is keen to ensure that public authorities focus on their duties in such a way that allows them to demonstrate that the actions they take have tangible outcomes for those affected by the discharge of their functions.
13. To further this intention, the Commission has forwarded to the ACNI and other public authorities an advice note that further sets out our advice on this matter.² At our meeting, we also drew your attention to a further recent advice note from the Commission on undertaking an audit of inequalities.³ We also gave you a number of recommendations and identified a range of issues to assist ACNI to enhance and improve its action plan.

¹ http://www.artscouncil-ni.org/departs/strategy/reports/client_satisfaction_survey_2010.pdf

² *Realising Outcomes from Section 75 Equality Duties: Advice to Public Authorities*, 2011, <http://www.equalityni.org/archive/pdf/RealisingOutcomes/pdf>

³ *Advice to public authorities on undertaking an audit of inequalities*, 2012 http://www.equalityni.org/archive/word/Public_Authorities_Audit_of_Inequalities_Mar12.docx

14. Given the issues that were discussed with you at our meeting, and in light of the Commission's intentions behind the recommendations as set out in the advice notes, we recommend the following changes to the draft audit and action plan.

Addressing gaps in data

15. We welcome the proposed action in the draft action plan aimed at maintaining and improving data collection across Section 75 groups. This is an important action that will assist ACNI not only in updating its audit of inequalities at a later date but also in monitoring and tracking the impact of its action measures.
16. It is clear from the audit that a number of gaps in equality data exist; for example, in relation to black minority ethnic (BME) communities. We welcome the commitment to update the audit to reflect Census 2012 data once released.
17. In addition to guidance on Section 75 monitoring for public authorities issued by the Equality Commission⁴, OFMDFM has published guidance for public authorities to enable them to collect racial equality data in a standardised manner and to enable them to benchmark against monitoring data in the 2011 Census.⁵ By collecting data on ethnic group, for example, it enables public authorities to ascertain whether **specific** ethnic groups, such as Irish Travellers, are experiencing barriers to accessing services.
18. We **recommend** that in bringing forward actions to address gaps in racial equality data that ACNI follows the good practice guidelines highlighted in these guides.
19. We note that, a number of surveys commissioned by the Department of Culture, Arts and Leisure (DCAL) which provide a valuable source of information on participation in the arts, do

⁴ <http://www.equalityni.org/archive/pdf/S75MonitoringGuidance0707.pdf>

⁵ http://www.ofmdfmi.gov.uk/guidance_for_monitoring_racial_equality_v2.pdf

not collect data across a range of Section 75 groups. For example, the Continuous Household Survey (CHS) does not collect data on the grounds of racial group, dependents, political opinion or sexual orientation.

20. We **recommend** that as part of its proposed action in reviewing and addressing data gaps, ACNI liaise with DCAL, on potential steps to address these gaps in equality data.

Performance indicators

21. The Commission's advice note (March 2011) sent to the ACNI and other public authorities recommends that outcomes to be achieved are clearly set which will address or ameliorate inequalities identified and promote good relations.
22. These should be expressed as measurable reductions in the inequalities expressed by Section 75 groups or clear steps on the way to achieving such reductions.
23. Outcomes relevant to the functions of the ACNI could include, for example,
 - an increase in effective engagement in an underrepresented group;
 - a reduction in levels of prejudice in the community towards a Section 75 group;
 - increased levels of satisfaction / confidence amongst a particular Section 75 group in the work of the ACNI;
 - increase by a certain percentage the participation of women/ disabled people/older people in the arts working from a baseline figure. If no baseline data is available, then a commitment could be made to collect this data;
 - an increase in participation of an under-represented Section 75 group on a public life position for which ACNI has responsibility or can influence.

24. There are a number of performance indicators in the draft action plan which focus almost exclusively on outputs rather than outcomes and positive impacts on Section 75 groups.
25. In general, we **recommend** that the ACNI reviews its proposed performance indicators to ensure they identify **clear outcomes** for the Section 75 group in question.
26. The ACNI has referred in its draft action plan to a range of individual action plans and strategies that promote equality of opportunity for a number of Section 75 groups. For example, it refers to promoting access and participation of minority ethnic communities through its *Intercultural Arts Strategy 2011-2016*.
27. We **recommend** that ACNI ensures that all key existing Strategies and proposed Strategies (including the *Youth Arts Strategy*) which promote equality of opportunity and good relations, have clear associated outcome measures.

Allocation of Resources

28. We note that performance indicators are absent in relation to a number of proposed actions set out due to uncertainty around the allocation of resources. All actions within the plan should be coherent with ACNI's business processes and incorporate relevant resource considerations.
29. Whilst it is helpful to highlight in the audit potential actions that may be progressed subject to funding, we **recommend** that the **final** Section 75 action plan only contains actions that there is a clear commitment to progress and in relation to which adequate resources have been secured.
30. The action plan should address core priorities considered most critical to challenging identified inequalities taking account of budget constraints and other considerations. It is important to remember that the action plan and subsequent plans can be revised when appropriate allocation of resources are secured and agreed by ACNI.

Link to key Strategies

31. We note that the audit of inequalities highlights that the 'audit will inform key strategic priorities for the years ahead with actions reflected in our corporate and annual business plans and that the audit of inequalities, associated action plan and revised equality scheme are to be aligned to ACNI's overarching five year successive strategy.'
32. We welcome this approach to linking the audit, and action plan to the ACNI's five year strategy, corporate and annual business plans. We **recommend** that this is highlighted not only in the audit but the final action plan.

Accessibility of action plan

33. We welcome the fact that ACNI has made its draft action plan accessible, by including website links to its existing key strategies and action plans and the clear commitment to provide other website link to as yet unpublished strategies such as the *Youth Arts Strategy 2012-2016*. The ACNI's draft plan also refers to a wide range of research and reports which, where possible and appropriate, should also have website links.

Religious Belief

34. The audit highlights that the SIAP monitoring returns indicate higher levels of applications (and successful applicants) from the Roman Catholic community. We **recommend** that this is referred to in the draft Section 75 action plan and appropriate measures (and performance indicators) to address this identified under-representation included.

Multiple identities

35. We note and welcome the fact that the ACNI has set out in its audit of inequalities and action plan a recognition that there are multiple identity issues relevant to a number of Section 75 groups.

36. Whilst multiple identity issues have been identified in some areas in the draft Section 75 action plan (for example, children and young people), we **recommend** that the ACNI in developing and implementing **all** its Strategies and programmes considers how best to collect and collate data relating to multiple identities as well as clear actions to address barriers.
37. We note, for example, that the recent evaluation of the Arts and Older People's Strategy⁶ has highlighted that 'few men have been attracted to AOP activities' and suggests steps are taken to address this imbalance during the final application stage'. It is also of note that this evaluation highlights recommendations aimed at increasing age awareness and giving older people a greater voice as part of the Steering group. We **recommend** that specific action is taken to address these recommendations.

Good relations

38. We welcome the inclusion in the audit of inequalities of ACNI's commitment to the aims and objectives of the proposed Cohesion, Sharing and Integration Strategy (CSI) and the recognition given to the findings of the Commission's 2011 Equality Awareness Survey; in particular, the prevalent social attitudes to a range of groups such as Irish Travellers and others.
39. ACNI has a key role to play in promoting good relations (in terms of challenging sectarianism and racism) as well as tackling other forms of prejudice.
40. We welcome the commitment, subject to confirmation of funding, to roll out a second *Re-imagining Communities Programme*. The findings of the independent evaluation of this programme in 2009 have highlighted the positive impact this programme has made in terms of promoting good relations and encouraging shared spaces; whilst highlighting some areas in relation to which the programme can be improved.

⁶ http://www.artscouncil-ni.org/departs/strategy/reports/schemes/aop_interim_report_jan_2012.pdf

41. We look forward to ACNI developing and including clear outcome-focused performance indicators directly related to that programme; as well as the action designed to address the under-representation highlighted in the audit.
42. As highlighted in its *Guidance on promoting good relations*⁷ for public authorities, the Equality Commission **recommends** that ACNI considers developing a Good Relations Strategy in order to provide a clear and workable framework for, and to formalise its commitment to the promotion of good relations.

Disability

43. The Commission, along with the Northern Ireland Human Rights Commission, has been designated under the UN Convention on the Rights of Persons with Disabilities (UNCRPD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of the UNCRPD Northern Ireland.
44. We welcome the fact that ACNI has adopted our recommendation and referenced the UNCRPD in its audit of inequalities, specifically Article 30. Article 30, for example, sets out the obligations placed on the UK Government in terms of access for disabled people to cultural materials in accessible formats, access to films, theatre and other cultural activities in accessible formats; and access to places for cultural performances or services. A copy of the UNCRPD is available on the Commission's website.
45. We **recommend** that ACNI on an ongoing basis considers what further steps it can take in order to ensure that the obligations placed on the UNCRPD are complied with; see, in particular, the obligations under **Article 30**, the right of disabled people to participate in cultural life, and more generally **Article 29**, the right to participate in public life.

⁷ *Promoting good relations: A Guide for public authorities*, ECNI, 2007, <http://www.equalityni.org/archive/pdf/PromoteGdRel.pdf>

46. We welcome the proactive steps that the ACNI has taken to promote the participation of disabled in public life; including, for example, through the funding of a disabled person led Arts and Disability Forum.
47. It is of note that the Equality Commission's recent *Equality Awareness Survey 2011* referenced in ACNI's equality audit shows that there is evidence of increasing negative attitudes towards disabled people. Negative attitudes towards people experiencing mental ill health have increased in comparison with other equality groups.⁸
48. In addition, as highlighted in our joint response with the NIHRC to the OFMDFM draft disability Strategy, hate crime against disabled people is a significant and persistent problem that has been largely unacknowledged. There is clearly a role in all mediums of the arts to promote positive attitudes towards disabled people in that regard.⁹
49. We welcome the proposed action to review data relating to disability and its disaggregation. As highlighted at our meeting, this is an important action in light of the findings in the research *Disability Programmes and Policies: How does Northern Ireland Measure Up?*¹⁰ commissioned by the Equality Commission that statistics on policies and programmes were very rarely disaggregated to give information on persons with disabilities or on the **type of disability**.
50. ACNI indicated at our meeting that consideration was being given to the development of a strategy on mental health and the arts. In light of the significant barriers faced by people with mental illhealth, including the increasing prejudicial attitudes that they face, we would welcome the development and

⁸ Do you mean me? Discrimination: Attitudes and Experience in Northern Ireland – Equality Awareness Survey 2011, commissioned by ECNI, www.equalityni.org.

⁹ http://www.equalityni.org/archive/pdf/IMNI_Response_DraftDisabilityStrategy_v1_310712.pdf

¹⁰ *Disability Programmes and Policies: How Does Northern Ireland Measure Up?*, Disability Action commissioned by the Equality Commission, 2012, www.equalityni.org

implementation of this Strategy. This reinforces the need to examine the challenges faced by disabled people with different types of disability and collect and collate that data.

Children and Young People

51. We welcome the ACNI's proactive approach to engaging with children and young people in the development and finalisation of its *Youth Arts Strategy 2012-2016* due to be published. We also commend ACNI for adopting best practice recommended by the Commission's *Guidance for public authorities on consulting with children and young people*.¹¹
52. In bringing forward this Strategy, we recommend ACNI consider the findings of the report *Barriers to Effective Government; Delivery for Children in Northern Ireland* commissioned by NICCY. This report highlighted that in relation to strategies, policies and action plans on children and young people that there are inconsistencies in their approach in terms of implementation, monitoring and evaluation of progress.
53. Finally, it raised concerns that there was 'a failure to link various strategies with each other, as appropriate, as a means of maximising impact and outcomes for children as well as ensuring their continued involvement and engagement in the continuing development of such strategies and policies.'

Sexual orientation

54. We welcome the inclusion in ACNI's audit of the findings of the ECNI's recent Equality Awareness Survey which highlights a high level of prejudicial attitudes towards LGB individuals.
55. We **recommend** the inclusion of clearer actions and performance indicators in the Section 75 action plan aimed at increasing the visibility of LGB individuals within the arts and at

¹¹ *Lets Talk, Lets Listen, Guidance for Public Authorities and Consulting and Involving Children and Young People*, ECNI, 2008, www.equalityni.org

combating the negative attitudes and stereotyping that LGB individuals (including young people) experience.

Employment

56. Finally, we welcome the ACNI's inclusion in its action plan of measures aimed at promoting equality of opportunity within its own workforce.
57. Further information on the range of measures that employers can take to promote equality of opportunity in employment are outlined in the Commission's *Unified Guide to promoting equal opportunities in employment*¹².
58. The Commission has also developed **employment equality plans** with a number of both public and private sector employers. There are useful ways of helping employers plan and take practical action to promote equality of opportunity across a range of Section 75 groups. Employment equality plans are tailored to meet the specific circumstances of the individual employer and further information on developing an employment equality plan is available from the Commission.

October 2012
Equality Commission

¹² *Unified Guide to promoting equal opportunities in employment, ECNI*
<http://www.equalityni.org/archive/pdf/unifiedguideF09.pdf>

Annex 1: The Equality Commission for Northern Ireland – Remit

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, sexual orientation, disability and age.
2. 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 (Section 75) and to promote positive attitudes towards disabled people and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.
3. 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;
 - keeping the legislation under review;
 - promoting good relations between people of different religious belief and / or political opinion.
4. The Commission, with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the rights of Persons with Disabilities (UNCRPD) as the independent mechanism tasked with

promoting, protecting and monitoring implementation of
UNCRRPD in Northern Ireland.