



Response to Department of the Environment review of the Local Government Staff Commission

October 2012

Introduction

1. The Equality Commission for Northern Ireland has set out below its response to the Department of the Environment's ('the Department') consultation paper on the review of the Local Government Staff Commission (LGSC). Details of the scope of the Commission's remit and duties are contained in Annex 1 on page 9.
2. We welcome the opportunity to respond to this consultation given the crucial importance of ensuring adequate support for embedding equality of opportunity and good relations in local government and the significance of the changes happening through completion of the Review of Public Administration (RPA) and the local government reform process.
3. The Commission has not answered all the questions but has commented on those most relevant to our remit.

Executive summary

4. In summary, the Commission:
 - has worked collaboratively with the LGSC on a number of successful initiatives aimed at promoting equality of opportunity and good

relations and welcomes the work undertaken by the LGSC to ensure that equality of opportunity and good relations are mainstreamed across local government;

- stresses that, however delivered, work to promote equality of opportunity and good relations across local government must be prioritised, supported, monitored, reviewed and adequately resourced, particularly in the context of the current reform proposals;
- emphasises that work to promote equality of opportunity and good relations must be clearly located within the post reform arrangements and steps must be taken to ensure robust accountability with clear lines of accountability, so that there is no diminution in the levels of support and guidance for councils;
- recommends that the Department uses any relevant information gained as part of the consultation process to re-screen the policy at the policy development stage of the process and issue a revised screening template to consultees.

The LGSC's equality work

5. The Commission recognises the important role that the LGSC has played in embedding equality and good relations within councils and in seeking to support collaboration and to encourage and share best practice. In addition to providing guidance on good recruitment and selection practices, the LGSC has also been responsible for providing training and development for councillors on equality and good relations.
6. The LGSC has also worked to coordinate and facilitate consistency across local councils in the development of Section 75 audits of inequalities, Section 75 action plans and equality schemes, including organising a joint event to coordinate consultation across councils on these three key equality documents.

7. The Commission has worked closely with the LGSC on a number of successful projects including the *Women in Local Councils Initiative*, the *Disability in Local Government Initiative*. The increase in the number of women chief executives of councils from one to six is arguably an indicator of the *Women in Councils Initiative*'s contribution to achieving equality of opportunity in this area. More recently, this work has been undertaken in the LGSC's *Equality and Diversity Group*¹ which has developed a strategy across three themes – employment, service provision and civic leadership².

The imperative for continued focus on equality and good relations

8. The Commission considers that there is a real need for a number of important functions currently carried out by the LGSC relating to equality of opportunity and good relations to continue. It is crucial that responsibility for these functions is clearly located, that their delivery is transparent and that their impact is measured.
9. The Commission's final report on the review of the effectiveness of Section 75 of the Northern Ireland Act 1998 (Section 75), *Section 75, Keeping it Effective*³, made it clear that the 'issue of leadership in driving compliance and ultimately in promoting equality of opportunity is particularly pertinent within local government and government departments'.
10. Such work is particularly important in the current context of local government reform in which new councils will be created, additional functions transferred to councils, and potentially new staff and new councilors appointed.

¹ The Commission's Deputy Chief Commissioner chairs the LGSC's *Equality and Diversity Group*

² <http://www.lgsc.org.uk/fs/doc/Strategy%20and%20Action%20Plan%20April%2012.pdf>

³ Section 75, Keeping it Effective, ECNI, 2008 -

<http://www.equalityni.org/archive/pdf/EffectivenessReviewFinalRpt1108.pdf>

11. The Commission considers that the reform process needs strong leadership and support to ensure that equality of opportunity and good relations are embedded in the new structures, functions and services. The Commission has set out the principles required to underpin this in *Principles for Equality of Opportunity and Good Relations in Local Government Reform*⁴.
12. The Commission's key concern is that these functions continue to be delivered in the future. It is essential that they are delivered in a manner which will ensure a high level and strategic focus on equality and good relations throughout local government, without a reduction in standards and that their delivery is monitored and reviewed.
13. It is important that this leadership, guidance and support in taking forward a range of initiatives on equality of opportunity and good relations is available to the new councils, particularly in the context of promoting integrated strategies across the sector; delivering local government change; developing and implementing new equality schemes, Section 75 action plans and disability action plans. In addition, new councils will be required to prepare for, and implement, changes in order to ensure compliance with the new Code of Conduct and proposed new equality legislation, including the extension of age discrimination legislation to the provision of goods, facilities and services.
14. In the light of new functions, including in planning and community planning, such guidance and support will help ensure that equality of opportunity and good relations are embedded in this work.
15. The Commission is mindful of the important role LGSC has played in assisting local government to deliver on their equality

⁴ Principles for Equality of Opportunity and Good Relations in Local government Reform, ECNI, 2008 - <http://www.equalityni.org/archive/pdf/ECoppgoodrelations.pdf>

requirements, facilitating a consistent approach and developing best practice.

16. The Commission considers that, as the reform proposals progress, there is a need for enhanced support and guidance on equality of opportunity and good relations in order to prepare the new councils for the responsibilities that they will have to comply with under the equality legislation, as well as meeting good practice standards. This will send a clear signal across local government that the promotion of equality of opportunity and good relations is a key consideration that must be embedded and form a core part of the work of local councils.

Training for councillors

17. Currently the LGSC has a key role in providing equality and good relations training for councillors. It is essential that this training not only continues but is enhanced and extended.
18. The Section 75 effectiveness review report⁵ recommended that, in order to ensure visible commitment to the principles of equality of opportunity and good relations by leaders across local government, training on equality and good relations is placed on a **mandatory** footing for all elected representatives.
19. Mandatory training will raise awareness of councillors' responsibilities under the equality legislation, including council duties under Section 75 in relation to the promotion of equality of opportunity and good relations.
20. Crucially, such training will help promote the high standards of behaviour, attitudes and values expected of councillors and help ensure that councillors comply with the proposed principles

⁵ Section 75, Keeping it Effective, ECNI, November 2008 - <http://www.equalityni.org/archive/pdf/EffectivenessReviewFinalRpt1108.pdf>

relating to equality, good relations, respect and good working relationships to be included in the proposed Code of Conduct for councillors.

Comments on screening

21. The policy aim, as noted on the screening form, is: '*Test continuing need for the Commission and Local Government Training Group for which it is responsible*'. The Commission is of the view that the equality impacts of this do not appear to have been assessed.
22. In particular, the Commission has concerns regarding the completed screening form as follows:
 - **Part 1: Policy scoping** – subtitle: *Section 75 categories which might be expected to benefit from intended policy?* This section notes – '*Councils / Staff Commission*'

This section should highlight the relevant Section 75 categories, not stakeholder groups, as appear to be noted.

- **Part 1: Available evidence:** There is reference to legislation and internal planning documentation but the screening document presents no information on potential impacts in respect of the nine equality grounds.
- **Part 3 – Screening decision:** The Commission is unclear as to how the Department determined that there are no equality or good relations impacts when there is a total absence of 'information' or evidence to support this decision.
- **Part 5 – Approval and authorisation:** In terms of effective corporate governance and commitment at a senior level to the Section 75 duties the Commission recommends screening forms are authorised and signed off at a senior level. There is no signature or date on the form.

23. The Commission recommends that the Department uses any relevant information gained as part of this consultation process to re-screen the policy at that stage of the policy development process and re issue a revised screening template to consultees.
24. The screening form already notes on a number of occasions at *Part 2: screening questions* that information from the consultation will identify if there are opportunities to better promote equality of opportunity and good relations.
25. The Commission notes that there appears to be no question in the consultation questionnaire to ascertain any potential equality impacts of the proposed policy and would recommend that such questions form part of any future consultations.

Conclusion

26. In conclusion, the Commission both recognises and values the current proactive work undertaken by councils in promoting equality of opportunity and good relations in their employment practices, public functions and service delivery. Through its leadership role, the LGSC has assisted councils not only to meet the requirements of the equality legislation, but to move beyond compliance and adopt good practice. There is a clear need for support and advice to be given to councils in order that they can collaborate and share best practice.
27. It is particularly important as new councils are created and, potentially, new staff and councilors appointed that there is a focus on the sharing and dissemination of existing good practice to the newly created bodies.
28. We are of the view that this proactive work must be continued, supported and adequately resourced. This will send a clear signal across local government that the promotion of equality of opportunity and good relations is a key consideration that must be

embedded in and form a core part of the work of the newly formed local councils.

29. This will require clear location of these functions in the post reform architecture. It is important that, whichever organisation delivers these functions, steps are taken to effectively measure, monitor and evaluate actions taken. There must be robust accountability for this work, with clear lines of responsibility, so as to ensure that there is no diminution in the levels of support and guidance for councils.
30. Regardless of which body carries out the current functions of the LGSC in the future, there must be no diminution in the levels of support and guidance for councils in helping them to promote equality of opportunity and good relations. On the contrary, the Commission is of the view that as the reform proposals progress, there is a need for enhanced support and guidance on equality of opportunity and good relations in order to prepare the new councils for the responsibilities.

Equality Commission

October 2012

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 UNCRPD in Northern Ireland.