

RESPONSE TO THE DEPARTMENT FOR SOCIAL DEVELOPMENT'S DRAFT AUDIT OF INEQUALITIES AND ACTION PLAN

May 2012

Introduction

1. The Equality Commission for Northern Ireland has set out below its views on the draft audit of Inequalities and action plan of the Department for Social Development ('the Department'). Further details on the scope of the Commission's remit, duties and expertise are contained in Annex 1.

Executive Summary

2. In summary, we **welcome** the fact that the Department has:-
 - as recommended, carried out an audit of inequalities and prepared a draft S75 action plan;
 - summarised in its draft audit the range of initiatives which it is currently taking to address key inequalities and set out the additional actions it proposes to take;
 - set out in its action plan a series of actions, with associated timescales and performance indicators aimed at addressing the key inequality identified, and indicated how it intends to monitor those actions;
 - included in its draft action plan actions aimed at promoting good relations, addressing gaps in equality data and increasing the uptake of its services by under-represented S75 groups.

We **recommend** that Department:-

- takes into account when carrying out its audit and identifying key actions, the **additional research**, including Equality Commission research, highlighted below;
- clearly sets out the **timescale** of the draft action plan so that it is clear when the current action plan expires and a new action plan is required;
- revises certain performance indicators to indicate the clear **outcomes** to be achieved;
- considers what **further action** it can take to:-
 - promote equality of opportunity and good relations through its **procurement** practices;
 - meet the standards and obligations placed on the UK Government under the **UNCRPD**;
 - promote the participation of Section 75 groups in **public life**;
 - identify and address gaps in equality information relating to the **multiple identity issues**;
 - promote equality of opportunity and good relations in the **work place**;
 - **build capacity** or give additional support to organisations representing certain Section 75 groups;
 - to promoting good **race** relations.

General Comments

3. As recommended, the Department has exhibited a positive approach by carrying out an audit of inequalities across a range of areas; identifying and setting out a number of specific inequalities it is intending to address; and including a number of action measures (with associated timescales) which are broadly linked to addressing some of the key inequalities identified.
4. 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.

5. To further this intention, the Commission forwarded to the Department and other public authorities an advice note (March 2011) that sets out our advice on this matter.¹ A further recent advice note (March 2012) forwarded to the Department and other public authorities provides additional guidance from the Commission on undertaking an audit of inequalities.²
6. We welcomed the opportunity to meet with the Department in order to assist and support it in undertaking its audit and developing its S75 action plan. As highlighted at our meeting, as a Government Department, it is important that the Department **leads by example**, both in terms of its approach to developing a S75 action plan and as regards the content and implementation of its action plan.
7. We welcome the fact that the Department has taken on board a number of the recommendations that we made at that meeting and as highlighted in our subsequent letter to the Department. We have set out below further recommendations for consideration by the Department.
8. We are aware the Department is already taking a number of proactive steps in a range of areas to address inequalities. The Department has helpfully summarised in its draft audit the range of initiatives which it is currently taking to address key inequalities. It has also made it clear the additional or new measures that it proposes to take having considered the key inequalities highlighted in its audit.
9. We also welcome the Department's commitment to establish a cross-Departmental group in order to monitor and review its progress in relation to its Section 75 action plan, and its commitment to amend its

¹ *Realising outcomes from the Section 75 Equality Duties: Advice to Public Authorities* The ECNI advice note is available at:-

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

² *Approaching an Audit of Inequalities: Advice to Public Authorities, 2012*,
http://www.equalityni.org/archive/word/Public_Authorities_Audit_of_Inequalities_Mar12.docx

audit of inequalities if new data emerges which shows additional key inequalities.

10. We have responded to the specific questions raised in the Department's consultation reply document as follows:

Additional Evidence

11. The Department has sought views on whether there is any additional evidence or information which the Department should have considered in undertaking its audit of inequalities. We have set out below some additional research which we recommend that the Department considers; some of which was published after the Department commenced its consultation on its audit and action plan.
12. Firstly, we welcome the reference in the Department's audit to the Commission's *Statement of Key Inequalities in Northern Ireland*³, and its independently commissioned research *Employment Inequalities in an Economic Downturn*. We recommend that the Department also considers the following research commissioned by the Equality Commission:-
 - the recommendations relating to the Department highlighted in the research report *Outlining Minimum Standards for Traveller Accommodation*, commissioned by the Equality Commission in 2009⁴;
 - *Disability Programmes and Policies: How does Northern Ireland measure up?*⁵, which identified a range of shortfalls or gaps in key programmes and policies relevant to the articles of the UNCRPD.

³ *Statement on Key Inequalities in Northern Ireland*, ECNI, October 2007, www.equalityni.org

⁴ <http://www.equalityni.org/archive/pdf/travguideSDSHWeb100409.pdf>

⁵ *Disability Programmes and Policies: How does Northern Ireland measure up? Monitoring Implementation (public policy and programmes) of the UNCRPD in Northern Ireland*. Disability Action, commissioned by ECNI, 2011, www.equalityni.org/research

13. In addition to research commissioned by the Equality Commission, we would further draw the Department's attention to the following:-

- the recent research published by the Joseph Rowntree Foundation *Northern Ireland Peace Monitoring Report No. 1*⁶
- *Making Children Visible, the Parity Question*, which explores the operation of the parity principle in Northern Ireland, particularly in the context of welfare reform⁷. It also identifies possible adverse impacts that may result as a consequence of the proposed welfare reform changes as well as highlighting areas of flexibility the Department may wish to use when adopting the welfare reform measures in Northern Ireland.
- *Women living in Disadvantaged Communities: Barriers to Participation* by the Women's Centres Regional Partnership⁸ and in particular the recommendations relating to the Department therein;
- the recent *Concluding observations on the UK* of the Committee for the Elimination of Racial Discrimination (CERD) and, in particular, the recommendations on the UK Government relating to Travellers;
- *opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on the UK*⁹, and, in particular, the recommendations to meeting the accommodation needs of Travellers;

⁶ *Northern Ireland Peace Monitoring Report No.1*, Joseph Rowntree Foundation, February 2012

⁷ *Making Children Visible, the Parity Question*, B. Fitzpatrick and N Burrows, commissioned by NICCY, 2012, www.niccy.org

⁸ *Women living in Disadvantaged Communities: Barriers to Participation*, WCRP http://www.wrda.net/Documents/Barriers_to_Participation_-_Final_March_2009_version_2.pdf

⁹ CERD *Opinion on the UK*, Advisory Committee on the Framework Convention for the Protection of National Minorities, 30 June 2011 <http://www2.ohchr.org/english/bodies/cerd/docs/A.66.18.pdf>

- *Concluding observations of the UN Committee on the Rights of the Child*¹⁰, in particular, the recommendations relating to ending child poverty;
- the recent *Counting the Costs 2012* survey which highlights the recent experiences of families with disabled children across the UK and the impact of the economic downturn and their concerns in relation to potential welfare reform¹¹;
- *All Ireland Traveller Health Study, Our Geels* which highlights the impact of poor quality accommodation on mental health and well-being of Travellers¹².

Additional actions

14. The Department has sought views on whether or not there are any actions not identified in the action plan which should be included.
15. In general, we welcome the range of measures that the Department has committed to in its draft action plan. We have set out below **additional areas** where we of the view that there is the potential for the Department to make a significant impact in terms of promoting equality of opportunity and good relations.
16. We recognise that not all of the actions we have highlighted below can be brought forward simultaneously and may be prioritised in subsequent action plans.

¹⁰ *Concluding observations of the UN Committee of the Rights of the Child, on the UK*, October 2008, <http://scotland.gov.uk>

¹¹ <http://www.cafamily.org.uk/pdfs/Counting%20the%20costs%202012.pdf>

¹² *All Ireland Traveller Health Study, Our Geels, Summary of Findings*, DHSSPS and Others, September 2010, www.dhsspsni.gov.uk

Welfare reform

17. The Commission has submitted a number of responses to the Department on a range of matters in relation to welfare reform, including its initial Equality Impact Assessment of the Welfare Reform Bill (Northern Ireland) 2011 completed in December 2011. In addition, we have responded to the Department's consultation, in conjunction with the Department of Works and Pensions, on the Personal Independence Payments Assessment Regulations and its consultation on Thresholds and Weighting Criteria for Entitlement. We also submitted a briefing to the DSD Assembly Committee in April 2012.
18. These responses set out a range of findings and recommendations that should inform the Department's audit of inequalities and assist it in determining any action or measure to address the potential adverse impacts of the Department's welfare reform programme.
19. We note that the Department has identified in its recent EQIA in April 2012 that there are risks of negative impact on a number of Section 75 groups. The Department has also set out measures that it intends to take in order to mitigate against some of these impacts. We will continue to engage with the Department in relation to the issues we raised in our response to the *Equality Impact Assessment on the Social Welfare Reform Bill* during the Bill's passage through the Assembly, highlighting those issues which we believe require further consideration from an equality perspective
20. We would also welcome engagement with the Department on the proposed Social Protection Fund.
 - **Gaps in data**
21. We note that the Department has indicated in its audit that data gaps remain in relation to some Section 75 categories. We welcome the stated commitment to "undertake an audit of existing information systems in relation to its remit and, where possible, take action to address these gaps", as well as its commitment to "explore the

potential for opening legal gateways that allow greater sharing of information across Departments”.

22. It is clear from the recent completed equality impact assessment on the Welfare Reform Bill (NI) 2011¹³ that the Department did not monitor religious belief, political opinion, racial background or sexual orientation for the purpose of administering social security benefits. The Department’s EQIA on the Welfare Reform Bill also reveals that there are gaps in data in relation to marital status and persons with dependants, in relation to some areas.
23. We welcome the Department’s commitment in its draft Section 75 Action Plan to develop a policy simulation model by early 2012 in order to “provide some information on all of the equality groups with the exception of political opinion and sexual orientation”. The Department has indicated that information relating to political opinion and sexual orientation will be gathered through the 2012/13 Family Resources Questionnaire.
24. The Department’s has set out in its draft action plan the proposed proactive steps it proposes to take in terms of improving its data collection as regards the impact of welfare reform. In line with its stated commitment to undertake an audit of existing information systems in relation to its remit, we **recommend** that the Department also includes in its action plan the **further** steps (and the time scales proposed), as set out in page 67 of its draft audit, it intends to take in terms of addressing gaps in Section 75 equality information.
25. It is important that when undertaking an audit of existing information systems in order to identify equality data gaps, the Department considers data gaps relating to Section 75 groups with **multiple identities**, for example, older disabled people. We therefore **recommend** that the Department makes it clear that its audit of

¹³ *Welfare Reform Bill (NI) 2011, Completed Equality Impact Assessment*, April 2012, www.dsdni.gov.uk

existing information systems will consider how best to collect, collate and analyse data relating to service users with **multiple identities**.

26. The collection and collation of such data would enable the Department to set out, for example, the rate of disability poverty by age, ethnicity, gender and community background. In addition, it would enable an analysis of pensioner poverty by not only age, but by disability, ethnicity, gender and community background. Such information will, for example, enable the Department to assess whether particular measures are needed to address levels of poverty by individuals with multiple identities (such as older black minority ethnic people).
27. We also **recommend** that the Department's audit of existing information systems includes both claimant surveys and **complaints received** by Section 75 groups, so that it is possible to assess the nature and extent of complaints raised by Section 75 groups in relation to the Department's services.
28. Further guidance and information on Section 75 monitoring is available from the Commission's *Monitoring Guidance for Use by Public Authorities*.¹⁴

- **Accessibility**

29. In addition to ensuring information is accessible, we note from the Department's EQIA on the Welfare Reform Bill that it is also identified that "online access for older people, if most claims and notifications are to be dealt with online, it could in theory disadvantage older people."
30. In bringing forwards its proposals in relation to welfare reform, we **recommend** the inclusion of specific commitments to ensure that

¹⁴ *Monitoring Guidance for Use by Public Authorities*, July 2007, ECNI www.equalityni.org

accessibility requirements are met; particularly as regards accessing information, advice and benefit forms online.

Traveller accommodation

31. We welcome the Department's proposed action to carry out a third Comprehensive Traveller needs assessment by 2013. It is essential that following that assessment, there is a **commitment** to taking specific actions to address and identify the needs of travellers, and in line with the Commission's Section 75 advice note, set goals (intended impacts) and outcomes to be achieved which will address or ameliorate the inequalities identified.
32. In carrying out this assessment, we would draw the Department's attention in particular, to:
 - the recommendations and findings of the research *Outlining minimum standards for Traveller Accommodation* commissioned by the Equality Commission. The Department will note that one key recommendation in this report is that the Department plays a lead role in driving forward multi-agency working in this area.
 - the recent *concluding observations on the UK of the Committee for the Elimination of Racial Discrimination (CERD)* and in particular the recommendations on the UK Government relating to Travellers;
 - the recent *opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on the UK*¹⁵, and in particular, the recommendations relating to meeting the accommodation needs of Travellers;

¹⁵ CERD opinion on the UK, Advisory Committee on the Framework Convention for the Protection of National Minorities, 30 June 2011

- the *concluding observations of the UN Committee on the Rights of the Child*¹⁶, in particular the recommendations relating to ending child poverty, supporting families in most need of support and addressing poverty and the standard of living of Traveller children.
- the *All Ireland Traveller Health Study*, which highlights the impact of poor quality accommodation on mental health and well-being of Travellers¹⁷.

Voluntary and community support

33. The audit has highlighted the key role that the Department has in terms of overall policy responsibility for the voluntary information and advice services in Northern Ireland. We welcome the fact that the Department has clearly indicated that “the support of this sector is vital as they make a huge contribution to public life in Northern Ireland, in particular in tackling poverty and disadvantage.” The Department’s audit helpfully sets out the profile of organisations in terms of their primary purpose and primary beneficiaries.
34. The Commission is aware that the current economic downturn has had a detrimental impact on the voluntary and community sector. For example, recent research in Great Britain *Beyond the Cuts, Children’s Charities Adapting to Austerity*¹⁸ has revealed that children’s charities were particularly vulnerable to spending cuts.
35. The data highlighted by the Department in terms of primary beneficiaries of organisations shows that only a small proportion of voluntary and community sector organisations relate to areas such as sexual orientation, ethnic minorities or Travellers.

¹⁶ Concluding observations of the UN Committee of the Rights of the Child, on the UK, October 2008

¹⁷ *All Ireland Traveller Health Study, R. Geels, Summary of Findings*, DHSSPS and Others, September 2010, www.dhsspsni.gov.uk

¹⁸ *Children’s Charities Adapting to Austerity Beyond the Cuts*, May 2012, www.ncb.org.uk National Children’s Bureau

36. We **recommend** that the Department considers whether there is a need to build capacity or give additional support to organisations representing certain Section 75 groups, and in particular, to ascertain whether organisations benefiting certain Section 75 groups have been particularly impacted by the economic recession.

Good relations

37. We welcome the inclusion in the Department's audit of a consideration of its opportunities to promote good relations. We further welcome the proactive steps of the Department, in conjunction with the NIHE, has already taken to tackle sectarianism through the shared neighbourhood programme.
38. Whilst we welcome the proactive work of the Department in terms of tackling sectarianism, we **recommend** that the Department makes it clear what specific actions (with associated outcomes) it intends to take in terms of promoting good **race** relations.

Performance indicators

39. We welcome the Department's inclusion in its action plan of performance indicators, as recommended by the Commission's Section 75 guide. We **recommend** the Department also includes **clear outcomes** to be achieved which will address or ameliorate some of the key inequalities identified. For example, in terms of social security, in addition to a target as regards older people of availing of a 'full benefit entitlement check', an outcome could be a percentage increase in the number of older people claiming pension credit.

Timescale for action plan

40. Whilst we welcome the inclusion in the draft action plan of indicative timescales for a range of actions, it is not clear to the reader what is the overall lifespan of the action plan. We therefore **recommend** that the Department clearly sets out the timescale of the draft action plan so that it is clear when the current action plan expires and a new action plan is required.

Reflect UNCRPD standards

41. 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.
42. We **recommend** that the Department **references** the UNCRPD in its audit of inequalities and **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 19**, the right of disabled people to live independently, and **Article 28**, the right to an adequate standard of living and social protection. A copy of the UNCRPD is available on the Commission's website.
43. In addition, the Equality Commission has recently published independent research *Disability Programmes and Policies: How does Northern Ireland Measure Up?*¹⁹ This research presents evidence of areas of substantial shortfalls in public policy and programme delivery in Northern Ireland relative to the key requirements of the UNCRPD. The research identified three key areas for action; awareness raising, participation in public and political life and access to information and statistics and data collection.
44. We welcome the Disability Awareness Training Programme undertaken with frontline staff at Social Security Agencies across

¹⁹ *Disability Programmes and Policies: How Does Northern Ireland Measure Up?*, Disability Action commissioned by the Equality Commission, 2012, www.equalityni.org.

Northern Ireland; including the provision of Disability Equality Training involving disabled people completed last year.

45. As set out in *Disability Programmes and Policies*, the availability of robust data, information and statistics is central to evidence based policy making and to an effective monitoring process under Article 33 of the UNCRPD. Article 31 identifies the purpose of data and statistics collection and outlines the standards to be used for the collection, and maintenance and use of this information.
46. The Department will note that one of the findings of the research in relation to the statistical and data requirements of the UNCRPD, is that statistics on policies and programmes were very rarely disaggregated to give information on persons with disabilities or on the **type of disability**.
47. The research further commented that it was 'currently extremely difficult to measure the effectiveness of government policies in relation to people with disabilities' and this was 'due to a lack of co-ordinated and effective monitoring to quantify the impact of policy change'. The research also highlighted difficulties in that systems were not monitored or policed and where information was available, it was not readily accessible or available in formats required by disabled people.
48. In light of this, we **recommend** that the Department when undertaking its audit of its existing information gaps considers whether further steps are necessary in order to improve its data collection and analysis **relating to disabled people** so as to ensure that it can effectively monitor and review the impact of its proposed changes to welfare benefits.

Participation in public life

49. We are aware that the Department has taken a number of measures to facilitate engagement with individuals and groups covered by Section 75. We **recommend** that the Department considers what further steps it can take in order to encourage the participation in

public life of individuals and representative organisations covered by Section 75.

50. This should be to ensure an effective dialogue about the issues of concern and barriers that they face relevant to the Department's functions. For example, we recommend that as part of its audit it considers whether there is a need for further engagement with certain groups, such as children and young people, women or older people, persons with dependents and disabled people on welfare reform and other matters relevant to the Department's functional remit; including on issues in relation to the effective delivery of services and continue to monitor how accessible its services are to section 75 groups.
51. If further steps to encourage the participation in public life of Section 75 groups is identified, we recommend that it considers for inclusion in its action plan (with associated timescales and outcome focused performance indicators), to address under-representations across the Section 75 groups.

Procurement

52. We recommend that the Department consider measures it can take to promote equality of opportunity and good relations through its procurement practices.
53. We refer you to the recommendations in the Equality Commission's *Guidance on Public Sector Procurement*, which was produced in conjunction with the Department of Finance and Personnel.²⁰
54. The guidance sets out how public authorities can, through their procurement practices, promote equality of opportunity and good relations. In addition, we recommend that the Department ensure that robust practices and systems are put in place to effectively monitor equality and good relations outcomes associated with its procurement practices.

²⁰ *Equality of Opportunity and Sustainable Development in Public Sector Procurement*, ECNI Central Procurement Directive, 2008 available at www.equalityni.org

Accessible Housing Register

55. The Commission welcomes the action to develop an Accessible Housing Register for disabled tenants. We are aware that disabled people and their representatives have been calling for action in this area for almost a decade.²¹ The Department will be aware that this measure has a close correlation with the needs of older people and will therefore have an impact of individuals with multiple identities (such as older disabled people).

Equality in the Work Place

56. The Commission notes that the audit and action plan have not considered issues relating to the promotion of equality of opportunity and good relations in the Department's work place.
57. Whilst the Commission is aware that many of the Department's employment policies emanate from the Department of Finance and Personnel (DFP), it is important that the Department acknowledges its individual responsibility for its own implementation of those policies both within the context of the Department itself and its agencies. Where the Department becomes aware that steps are needed in terms of promoting affirmative and/or positive action, then it is a position to liaise and work with DFP in terms of taking appropriate action.
58. In relation to the monitoring of employment equality matters, there is a range of equality measures that the Department should consider. Examples of measures include monitoring the level and nature of **staff complaints** relating to discrimination and harassment, requests for and the uptake rate for **flexible working**, and the number of requests for **reasonable adjustments** and the degree to which effective adjustments are put in place.
59. Through an analysis of staff complaints, the Department may, for example, become aware of the need to address particular equality or

²¹ Setting the Agenda – Disability Action Conference, 2003. For further information contact Disability Action

good relations issues, through, for example, additional equality or good relations training.

60. We **recommend** that the Department's action plan includes specific measures to reflect these responsibilities.

**Equality Commission
May 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.