



Equality Commission for Northern Ireland

Response to the Invest NI draft Section 75 Audit and Action Plan

5 April 2012

Executive Summary

1. As highlighted at our recent meeting, in summary, we welcome the fact that Invest NI has, as recommended, carried out an audit of inequalities and prepared a draft five year action plan. We recognise, and welcome, the wide range of existing proactive work that Invest NI currently takes, both in terms of employment and service delivery, to promote equality of opportunity and good relations.
2. We **recommend** that Invest NI:-
 - summarises the key inequalities it has identified as a result of undertaking its audit of inequalities, rather than referring readers to previous EQIAs;
 - ensures a consistent approach across its action plan so that the action plan clearly sets out the key inequalities it is addressing in relation to promoting equality of opportunity in employment and service delivery, and good relations;
 - the action measures it proposes to take in order to address the key inequalities identified; as well as the performance indicators, outcomes and timelines associated with each action.

3. 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 delivery of its services.

Introduction

4. 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.
5. 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, and to promote positive attitudes towards disabled people, and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.
6. We welcome the fact that Invest NI has, as recommended, carried out an audit of inequalities and prepared a draft five year action plan. We also welcomed the opportunity to meet with you in order to discuss our response to the draft audit and action plan in more detail.
7. 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. To further this intention, the Commission has forwarded to Invest NI and other public authorities an advice note that further

sets out our advice on this matter.¹ At our meeting, we also drew your attention to a further recent advice note from the Commission on undertaking an audit of inequalities.²

8. 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.

Identify and summarise key inequalities

9. As highlighted in our advice notes, the Commission has recommended that public authorities identify and set out a number of specific inequalities it is intending to address.
10. In the introduction to its action plan, Invest NI has indicated that "this action plan is predicated on previous research following the numerous EQIAs conducted by Invest NI but most recently the business development solutions EQIA, Corporate Plan 2008-2011 EQIA, and communications access EQIA." It indicates that these are available to view on its website page.
11. In the interests of accessibility, we recommend that, rather than referring to EQIAs which can be obtained on its website, Invest NI summarises the key inequalities it is intending to address in its action plan.

Consistent approach

12. We recommend that Invest NI adopts a consistent approach across its action plan so that the action plan clearly sets out the key inequalities it is addressing, the action measures it proposes to take in order to address the key inequalities

¹ *Realising Outcomes from Section 75 Equality Duties: Advice to Public Authorities*, 2011, <http://www.equalityni.org/archive/pdf/RealisingOutcomes/pdf>

² *Advice to public authorities on undertaking an audit of inequalities*, 2012 http://www.equalityni.org/archive/word/Public_Authorities_Audit_of_Inequalities_Mar12.docx

identified, as well as the performance indicators, outcomes and timelines associated with each action. For example:-

- different titles have been used across the action plan and it is not clear whether a particular section refers to 'action measures' or 'performance measures';
- no performance indicators, outcomes or timescales have been set in the sections on 'addressing key inequalities in the labour market' or 'the promotion of good relations';
- key inequalities have not been clearly identified across all sections of the plan.

13. Finally, we recommend that Invest NI makes clear what **additional steps** it intends to take (either in this or subsequent action plans) as a result of carrying out its audit of inequalities, in addition to those steps it had already intended to take.

Employment

14. We welcome the inclusion in the action plan of action measures relating to employment. We are aware that Invest NI is taking a range of proactive steps in order to promote equality of opportunity and good relations within the workforce.
15. We welcome the inclusion of the action measure 'to ensure that 100% of Invest NI staff are trained in equality and diversity' and that this training is compulsory.
16. We also welcome the fact, as indicated in the draft action plan, that measures are taken to monitor the extent to which equality of opportunity and good relations is provided to staff through, for example, annual staff questionnaires. It is important that information collected and collated through staff surveys and complaints relating to equality and good relations within the workforce, are considered by Invest NI in order to establish whether further **specific action** is needed in particular areas.
17. It is unclear, however, in this section, whether it has identified particular inequalities relating to gender, fair employment, disability, race, etc, and what specific actions it is taking to

address those (for example, through a gender action plan) and whether associated timelines and outcomes have been set in relation to these.

18. We welcome the inclusion of measures to ensure the integration of S75 within the corporate planning process and recommend that Invest NI ensures that equality of opportunity and good relations objectives are incorporated into corporate/business plans.

Good relations

19. We note the reference in the draft action plan to the 'promotion of good relations across the business sector'. Whilst not specifically referred to in the draft action plan, we are aware that Invest NI has a good relations strategy; though we were unable to access this strategy on its website. We recommend there is a specific reference to this strategy in its draft action plan together with a website link.
20. We note that the action measures referred to in the section on the promotion of good relations do not appear to be aimed at addressing either sectarianism or racism. The actions appear to relate more closely to addressing key inequalities in labour market.
21. We therefore recommend that Invest NI revises its actions in this section in order to make it clear what key steps it proposes to take in order to address sectarianism, racism or other forms of prejudice, (either in employment or service delivery) over the life span of the Section 75 action plan. We also recommend that it outlines the timescales for these actions, associated performance indicators and outcome measures.

Service Delivery

22. We welcome the fact that Invest NI has identified the need to support networks of women with the aim of increasing female participation in the enterprise development programme. We recommend that this section is revised in order to include

- clearer actions, timescales and associated performance indicators and outcomes in relation to addressing this inequality.
23. For example, we note Invest NI has indicated that it intends to intervene through schools and youth programmes and “engagement with policy makers”. It is not clear from the action plan what “engagement with policy makers” entails or the timescale for this measure.
 24. Although included in the section on ‘promoting good relations’, we welcome the proactive work planned by Invest NI in relation to encouraging young adults into the labour market, as well as the long term unemployed and people aged over 50.
 25. At our meeting, we drew your attention to the Equality Commission’s research on *Employment Inequalities in an Economic recession*.³
 26. We recommend that Invest NI considers the findings of this report as part of its audit of inequalities and identifies whether further action is required in relation to particular Section 75 groups in terms of addressing inequalities in the labour market; for example, as regards disabled people or black minority ethnic groups.

Procurement

27. We recommend that Invest NI considers measures it can take to promote equality of opportunity and good relations through its procurement practices.
28. 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.⁴

³ <http://www.equalityni.org/archive/pdf/EconDownturnFinalFullReport260910.pdf>

⁴ Equality of Opportunity and Sustainable Development in Public Sector Procurement, ECNI Central Procurement Directive, 2008 available at www.equalityni.org

29. The guidance sets out how public authorities can, through their procurement practices, promote equality of opportunity and good relations. In addition, we recommend that Invest NI ensures that robust practices and systems are put in place to effectively monitor equality and good relations outcomes associated with its procurement practices.

UNCRPD

30. 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.
31. We recommend that Invest NI considers what further steps it can take in order to ensure that the obligations placed on the UNCRPD are complied with; see in particular Article 27 (Work and employment) A copy of the UNCRPD is available on the Commission's website.
32. In addition, the Equality Commission has recently published independent research *Disability Programmes and Policies: How does Northern Ireland Measure Up?*⁵ 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.

Participation in public life

33. We are aware that Invest NI has taken a number of measures to facilitate engagement with individuals and groups covered by

⁵ *Disability Programmes and Policies: How Does Northern Ireland Measure Up?*, Disability Action commissioned by the Equality Commission, 2012, www.equalityni.org.

Section 75. We note, for example, that Invest NI has held an engaging ethnic minority enterprise seminar in conjunction with NICEM. We are also aware that Invest NI has undertaken a range of steps to engage with the disability sector.

34. We recommend that Invest NI 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. This should be to ensure an effective dialogue about the issues of concern and barriers that they face relevant to Invest NI 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.
35. 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.

Gaps in data

36. We are aware that Invest NI has taken a number of steps in order to improve its equality monitoring information. Invest NI has indicated in its EQIA on its communications and access policy that individuals participating in its programme are asked to complete monitoring in relation to age, gender, community background, disability and racial groups. In addition, companies are asked to provide information in relation to community background, racial groups, disability and gender.
37. We recommend that Invest NI considers what steps it can take to address gaps in information in relation to monitoring data, collected and collated in regards to individuals and companies which participate in its programmes; for example, data in relation to people with dependents.

38. Further guidance and information on Section 75 monitoring is available from the Commission's *Monitoring Guidance for Use by Public Authorities*.⁶
39. It is also important that Invest NI considers the collation and collection of data relating to individuals with multiply identities; for example black minority women, older women etc. It is also important that Invest NI considers as part of its audit, inequalities associated with individuals with multiple identities and considers actions (with associated outcomes) aimed at tackling these particular inequalities.

Equality Commission
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⁶ *Monitoring Guidance for Use by Public Authorities*, July 2007, ECNI www.equalityni.org