

Equality Commission

FOR NORTHERN IRELAND

EQUALITY COMMISSION FOR NORTHERN IRELAND

**BUILDING A BETTER FUTURE: DRAFT PROGRAMME FOR
GOVERNMENT 2011-2015; ECONOMIC STRATEGY (PRIORITIES FOR
SUSTAINABLE GROWTH AND PROSPERITY; DRAFT INVESTMENT
STRATEGY FOR NORTHERN IRELAND 2011-2021**

Consultation response

February 2012

Executive summary

- i. The Equality Commission welcomes publication of 'Building a Better Future', the draft Programme for Government, and the opportunity to respond to the consultation. In doing so, we also set out key points in response to the Economic Strategy and the draft Investment Strategy for Northern Ireland.
- ii. In particular we welcome the underpinning principles of equality and sustainability and the overarching commitment that *'all of our policies and programmes across Government will be built upon the values of equality and fairness and the ethics of inclusion and good relations'*¹.
- iii. We also support the Executive's commitment to making a difference to people's lives through the delivery of the Programme for Government and recognise that the detail on delivery and the work of individual Departments, both separately and collectively, will be the crucial determinant of success. We also recognise the difficult context that exists, given the continuing economic downturn and the consequent restriction of public spending.
- iv. The Commission therefore welcomes the strategic priorities as set out in the Programme for Government and many of the individual proposals it contains, recognising many of them as measures we have sought to be included, as recommended in our response to the draft Budget in 2011. This includes targets for educational attainment, a childcare strategy, protection for older people and the potential to transform communities through measures including anti-poverty measures, jobs, skills provision, housing, health and social care safety and shared space and community. Also, the Executive's commitment to extending age discrimination legislation to the provision of goods, facilities and services is a first step by the

¹ Draft Programme for Government 2011-2015, page 21 – <http://www.northernireland.gov.uk/draft-pfg-2011-2015.pdf>

Executive in responding to the programme of necessary legislative reform set out by the Commission.

v. While welcoming the above, we would note that we consider that growing a vibrant economy is in itself insufficient to combat disadvantage and ensure the protection for the most vulnerable in society. We would therefore highlight the importance of the Programme for Government including clear actions to tackle persistent inequalities; and to identify and new / emerging inequalities - particularly those that might be created or exacerbated by the economic downturn and subsequent recovery. In particular we would make the following recommendations:

- the **extension of plans for legislative reform** to include disability and race; so as to reduce complexity for individuals and business; address important shortfalls; and ensure appropriate levels of protection in Northern Ireland;
- the inclusion of comprehensive measures for the **protection of the most vulnerable** to be clearly defined, actioned and monitored – including through consideration of the **specific circumstances of welfare reform** in Northern Ireland,
- the development of a clear focus on **shared education** so as to maximise equality of opportunity and good relations, recognising that this will be facilitated through the teaching of a shared curriculum in shared classrooms;
- the development of the proposed **childcare strategy** so as to maximise economic participation as well as combat poverty and social disadvantage;
- the **reform of local government** to include clear commitments and timelines regarding **community planning** to provide a sharpened focus for the appropriate delivery of public services; facilitating the renewal of communities and the promotion of equality of opportunity and good relations;

- that the planned **Disability Strategy** is configured so as to give full effect to the obligations on the Executive under the UN Convention on the Rights of Disabled People;
- the inclusion of explicit measures across the Programme for Government that will **promote comprehensive civic participation in policy and decision making**;
- measures to ensure the development of clear and explicit **coherence and coordination in delivery across Departments** – including in the development and delivery of the strategy for Cohesion, Sharing and Integration and equality strategies on race, gender, sexual orientation, age and other grounds;
- clear steps to ensure that the creation and location of new **employment, and investment in social economy measures**, will serve to maximise equality and combat disadvantage;
- ensure the use of **social clauses** beyond employment and that Departments take account of the guidance on equality and public procurement jointly prepared by the Commission and the Central Procurement Directorate; and,
- that the development of the Programme for Government and related strategies **appropriately take into account equality impacts so as to maximise the benefit of the Programme for Government** proposals in addressing inequalities and tackling disadvantage.

vi. There is more to be done. As the draft Programme for Government acknowledges, inequalities still exist. The Commission is committed to working with Departments, throughout the life of the Programme for Government, to assist them in meeting their commitments contained in it. The effective application of the Section 75 duties, including equality assessment, engagement, monitoring and review will be crucial to maximising the benefit of the Programme for Government on eradicating persistent inequalities and promoting equality of opportunity and good relations.

- vii. We expect a closer relationship between the monitoring and review of the Programme for Government and the EQIA than was the case for the previous Programme and we will continue to advise on how equality considerations can be best included into the development and implementation of legislation, policies, programmes and associated budgeting processes.

Introduction

1. The Equality Commission welcomes the publication of 'Building a Better Future', the draft Programme for Government, and the opportunity to respond to the consultation. In doing so, we also set out key points in response to the Economic Strategy and the draft Investment Strategy for Northern Ireland.
2. We welcome the underpinning principles of equality and sustainability and the overarching commitment that '*all of our policies and programmes across Government will be built upon the values of equality and fairness and the ethics of inclusion and good relations*²’.
3. We also welcome the Executive’s commitment to making a difference to people’s lives through the delivery of the Programme for Government and recognise that the detail on delivery and the work of individual Departments, both separately and collectively, will be the crucial determinant of success.
4. The Commission is committed to working with Departments, throughout the life of the Programme for Government, to assist them in meeting their commitments contained in it and in fulfilling the requirements of Section 75 of the Northern Ireland Act 1998 (Section 75) to pay due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations.

Programme for Government and the importance of Equality

5. The Commission recognises the challenges of agreeing a policy framework across Government and we are pleased that this substantive draft has been issued for consultation. We also recognise the difficult context, given the continuing economic downturn and the consequent restriction of public spending.

² Draft Programme for Government 2011-2015, page 21 – <http://www.northernireland.gov.uk/draft-pfg-2011-2015.pdf>

6. We welcome, therefore, commitments in the draft Programme for Government to deliver on both economic and social recovery – *‘our number one priority – a vibrant economy which can transform our society while dealing with the deprivation and poverty which has affected some of our communities for generations³’*
7. We also welcome the statement that *‘Equality is an important issue for the Executive and society alike. Inequalities do exist and we will work hard to eliminate these. Our policies and programmes will be designed in ways that ensure we can address inequality and unfairness and create conditions that support inclusion and equality of opportunity⁴’*.
8. The draft Programme for Government further sets out the Executive’s position on poverty and social exclusion, *‘The Executive has an overarching responsibility – and the collective will – to proactively change the patterns of social disadvantage that have existed historically, and remain today, by using increased prosperity and economic growth as mechanisms to tackle ongoing poverty⁵’*.
9. In particular the Commission is mindful that growing a vibrant economy will not in itself ensure the delivery of equality, nor the protection of the most vulnerable in our society. It is not the case that increased economic health will automatically bring social wellbeing. Indeed, it may even extend existing inequalities and create new ones. It is necessary to identify persistent inequalities and the barriers to equality, to take action and to monitor change.
10. We therefore consider it vital therefore that the Programme for Government includes a clear and comprehensive focus on tackling

³ Draft Programme for Government, 2011-2015, page 11 – <http://www.northernireland.gov.uk/draft-pfg-2011-2015.pdf>

⁴ Draft Programme for Government, 2011-2015, page 11 – <http://www.northernireland.gov.uk/draft-pfg-2011-2015.pdf>

⁵ Draft Programme for Government, 2011-2015, page 21-22 – <http://www.northernireland.gov.uk/draft-pfg-2011-2015.pdf>

both persistent inequalities⁶ and those that may further emerge in the context of the economic downturn and recovery.

11. We consider that this will be facilitated by ensuring synergy across relevant Government strategies, supported by targeted and coordinated actions across Departments.
12. The Commission is clear that screening and equality impact assessments must inform decision making and that the appropriate use of the Section 75 mechanisms will be key in identifying and addressing the persistent inequalities and will help ensure that the potential for positive impact is both identified, and actioned.

Northern Ireland Executive's priorities

13. The Commission welcomes the strategic priorities as set out in the Programme for Government and many of the individual proposals it contains, noting their potential to bring coherence to the Programme for Government and recognising many of them as measures we have sought to be included, as recommended in our response to the draft Budget in 2011⁷.
14. The five '*key strategic, interconnected and inter-dependent priorities*⁸' bring together the twin aims of economic growth and the transformation of society, '*we cannot simply grow the economy at the*

⁶ The Commission's Statement on Key Inequalities in Northern Ireland (2007) identified six broad areas where evidence showed persistent inequalities. These are: educational under-achievement; employment; access to and availability of health and social care; housing and communities; participation in civic and public life; and the impact of prejudice. These areas must be addressed if we are to progress towards realising equality of opportunity in Northern Ireland society.

[http://www.equalityni.org/archive/pdf/Keyinequalities\(F\)1107.pdf](http://www.equalityni.org/archive/pdf/Keyinequalities(F)1107.pdf)

⁷ Response to draft Budget 2011-2015, February 2011 –

http://www.equalityni.org/archive/pdf/ECNI_Response_to_draft_budget_160211.pdf

⁸ Draft Programme for Government, 2011-2015, page 26 – <http://www.northernireland.gov.uk/draft-pfg-2011-2015.pdf>

expense of disregarding our endeavours to transform society and enhance our environment⁹.

15. This foundation, together with partnership working, is essential to effective delivery and making a difference to people's lives. The Commission's response¹⁰ to the draft Budget 2011-2015 made recommendations in regard to cross departmental working and strategy development. We welcome that this approach is set out in the draft Programme for Government as essential, *'All departments of Government must work together to produce policies, plans and strategies – the building blocks – that are consistent with the priorities we have identified. In addition, Government as a whole, must act collaboratively with partners in the private, community and voluntary sectors to assure, and positively maximise, the impacts of our work.'*¹¹

Priority 1: Growing a Sustainable Economy and Investing in the Future

16. Priority one, *Growing a Sustainable Economy and Investing in the Future*, envisages the rebalancing as well as the rebuilding of the economy, more jobs, more people in work and a better educated and more highly skilled workforce.
17. We would urge the Executive to identify and take up the opportunities to address inequalities as evidenced by the Commission and others including the Departments in their individual Section 75 audits of inequalities. The Commission, for example, set out in a *'Statement on Key Inequalities'*¹² information on inequalities relating to

⁹ Draft Programme for Government, 2011-2015, page 26 – <http://www.northernireland.gov.uk/draft-pfg-2011-2015.pdf>

¹⁰ Response to draft Budget 2011-2015, February 2011 – http://www.equalityni.org/archive/pdf/ECNI_Response_to_draft_budget_160211.pdf

¹¹ Draft Programme for Government, 2011-2015, page 27 – <http://www.northernireland.gov.uk/draft-pfg-2011-2015.pdf>

¹² Statement on Key Inequalities in Northern Ireland, ECNI, 2007 – [http://www.equalityni.org/archive/pdf/Keyinequalities\(F\)1107.pdf](http://www.equalityni.org/archive/pdf/Keyinequalities(F)1107.pdf)

community background, gender, age, race, caring responsibility and disability in employment. We also commissioned research into the employment inequalities becoming evident in the economic downturn¹³. We would draw the Executive's attention to the barriers to employment identified in the key inequalities document and the research regarding the economic downturn.

18. Attention should be given to the nature of the jobs created and the salaries they pay. We note from the Economic Strategy that it is proposed that 50% of the 6,300 new jobs in locally owned companies will pay above the private sector median wage. Also, 75% of the 5,900 jobs funded by foreign direct investment will pay salaries above the private sector median. It is not clear how this target was determined or what consideration has been given to salaries in general. It is also not clear if it has been considered whether barriers to employment might create new inequalities or the extent to which the creation of these new jobs may contribute to the eradication of gender pay gaps. It is important, too, that the potential impact of any reduction in public sector employment is factored in to these considerations.
19. The location of new jobs is also an important factor. Having regard to location of jobs, including urban and rural issues, has the potential not only to increase access to employment for everyone but also to improve the economic and social resource base of communities in general.
20. In this light, we note the steps taken on consultation and participation in the development of the 'One Plan' in Derry / Londonderry and would hope to see similar measures in other ongoing regeneration initiatives including Maze / Long Kesh in order that they effectively implement their Section 75 duties to promote equality of opportunity and good relations.

¹³ Employment Inequalities in an Economic Downturn, ECNI, 2010 – <http://www.equalityni.org/archive/pdf/EconDownturnFinalFullReport260910.pdf>

21. We welcome measures in this priority, as well as priority two, in supporting measures for education and skills enhancement. We would hope that the Department of Education and the Department for Employment and Learning will develop these measures¹⁴ taking account of our analysis of employment inequality and our programme of work with private sector employers on employability.
22. We consider that investment in social economy measures will support the growth and development of organised civil society. This is important for the development of the community in general, communities of interest and geographical communities.
23. We note the planned shift within the health budget to public health which we hope would contribute to society and the economy by tackling disadvantage. We anticipate that the Department of Health, Social Services and Public Safety will urgently bring forward more detailed plans for consultation on this in the context of the health and social care review¹⁵.

Priority 2: Creating Opportunities, Tackling Disadvantage and Improving Health and Well-Being

24. Priority two, *Creating Opportunities, Tackling Disadvantage and Improving Health and Well-Being*, has real potential to address disadvantage and inequalities as one of the interlinked and interdependent priorities.
25. The Commission welcomes the commitment to implement a childcare strategy and that childcare is referenced as a general measure for

¹⁴ Including increase in GCSE attainment; STEM places; 200,000 qualifications.

¹⁵ Transforming Your Care: A Review of Health and Social Care in Northern Ireland, Health and Special Care Board, December 2011 - <http://www.dhsspsni.gov.uk/transforming-your-care-review-of-hsc-ni-final-report.pdf>

equality in the Programme for Government and the Economic Strategy, rather than as a solely child poverty action. We urge the Office of the First Minister and deputy First Minister to move early to consultation on the childcare strategy and to ensure that the focus and direction of the strategy is comprehensive in order to achieve a range of objectives, including economic goals.

26. However, despite the proposed childcare strategy and other measures within this priority, the Commission is concerned about the coherence and focus of the anti-poverty intervention package as a whole. It is not clear what the collective impact of these measures will be and, so, how the Executive's commitments will be met (see also EQIA comments further below)
27. While we note that specific, quantified measures have been included (deliver 8,000 social and affordable houses; achieve 100% double glazing; one year of pre-school education; support for 114,000 people into employment), in general in respect of this priority, the Commission is concerned that:
 - the body of anti-poverty strategies is still to be planned or developed; and
 - urgent and comprehensive measures for the protection of the most vulnerable are neither defined nor set out (this includes those related to the Westminster welfare reform agenda) though we welcome the establishment of the Advisory Group which we hope will be utilised in these broad areas.
28. Measures which are unclear, or where there is uncertainty as to how they will be brought forward, or where they are currently at the planning stages include:
 - the range of measures to tackle poverty and social inclusion;
 - the Child Poverty Action Plan;

- the package to tackle rural poverty and isolation (though we note this is to be finalised);
 - the programme of initiatives against fuel poverty; and
 - improvement of literacy and numeracy skills.
29. The Commission responded to the Office of the First Minister and deputy First Minister's recent consultation on the Social Investment Fund¹⁶. We welcomed this initiative and the proposed screening and equality assessment of the plans for community development which it will support to consider how the Social Investment Fund will best promote equality of opportunity and good relations. Completion of the high level initiatives above will enhance the context in which the Social Investment Fund is delivered.

Developing coherent and effective strategies and plans

30. As recommended in our response to the draft Budget in 2011¹⁷, there is the need for a clear coherence between strategies across Departments. This is the case in respect of the strategy on Cohesion, Sharing and Integration and on a range of equality strategies (on race, gender, sexual orientation, age and other grounds). These strategies must be evidence based, fully cross Governmental and interwoven to maximise the potential for change that lies within them.
31. Strategies should also meet the obligations of international commitments such as the Convention on the Elimination of Racial Discrimination (CERD), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the UN Convention on the Rights of the Child (UNCRC), and the UN Convention on the Rights of People with Disabilities (UNCRPD).

¹⁶ Response to OFMDFM consultation on the proposed operation on the Social Investment Fund, December 2011 - <http://www.equalityni.org/archive/word/SocialInvestmentFundresponse23Dec11.docx>

¹⁷ Response to draft Budget 2011-2015, February 2011 – http://www.equalityni.org/archive/pdf/ECNI_Response_to_draft_budget_160211.pdf

32. For example, we consider that the forthcoming Disability Strategy should be drafted and configured so as to give full effect to the Executive's obligations, stemming from the UK's ratification of UNCRPD.

Protection of the most vulnerable and welfare reform

33. The lack of coherence and clarity in overall strategies means that it is hard to identify potential outcomes for the most vulnerable people. The Commission recommends that immediate steps be taken to ensure that the intended impact of the Programme for Government in this regard is transparent and that the outcomes are clear. This will require strategies and actions that identify the issues to be tackled. As noted above, the Executive cannot rely simply on the assumption that a stronger economy will in itself erase disadvantage and eradicate inequalities. We also recommend that the mechanisms to monitor the impact of the Programme for Government are established as soon as possible.
34. Indeed, a key issue arising from Research¹⁸ funded by the Commission was the suggestion that the issue of welfare reform combined with the recession would have a serious impact on those already vulnerable in the labour market.
35. Further, the Commission strongly disagreed¹⁹ with the Department of Social Development's views (set out in their consultation on the Welfare Reform Bill (Northern Ireland) 2011 Equality Impact Assessment) that *"many provisions proposed, e.g. increased conditionality, are not considered as having a direct equality impact on benefit customers and merely facilitate the establishment of the*

¹⁸ McQuaid, R., Hollywood, E. and Canduela, J. (July 2010): Employment Inequalities in an Economic Downturn (ECNI). <http://www.equalityni.org/archive/pdf/EconDownturnSummaryReport.pdf>

¹⁹ Response to the Department for Social Development's consultation on the Welfare Reform Bill (Northern Ireland) 2011 Equality Impact Assessment, ECNI. December 2011 - <http://www.equalityni.org/archive/pdf/ECNIResponseDSDWelfareReformBillEQIA141211.pdf>

legislative framework under which a number of the proposals [...] will be introduced.” [p 23 of consultation document]

36. In response, the Commission set out²⁰ a number of initial concerns relating to the impact of the welfare reform agenda on people with disability, women, lone parents and others – for example, with regards to the impact of:
- Universal Credit;
 - Housing Benefit Cap;
 - Lone Parent Conditionality; and
 - Disability Living Allowance Reform
37. While we welcome the Advisory Group being created on welfare reform, we consider it important that the Executive gives full consideration to the potential impacts of welfare reform in Northern Ireland. We hope that the proposed Advisory Group will offer opportunity to place greater emphasis on measures to mitigate the impact on vulnerable people and we look forward to contributing to its work.
38. The creation of the Social Protection Fund offers a potential opportunity to have a substantive impact on the most vulnerable people but it is not as yet clear how this will be achieved. We regret that the implementation of the Social Protection Fund has not been subjected to equality assessment in the context of protection of the most vulnerable people and in response to the welfare reform agenda. To do so would ensure that it has maximum effect and assist in making the necessary complex and difficult decisions which the Executive faces.

²⁰ Response to the Department for Social Development’s consultation on the Welfare Reform Bill (Northern Ireland) 2011 Equality Impact Assessment, ECNI. December 2011

Legislative reform and policy development

39. The Commission welcomes the commitment to extend age discrimination legislation to the provision of goods, facilities and would refer to our long standing proposals²¹ for reform in this area, 'Ending Age Discrimination in the Provision of Goods, Facilities and Services'²². We look forward to engaging on the scoping exercise at an early stage on the basis of our most recent published proposals for reform in this area.
40. The Commission recommends that this Programme for Government should include additional important commitments in terms of legislative reform. We would refer the Office of the First Minister and deputy First Minister to our published proposals for legislative reform²³, specifically in relation to the grounds of race²⁴ and disability²⁵. It is imperative that a legislative reform programme is set out which deals with a range of important issues. For example:
- the disability legislation is particularly complex, difficult to understand and contains a wide range of inconsistencies. There are different levels of protection against discrimination and harassment in the different parts of the legislation - employment, education, and access to goods and services;
 - caselaw has narrowed the potential for disabled people to use the law, arising from a decision of the House of Lords (in the Malcolm case) and this has lessened the protection that people have from what the legislature initially intended. The 2010 Equality Act has already addressed this development in GB;

²¹ Legislative Reform: Full Details of Recommended Changes, ECNI, 2009 –

http://www.equalityni.org/archive/pdf/Priorities_for_legislative_reform0602091.pdf

²² Ending Age Discrimination in the Provision of Goods, Facilities and Services, ECNI, 2011 –

http://www.equalityni.org/archive/word/ECNI_Age_Equality_Law_GFSProposalsforReformNov11.doc

²³ Legislative Reform: Full Details of Recommended Changes, ECNI, 2009 –

http://www.equalityni.org/archive/pdf/Priorities_for_legislative_reform0602091.pdf

²⁴ Equality Commission Calls for reform of Race Legislation, ECNI, 2010 –

<http://www.equalityni.org/archive/word/ECNIBMEFnewsletterarticle25Jan2010.doc>

²⁵ Disability equality Law – Proposals for Reform, ECNI, November 2011 -

http://www.equalityni.org/archive/word/ECNI_Proposals_for_ReformDisability_Equality_LawNov11.doc

- the race discrimination legislation is also in need of urgent reform; in particular, so that black and minority ethnic (BME) individuals can avail of protection from discrimination and harassment on the grounds of colour and nationality to the same extent as on the other racial grounds (namely race, ethnic and national origins);
- in addition, we are concerned that there are now differences between the rights and obligations pertaining to disability and race equality legislation in Northern Ireland compared with Great Britain, since the enactment of its Equality Act 2010, with lesser protection for people here in Northern Ireland. This creates difficulties for employers and service providers operating in the different jurisdictions as well as opportunity for confusion about legal standards as caselaw develops; and
- improving the legislative protections against discrimination on grounds of disability would not only secure improvements for disabled people in Northern Ireland but be an important demonstration of the commitment of the Executive to implementing its obligations under the UN Convention on the Rights of Persons with Disabilities.

41. The experience of the impact of the welfare reform agenda shows the potential impact of Westminster policy decisions in the context of devolution. The Commission recommends that consideration is given to the likely impact of future changes. Specifically and immediately this would apply to the response to the Dilnot Commission on social care and the forthcoming White Paper on social policy²⁶.

²⁶ <http://www.dilnotcommission.dh.gov.uk/our-report/>

Priority 3: Protecting Our People, the Environment and Creating Safer Communities

42. Priority three, Protecting our People, the Environment and Safer Communities provides for safety, health and wellbeing for all. The Commission welcomes this fundamental priority and looks forward to its impact across the other areas of the Programme for Government.
43. We note that this priority is supported by measures in priority four, Building a Strong and Shared Community, which provides for improvements in public spaces and removal of aspects of the legacy of the past such as the peace walls.
44. We welcome the specific commitments to increase protection for older people, the commitment to tackle anti-social behaviour and to reduce the level of serious crime. The Commission recommends that any lessons learned in the recording of violent domestic crimes referred to be considered in relation to the recording of hate crimes and those against older and disabled people to ensure appropriate action and to target cohesion, sharing and integration measures.
45. We also welcome the objective of improving access to justice. The Commission has recently provided response to the Department of Justice consultations on Tribunal reform²⁷ and on youth justice²⁸.
46. We anticipate further, immediate consultation on the reform and modernisation of the delivery of health and social care following the Compton review of health and social care²⁹.

²⁷ Response to the Department of Justice's discussion paper on Tribunal Reform, ECNI, January 2012 - http://www.equalityni.org/sections/default.asp?secid=8&cms=Publications_General_consultation+responses&cmsid=7_36_198&id=198

²⁸ Response to the Department of Justice's consultation on the Report of the Review of the Youth Justice System in Northern Ireland, ECNI, December 2011 - http://www.equalityni.org/sections/default.asp?secid=8&cms=Publications_General_consultation+responses&cmsid=7_36_198&id=198

Priority 4: Building a Strong and Shared Community

47. Priority four, Building a Strong and Shared Community aims to advance social cohesion and integration. The Commission also recognises its focus on reducing all forms of violence including domestic violence, elder abuse and hate crime.
48. The Commission notes the commitment to establish a Ministerial advisory group to make recommendations on shared education and we look forward to contributing to this work.
49. We recognise the steps taken in terms of shared resources, including the schools estate and teachers, and shared programmes. However, the Commission's position is that this learning should be built on to maximise equality of opportunity and good relations via truly shared education in Northern Ireland, recognising that will be facilitated through the teaching of a shared curriculum in shared classrooms.
50. The Commission would draw attention to the work we have developed and progressed regarding equality in education through our 2008 strategy and action plan 'Every Child an Equal Child'³⁰ where we reiterated (p6):

"It is hard to escape the conclusion that educating children of different backgrounds together has the potential to reduce the fears and tensions between communities that are founded on ignorance. It is equally difficult to avoid the conclusion that the long experience of separate educational provision has represented a lost opportunity for everyone in Northern Ireland".
51. The Commission urges the Office of the First Minister and deputy First Minister to bring forward the Cohesion, Sharing and Integration

²⁹ Transforming Your Care: A Review of Health and Social Care in Northern Ireland
<http://www.dhsspsni.gov.uk/transforming-your-care-review-of-hsc-ni-final-report.pdf>

³⁰ Every Child an Equal Child - *An Equality Commission Statement on Key Inequalities in Education and a Strategy for Intervention* <http://www.equalityni.org/archive/pdf/ECkeyinequalities.pdf>

Strategy as soon as possible. The Commission's response³¹ to the draft Cohesion, Sharing and Integration Strategy recommended that the final plan be comprehensive and transformative. Addressing the needs of our communities requires vision, an unambiguous set of policies and a framework of action plans. This will require a coherent, integrated approach across Government to issues including educational attainment, employment, housing and community. It will require action plans with targets that are monitored and reviewed.

52. We have noted above the planned improvements in public spaces and acknowledge the impact that these can have on community confidence and community regeneration.

Priority 5: Delivering High Quality and Efficient Public Services

53. Priority five, Delivering High Quality and Efficient Public Services, addresses quality and efficiency. This priority is important in setting out the route to good governance and best value for money and should facilitate the ongoing development of the range of building blocks identified in the Programme for Government.
54. The Equality Commission welcomes the commitment to include social clauses in all public procurement as a real opportunity to promote equality and good relations. We recommend that all Departments routinely refer to and take account of the guidance³² on equality and public procurement jointly prepared by the Commission and the Central Procurement Directorate in taking this commitment forward. This will assist specifically in extending the objective of social clauses beyond the narrow employment related ones referred to in the draft Investment Strategy for Northern Ireland 2011-2021.

³¹ Response to draft Cohesion, Sharing and Integration Strategy, ECNI, 2010 – http://www.equalityni.org/archive/pdf/ECNI_Response_to_draft_CSI_Strategy.pdf

³² Equality of Opportunity and Sustainable Development in Public Sector Procurement, ECNI, CPD, 2008 – <http://www.equalityni.org/archive/pdf/ECNIPublicSector0508.pdf>

55. The Commission notes the consideration of recommendations from the Efficiency Review Panel and Assembly and Executive Review Committee and the planned progress on local government reform.
56. We recommend that the Programme for Government is explicit about plans for a partnership panel to assist communication between central and local government and about the intention to introduce community planning, along with a timeline for this to occur.
57. The Commission's response³³ to the Department of the Environment's 2011 consultation on policy proposals regarding local government reform sets out our recommendations on these areas more fully, including highlighting the importance of inclusive governance arrangements; improved engagement; implementing a Code of Conduct which extends the principles of public life; and establishing community planning arrangements which provide a sharpened focus for the delivery of public services.
58. We note the commitment to reconfigure the network of health and social care services. We anticipate the early provision of a coherent package of measures based on the health and social care review and incorporating the various health and social care commitments in this Programme for Government.
59. In general we would remind Departments of the importance, in good governance and policy making, of ensuring appropriate participation of stakeholders in policy and decision making. We would recommend that the Programme for Government makes this explicit and that measures are brought forward to remove barriers to decision making that exist across the range of equality grounds.

Programme Arrangements and Delivery Framework

³³ Response to Local Government Reform: Policy Proposals, ECNI, 2011 – <http://www.equalityni.org/archive/word/LocalGovernmentReformECNIresponse11March2011.doc>

60. The draft Programme for Government sets out programme arrangements and the delivery framework, stating that the Executive will agree on the mechanisms and publish guidance³⁴ in support of the monitoring mechanisms.
61. During the period of the Programme for Government 2008-2011, reports on the public service agreements and on the EQIA were published simultaneously but separately. This meant that it was not possible to see intended or achieved equality outcomes and their impact or to track them to measures undertaken.
62. We recommend that the Executive reports regularly and publicly on the progress of the Programme for Government, including progress against equality of opportunity and good relations targets and achievements showing the impact of work undertaken and any mitigating measures or other change. This will assist in further developing coherence across Departments in tackling inequalities through the Programme for Government.

Draft equality impact assessment

63. The Commission is concerned that despite the indication in the Programme for Government document that the equality impact assessment would be published simultaneously, again, the Executive did not publish the suite of documents – the draft Programme for Government, Economic Strategy and draft Investment Strategy – and associated screening and equality impact assessment documents together.
64. Failure to have done so means that the full potential of the Section 75 processes in policy development is not tapped; that maximum value is not gained from consultation and that opportunities to improve

³⁴ Draft Programme for Government, page 54 – <http://www.northernireland.gov.uk/draft-pfg-2011-2015.pdf>

equality outcomes may be missed. It also gives a signal that equality is not at the heart of the Programme for Government in the way articulated in the document.

65. The EQIA published on 4 January 2012 is limited in its effectiveness. While providing a useful summary of data and information, it is difficult to ascertain the impact of the Programme for Government's stated priorities on the equality groups. The Commission recommends that the EQIA is improved in a number of areas including:

- identifying more clearly the specific barriers to equality and the intended outcomes of the priorities and objectives of the PfG;
- making better use of the Departments' information and research programmes, including material gathered in the audits of inequality; and
- placing less emphasis on the assumption that increasing wealth will have a general positive impact on inequality or disadvantage and more comprehensively identifying specific opportunities for positive or mitigating action.

66. The Commission's response to the equality impact assessment of the Programme for Government is Appendix 1 of this document.

Economic Strategy

67. The Commission welcomes publication of the draft Economic Strategy and its retention of the cross cutting theme of equality³⁵ from the pre-consultation, echoing the commitments in the Programme for Government itself. We welcome the commitment to improving the wealth, employment and living standards of everyone in Northern Ireland³⁶.
68. We are concerned that the Economic Strategy appears to rest on the assumption that wealth creation will, in itself, create a better society.
69. A significant body of literature and experience exists which points to the barriers to full and equal participation in the workforce – for example we recommend that the Department considers and sets out, targets and actions for removing barriers to women’s employment; the serious inequalities that exist for people with disabilities in accessing employment; and the remaining inequalities in respect of community background.
70. We welcome that the Economic Strategy identifies the absence of good, affordable childcare as being a barrier to full participation in employment for women and men. We look forward to the development of an appropriate childcare strategy later in 2012.
71. The Commission works with employers throughout Northern Ireland on equality issues generally and on matters of employability across equality grounds and can advise on, and support, other intervention strategies being developed.
72. It is not clear to the Commission how the economic impact of the planned reduction in the public sector has been taken into account in

³⁵ Economic Strategy, page 14 http://www.detini.gov.uk/economic_strategy_web.pdf

³⁶ Economic Strategy, page 10 http://www.detini.gov.uk/economic_strategy_web.pdf

terms of employment, wage levels, wealth in communities and wealth generated through public procurement projects. We would recommend that any proposed changes are subject to EQIA and that the Department make public any such analysis.

Screening the Economic Strategy

73. The screening document published by the Department of Enterprise, Trade and Investment suggests that there is a lack of understanding of the Section 75 processes on the part of those charged with completing the screening exercise.
74. The screening report sets out the general good to be achieved through the Economic Strategy but fails to identify where barriers to equality exist and the inequalities that the Strategy might tackle.
75. Further details of the Commission's analysis of the screening exercise carried out on the Economic Strategy are contained in Appendix 2 of this document.

Investment Strategy

76. The Commission welcomes the publication of the draft Investment Strategy for Northern Ireland, 2011-2012 and its commitment to '*continue to promote equality of opportunity so that all our people can fulfil their full potential*³⁷.'
77. The commitment to the inclusion of social clauses in public procurement contracts is a significant opportunity to take steps for equality of opportunity and good relations. We acknowledge and would encourage the Strategic Investment Board's existing commitments to the promulgation of the procurement guidance³⁸

³⁷ Draft Investment Strategy for Northern Ireland 2011-2021, page 7 – http://www.sibni.org/draft_investment_strategy_for_northern_ireland_2011_-_2021.pdf

³⁸ Equality of Opportunity and Sustainability in Public Sector Procurement, ECNI, CPD, 2008 – <http://www.equalityni.org/archive/pdf/ECNIPublicSector0508.pdf>

prepared by the Commission and the Central Procurement Directorate.

78. We note the commitment to cohesion, sharing and integration and to an area based and cross departmental approach in this³⁹. In this light we welcome that the Strategy seeks to be comprehensive, including health and social care, education, housing and general community and service providing measures.
79. However, we caution against relying on the assumption of general good in delivering the Strategy and ask that the Office of the First Minister and deputy First Minister demonstrate more clearly how equality of opportunity and good relations will be taken into account when selecting and developing projects.
80. The equality impact assessment of the Investment Strategy for Northern Ireland echoes the limitations of the Programme for Government. It does not provide a clear, evidenced picture of inequalities identified from the data considered or demonstrate how these have been linked to assessment of impact. The Commission recommends that the Strategic Investment Board clearly demonstrates in the final equality impact assessment of the Strategy how the information considered, including that received during the consultation, will contribute to decision making on the Strategy.
81. Further details of the Commission's analysis of the equality impact assessment are available at Appendix 3 below.

Summary of Commission's Response and Recommendations

82. The Equality Commission welcomes publication of 'Building a Better Future', the draft Programme for Government, Economic Strategy

³⁹ Northern Ireland Executive: *Draft Investment Strategy for Northern Ireland 2011-2021*, page 9 – http://www.sibni.org/draft_investment_strategy_for_northern_ireland_2011_-_2021.pdf

and the draft Investment Strategy for Northern Ireland and the opportunity to respond to the consultation.

83. We welcome the underpinning principles of equality and sustainability and the overarching commitment that *'all of our policies and programmes across Government will be built upon the values of equality and fairness and the ethics of inclusion and good relations'*⁴⁰.
84. The Commission welcomes the strategic priorities as set out in the Programme for Government and many of the individual proposals it contains, recognising many of them as measures we have sought to be included, as recommended in our response to the draft Budget in 2011. This includes targets for educational attainment, a childcare strategy, protection for older people and the potential to transform communities through measures including anti-poverty measures, jobs, skills provision, housing, health and social care safety and shared space and community. Also, the Executive's commitment to extending age discrimination legislation to the provision of goods, facilities and services is a first step by the Executive in responding to the programme of legislative reform set out by the Commission.
85. There is more to be done. As the draft Programme for Government acknowledges, inequalities still exist and thus the Commission has made recommendations on areas for further attention and action. The effective application of the Section 75 duties, including equality assessment, engagement, monitoring and review will be crucial to this.
86. In summary, the Commission's recommendations for the Programme for Government include the need for:
- the **extension of plans for legislative reform** to include disability and race; so as to reduce complexity for individuals and business;

⁴⁰ Draft Programme for Government 2011-2015, page 21 – <http://www.northernireland.gov.uk/draft-pfg-2011-2015.pdf>

- address important shortfalls; and ensure appropriate levels of protection in Northern Ireland;
- the inclusion of comprehensive measures for the **protection of the most vulnerable** to be clearly defined, actioned and monitored – including through consideration of the **specific circumstances of welfare reform** in Northern Ireland;
 - the development of a clear focus on **shared education** so as to maximise equality of opportunity and good relations, recognising that this will be facilitated through the teaching of a shared curriculum in shared classrooms;
 - the development of the proposed **childcare strategy** so as to maximise economic participation as well as combat poverty and social disadvantage;
 - the **reform of local government** to include clear commitments and timelines regarding **community planning** to provide a sharpened focus for the appropriate delivery of public services; facilitating the renewal of communities and the promotion of Equality of opportunity and good relations;
 - that the planned **Disability Strategy** is configured so as to give full effect to the obligations on the Executive under the UN Convention on the Rights of Disabled People;
 - the inclusion of explicit measures across the Programme for Government that will **promote comprehensive civic participation in policy and decision making**;
 - measures to ensure the development of clear and explicit **coherence and coordination in delivery across Departments** – including in the development and delivery of the strategy for Cohesion, Sharing and Integration and equality strategies on race, gender, sexual orientation, age and other grounds;
 - clear steps to ensure that the creation and location of new **employment, and investment in social economy measures**, will serve to maximise equality and combat disadvantage;
 - ensure the use of **social clauses** beyond employment and that Departments take account of the guidance on equality and public

- procurement jointly prepared by the Commission and the Central Procurement Directorate; and,
- that the development of the Programme for Government and related strategies **appropriately take into account equality impacts so as to maximise the benefit of the Programme for Government** proposals in addressing inequalities and tackling disadvantage.

Conclusion

87. In our above response we have set out some of the specific measures that we see as positive steps for equality as well as others which should be included.
88. The Commission recognises the difficult context that exists, given the continuing economic downturn and the consequent restriction of public spending. The Commission also recognises the inclusion of an 'Equality and Good Relations Programme' building block in priority four, 'Building a Strong and Shared Community'. As part of that the Commission has identified specific actions which we will undertake in support of the Programme for Government.
89. We expect a closer relationship between the monitoring and review of the Programme for Government and the EQIA than was the case for the previous Programme. We will continue to ensure that public authorities comply with the statutory duties; to advise on how the Section 75 mechanisms can assist in the monitoring and review process; and how equality considerations can be best included into the development and implementation of legislation, policies, programmes and associated budgeting processes⁴¹.

⁴¹ Terms of Reference – Equality Responsive Budgeting - http://www.equalityni.org/archive/Research%20docs/ToR_ERBConcept%20Paper_v0k_041110External.doc

90. We will continue to highlight persistent and emerging inequalities and advise Departments on meeting their Section 75 requirements in relation to excluded and vulnerable people. We will comment on specific measures including those at high level, such as the introduction of community planning; and at programme level, such as the Social Investment Fund Plans.
91. We will offer specific advice to public authorities and will continue to support employers. We will also continue our work to identify how barriers that prevent individuals from reaching their full potential in education and employment can be removed.
92. We look forward to working with Departments towards the Executive's vision of equality, fairness and inclusion, ensuring that no section of the community is left behind.

Appendix 1

Comments on the Programme for Government (PfG) (2011-2015) Equality Impact Assessment at a Strategic Level

Introductory comments on the draft Equality Impact Assessment

1. In our response we have assessed the extent to which the Impact Assessment is carried out in a manner consistent with the principles enshrined in our *Practical Guidance on Equality Impact Assessment*.
2. The Commission appreciates that, in its structure, the document broadly follows the 7-step process for Equality Impact Assessments as recommended in the Commission's *Practical Guidance*. Adhering to a process, however, is not an end in itself and it is evident when reading the document that the impact assessment does not fulfill its purpose, which is to provide a thorough and systematic analysis of a policy to determine the extent of any differential impact upon the Section 75 categories and to determine if the differential impact is an adverse impact.
3. An equality impact assessment needs to be applied as a positive tool to the policy development process. It should be conducted in a manner which allows the public authority to identify any potential negative impacts and to take steps to address these so that, as the Department rightly acknowledges, "the potential for positive impact is fully maximised".⁴² And it must be undertaken at a time when the policy is at a formative stage.

⁴² Draft Programme for Government 2011-2015, Equality Impact Assessment at a Strategic Level, para iv, page 4.

Comments on the EQIA process

Defining the aims of the policy

4. The policy aim is the focal point defining the public authority's intended outcomes and the foundation stage in the development of any EQIA. We would therefore have expected to see the aim of the PfG encapsulated under the respective heading in the EQIA.

Consideration of available data and research

5. Several points are worth noting here.
6. Section 4 simply lists a range of data sources, but does not outline what the findings from the data are. It therefore fails to provide a transparent picture of the inequalities identified. This section, and indeed the whole EQIA document, also lacks a systematic analysis of the data contained within it. Whilst particular disadvantages are identified for certain groups, the document does not identify the underlying barriers to equality experienced and any remedial action that could or should be taken at strategic level to overcome these.
7. We are particularly concerned that the key inequalities, presented as facts without any further analysis, are listed towards the end of the document. These key inequalities constitute key "relevant data" and should be the starting point for the entire impact assessment, rather than what appears to be an 'add-on'. It is entirely unhelpful that vital information is presented disjointedly in a separate unrelated chapter.
8. The East-West divide and the geographical location of the most deprived areas in NI, as well as the acknowledged cumulative impact of multiple problems affecting particular groups, constitute data which has a cross-cutting impact across all Section 75 grounds and which

should feature in this section. The Commission notes that such information is contained in the section on mitigating measures rather than in the section on consideration of relevant data.

Assessment of impacts

9. The Commission would emphasise that a proper analysis of the potential impacts of the proposed policy is at the core of any EQIA. As the Department rightly acknowledges⁴³, the aim of the EQIA is to assess the equality impact of the Programme for Government. We are therefore extremely concerned that such an assessment is effectively missing from the EQIA document, despite a wealth of information contained within it.
10. The amount of information contained in the EQIA is extensive, yet, it is presented in a disjointed and somewhat unfocussed manner. Key inequalities, for example, which should be the starting point of any impact analysis, are presented in a separate chapter, after the section titled “assessment of impacts”.
11. Furthermore, a great deal of the information contained in this Section (5) of the EQIA is not relevant to the assessment that should be undertaken here. It is of concern that in this section the focus shifts from the draft Programme for Government and the key commitments within it, which will provide the roadmap for future departmental actions, to selected existing Departmental strategies and actions.
12. It is difficult to see how the information presented relates to an assessment of the envisaged – as well as potential – impacts of the Programme for Government priorities. This EQIA should not primarily concern itself with selected Departmental actions and projects but should focus, at strategic level, on the impacts of the proposed Programme for Government, on the specific key commitments.

⁴³ Draft Programme for Government 2011-2015, Equality Impact Assessment at a Strategic Level , para 1, page 19.

13. Given that the stated aim of the Programme for Government is to deliver “*a vibrant economy which can transform our society while dealing with the deprivation and poverty which has affected some of our communities for generations*”⁴⁴ the core task of this EQIA should have been to:
- first, identify the inequalities faced by each equality category as well as other key cross-cutting issues (like the East/West divide and other regional imbalances);
 - second, examine each of the PfG priorities/commitments in detail in order to identify how successfully each of them –seen individually and in conjunction with the others- can contribute to tackling the identified inequalities.
14. Only through this approach is it possible to identify accurately the impacts on equality of opportunity of the strategic priorities, as well as any potential shortcomings, as required by the equality duties.
15. Instead, the analysis appears to be based on the assumption that ‘a rising tide will lift all boats’ i.e. that the Programme for Government will benefit all.
16. It is the Commission’s view that unless the principles of equality are explicitly woven into the fabric of the PfG commitments, there is a significant risk that economic growth, if realised, will not only fail to narrow the gaps between those (traditionally) disadvantaged and the rest of society but might actually increase the gaps. As we have highlighted in our *Statement on Key Inequalities*, there is evidence of persistent inequalities that have not been notably improved either by legislation or by other public policy intervention. Without a clear focus on steps that can be taken to reduce or eliminate inequalities and

⁴⁴ Draft Programme for Government 2011-2015, Equality Impact Assessment at a Strategic Level, page 11.

disadvantage it will be very difficult to deliver tangible results which impact positively on the lives of those most in need.

17. For example:

The EQIA does identify several inequalities in relation to employment (e.g. biggest decline in employment rates for the 18-24 age groups; older people far less likely to move back into work once unemployed; household incomes being lowest in the Rural West) yet the Programme for Government only states that it will seek to “improve the employability of entire workforce” and the key commitments in relation to employment are sweepingly general (“support the promotion of 25000 jobs; provide opportunities to support social enterprise growth). Without a clear focus on tackling the employment inequalities identified, the PfG commitments will fail to deliver results for those most disadvantaged.

Consideration of mitigating measures (Sections 7 and 8)

18. We have already highlighted above the inappropriateness of some of the material in this section. Our main criticism however relates to the way in which this step has been completed.

19. Alternative policies/mitigating measures must be considered and developed, where an adverse impact is identified, in relation to the actual proposed policy, in this instance the Programme for Government and the key commitments contained within it.

20. Instead, this chapter appears to highlight a random selection of Departmental actions, primarily their savings plans. And while these saving plans will no doubt ultimately impact on the implementation of the PfG priorities, mitigating measures taken by individual Departments in relation to specific actions do not appear relevant to this section.

21. The question to ask at this stage is how the key commitments in the *Programme for Government* can be improved and fine-tuned in light of the findings of the assessment of impacts, to ensure due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations has been paid.

Consultation – Timing of the EQIA

22. The Commission has consistently advised that we expect that the development of policies incorporates an equality impact assessment simultaneous and at the earliest possible stage to ensure that consideration of equality issues is integral to the consultation process at the outset and, therefore, to the development of the policy.
23. The fact that two different consultation periods for the PfG and the EQIA were set, and that the consultation on the policy was due to close before the consultation on the EQIA, are at odds with paragraph 4.10 (pages 35-36) of the Department's approved equality scheme which requires that *'In making any decision on a current or proposed policy, OFMDFM will take into any relevant equality impact assessment and the outcome of associated consultation'*. This is a statutory requirement under paragraph 9 (2) of Schedule 9 to the Northern Ireland Act 1998. The Commission would welcome clarification from the Department on this point.

Summary

24. The Commission recommends that the EQIA is improved in the following areas:
 - The impact assessment should present a transparent and comprehensive picture of the inequalities as well as the barriers to equality
 - The assessment should place less emphasis on the assumption that increasing wealth will have a general positive impact on

inequality or disadvantage and more on clearly identifying actions to overcome the barriers experienced by particular groups within the Section 75 categories so as to address existing inequalities.

25. We expect that the final EQIA report should clearly demonstrate how the relevant information was considered, including that received during the consultation, and how it contributed to the final decision or decisions on the proposed Programme for Government policies, together with a rationale for the decision(s).

Appendix 2

Comments on the screening of the Economic Strategy

1. The screening document published by the Department of Enterprise, Trade and Investment suggests that further consideration should be given to the purpose of Section 75 screening. The screening report sets out the general good to be achieved through the Economic Strategy apparently based on an unacknowledged assumption that ‘a rising tide will lift all boats’. However, the Commission’s *Statement on Key Inequalities in Northern Ireland (2007)* draws attention to evidence of ‘*persistent inequalities which have not been notably improved by either legislation or by other public policy intervention*’, highlighting the experiences of a range of social groups in the areas of education, employment, health and social care, housing, participation in civic and public life and prejudice⁴⁵.
2. It is important that Departments acknowledge, in both screening and equality impact exercises the barriers experienced by certain groups within the Section 75 categories which have contributed to the persistence of inequalities and consider what particular steps can be taken to reduce or eliminate these. The screening exercise conducted in relation to the Strategy highlights the disadvantages experienced by a number of groups within the Section 75 categories. For example, it is acknowledged that for racial groups such as Irish Travellers experience severe labour market exclusion, but suggests that the potential for positive impact depends on the extent to which the policy impacts extend to or are taken up by, those groups more marginalised from mainstream labour market opportunities. This conclusion implies that that the door to opportunity in the labour market will be open and it will be the fault of the groups concerned if they do not avail of the opportunities. Such an approach does not take account of the realities that inequality of access to the labour market experienced by marginalised groups results from their inability

⁴⁵ Equality Commission for Northern Ireland (2007): *Statement on Key Inequalities in Northern Ireland*, page 3.

to overcome barriers such as lack of experience, lack of educational and skills attainment, prejudiced attitudes etc.

3. There is a need for actions targeted at removing such barriers to be provided for, if marginalised groups are to benefit from development of the Northern Ireland economy. A more considered response to the screening question concerning identification of opportunities to better promote equality of opportunity could have addressed the need to develop appropriate actions to ensure that marginalised groups are not left behind as the economic situation improves. Alternatively, the strategy could have been screened in for equality impact assessment so as to allow a fuller exploration of such actions.

Appendix 3

Comments on the Investment Strategy for Northern Ireland Equality Impact Assessment 2011–2021 at a Strategic Level

1. The Commission acknowledges that the EQIA of the Strategy is intended to be at a strategic level and that it is for Departments to assess the precise impact of individual investment proposals in terms of potential impact in respect of equality of opportunity and good relations. The strategic EQIA should highlight the key inequalities and potential impacts of the policies at this level, which Departments should then consider in their equality assessments of individual projects. ,

Defining the Aims of the Policy

2. The Commission recommends that the aim of the policy is clearly set out under this heading at the start of the EQIA in order to provide a focal point for the intended outcomes to guide the subsequent development of the EQIA. Whilst the aim of the policy can be adduced from consideration of a number of references in the overview and introduction sections of the document, it would be useful to have the aim set out clearly and succinctly in one place at the beginning.

Consideration of available data and research

3. The Commission welcomes the attention drawn in the EQIA to the East West divide, disadvantaged areas and the small area concentrations identifies by the Northern Ireland Multiple Deprivation Measure 2010 as a focus for Departmental policies and programmes aimed at tackling disadvantage.
4. The Commission notes that the EQIA of the Strategy lists a range of data sources, similar to those listed in the EQIA of the PfG, in the *Consideration of relevant data and research* section of the

consultation document but does not outline in this section what the key findings from the data are and their relevance to the equality appraisal. The Commission's *Practical Guidance on Equality Impact Assessment* advises (at paragraph 2.28, page 19) that '*Any data must be presented in a manner which is easily accessible and understandable...*'⁴⁶ and (at paragraph 2.29, page 20) that '*It is important to include summary statistics in consultation materials.*'⁴⁷

5. The consideration of available data and research section of the EQIA does not provide a transparent picture of inequalities identified so that these can be linked to the assessment of impacts. The Commission recommends that the final EQIA clearly demonstrates how the information considered, including that received during the consultation, contributes to decision making regarding the Strategy, in accordance with the SIB's equality scheme commitment to do so, in compliance with paragraph 9 (2) of Schedule 9 of the Northern Ireland Act 1998.
6. Selective data on inequalities is presented in the assessment of impact section of the EQIA, although no adverse impact is identified for any of the groups belonging to the Section 75 categories.
7. The relevance to the EQIA of data cited is not always specifically drawn out e.g. in relation to the data concerning prejudice towards gay and lesbian people in Northern Ireland. Furthermore, the relationship between the data on inequalities cited in the assessment of impact section of the EQIA and examples of actions to promote equality of opportunity is not always apparent e.g. the assessment of impact on persons with or without a disability highlights the low levels of disabled people in employment but does not refer to any actions to address this problem. Instead the actions proposed focus on compliance works, as required by the Disability Discrimination Act, for

⁴⁶ Equality Commission for Northern Ireland (2005): *Practical Guidance on Equality Impact Assessment*, paragraph 2.28, page 19.

⁴⁷ Ibid. paragraph 2.29, page 20.

facilities and infrastructure and access to transport. The Commission recommends that these issues are further addressed in the final EQIA report.

Assessment of impacts

8. The overall assessment is that investing in infrastructure has the *potential (our emphasis), 'to promote equality and good relations while addressing issues of exclusion and marginalisation'* whilst pointing out that the *'potential will only be realised when departments ensure that the delivery of individual investment projects are subject to and informed by due consideration of the need to promote equality of opportunity and the desirability of good relations'*.
9. As noted above, the assumption that the Investment Strategy is likely to have a positive impact on all groups within the Section 75 categories is one which is open to challenge, given the evidence of persistent inequalities experienced by some groups which have remained despite the increased benefits of economic and social development enjoyed by the wider society.
10. The key step in the EQIA process, through assessing the impacts, is that SIB and Departments acknowledge the barriers which have contributed to the persistence of inequalities facing marginalised groups and consider what particular actions can be taken to reduce or eliminate these.
11. Whilst the assessment of impacts section of the EQIA does not identify any adverse impacts for groups belonging to the Section 75 categories, it is important to bear in mind that equality appraisal also provides a framework for exploring opportunities to better promote equality of opportunity e.g. by considering the targeting of specific actions aimed at ensuring that marginalised groups can benefit from projects.

Consideration of alternative policies and mitigating measures

12. We note that the EQIA advises that ‘...all departments will be expected to produce a high level equality impact assessment of their future investment proposals which also takes into account of issues relating to poverty, social inclusion and sustainable development’⁴⁸ and that ‘Individual investment proposals will continue to be subject to equality screening and, where appropriate...Equality Impact Assessment by departments and relevant designated authorities, in accordance with criteria set out in the guidance produced by the Equality Commission’⁴⁹. The carrying out of a high level impact assessment of individual projects by Departments is cited as the main mitigating action. As the EQIA does not identify any adverse impacts, there is a lack of clarity as to why this action represents mitigation.

Other comments

13. The Commission welcomes the inclusion in the SIB’s proposed Equality Section 75 Action Plan of a measure to hold an annual workshop for SIB officers on key inequalities in Northern Ireland. This event could provide the opportunity for staff to explore possible actions to overcome the barriers experienced by groups which have remained persistently disadvantaged.
14. We acknowledge that the Strategy draws attention to some examples of such actions in the procurement of infrastructure programmes e.g. through employment plans and building opportunities for local apprenticeships for young people and long-term unemployed into major delivery contracts as a route to employment. The Commission recommends that further examples are included in the final EQIA report.

⁴⁸ Northern Ireland Executive ((2012): *Draft Investment Strategy for Northern Ireland 2011-2021 Equality Impact Assessment at Strategic Level*, page 7, paragraph ix

⁴⁹ Ibid page 13, paragraph 12.

15. The Commission notes that the only reference to good relations in the assessment of impacts section of the EQIA is in respect of promoting good relations between people with a disability and people without⁵⁰. There are a number of areas where investment, particularly the location of infrastructure projects, is highly likely to have implications for good relations and therefore relevant in the context of the statutory duty of the paying regard to the desirability of promoting good relations between people of different religious belief and political opinion.
16. We recommend that reference to the need to consider the desirability of promoting good relations is made in respect of at least the categories mentioned in section 75 (2) i.e. people of different religious belief, political opinion and racial group, should be included in the final EQIA report.
17. We welcome the commitment⁵¹ to include an action measure within SIB's Section 75 Equality Action Plan to '*develop a process to monitor the equality objectives and outcomes of each project in order to deliver a comprehensive overview of the contribution which projects make to reducing key inequalities*'. The Commission considers that such a measure would help Departments maintain a focus on the equality implications of their investment projects.

⁵⁰ Ibid, Paragraph 112, page 35.

⁵¹ Northern Ireland Executive (2012) Op Ciit. Paragraph 112, page 51.