



## **EQUALITY COMMISSION FOR NORTHERN IRELAND**

### **Response to DOE Consultation on draft Statutory Guidance on Community planning**

March 2015

#### **Executive Summary**

- 1.1 The Equality Commission welcomes the opportunity to respond to the Department of the Environment's consultation on draft statutory guidance for the operation of community planning.
- 1.2 We welcome the fact that the Department has taken on board and incorporated into the draft guidance, a number of our recommendations relating to equality and good relations that we raised in our earlier response of 28 November 2014.
- 1.3 In our previous response, although we welcomed the inclusion in the draft guidance of a number of specific references to equality and good relations, in general, we considered that there were a number of concepts that could also be more widely mainstreamed through the guidance.
- 1.4 Whilst we welcome the adoption in the consultation draft of a number of our specific recommendations on how these overarching points can be addressed in the guidance, the need to mainstream these concepts remains valid.
- 1.5 In addition to the proposed specific references to equality and good relations in the community planning statutory guidance, we recommend that further steps are taken by the Department to

encourage Councils in mainstreaming equality and good relations in the community planning process.

#### *Time frame for developing a plan*

- 1.6 In deciding the appropriate time frame for developing a community plan, we draw the Department's attention to a number of points.
- 1.7 In particular, we recommend that the timeline for completion of a community plan must be such that councils have sufficient time to enable them to build in steps necessary to meet these commitments under their Section 75 duties and their Equality Schemes.

#### *Section 7: Equality, good relations and social inclusion*

- 1.8 We recommend that, in the interests of clarity, the guidance should more clearly distinguish between the *legal requirements* of Section 75(2) in relation to promoting good relations, and the proposed *policy imperative*, set out in bold in the draft text, which refers to considering the promotion of good relations across all Section 75 groups.
- 1.9 We recommend the inclusion in this section of a specific reference to the disability duties; as these are also statutory duties placed on public bodies, including councils, which are relevant to community planning.

#### *Other Sections*

- 1.10 We recommend the strengthening the wording of paragraph 4.4 of the draft guide in relation to ensuring meaningful participation from under-represented Section 75 groups and the inclusion of a reference to the Gender Equality Strategy in Annex A.

#### **Introduction**

- 1.11 The Equality Commission welcomes the opportunity to respond to the Department of the Environment's consultation on draft statutory guidance for the operation of community planning.

1.12 Our response builds on our earlier response of 28 November 2014 to the Department on its draft guidance in which we set out a number of overarching points on the guidance, followed by our specific recommendations on how these overarching points can be addressed in the guidance. It is also informed by our ongoing engagement with the Department as regards the reform of local government.

1.13 We welcome the fact that the Department has taken on board and incorporated into the draft guidance, a number of the recommendations relating to equality and good relations that we raised in our earlier response.

### *Overarching points*

1.14 In our previous response, although we welcomed the inclusion in the draft guidance of a number of specific references to equality and good relations, in general, we considered that the concepts could also be more widely mainstreamed through the guidance.

1.15 In particular, we stated we were of the view that the section on 'Equality, Good Relations and Social Inclusion' could be clearer in communicating **both**

- processes from Equality Schemes which will assist in the development and delivery of community planning and ensure the appropriate consideration is given to the need to promote equality of opportunity and the desirability of promoting good relations (i.e. paying due regard/regard);
- the business case of mainstreaming equality and good relations during the development of what will be delivered through community planning, as this will ensure improved equality and good relations outcomes and better services for those living in the Council area/recipients of Council and other relevant services.

1.16 We also made it clear that each council will have to ensure that it fulfills its statutory equality and good relations duties and its Equality Scheme commitments as it develops the community plan;

as the lead body in the partnership arrangements, it is the arrangements in its Equality Scheme which should be applied.

- 1.17 We further highlighted that the guidance should include a reference to how the requirement in the Local Government Act (NI) 2014 for councils and partners to seek the views of the community fits with Equality Scheme commitments to consult on assessments, etc.
- 1.18 In addition, we outlined that to ensure that all the community planning partners can pay due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations, the process of seeking the views of the community should include the partners' assessment of the equality and good relations impacts of the elements of the plan, and also fulfill consultation arrangements.
- 1.19 Finally, we highlighted that the review of the community plan should enable monitoring of those elements from an equality and good relations perspective.
- 1.20 Whilst we welcome the adoption in the consultation draft of a number of our specific recommendations on how these overarching points can be addressed in the guidance, the need to mainstream these concepts remains valid.
- 1.21 In addition to the proposed specific references to equality and good relations in the community planning statutory guidance, we recommend that further steps are taken by the Department to encourage Councils in mainstreaming equality and good relations in the community planning process.
- 1.22 The Department will be aware that the Commission has, for example, consistently called for mandatory training on equality and good relations for Councillors. The Commission will also give consideration how it can further assist councils and community planning partners to embed equality and good relations in community planning.

## Responses to Question 3

### *Time frame for developing a plan*

- 1.23 The Department has sought views on whether one year is a sufficient time frame to develop a community plan, and if not, what alternative would you suggest.
- 1.24 In deciding the appropriate time frame for developing a community plan, we draw the Department's attention to following points.
- 1.25 In particular, we recommend that the timeline for completion of a community plan must be such that councils have sufficient time to enable them to build in steps necessary to meet these commitments under their Section 75 duties and their Equality Schemes.
- 1.26 For example, councils must ensure that they have built in time to carry out Equality Scheme commitments in relation to screening, and if determined is required, an EQIA, of the community plan.
- 1.27 Community plans are a 'policy' for the purposes of Section 75 and should **be screened at the earliest opportunity** in the policy development process. This would ensure that, should a Council determine that an EQIA is required on its draft Community Plan, that this could be undertaken at the same time as any consultation on the draft community plan itself. The Commission has recommended this approach as good practice.
- 1.28 In addition, as set out in the paragraph 6.2 of the draft guidance, it is proposed that *"the community planning process should achieve development of a baseline of existing conditions in the council area which includes an equality/good relations analysis or enables the Council to fulfill its equality scheme commitments to future monitoring requirements ."* It is therefore essential that councils have sufficient time to develop this baseline of existing conditions which is to include an equality/good relations analysis.
- 1.29 The Department will note that, given the likely programme of work that will be required by Councils initially on mainstreaming the Section 75 duties using Screening and EQIA, the Commission has advised Councils that a Section 75 audit of inequalities and

associated action plan may be more usefully developed post equality scheme submission (which were due on 26<sup>th</sup> November 2014). We have also advised Councils that a reasonable date for drafting, consulting upon and finalising this work is by 1<sup>st</sup> October 2015; namely 6 months after the 11 Councils take on full functions.

- 1.30 We stress the usefulness of such an exercise, in terms of coherence with new Council functions, such as Community planning, and the need to undertake Community Planning audits and action plans. The timeline of production of Section 75 audits and actions plan will allow this information to feed into community plans, should they be required to be developed within 1 year of full establishment of the councils.

## **Response to Question 5**

### *Section 7: Equality, good relations and social inclusion*

- 1.31 The Department has sought views on the whether the guidance is clear in respect of equality and good relations duties.
- 1.32 We make the following further points in relation to the section on 'Equality, Good Relations and Social Inclusion' (paragraphs 7.3-7.5).
- 1.33 As set out above, we welcome the inclusion in the draft consultation guidance of the wording recommended in our earlier response which was aimed at providing greater clarity to councils on their responsibilities and recommended good practice in their role as leading on community planning.
- 1.34 As set above, and as previously recommended, we consider, for example, that this section could highlight more clearly the business case for mainstreaming equality and good relations during the development of what will be delivered through community planning; namely that it will ensure improved equality and good relations outcomes and better services for those living in the Council area/recipients of Council and other relevant services.

1.35 We also recommend that in this section, councils are reminded that in addition to the statutory equality/good relations duties on public bodies, including councils, international obligations relating to human rights and equality are also placed on the UK Government under international Conventions, such as the UN Convention on the Rights of Disabled People (UNCRPD).

1.36 We note that the proposed paragraph 7.3 reads as follows.

*“Under Section 75 of the Northern Ireland Act 1998 all public authorities have a statutory duty to have due regard to the need to promote equality of opportunity and without prejudice to this regard to the desirability of promoting good relations. The Local Government (Northern Ireland) Act 2014, explicitly makes reference to this duty in relation to community planning. Equality of opportunity and social inclusion should be embedded into all stages of the process along with the desirability of promoting good relations. **The partners should consider how the promotion of good relations can be applied to all section 75 groups as community planning should reflect the diversity in a particular area.**”*

1.37 We recommend that in the interests of clarity, the guidance should more clearly distinguish between the *legal requirements* of Section 75(2) in relation to promoting good relations, and the proposed *policy imperative*, set out in bold in the draft text, which refers to considering the promotion of good relations across all Section 75 groups. Further, it is also not clear why this particular sentence has been bolded.

1.38 As previously recommended, we recommend the inclusion in this section of a specific reference to the disability duties; as these are also statutory duties placed on public bodies, including councils, which are relevant to community planning.

#### *Section 4: Partnership Structure and Governance*

1.39 We recommend that the following is added to paragraph 4.4 at bullet 1.

*“The council and its community planning partners should look for specific additional methods and structures to ensure meaningful participation from under-represented Section 75 groups.”*

#### *Annex A*

- 1.40 We recommend the inclusion of a reference to the Gender Equality Strategy in Annex A.

### **Conclusion**

- 1.41 In conclusion, whilst we welcome the fact that the Department has taken on board and incorporated into the draft guidance a number of our earlier recommendations, we raise a number of additional recommendations relating to equality and good relations, for its consideration.
- 1.42 We look forward to continuing our ongoing engagement with the Department as regards the reform of local government.

**9 March 2015**