



**EQUALITY COMMISSION FOR NORTHERN IRELAND**

**Response to the Executive's  
consultation on a draft Programme  
for Government Framework**

July 2016

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# EQUALITY COMMISSION FOR NORTHERN IRELAND

## Response to the Executive's consultation on a draft Programme for Government Framework

July 2016

### **1 Executive Summary**

- 1.1 In January 2016<sup>1</sup> the Equality Commission for Northern Ireland (“the Commission”) set out and published priority issues and recommendations it wished to see advanced through the forthcoming Programme for Government (PfG) and Budget, in order to address key inequalities and promote equality of opportunity.
- 1.2 The Commission welcomes the opportunity to respond to the subsequent consultation on a draft Programme for Government Framework.
- 1.3 Overall, we welcome and strongly support a focus on achieving outcomes, specifically given the potential that this offers to advance equality of opportunity and good relations for those who live with and experience inequalities and the absence of good relations.
- 1.4 We also support the Executive's approach to focus on the impact on people rather than solely on the actions taken within Government. Further, we support the emphasis on working across Government and on full engagement and co-design with stakeholders. We also support the proposed intention to ‘report progress quickly and openly’. In general, such an approach has the potential to be transformative and to deliver tangible outcomes.
- 1.5 We look forward to the opportunity to work closely with the Executive to advance equality of opportunity and good relations through the Programme for Government, in line with our key role as the independent body with a statutory remit to challenge discrimination and promote equality of opportunity.

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<sup>1</sup> [ECNI \(2016\) Recommendations: Programme for Government \(PfG\) and Budget](#) (published Jan 2016, updated May 2016)

## ***Summary of Recommendations***

### Overarching Key Recommendations

- 1.6 Whilst there are a number of clear references relating to the promotion of equality and good relations in certain areas of the draft PfG Framework, there appears to be limited mainstreaming of equality *across* the PfG Framework as a whole.
- 1.7 The Commission **recommends** that the PfG Framework, including its *Foreword* and *Introduction*, makes clear that the promotion of equality of opportunity and good relations is central to, and at the heart of, the PfG Framework and the delivery of associated societal outcomes.
- 1.8 Further, in order to ensure that the promotion of equality and good relations is comprehensively embedded across the PfG Framework, the Commission **recommends** that promoting equality of opportunity and good relations should be cross-cutting themes across all Government strategies, policy development and actions – including the PfG.
- 1.9 In practical terms, we envisage that this could be accomplished by the Executive ensuring that all relevant<sup>2</sup> PfG measures (and all relevant indicators and all outcomes) are not only tracked in aggregate but also tracked for the impact on individuals from each of the Section 75 grounds.
- 1.10 We **recommend** that the PfG makes explicit that all relevant PfG measures (and as such all relevant indicators and all outcomes) are tracked in aggregate AND for each of the Section 75 grounds.
- 1.11 Further, we **recommend** that, where the PfG includes a particular targeted focus on advancing equality of opportunity for a specific equality group (for example, children and young people, people with disabilities or of different community backgrounds), this targeted focus is clearly explained in the PfG Framework, along with the rationale underpinning this priority focus.
- 1.12 Taking the above points in tandem, while *measures* would thus be tracked for ALL Section 75 grounds, this would be discrete from any targeted actions aimed at advancing equality of opportunity for specific (e.g. currently disadvantaged) Section 75 groups. Such an approach would not only ensure that the outcome of targeted actions was tracked, but would provide a robust evidence base to assess equality of opportunity, compared to the population as a

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<sup>2</sup> The Commission considers *relevant* measures to be all those that directly relate to individuals

whole and to other equality groups. It would also provide a firmer basis for the identification of future targeted actions, and for the fulfilment of the statutory equality and good relations duties.

### Recommendations regarding proposed 'Outcomes'

- 1.13 We *support* a number of the proposed outcomes as having the potential to advance equality of opportunity and good relations, including those which most closely align with our published PfG recommendations - such as the proposed outcomes relating to a *more equal society; shared society; safe community; health; employment; caring for others; and confident society*<sup>3</sup>.
- 1.14 However, we note that, apart from limited references in the proposed '*equal society*' and '*shared society*' outcomes to Section 75 groups, there are (with the exception of a proposed outcome relating solely to children and young people) no other references in the other proposed outcomes to improving outcomes for *other Section 75 groups*; such as women, disabled people, minority ethnic communities (including asylum seekers and refugees), Lesbian Gay Bisexual (LGB) people and older people.
- 1.15 In the main body of this response, we set out specific comments and recommendations in relation to a number of proposed outcomes. For example:
- within the proposed '*equal society*' outcome, we **recommend** the inclusion of Executive commitments to ensure compliance with international human rights Conventions; address key gaps in equality data; ensure that effective equality and good relations strategies are created, implemented and updated across the range of equality grounds; and ensure that equality legislation is amended to not only provide the necessary protection to those who need it, but to harmonise protections for the benefit of individuals, employers and service providers;
  - as regards the proposed '*shared society*' outcome, we **recommend** the inclusion of additional specific measures and commitments aligned to ensuring an increase in sharing more generally – i.e. in education, in work, in housing and in society in general; as well as tackling hate crime and gender based violence.

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<sup>3</sup> Specifically the draft outcomes are; *we have a more equal society; we are a shared society that respects diversity ; we have a safe community where we respect the law, and each other ; we enjoy long, healthy, active lives; we have more people working in better jobs ; we care for others and we help those in need; we are an innovative, creative society, where people can fulfil their potential; we are a confident, welcoming, outward-looking society;*

## Recommendations regarding proposed 'Indicators/Measures'

- 1.16 We support the general focus of a number of proposed indicators - in particular, the proposed indicators relating to good relations; employment; education; health; housing; looked after children; adults with care needs; reducing crime.
- 1.17 However, we note that, when indicators are read in conjunction with their sole lead measure, the focus of the indicator becomes substantially more narrowly defined than a reading of the indicators alone may suggest. For example, we highlight the fact that the proposed indicator on *shared space* is measured only in relation to certain facilities (e.g. leisure centres). As a consequence, the PfG Framework does not contain any indicator/measures on shared space more generally, or for example sharing in employment, education or housing etc. As such the proposed measure misses measures of equality of opportunity and good relations which are potentially fundamental to the achievement of the stated outcomes.
- 1.18 We therefore **recommend** that the Executive ensures that PfG measures are sufficient to track progress fundamental to achieving the stated outcomes.
- 1.19 In the main body of this response, we set out specific comments and recommendations in relation to a number of the proposed indicators and associated lead measures.
- 1.20 For example:
- We **recommend** the inclusion of additional indicators or measures in the following key areas; increasing the participation of under-represented Section 75 groups in public life; increasing sharing in education and in housing; reducing hate crime and gender based violence; and reducing prejudice based bullying in schools.
  - As most of the proposed lead measures do not explicitly track progress on the extent of specific inequalities experienced by Section 75 groups<sup>4</sup>, we again **recommend** that all relevant lead measures are also disaggregated by Section 75 ground.

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<sup>4</sup> With the exception of the lead measure linked to the indicator on disabled people (“increase quality of life for people with disabilities”)

## ***Statutory equality and good relations duties and Equality Scheme advice***

- 1.21 The PfG Framework will set the parameters for delivery and actions for all public authorities and public services. It is therefore vital that the Executive and the Departments agree outcomes, indicators and measures in a way that will enable all public authorities to fulfil their duties to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations.
- 1.22 Hence the recommendations elsewhere in this response that all relevant PfG measures (and as such all relevant indicators and all outcomes) are not only tracked in aggregate but also tracked for the impact on individuals from each of the Section 75 grounds.
- 1.23 The Commission also provided advice to the Executive Office on its obligations under Section 75 of the Northern Ireland Act 1998 prior to the draft PfG being published. The Commission advised that the Executive Office should carry out a comprehensive screening exercise on the draft PfG, ensuring that the screening adhered to its Equality Scheme commitments. The screening exercise referred to in the consultation document is not presented. Consultees are therefore not able to see the Department's assessment of equality or good relations impacts, nor indeed whether there would be opportunities to promote equality of opportunity and good relations.
- 1.24 We **recommend** that the Department review the evidence base already gathered for the PfG through the lens of Section 75. This evidence should be set out and inform the assessment of impacts via screening and/or EQIA documentation. We also remind the Executive Office that its work and functions at this level, including with other Departments and Councils to deliver the PfG high-level outcomes, are subject to the statutory equality and good relations duties, and that Equality Scheme commitments should be applied.

### ***Further Information***

- 1.25 Further information on the Commission's priority recommendations for inclusion in the Programme for Government can be found at: [www.equalityni.org/pfg](http://www.equalityni.org/pfg)

## 2 Introduction

### ***Commission priorities for the 2016-19 Programme for Government (PfG) and Budget***

- 2.1 In January 2016<sup>5</sup> the Equality Commission for Northern Ireland (“the Commission”)<sup>6</sup> set out and published priority issues and recommendations it wished to see advanced through the forthcoming Programme for Government (PfG) and Budget, in order to address key inequalities and promote equality of opportunity.
- 2.2 In summary, the Commission:
- highlighted the need to tackle key inequalities experienced by Section 75 equality groups<sup>7</sup> that remain persistent and hard to address, and that we considered that the PfG and Budget provided a key mechanism to maximise equality of opportunity and good relations outcomes;
  - set out a number of specific recommendations<sup>8</sup> regarding key public policy outcomes in support of addressing specific key inequalities across a number of key areas;
  - stressed the need for a clear commitment in the PfG to addressing the specific key inequalities experienced by Section 75 groups; as well as a commitment to ensuring that the promotion of equality of opportunity and good relations were cross cutting themes across all Government strategies, policy development and actions.
- 2.3 Aligned to these recommendations, we set out below our additional recommendations in response to the Executive’s consultation on a draft Programme for Government Framework.

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<sup>5</sup> [ECNI \(2016\). Equality Commission recommendations for the 2016-19 Programme for Government \(PfG\) and Budget \(first published January 2016, refined May 2016\)](#) .

<sup>6</sup> See Appendix A for an overview of our remit and responsibilities.

<sup>7</sup> Section 75 of the Northern Ireland Act 1998 places a duty on public bodies to have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; men and women generally; persons with a disability and persons without; and persons with dependants and persons without.

<sup>8</sup> See Appendix B for an overview of our specific key recommendations for public policy and the PfG / Budget.



### 3 General Comments

#### ***Outcome based approach***

- 3.1 Overall, we welcome and strongly support a focus on achieving outcomes, specifically given the potential that this offers to advance equality of opportunity and good relations for those who live with and experience inequalities and the absence of good relations.
- 3.2 We also support the Executive's approach to focus on the impact on people rather than solely on the actions taken within Government. Further, we support the emphasis on working across government and on full engagement and co-design with stakeholders.
- 3.3 We *support* the proposed approach of a focus on the major societal outcomes that the Executive wants to deliver. We also support the proposed focus on '*shifting what happens in people's lives*', rather than how things are delivered, as well as the focus on impact rather than money spent or actions taken<sup>9</sup>; the proposal to *work 'across boundaries focusing on the outcomes rather than traditional departmental lines'*; and the proposed intention to '*report progress quickly and openly*'. In general, such an approach has the potential to be transformative and to deliver tangible outcomes, including for Section 75 groups.
- 3.4 We look forward to the opportunity to work closely with the Executive to advance equality of opportunity and good relations through the Programme for Government, in line with our key role as the independent body with a statutory remit to challenge discrimination and promote equality of opportunity.

#### ***Overarching Key Recommendations***

- 3.5 Whilst there are a number of clear references relating to the promotion of equality and good relations in certain areas of the draft PfG Framework, there appears to be limited mainstreaming of equality *across* the PfG Framework as a whole.
- 3.6 We consider that there is significant scope for the promotion of equality and good relations to be further embedded and mainstreamed across the framework.
- 3.7 We **recommend** that the PfG Framework, including its *Foreword* and *Introduction* makes clear that the promotion of equality of

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<sup>9</sup> [Draft PfG Framework](#) page 7

opportunity and good relations is central to, and at the heart of, the PfG Framework<sup>10</sup> and the delivery of associated societal outcomes.

- 3.8 Further, in order to ensure that the promotion of equality and good relations is comprehensively embedded across the PfG Framework, we re-iterate our over-arching recommendation that promoting equality of opportunity and good relations should be **cross-cutting themes across all Government strategies, policy development and actions – including the PfG**.
- 3.9 We consider that such an approach is further supported in the application of the statutory equality and good relations duties, where the appropriate consideration must be given to the need to promote equality of opportunity and desirability of promoting good relations in relation to any given public function. It is essential that all PfG measures that relate to people are developed in such a way so as to enable Departments and other public bodies to gather data across the Section 75 grounds. This will not only enable the Executive to measure progress as regards specific Section 75 grounds, but also to enable public bodies to better monitor their policies for impact and potential impact.
- 3.10 In practical terms, we envisage that this could be accomplished by the Executive ensuring that all PfG measures that relate to people (and as such all relevant indicators and all outcomes) are not only tracked in aggregate, but also tracked for the impacts on Section 75 groups.
- 3.11 We **recommend** that the PfG makes explicit that all relevant PfG measures (and as such all relevant indicators and all outcomes) are tracked in aggregate AND for each of the Section 75 grounds.
- 3.12 Further, we **recommend** that, where the PfG includes a particular targeted focus on advancing equality of opportunity for a specific equality group (for example, children and young people, people with disabilities or of different community backgrounds), this targeted focus is clearly explained in the PfG Framework, along with the rationale underpinning this priority focus.
- 3.13 Taking the above points in tandem, while *measures* would thus be tracked for ALL Section 75 grounds, this would be discrete from any targeted actions aimed at advancing equality of opportunity for

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<sup>10</sup> We note that the deputy First Minister has recently made clear in the Assembly that the priority is to bring forward and implement a Programme for Government that grows the economy, provides proper public services and *promotes equality and inclusion*; as well as the deputy First Minister's recognition that there is a need for "*equality and respect to be at the heart*" of the work of the Executive. Deputy First Minister in the NI Assembly debate on PfG, 6 June 2016, [Official Report](#).

specific (e.g. currently disadvantaged) Section 75 grounds. Such an approach would not only ensure that the outcome of targeted actions was tracked, but would provide a robust evidence base to assess equality of opportunity, compared to the population as a whole and to other equality groups. It would also provide a firmer basis for the identification of future targeted actions, and for the fulfilment of the statutory equality and good relations duties.

## 4 Recommendations regarding proposed Outcomes

### ***General comments***

- 4.1 We *support* a number of the proposed outcomes as having the potential to advance equality of opportunity and good relations. – specifically the proposed outcomes: “we have a more equal society; we enjoy long, healthy, active lives; we have more people working in better jobs; we have a safe community where we respect the law, and each other; we care for others and we help those in need; we are a shared society that respects diversity; we are a confident, welcoming, outward-looking society”.
- 4.2 However, we note that, apart from limited references in the proposed ‘*equal society*’ and ‘*shared society*’ outcomes to Section 75 grounds, there are (with the exception of a proposed outcome relating solely to children and young people) no other references in the other proposed outcomes to improving outcomes for *other* Section 75 grounds; such as women, disabled people, minority ethnic communities (including asylum seekers and refugees), Lesbian Gay Bisexual (LGB) people and older people.
- 4.3 Further, we note that there is very limited reference in the proposed PfG outcomes to the following areas identified by the Commission in its published PfG priorities<sup>11</sup> as vital to address:
- promoting the participation of under-represented Section 75 grounds in public/political life or decision making<sup>12</sup>;
  - ensuring that everyone enjoys the right to independent living, including for people with disabilities and older people;

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<sup>11</sup> [ECNI \(2016\), Equality Commission recommendations for the 2016-19 Programme for Government \(PfG\) and Budget \(first published January 2016, refined May 2016\).](#)

<sup>12</sup> We note that there is a reference to encouraging the involvement of children in developing services (proposed outcome 14).

- addressing the housing needs of particular equality groups, such as Irish Travellers, and minority ethnic communities (including migrant workers and refugees);
- protecting the most vulnerable from the adverse impact of welfare reform;
- ensuring accessible, affordable childcare.

4.4 In addition, as set out in more detail below, as regards the proposed outcome aimed solely at *children and young people* (“*We give our children and young people the best start in life*”), whilst we have highlighted the need to improve outcomes for children and young people, it is also important that there is a *focus* on advancing equality of opportunity for individuals *at all key stages*, including when transitioning from childhood to adulthood, as well as for older people<sup>13</sup>.

4.5 Aligned to our ‘Overarching Key Recommendations’, we **recommend** that, if there is to be a particular focus on improving outcomes for children and young people (as opposed to other Section 75 grounds, including other age groups), then this is clearly communicated to stakeholders through the PfG Framework, along with the rationale underpinning this focus.

### ***Specific comments***

4.6 We have set out below in more detail our specific comments and recommendations in relation to the proposed outcomes<sup>14</sup>.

#### Outcome 3: We have a more equal society

4.7 *We support* the inclusion of this proposed outcome.

4.8 *We welcome* the focus of the proposed outcome on creating a “*more equal*” society. Whilst welcoming a focus in the PfG on advancing equality, we reiterate that any focus in the PfG on creating a more equal society should be in support of an underpinning goal of advancing and securing equality of opportunity across all Section 75 categories.

4.9 We **recommend** that the ‘*Introduction*’ to the proposed outcome refers explicitly to “promoting equality of opportunity for Section 75

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<sup>13</sup> The Commission has, for example, highlighted, as regards inequalities experienced by older people, including the need to tackle ageist attitudes; encourage their participation in public life; support their independent living.

<sup>14</sup> Our comments are not ordered to mirror the order used in the PfG Framework, but rather to reflect the weight of our comments and to draw to the fore key issues aligned to our remit.

grounds”, mindful also of the need to tackle inequalities due to multiple identities.

- 4.10 We are disappointed that there is *no* reference in the ‘role of the Executive’, to ensuring compliance with international human rights Conventions; addressing key gaps in equality data; or to ensuring that effective equality and good relations strategies are created implemented and updated across a range of equality grounds.
- 4.11 Whilst there is a proposed reference to “*ensuring policy and legislation provides the necessary protection to those who need it*”, we note it does not specifically refer to reforming and strengthening equality law.
- 4.12 There are significant gaps between equality law in Great Britain and Northern Ireland, gaps which have widened following the introduction of single equality legislation - the Equality Act 2010 - in Great Britain. These differences mean that in a number of key areas, individuals in Northern Ireland have less protection against discrimination and harassment than people in other parts of the United Kingdom
- 4.13 The Commission reiterates its **recommendation** for Northern Ireland equality law to be harmonised, simplified and updated so as to address significant inconsistencies, unjustified anomalies and complexities and to ensure uniform protection against discrimination across all grounds, where appropriate. We consider that single equality legislation would best harmonise and simplify the protections available. We have set out proposals<sup>15</sup> for reform in key areas; including under the equality legislation relating to age; race; disability; sex; fair employment; sexual orientation; as well as wider changes to the law that impact on Section 75 grounds.
- 4.14 Further, whilst there is a proposed reference to “*ensuring compliance with statutory obligations*”, we note that there is no reference to ensuring equality of opportunity and good relations are cross cutting themes (mainstreamed) across Government policy development and decision making.
- 4.15 We therefore **recommend** that the ‘*Role of the Executive*’ section includes the following commitments:
- promoting equality of opportunity and addressing key inequalities that people face in all areas of their lives;

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<sup>15</sup> See [www.equalityni.org/LawReform](http://www.equalityni.org/LawReform)

- challenging discrimination and harmonising, simplifying and updating equality law, ensuring that individuals in Northern Ireland have at least the same levels of protection as people in Great Britain.
- ensuring compliance with statutory obligations, as well as obligations under international human rights Conventions;
- implementing effective equality/ good relations strategies so as to advance equality of opportunity and tackle key inequalities;
- ensuring equality and good relations are cross cutting themes across Government policy development and decision making;
- addressing key gaps in equality data so as develop a robust evidence base that ensures effective tracking of progress in addressing key inequalities.

4.16 We also note that there are a number of wider indicators which it is not proposed to track progress on as regards achieving the *equal society* outcome; such as the indicators on *reduce economic inactivity; increase the proportion of people working in good jobs*.

4.17 We would *welcome clarification* as to why the above indicators are not considered relevant to achieving the *equal society* outcome. The Commission has, for example, highlighted key inequalities to be addressed in these areas - the need to reduce the economic inactivity of women and disabled people; as well as the need to address the concentration of migrant workers in low paid employment

Outcome 9: We have a shared society that respects diversity

4.18 We *support* the inclusion of this proposed outcome.

4.19 We have consistently highlighted the need to challenge prejudicial attitudes, behaviour and hate crime, so as to ensure that workplaces, services, public spaces and communities are free from harassment and/or discrimination across the equality grounds; as well as developing safe shared communities based on equality, dignity and respect.

4.20 We therefore *welcome* the references in the proposed outcome to tackling barriers, improving attitudes, challenging discrimination and prejudice; encouraging diversity; and developing shared spaces.

4.21 However, while we welcome the grounding of this outcome in broad equality principles and that diversity is considered in relation to the full range of equality grounds, we note that the focus of the

corresponding indicator of “Increase Shared Space” is mainly on increasing sharing space between people of different religions rather than, for example, also focusing on promoting good race relations.

- 4.22 We therefore **recommend** that the ‘*Introduction*’ to the proposed outcome refers not solely to greater sharing between different communities but also the need to promote sharing more generally – including promoting good race relations, and building a society that respects racial diversity.
- 4.23 We also **recommend** that the ‘*Role of the Executive*’ section includes commitments to:
- work towards maintaining and increasing shared spaces in education, in work, in housing, in communities and in society in general;
  - tackle hate crime and gender based violence.
- 4.24 We *welcome* the inclusion of references across a number of proposed *additional* outcomes (including in the outcome on a *shared society*) that set out the aim of challenging prejudicial attitudes and building respect for diversity.
- 4.25 For example, we welcome that the proposed outcome “we are a confident, welcoming, outward looking society” refers to “working to break down intolerance and celebrating diversity”, and that the proposed outcome “we are a safe community where we respect the law and each other” refers to “ensuring mutual understanding is increased and fear and mistrust is reduced among people of different ages, identities and background.”

#### Outcome 4: We enjoy long, healthy, active lives

- 4.26 We *support* the inclusion of this proposed outcome.
- 4.27 We have highlighted the need to improve the health outcomes across the Section 75 grounds and remove barriers to health and social care experienced by particular Section 75 equality groups, such as older people<sup>16</sup>, LGB people<sup>17</sup>, Irish Travellers and other minority ethnic communities<sup>18</sup>.

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<sup>16</sup> Response to *Active Ageing Strategy*, ECNI, 2014 – [www.equalityni.org/\\_OFMDFM-Older-Peoples-strategy-2014](http://www.equalityni.org/_OFMDFM-Older-Peoples-strategy-2014)



4.28 We **recommend** that the '*Role of the Executive*' section includes a commitment to:

- tackling health inequalities across Section 75 grounds and addressing barriers that people face in accessing health care;
- improving both physical and mental well-being and meeting the health needs of all people, including older people and disabled people, as well as supporting carers.

Outcome 6: We have more people working in better jobs

4.29 We *support* the inclusion of this proposed outcome.

4.30 We have highlighted the need to address inequalities in employment such as: reducing discrimination in the workplace, including due to pregnancy and maternity and discrimination; supporting women's economic participation, including through access to appropriate, accessible and affordable childcare; addressing the exploitation of migrant workers and the concentration of some minority ethnic workers in low paid employment; supporting disabled people to access and remain in the workplace; and ensure training and programmes to enable people to access and progress in work that is accessible and inclusive to all.

4.31 We **recommend** that the '*Role of the Executive*' section includes commitments to:

- challenging discrimination in the workplace and tackling employment inequalities;
- removing barriers to work, including by supporting disabled people, women, and minority ethnic communities;
- ensuring accessible and affordable high quality childcare.

Outcome 7: We have a safe community where we respect the law and each other

4.32 In broad terms, we *support* the inclusion of this proposed outcome.

4.33 We have consistently highlighted the need to challenge prejudicial attitudes, behaviour and to take action to promote good relations, including on the grounds of religious belief / political opinion and race.

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<sup>17</sup>See ECNI Sexual Orientation Policy Position Paper 2013 [www.equalityni.org\\_Promoting-SO-Equality-policy-position](http://www.equalityni.org_Promoting-SO-Equality-policy-position)

<sup>18</sup> See ECNI Racial Equality Position Paper – [www.equalityni.org\\_RacialEquality\\_PolicyPosition2014.pdf](http://www.equalityni.org_RacialEquality_PolicyPosition2014.pdf)



4.34 Whilst there is reference to reducing fear and mistrust among people of different ages, identities and backgrounds, there is no specific reference in this proposed outcome, or in supporting indicators / measures, to tackling hate crime, gender based violence or the exploitation of migrant workers.

4.35 We **recommend** that the ‘*Role of the Executive*’ section includes a commitment to:

- tackling hate crime, gender based violence and the exploitation of migrant workers.

#### Outcome 8: We care for others and we help those in need

4.36 We *support* the inclusion of this proposed outcome.

4.37 We have highlighted the need to protect the most vulnerable from the impact of welfare reform and to remove barriers for minority ethnic communities to accessing social protection. We have also recommended action to ensure everyone enjoys the right to independent living and to address the housing needs of particular equality groups, such as Irish Travellers and minority ethnic communities, including migrant workers and refugees.

4.38 Recent research on *Key Inequalities in Housing and Communities* (2016)<sup>19</sup> commissioned by the Commission, has identified that access to adequate accommodation for Irish Travellers is limited; migrant workers are often subject to tied accommodation with poor conditions and overcrowding; disabled people with mental health problems are not always afforded an opportunity to live independently; and many people with disabilities live in homes that are not adequate to meet their disability related needs.

4.39 We **recommend** that the ‘*Role of the Executive*’ section includes commitments to:

- addressing housing inequalities and the housing needs of the most vulnerable in society, including older people, disabled people and minority ethnic communities;
- protecting the most vulnerable from the impact of welfare reform and addressing barriers to accessing social protection;

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<sup>19</sup> [Key Inequalities in Housing and Communities](#) (2016), A Wallace, University of York, commissioned by ECNI.

- supporting and caring for vulnerable people, including older people and disabled people, so as to ensure independent living.

Outcome 10: We are a confident, welcoming, outward looking society

- 4.40 We *support* the inclusion of this proposed outcome.
- 4.41 We welcome the reference in this proposed outcome to “working to break down intolerance and celebrate diversity”, and “building the confidence of communities”.
- 4.42 However, we note that there is *no* reference in this proposed outcome to encouraging the participation of people from under-represented Section 75 groups in society.
- 4.43 We therefore **recommend** that the ‘*Role of the Executive*’ section includes a commitment to:
- encouraging the participation of people from under-represented equality groups in all aspects of society.
- 4.44 We consider that our recommendation is consistent with the focus of the proposed outcome to “*build confidence in our communities*”, and “*working to break down intolerance and celebrate diversity*”; as well as the intention to “*give people the confidence to embrace the opportunities...in economic, social and cultural terms*”.

Outcome 14: We give our children and young people the best start in life

- 4.45 We *support*, in broad terms, the inclusion of this proposed outcome.
- 4.46 We have consistently highlighted the need to improve outcomes and address inequalities experienced by children and young people across a number of areas. This has included addressing inequalities experienced by those with multiple identities such as disabled children and young people, minority ethnic children and young people and LGB children and young people.
- 4.47 Whilst we have highlighted the need to improve outcomes for children and young people, it is also important that there is a *focus* on advancing equality of opportunity for individuals at all *key* stages,

including when transitioning from childhood to adulthood, as well as for older people<sup>20</sup>.

- 4.48 Further, the proposed focus in this outcome on improving outcomes for children and young people is in sharp contrast to the lack of reference in the draft PfG Framework to improving outcomes for people from other age groups or specific Section 75 groups, for example: women, minority ethnic communities, including asylum seekers and refugees, and LGB people.
- 4.49 If there is to be a particular focus on improving outcomes for children and young people (as opposed to other Section 75 groups, including other age groups), we **recommend** that this is clearly explained in the PfG Framework, along with the rationale underpinning this focus.
- 4.50 We **recommend** that the 'Role of the Executive' section includes commitments to:
- the provision of accessible, affordable and high quality childcare;
  - addressing educational inequalities;
  - challenging prejudicial attitudes towards children and young people;
  - supporting opportunities for children and young people in employment and training;
  - ensuring compliance with obligations under international Conventions, including the UNCRC.

Outcome 1: We prosper through a strong, competitive, regionally balanced economy

- 4.51 We **recommend** that the '*Role of the Executive*' section includes commitments to:
- removing barriers to work, including by supporting disabled people, women, and minority ethnic communities;
  - ensuring accessible and affordable high quality childcare.

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<sup>20</sup> For example, the Commission has highlighted the need to improve outcomes for older people, in a range of areas including employment, health and social care, access to social protection; as well as the need to tackle age discrimination and ageist attitudes towards older people.

Outcome 11: We have high quality public services

4.52 We **recommend** that the '*Role of the Executive*' section includes a commitment to:

- removing barriers that people face in accessing public services, and ensuring public services promote greater sharing in society, which can be achieved through the development of those services where appropriate consideration is given to the need to promote equality of opportunity and desirability of promoting good relations.

Outcome 12: We have created a place where people want to live and work, to visit and invest

4.53 We **recommend** that the '*Role of the Executive*' section includes a commitment to:

- working to create a place which there is equality of opportunity for all and where diversity is respected.

Outcome 13: We connect people and opportunities through our infrastructure

4.54 We **recommend** that the '*Role of the Executive*' includes a commitment to:

- providing high quality and accessible public transport.

## 5 Recommendations regarding proposed Indicators / Measures

- 5.1 We note that, in general, there is a 1:1 relationship between measures and indicators. Thus we read the indicator and associated measure as a single statement – with the measure conveying the specific focus of the related indicator.
- 5.2 We also note that when indicators are read in conjunction with their sole lead measure, the focus of the indicator becomes substantially more narrowly defined than a reading of the indicators alone may suggest.
- 5.3 We **recommend** that the Executive ensures that PfG measures are sufficient to track progress fundamental to achieving the stated outcomes.

### ***General comments: Indicators***

- 5.4 We *support* a number of the proposed indicators / measures as having the potential to advance equality of opportunity and good relations - in particular, the proposed indicators relating to good relations; employment; education; health; housing; looked after children; adults with care needs; reducing crime.
- 5.5 Whilst socio-economic disadvantage is not a specified ground under the equality legislation, the barriers and inequalities experienced by equality groups can be exacerbated by poverty and social exclusion. The Commission continues to proactively highlight the link between poverty and social exclusion, and the inequalities faced by individuals protected under the equality legislation.
- 5.6 We therefore *support* the proposed indicators relating to tackling poverty and socio-economic disadvantage<sup>21</sup> to the extent that they can be utilised to address the poverty and social exclusion experienced by a range of equality groups.
- 5.7 In general, our observations highlighted above in relation to the proposed outcomes are broadly also true of the proposed indicators.
- 5.8 For example, while there are some proposed indicators that are centred on inequality (e.g. *reduce health inequality*), many of the proposed indicators are general in nature; for example: improve supply; improve support; increase supply, etc. As such it is not clear that these indicators will provide a sufficient framework to ensure

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<sup>21</sup> For example: reduce poverty; increase economic opportunities for our most deprived communities;

that associated actions will effectively seek to promote equality of opportunity, or address key inequalities, for Section 75 groups.

- 5.9 Further, as with some of the proposed outcomes, we note that there are some proposed indicators specific to Section 75 groups. For example, there is an indicator on disabled people (“*increase quality of life for people with disabilities*”); indicators specifically related to children and young people, including ‘*looked after children*’ (e.g. ‘*improve child development*’; and ‘*support for looked after children*’); as well as an indicator on supporting adults with care needs. Importantly, we note that there are *no* indicators specific to some of the other Section 75 groups; For example women, minority ethnic communities, including asylum seekers and refugees, and LGB people.
- 5.10 Aligned to our key overarching recommendations, we **recommend** that, where the PfG includes a particular targeted focus on advancing equality of opportunity for a specific equality group (for example, children and young people, people with disabilities or of different community backgrounds), then this targeted focus is clearly explained in the PfG Framework, along with the rationale underpinning this priority focus.

### ***General comments: Measures***

- 5.11 We have highlighted in more detail below the key gaps in the focus of some of the proposed indicator / measure pairings. For example, we highlight the fact that the proposed indicator on *shared space* is solely focused on shared public space.
- 5.12 As a consequence, the PfG Framework does not contain any indicator/measures on ‘*sharing in education*’ or ‘*sharing in housing / communities*’.
- 5.13 It is also the case that, in general, the proposed lead measures linked to particular indicators will not track progress on the extent of specific inequalities experienced by Section 75 grounds (apart from the lead measure linked to the indicator on disabled people (“*increase quality of life for people with disabilities*”).
- 5.14 Further, whilst equality data will be collected as a sub set of many of the proposed lead measures, we note that the extent to which equality data will be collected (i.e. equality grounds covered) varies between the different proposed lead measures.

- 5.15 Importantly, it is clear that there are *gaps* in the equality data to be collected; particularly on the grounds of *sexual orientation, political opinion and race*<sup>22</sup>. It also appears that data is also not disaggregated - for example by racial group, type of disability etc. In addition, data in relation to some proposed lead measures is not currently collected so it is not possible to predict what equality data will be collected in relation to those measures.
- 5.16 As many of the proposed lead measures linked to particular indicators will not track progress on the extent of specific inequalities experienced by Section 75 groups (apart from the lead measure linked to the indicator on disabled people (“*increase quality of life for people with disabilities*”), the Commission emphasises the need for all relevant lead measures to be disaggregated by Section 75 ground; so as to ensure that all relevant indicator / measure pairs are capable of tracking progress not only in aggregate terms, but across all Section 75 grounds.
- 5.17 We therefore *re-iterate our recommendation* that promoting equality of opportunity and good relations should be *cross-cutting themes* across all Government strategies, policy development and actions – including the PfG. As highlighted above, in practical terms, we envisage that this could be accomplished by the Executive ensuring that ALL relevant PfG measures (and as such all relevant indicators and all outcomes) are not only tracked in aggregate but also tracked for the impact on individuals from each of the Section 75 grounds.
- 5.18 We **recommend** that the PfG makes explicit that ALL PfG measures (and as such all relevant indicators and all outcomes) will not only be tracked in aggregate but also for each of the Section 75 grounds.

### ***Specific comments***

- 5.19 We have set out below in more detail our specific comments and recommendations in relation to the proposed indicators/lead measures.
- 5.20 In particular, we **recommend** the inclusion of *additional indicators* and/or associated measures in the following *key areas*: increasing the participation of under-represented Section 75 groups in public life; increasing sharing in education and in housing; reducing hate

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<sup>22</sup> For example, data on the proposed lead measure “% of the population who believe their cultural identity is respected by society” is not collected on the grounds of race.

crime and gender based violence; and reducing prejudice based bullying in schools.

### ***'Shared space' Indicator / Measure***

- 5.21 We also consider that increasing shared space can have benefits in terms of promoting both equality of opportunity and good relations.
- 5.22 We note that the proposed lead measure on the indicator “increase shared space” is limited to “% who think that leisure centres, parks, libraries, and shopping centres in their areas are shared and open to both Protestants and Catholics.”
- 5.23 Aligned to our over-arching key recommendation that promoting equality of opportunity and good relations should be a cross-cutting theme, this indicator appears limited in what it measures. We would understand that sharing space can also be enhanced through the removal of barriers experienced by other equality groups. We also consider that increasing shared space can have benefits in terms of promoting both equality of opportunity and good relations.
- 5.24 Accordingly, we **recommend** that this indicator is amended to become “% who think that leisure centres, parks, libraries, and shopping centres in their areas are shared and open” with the associated measure then not only tracking the figure in aggregate, but also for all the Section 75 grounds where the provision of facilities are provided by a public authority. Public authorities must have arrangements in their Equality Schemes for monitoring policies adopted and assessing access to information and services.
- 5.25 Further, given the narrow focus of the indicator, we **recommend** the inclusion of *additional indicators* aimed at tracking progress in securing increased *sharing in employment, education and in housing*, in addition to the proposed indicator linked to public spaces.
- 5.26 Crucially, we note that the proposed shared society *outcome* refers to continuing to develop shared spaces ‘*in education, in housing, in society in general*’. However, the associated proposed lead measure is limited to assessing sharing in particular facilities and public spaces. It is therefore not clear how the proposed measures can give effect to measuring progress in relation to the stated outcome i.e. in developing shared spaces in education or housing.
- 5.27 In line with the proposed approach to develop a new “*respect index*” for the proposed indicator “*increase respect for each other*”, we



**recommend** that consideration is given to adopting a similar approach to measuring progress in developing shared space - so as to ensure that a range of measures can be drawn upon to measure progress.

### ***‘Reconciliation’ Indicator / Measure***

- 5.28 We **recommend** that action is taken to address gaps in equality data as regards the proposed lead measure on the indicator “*increase reconciliation*”. In particular, we note that equality data is not collected on the grounds of racial group or political opinion. Data on racial group would be critical, for example, in ascertaining whether racial groups’ cultural identity is respected.
- 5.29 While the focus of the indicator is on ‘reconciliation’, we note the focus of the associated lead measure on ‘respect’ (Lead measure: % of the population who believe their cultural identity is respected by society). Given the overlap with this and the dedicated indicator/measure on respect (see next section), it is likely that there exists an opportunity to develop a better measure more targeted to assessing ‘reconciliation’.

### ***‘Respect’ Indicator / Measure***

- 5.30 We welcome that in the statement of the importance of this indicator, equality of opportunity is expressed as the founding basis for respect. We consider that increasing respect can have benefits in terms of promoting both equality of opportunity and good relations.
- 5.31 Accordingly, we **recommend** the new proposed respect index applies to all Section 75 grounds and that associated actions and data collection are implemented accordingly.
- 5.32 The Commission refers to “respect” in a reciprocal sense, i.e. personal responsibility for actions, empathy and interdependence. On this basis, we **recommend** that the index should take account of how individuals *feel* (as currently proposed) about others, but also how individuals *act*, and this should relate to circumstances of both majority and minority groups.
- 5.33 Consideration could also be given to measuring not only how people feel respected by others; but also how people feel they respect others; as well as how people perceive that others are respected.

## ***Housing indicator / measure***

Indicator: 'improve the supply of suitable housing'

- 5.34 We **support** the inclusion of the proposed indicator '*improve the supply of suitable housing*'.

Proposed Lead measure

- 5.35 We note that the proposed lead measure, *the number of households in housing stress*, will not collect equality data by, for example, disability, race, sexual orientation, dependents. It is therefore not possible to track, for example, the number of disabled applicants or the number of minority ethnic applicants experiencing housing stress.
- 5.36 We therefore **recommend** addressing these gaps in equality data and in approach to ensure that promoting equality of opportunity is a cross-cutting theme across all relevant indicators.

## ***Indicator / measure on disabled people***

- 5.37 We welcome a targeted focus to advance equality for disabled people.
- 5.38 As per our overarching key recommendation, we **recommend** that where the *PfG includes a particular targeted focus* on advancing equality of opportunity for a specific equality group *in the current mandate*, that this targeted focus is clearly explained in the PfG Framework, along with the rationale underpinning this priority focus.
- 5.39 We also **recommend** that it be made clear why the proposed indicator is limited to the achievement of only 8 of the proposed outcomes.
- 5.40 We **recommend** the text on why this indicator is important makes specific reference to advancing equality of opportunity and addressing inequalities faced by disabled people.

Proposed Lead measure

- 5.41 We query why the Framework includes a focus on the 'life satisfaction' of those with disabilities but not, for example, LGB individuals, or members of Minority Ethnic Groups. Aligned to our key overarching recommendation, we **recommend** that the proposed lead measure (life satisfaction score) collects data across the s (such as gender, age, race, sexual orientation etc), so that it is possible to track progress on this 'life satisfaction' measure for all

Section 75 groups, and as regards disabled people's multiple equality identities.

- 5.42 In terms of a focus on those with disabilities, we have concerns that this measure (*'Average life satisfaction score of people with disabilities'*) will be of little utility in measuring the extent to which the needs / rights of people with disabilities are being / have been met, and as such the extent to which the Executive is fulfilling its obligations under the UNCRPD.
- 5.43 We therefore **recommend** that a *layer of sub indicators* or index (aligned to the approach proposed in the consultation document for a 'respect' index) are developed in order to measure the degree to which there is realisation of the rights for disabled people as set out in the UN Convention of the Rights of Disabled People (CRPD).
- 5.44 We also **recommend** reference, for example, in the proposed *equal society* outcome, to ensuring compliance with obligations under international human rights Conventions that impact on disabled people; specifically the UNCRPD<sup>23</sup>.

### ***Crime indicator / measure***

- 5.45 We **support** the proposed indicator *'to reduce crime'*.
- 5.46 In addition to **recommending** that data is collected across the full range of Section 75 categories, we **recommend** *additional* and specific indicators in order to track progress in addressing hate crime and gender based violence. This is important to track in the light of the clear recognition in the proposed *'equal society'* outcome to tackling violence motivated by people's identity.

### ***Employment indicator / measure***

- 5.47 We **support** the proposed inclusion of indicators relating to employment (ie *"increase the proportion of people in work"*; *"reduce economic inactivity"*; *"increase the proportion of people working in good jobs and reduce under employment"*; *"increase economic opportunities for our most deprived communities"*; *"improve the skills profile of the population"*).
- 5.48 As per our overarching key recommendation, we **recommend** that these indicators are tracked not only in aggregate but also for each

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<sup>23</sup> The Commission has previously highlighted that there are key gaps, in terms of policies and programmes aligned to a number of UNCRPD Articles, that needed addressed; including in areas such as the participation of disabled people in public life (including public appointments and political life), and the gap in educational attainment for disabled children and young people.

Section 75 ground, to ensure that promoting equality of opportunity is a cross-cutting theme across all relevant indicators.

Indicator / Measure: “increase the proportion of people in work”

5.49 Aligned to our over-arching recommendation, we **recommend** that the proposed lead measure is tracked not only in aggregate but also for each Section 75 ground.

5.50 We also **recommend** gaps on equality data are addressed, for example, on the grounds of racial group, sexual orientation and political opinion.

Indicator / Measure: “reduce economic inactivity”

5.51 We **recommend** that gaps in equality data are addressed as regards the proposed lead measure; for example, on the grounds of sexual orientation and racial group, as it is not currently possible to track economic inactivity amongst racial groups or LGB people.

Indicator / Measure: “increase the proportion of people working in good jobs, and reduce under-employment”

5.52 We note the proposed lead measure (*a Good Jobs Index*) is yet to be developed. We **recommend** that these measures are tracked not only in aggregate but also for each Section 75 ground.

5.53 Further, we **recommend** that the measure should be utilised to evaluate progress on addressing inequalities in relation to the exploitation of migrant workers and the concentration of some minority ethnic workers in low paid employment; as well as women’s concentration in part time work, often low paid work.

Indicator / Measure: “improve the skills profile of the population”

5.54 We **recommend** that these measures are tracked not only in aggregate but also for each Section 75 ground. In particular we **recommend** that gaps in data are addressed, for example, we note there is no data collected on race or sexual orientation.

Indicator: increase economic opportunities for our most deprived communities”.

5.55 As per the above, we **recommend** gaps on equality data are addressed, for example, on the grounds of racial group, sexual orientation and political opinion.

5.56 We note that the proposed indicator is solely focused on *increasing* economic opportunities for the most deprived communities. Aligned to our over-arching recommendation, we **recommend** that this

indicator / measure is tracked not only in aggregate but also for each Section 75 ground.

### ***Education indicators / measures***

5.57 We **support** the proposed educational indicators; namely “*improve educational outcomes*”; “*reduce educational inequalities*”.

Indicators / Measures “improve educational outcomes”; “reduce educational inequalities”.

5.58 As regards the proposed lead measures for the above proposed indicators, we **recommend** that gaps in equality data are addressed, including on grounds of sexual orientation and people with dependants.

5.59 As highlighted above, we **recommend** inclusion of an *additional* indicator on *increasing sharing in education*. We also **recommend** inclusion of an *additional* indicator on *reducing prejudice based bullying in schools*.

### ***Indicator measure on looked after children***

5.60 We **support** the inclusion of the proposed indicator aimed at *supporting looked after children*. We welcome the fact that the proposed lead measure tracks progress in education, as well as training and employment.

5.61 Aligned to our key overarching recommendation, we **recommend** that the proposed lead measure collects data across the Section 75 grounds so that it is possible to track progress in aggregate, and as regards multiple identities.

### ***Adult care indicator / measure***

5.62 We **support** the inclusion of an indicator on improving support for adults with care needs. However, we note that the proposed lead measure will only track the number of adults receiving personal care and not the quality of that support and whether or not it meets their needs, or promotes independent living.

5.63 We therefore **recommend** either an amended, or additional, indicator aimed at measuring the quality of that support.

5.64 Again, we **recommend** that the proposed lead measure collects data across the Section 75 grounds so that it is possible to track

progress in aggregate, and as regards Section 75 and / or multiple identities.

### ***Health indicators / measures***

- 5.65 We **support** the proposed inclusion of the following health indicators - on improving mental health; increasing healthy life expectancy and on reducing health inequalities; and improving the quality of the healthcare experience.
- 5.66 We note that equality data in relation to the proposed lead measure on *improving mental health* indicator is not collected across a number of Section 75 grounds; including disability, sexual orientation, race. Aligned to our overarching key recommendation, we **recommend** that these indicators are tracked not only in aggregate but also for each Section 75 ground.

### ***Proposal for new indicator / measure: Increase participation of under-represented Section 75 groups in public life.***

- 5.67 We **recommend** the inclusion of an additional indicator on “increasing the participation of under-represented Section 75 groups in public life”.
- 5.68 Whilst there is a proposed indicator on *improving cultural participation*, it is clear from its proposed lead measure that this indicator is primarily focused on improving cultural engagement, such as engagement with arts / cultural activities, rather than either encouraging the participation of individuals in wider sporting, leisure or public life activities / positions.
- 5.69 We note the limited reference in the draft PfG Framework to increasing the participation of under-represented Section 75 groups in decision making<sup>24</sup>.
- 5.70 We consider that such an indicator is relevant to showing the degree to which a number of proposed outcomes are being achieved; and is consistent with a number of aims already set out in the proposed PfG Framework.
- 5.71 Our recommendation reflects that there are the statutory equality and good relations duties on public bodies, specifically the disability

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<sup>24</sup> There is a reference in the proposed outcome for children and young people to ensuring the involvement of children and young people in developing services. (see p44 of Draft PfG Framework)

duties that place a duty to have due regard to the need to promote the participation of disabled people in public life.

5.72 We **recommend** that consideration is given to adding an indicator in increasing the participation of under-represented Section 75 groups in public life. A possible lead measure for this indicator can be linked to the number of under-represented Section 75 groups appointed to public appointments.

5.73 We also **recommend** that the existing indicator / measure on cultural life is extended or supplemented to ensure that participation in leisure or sporting activities is also considered.

5.74 Aligned to our overarching key recommendation, we **recommend** that these indicators are tracked not only in aggregate but also for each Section 75 ground.

## **6 Statutory equality and good relations duties and Equality Scheme advice**

6.1 The PfG Framework will set the parameters for delivery and actions for all public authorities and public services. It is therefore vital that the Executive and the Departments in agreeing the outcomes, indicators and measures to do so in a way that will better enable all public authorities to fulfil their duties to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations.

6.2 Hence the recommendations elsewhere in this response that all relevant PfG measures (and as such all relevant indicators and all outcomes) are not only tracked in aggregate but also tracked for the impact on individuals from each of the Section 75 grounds.

6.3 The Commission advised that the Department should carry out a comprehensive screening exercise on the draft PfG, ensuring that the screening adhered to the Department's equality scheme commitments. We also advised that the screening should not only identify adverse impacts but should seek out opportunities to promote equality of opportunity and good relations. The importance of screening high-level strategies at the earliest opportunity in order to inform the policy development process was stressed as was the need to gather relevant section 75 evidence to inform the screening decision.

- 6.4 The screening exercise referred to in the consultation document is not presented. Consultees are therefore not able to see the Department's assessment of equality or good relations impacts, nor indeed whether there would be opportunities to promote equality of opportunity and good relations.
- 6.5 We **recommend** that the Department review the evidence base gathered already for the PfG, through the lens of Section 75. This evidence should be set out and inform the Department's assessment of impacts, in the screening and/or EQIA documentation. We refer the Department to the criteria contained within its equality scheme as to what would be determined 'major' impact; for example, that the policy is of strategic importance and has a large expenditure attached to it.
- 6.6 We would also remind the Department that its work, including with other Departments and Councils to deliver the PfG high-level outcomes, is subject to Section 75 commitments i.e. screening and consideration of EQIA. This includes equality assessing the PfG budget to ensure that Section 75 considerations are effectively mainstreamed and in this regard, we refer to Commission guidance<sup>25</sup>.

## 7 Conclusion

- 7.1 Overall, we welcome and strongly support the focus of the PfG Framework on achieving outcomes, specifically given the potential that this offers to advance equality of opportunity and good relations for Section 75 grounds.
- 7.2 We **recommend** that the Framework makes clear that the promotion of equality and good relations is central to, and at the heart of, the PfG Framework.
- 7.3 We also **recommend** that the PfG makes explicit that ALL relevant PfG measures (those relating directly to people), and as such all relevant indicators and all outcomes, will not only be tracked in aggregate but also for each of the Section 75 grounds.
- 7.4 We hope that the proposals and recommendations set out in this response are of assistance and will be happy to discuss further.

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<sup>25</sup> [Equality of opportunity and sustainable development in public sector procurement](#), ECNI, May 2008 and [Section 75 and Budgets: a short guide for public authorities](#), ECNI, June 2015



## **8 Further Information**

- 8.1 Further information on the Commission's priority recommendations for inclusion in the Programme for Government can be found at:  
[www.equalityni.org/pfg](http://www.equalityni.org/pfg)

**Equality Commission for Northern Ireland  
July 2016**

## **9 APPENDIX A – Equality Commission for Northern Ireland: Overview of Remit and Responsibilities**

- 9.1 The Equality Commission for Northern Ireland (the Commission) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.
- 9.2 The Commission’s remit also includes overseeing the statutory duties on designated public bodies under Section 75 of the Northern Ireland Act 1998 (Section 75) and to promote positive attitudes towards disabled people and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.
- 9.3 The Commission’s general duties include:
- working towards the elimination of discrimination;
  - promoting equality of opportunity and encouraging good practice;
  - promoting positive / affirmative action
  - promoting good relations between people of different racial groups;
  - overseeing the implementation and effectiveness of the statutory duty on public bodies;
  - keeping the legislation under review.
- 9.4 The Equality Commission, together with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the rights of Persons with Disabilities (UNCRPD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of the Convention in Northern Ireland.
- 9.5 For further information visit: <http://www.equalityni.org/AboutUs>

## 10 APPENDIX B – Key Point Briefing<sup>26</sup>: Commission Recommendations for the Programme for Government (PfG) 2016-19 and Budget

10.1 The Equality Commission has set out below its recommendations in relation to the next PfG and Budget. Equality of opportunity and good relations must be central to all public policy development and implementation, no less so at a time of reduced public spending. Many key inequalities experienced by Section 75 equality groups<sup>27</sup> remain persistent and hard to tackle. We consider that the PfG and Budget provide a key mechanism to maximise equality of opportunity and good relations outcomes.

### **Recommendations**

10.2 We **recommend** that:

- there is a **clear commitment** in the PfG, underpinned by the inclusion of robust, outcome focused action measures, to addressing key inequalities experienced by the Section 75 equality groups, as well as to promoting good relations<sup>28</sup>;
- the PfG makes it explicit that promoting equality of opportunity and good relations are **cross-cutting themes** across all Government strategies, policy development and actions.

10.3 We **recommend** that the PfG includes actions to:

### **Social Attitudes**

- challenge prejudicial attitudes, behaviour and hate crime, so as to ensure that workplaces, services, public spaces and communities are free from harassment and/or discrimination across the equality grounds;

### **Education**

- ensure a move to a system of education which routinely teaches pupils together via a shared curriculum in shared classes, and where sharing impacts meaningfully and substantively on every learner;

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<sup>26</sup> First published January 2016, Updated in May 2016

<sup>27</sup> Section 75 of the Northern Ireland Act 1998 places a duty on public bodies to have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; men and women; persons with a disability and persons without; and persons with dependants and persons without.

<sup>28</sup> Section 75 also places a duty on public bodies to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

- mainstream equality in education, including in the curriculum, teacher training and the policies/practices of schools and wider education bodies; and tackle prejudice based bullying;
- address education inequalities, including those experienced by Irish Travellers; Protestant working class boys; disabled children/young people;
- address gender stereotyping in education; and remove the barriers facing looked after children and young carers;

### ***Employment***

- support women's economic participation, including through access to appropriate, accessible and affordable childcare;
- address the exploitation of migrant workers and the concentration of some minority ethnic workers in low paid employment;
- support disabled people to access and remain in the workplace;
- ensure training and programmes to enable people to access and progress in work that is accessible and inclusive for all;

### ***Access to Social Protection***

- protect the most vulnerable from the adverse impact of welfare reform, particularly mindful of the impact on people with disabilities and women, minority ethnic communities (including asylum seekers and refugees);
- identify/ commit to specific measures which will mitigate the adverse impact of welfare reform, or any alternate policies which might better achieve the promotion of equality of opportunity;

### ***Housing, Accommodation and Communities***

- develop safe, shared communities based on equality, dignity and respect;
- ensure that everyone has access to a safe, secure home and enjoys the right to independent living, including for people with disabilities and older people;
- address the housing needs of particular equality groups, such as Irish Travellers, and minority ethnic communities (including migrant workers and refugees);

### ***Health, Social Care and Well Being***

- identify and remove barriers to health, social care and well-being experienced by particular Section 75 equality groups, including older people; Lesbian, Gay, Bisexual (LGB) people;

Irish Travellers and other minority ethnic communities; and people with disabilities;

- ensure investment in health care so as to address the specific needs of equality groups, including the health care needs of people with disabilities; and young people's mental health needs;

### ***Participation in Public Life and Decision making***

- increase the participation of women in political/public life and decision making, including peacebuilding;
- promote the participation of other under-represented Section 75 groups in public life, including people with disabilities, LGB people, older people, and minority ethnic communities;

### ***Reform of Equality law***

- reform and strengthen equality law across a number of equality grounds, including age (as regards the provision of goods, facilities and services), race, disability, sex, fair employment, and sexual orientation;
- reform wider areas of the law that impact on Section 75 equality groups<sup>29</sup>;

### ***Address Gaps in Equality Data***

- address key gaps in equality data, including on the grounds of gender identity, sexual orientation, and race;
- rectify the lack of data disaggregation in relation to ethnicity, disability and gender;

### ***Develop and Implement Equality Strategies***

- ensure that effective equality/ good relations strategies and action plans are implemented and updated across the full range of anti-discrimination grounds;
- set out a timetabled commitment to take this key work forward- including as regards a Gender Equality Strategy; a Racial Equality Strategy; a Disability Strategy; a Sexual Orientation Strategy; a Children and Young Person's Strategy; an Active Ageing Strategy, as well as a Strategy to promote good relations (*Together: Building a United Community*. TBUC);

### ***Compliance with International Conventions***

- address key shortfalls in Northern Ireland so as to ensure compliance with obligations in international human rights

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<sup>29</sup> For example, changes to law so as to permit same-sex marriage in Northern Ireland.

conventions, including the UN Convention on the Rights of People with Disabilities (UNCRPD)<sup>30</sup>.

***Budget proposals: Actions to meet equality/ good relations requirements***

- In the preparation of budget proposals, Departments and other public authorities should ensure that they are fulfilling their statutory equality and good relations duties.
- The Commission has set out in guidance how Section 75 duties and equality scheme commitments apply to the budget processes<sup>31</sup>. Equality scheme arrangements and tools - i.e. screening and equality impact assessment (EQIA) - provide a means for Departments and other public authorities to assess the likely impacts of the budget proposals.

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<sup>30</sup>As well as obligations in other international Conventions, such as the UN Convention on the Elimination of all forms of Racial Discrimination (UNCERD), the UN Convention for the Elimination of Discrimination against Women (CEDAW), the UN Convention on the Rights of the Child (UNCRC) and the Framework Convention for the Protection of National Minorities (FCNM).

<sup>31</sup>[\*Section 75 and Budgets: a short guide for public authorities\*](#), ECNI, 2015