



## Cross Departmental Actions for Vulnerable Children and Young People during the COVID-19 pandemic period

Child Protection Unit, Department of Health  
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1. The Commission welcomes the opportunity to respond to the Department's consultation. The document usefully brings together a range of actions for review. This response is limited to the areas within the Equality Commission's statutory remit.

### Duties under Section 75 of the Northern Ireland Act

2. The Section 75 duties can be used to ensure the effectiveness of the interventions contained within the plan in reaching the full breadth of children and young people. The Coronavirus Act 2020 has made some temporary changes to statutory law to help public authorities to cope with the current challenges by modifying or alleviating some of their legal duties. No such changes have been made in relation to the Section 75 duties or to the anti-discrimination laws.
3. The duties are, in summary, as follows:
  - Public authorities are required to have **due regard to the need to promote equality of opportunity** between people in relation to nine specific categories<sup>1</sup> and **regard to the desirability of promoting good relations** between people in relation to three specific categories.<sup>2</sup>
  - The need to promote equality of opportunity and the desirability of promoting good relations are, thus, statutory goals that must be given appropriate consideration with a view to taking action, if possible, to achieve them.
  - When developing a new policy, this means giving those goals a level of consideration that is proportionate to the proposed policy's relevance to equality of opportunity and good relations. Where a large number of people are likely to be adversely affected by the policy, then the level of consideration needed is likely to be proportionately high.
  - The duties are continuing and they require public authorities to consider the statutory goals **during** the decision-making process, **not afterwards**. The exercise must be undertaken in substance and with an open mind. It must not be a tick-box exercise.
  - To help to fulfil these two duties, each public authority has established a set of procedural arrangements, and these are outlined in its **equality scheme**. Each scheme details a number of matters, including procedures for screening and impact assessing proposed policies, together with arrangements for conducting any associated consultation exercises.

### Comments specific to the plan

4. While the plan brings together a range of actions and possible actions, their coverage is unclear. It would be helpful to know the geographical and any other categorisation as regards reach. This would assist in understanding how services are being provided and may identify gaps in provision. Actions in relation to the apparent low rate of return to school of children and young people from Traveller and Roma families, or how SEN provision would be maintained in the event of further COVID-19 related limits to services.
5. The scope and nature of some of the actions are unclear. For example, at 2.2, the action to 'raise public awareness on risks of online harms' does not specify what the action will be, nor does it provide either a geographic or demographic scope.
6. We note that in sections 2, 3 and 4 the heading changes to 'actions / possible actions'. It is unclear which are actual and which are possible. Clarification of this would be welcome.
7. As regards the monitoring / reporting of the plan, more detail is required. Information on how reporting will be carried out, by whom, its frequency, the level of data disaggregation that will be used to demonstrate reach and outcomes, and how changes will be put in place as required, would be helpful.
8. The plan does not mention budget allocation or how funding of a cross-departmental nature would be secured.
9. I trust that this response is of assistance. If clarification of any of the points would be helpful, please do not hesitate to contact me.

Yours sincerely

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