



Response by the Equality Commission for Northern Ireland to the Consultation by the Department for Communities on its Spending Plans for 2023-2024 Equality Impact Assessment

Section 75 of the Northern Ireland Act

The current challenges facing decision makers across the Northern Ireland public sector are recognised. In this context, when difficult decisions around reducing or cutting public services are being considered the need to comply with the Section 75 duties, while always important, is even more essential. Any decisions taken have the potential to have major adverse impacts on people in the Section 75 groups, to exacerbate existing inequalities and have long lasting impacts.

In complying with the Section 75 duties, the Department for Communities (DfC) must do so by adhering to the arrangements contained in its equality scheme, considering potential differential impacts of each proposed policy (i.e. individual budgetary decision), as well as the potential cumulative differential impacts of a range of such decisions, between those groups of people who avail of those services and who share particular Section 75 characteristics, e.g. young people, people with disabilities, people with dependents. Such assessments should be informed by relevant data and information on which inequalities would be exacerbated, with due consideration being given to taking all possible steps to avoid or reduce any likely adverse impacts to protect people in our society most at risk of disadvantage within the Section 75 groups.

Effective Equality Impact Assessments (EQIAs) should therefore inform policy decisions. In this scenario, this should include consideration of the anticipated equality impacts of budget proposals, consideration of mitigation and/or alternative policies with the final Stage 7 EQIA report, detailing any policy changes to the proposed policy in light of consultation and evidence informing the EQIA.

Comments on EQIA

While the EQIA follows the 7 recommended stages, it is quite difficult to navigate, and could be more thorough and robust. The information does not include the full range of policy proposals being considered, e.g. social inclusion strategies, the data referenced is generally not specific and the basis for assessments and consideration of relevant mitigations and/or alternative policies is not always clear. Commission advice (and wider consultation responses) should be considered as the Department progresses its decisions on its budget proposals and in the final EQIA stage 7 report.

While the **aim** of the EQIA is clearly outlined in terms of overall budget allocation and funding gaps, some of the proposals/options are unclear (further information is set out below and in the Equality Impacts section)

Data sources are referenced in the EQIA, however the relevant data is not generally extracted. The references in the EQIA to the Department's Audit of Inequalities is welcomed.

Due to the lack of specific relevant data, further clarity on the **assessments** of potential impacts is needed. The current EQIA puts the onus on consultees to interpret data and determine equality impacts. It is for the public authority to evaluate the data it has relied on to determine potential equality impacts on people in the respective Section 75 groups of the proposed budget cuts.

Such assessments need to include each policy proposal and the cumulative impacts of related policy proposals. For example, the EQIA references policy proposals in terms of Labour Market Partnerships which will negatively impact on the support for disabled people entering the labour market and remaining in work (decreasing the support for disabled people and employers). We also understand that the Department intends to remove the Jobsearch Element Payment in Workable (NI) for 2023 - 2024. The EQIA does not include this policy proposal and its consideration of the potential impacts for disabled people. The individual and cumulative equality impacts of related policy proposals should be considered, taking account of the available data on the economic inactivity rate for disabled people in the context of the removal of European Social Funding (ESF) so that decisions are informed with potential mitigations and alternative policies considered.

The consideration of **mitigation and/or alternative policies** is crucial in the context of budget reductions, including trying to mitigate any

differential equality impacts through the redistribution of internal budgets. The main mitigations identified in the EQIA focus on mitigating the impact of the budget more generally rather than mitigating specific impacts on people in particular section 75 groups. The EQIA should set out the priorities for allocating any additional budget in terms of the inequalities it would mitigate. It is unclear from the EQIA whether the redistribution of internal budgets across functions has been considered, as a result of the equality impacts. Allocation of any in-year money, while welcome, is still likely to present very real difficulties for service users and the service providers in reinstating services, which may not be easily and readily re-instated. It is not clear whether alternative policies have been considered.

Consultation, should, as noted above, clearly set out the policy proposals, include relevant and specific data, assess potential impacts and consider mitigations and/or alternative policies. The current consultation asks consultees for their views on budget cuts which would lessen the impacts on people in the Section 75 groups and asks for responses as soon as possible, preferably within 4 weeks. The onus is therefore on consultees, rather than DfC, to analyse the data sources and to evaluate the proposals that are contained in the EQIA. The Commission notes that the Department held a consultation meeting focusing on the potential impacts on disabled people and produced alternative formats of the consultation document and these are welcomed. Given the limited consultation period, further consultation methods, as included in DfC equality scheme, would facilitate more effective consultation with stakeholders.

In considering the data and consultation responses it is important that DfC is **open minded** to change its policy proposals, given that some decisions have been made prior to the EQIA being conducted and appropriate consideration being given to potential equality impacts. Equality scheme commitments include equality assessments (screening and EQIAs) being undertaken prior to policy decisions being taken.

The EQIA must set out the **monitoring arrangements** that will be put in place to monitor the actual impacts on the Section 75 groups of budget decisions. The Stage 7 EQIA report should include the arrangements that have been put in place for monitoring and publishing the actual impacts of the policy.

Going forward, whether further budget becomes available or not, DfC are advised that the Section 75 duties are **continuing duties** and the

Department is required to equality assess any changes to circumstances. It is important that the Department demonstrates that it has paid the appropriate level of regard to its promotion of equality and good relations in its budget decisions, as required by the duties.

It is also important that consideration is given to the potential **cumulative adverse impacts** of budget decisions across Government Departments, for example the cumulative impacts on disabled people, older and younger people of the full range of budgetary proposals.

Further Section 75 advice is appended.

Equality Impacts

The Commission is concerned about the potential for funding decisions to impact on equality of opportunity across the equality grounds.

In making decisions about the allocation of funding, we draw your attention to the importance of ensuring progress to tackle long-standing inequalities and prevent the exacerbation of existing inequalities. We draw out some key examples below, with further information available via the links provided, or by contacting publicpolicy@equalityni.org

We understand from discussions with Departmental officials that consideration is being given to pausing work on the various **social inclusion strategies**, with relevant DfC staff being temporarily redeployed. This is not clear from the EQIA, and the impacts do not seem to have been considered in the Section 75 categories potentially impacted section.

The Commission has advocated for effective equality and good relations strategies and associated action plans being in place, implemented and reviewed across a range of equality grounds, to tackle key inequalities. We have highlighted that it is essential that this work proceeds from development on to full delivery, with SMART, time-bound and resourced action plans, supported by rolling review. The co-design process and development of some of these Strategies is significantly behind schedule. We have repeatedly drawn attention to the ongoing importance of co-design and stakeholder involvement in the design and refinement of the Strategies ahead of consultation. If work on the Strategies is paused, development will fall further behind schedule, and it is unclear how the co-design process will move forward. For example, there have been unsuccessful attempts by Government to

deliver an effective Disability Strategy, since the launch of the PSI working group on Disability in 2004, the OFMDFM Disability Strategy 2012-2015, and the current Disability Strategy Co-design group i.e., Disabled People in Northern Ireland have been waiting for twenty years for a strategy which effectively delivers for disability equality.

The EQIA determines that the pausing of funding for **Labour Market Partnerships** (from 1 July 2023) will cause adverse impacts across Section 75 groups, especially in the context of the removal of European Social Fund (ESF) funding as “*LMPs not only help those seeking work, but they are also a critical intervention to help people with a disability or health condition to remain in work.*”

In April 2022 the ECNI published research¹ and policy recommendations² on the “Impact of Brexit on Section 75 Equality Groups: EU funding”. In its policy recommendations, the Commission had expressed concern that the levels of funding allocated to the UK Shared Prosperity Fund (SPF) is significantly less than that available under the European Social Fund and that this could lead to a loss of services that impact on Section 75 equality groups. Following the outcome of the UK SPF ‘People and Skills - Economic Inactivity’ competition at the end of March 2023, a number of womens’ organisations and disability organisations are facing cuts to services and staff redundancies due to the shortfall in SPF funding³.

Unless there is additional funding provided by NI Departments, or from the Treasury, to address these shortfalls, there is a risk that this will result in a reduction in, or loss of, key pre-employment and employment services for these groups which will particularly impact on those most disadvantaged and/or furthest from the labour market.

The Commission recommends that the DfC considers the Commission’s independent research on the impact of loss of EU Funding and our policy recommendations. The Commission continues to call for the DfC, and other relevant NI Departments, aligned with their Section 75 equality duties, to clarify how they will continue to support the needs of people from different equality groups, who had previously been supported by

¹ Rory O’Connell and Tim Cunningham (2022) [Impact of Brexit on Section 75 Equality Groups in Northern Ireland: EU Funding](#) (ECNI).

² Equality Commission for NI (2022) [Policy Recommendations - Impact of Brexit on Section 75 Equality Groups in Northern Ireland: EU Funding](#)

³ For further details see: [European Social Fund: Groups face cuts to services despite £57m UK cash - BBC News](#) and [Loss of EU funding has devastating consequences for women’s sector in Northern Ireland » Latest News » The National Women’s Council of Ireland \(nwcs.ie\)](#)

EU funding, and Departmental funding, but now face a shortfall in funding. This should include clarity on actions to address any shortfalls and gaps in funding that may impact negatively on these groups.⁴ Critically, the Department should also take into consideration the impact that any Departmental cuts to budget will have on such groups, who had previously relied on Departmental funding, and who are now also facing a shortfall in funding due to the roll out of the SPF.

The Commission also notes the impact of funding challenges on the administration of **Universal Credit**, in addition to potential closure of the **Affordable Warmth Scheme** to new applicants. The Commission has previously highlighted the need to protect people most at risk of disadvantage across the Section 75 groups from the adverse impact of welfare reform including disabled people; women and lone parents; younger people; mixed aged households and people from ethnic minority backgrounds⁵.

With regards to **gender (including transgender people)** – the Commission has called⁶ for action to advance gender equality across a range of interlinked areas: attitudes, education, employment, caring, public life, violence, healthcare, sport, social protection, law reform⁷, including Gender Pay Gap Reporting Regulations, and strengthening institutional mechanisms.

We have also identified a range of priority areas⁸ for **sexual orientation** equality. These include tackling prejudicial attitudes and behaviours; promoting positive attitudes; raising awareness of rights of LGB+ people and reform of sexual orientation equality law.

We note proposed cuts to programmes such as the **Supporting People Programme**, which supports people to live independently. Regarding **disability** and housing, we strongly advocate for independent living, ensuring that people with disabilities can live independently, enjoying an adequate standard of living and access to social protection. The Commission has called for access to adequate, sustainable and long-term independent living provision for all people with disabilities for whom it is a viable housing option⁹, in line with UNCRPD Article 19 on living

⁴ Ibid, page 50-51

⁵ Equality Commission for NI (2020) [Summary of policy positions relating to poverty and socio-economic disadvantage](#)

⁶ For further details see: www.equalityni.org/genderpolicy

⁷ For further details see: www.equalityni.org/GenderLawReform

⁸ For further details see: www.equalityni.org/SexualOrientation

⁹ For further details, see: www.equalityni.org/Housing/Policy

independently and being included in the community and highlighted as a key issue in the Disability Strategy Expert Advisory Panel Report.

In relation to **age** and housing, we continue to call for accessible accommodation, energy efficiency, and access to a comprehensive fuel-brokering scheme. The Commission continues to call for easy to access adaptation services to ensure older people's independence in their own home¹⁰.

The EQIA notes the detrimental impact of the Budget on the numbers of new social homes that can be built through the Social Housing Development Programme in 2023-24. Regarding **religion**, the Commission has highlighted the need to address the longer waiting-list times for social housing experienced by households with a Catholic religion household reference person¹¹.

Regarding **equality data**, the Commission has set out actions to address the key gaps in equality data, including on the grounds of gender identity, sexual orientation, and race; and to rectify the lack of data disaggregation in relation to ethnicity, disability and gender¹². It is essential that all key measures of government are also tracked by equality ground, and that the required data is routinely collected to facilitate this.

There is also a need for the Department to ensure a focus on identifying and addressing any equalities, emerging or exacerbated, as a result of the COVID-19 pandemic or the policy responses to it.

¹⁰ For further details, see: www.equalityni.org/Age

¹¹ For further details, see: www.equalityni.org/Housing/Policy

¹² For further details, see: www.equalityni.org/EqualityData

Appendix 1

Section 75 Advice

Detailed Section 75 advice on this EQIA, aligned to each of the EQIA stages, is set out below - [ECNI - What is an EQIA - Equality Commission NI \(equalityni.org\)](http://equalityni.org)

1. Defining the aims of the policy

An EQIA would normally accompany a policy consultation document; in this case, Departmental proposals to internally allocate its budget. Where the policy proposals and assessment of impacts are combined in one document there should be clarity in relation to the range of policy proposals, the potential equality impacts of budget cuts on these proposals and the Department's assessment of priorities having considered potential equality impacts.

While the Department clearly outlines headline figures in relation to its overall budget allocation and funding gaps relating to its resource and capital budgets, there is little detail on internal allocations. Some of the proposals / options seem unclear e.g. the proposals relating to the Health Transformation programme, the meaning of 'scale back' discretionary support grants and reductions in the Supporting People Programme.

It is also not clear whether the Department is proposing to make all the cuts it has set out or whether these are the options, which are being considered. If these are a broad range of options then the EQIA should identify which programmes of work the Department considers should be prioritised, having taken account of the potential equality impacts. As set out in this response, the purpose of an EQIA is to **inform** decisions.

2. Consideration of available data and research

The data and research should be relevant, up-to-date and specific to the policy under consideration, so that it may inform the policy proposals. The EQIA includes a reference to the research section of the Department's Audit of Inequalities and a commitment to continue to work with Arm's length bodies to understand the impact of the 23-24 budget outcome on service delivery.

There are also references to data / research and key findings in the section 'Assessment of Impacts' although this isn't comprehensive and,

in some areas, refers to the data/research source with links provided in footnotes.

The Commission advises the Department to include a summary of the actual data used from the named sources in its Stage 7 EQIA report and the key findings on which the Department has based its assessment of potential impacts on the Section 75 categories. This information, if included in the consultation, would have provided greater transparency for stakeholders, making it easier for engagement with the consultation. Any gaps in data should also be addressed in establishing Section 75 monitoring arrangements in Section 7 of the EQIA report.

3. Assessment of impacts

There should be greater clarity with regard the assessment of impacts. In this section the EQIA outlines the actions the Department has already taken to live within the 2022-23 budget. It then outlines specific proposals / options and includes for **some** of these, the Section 75 categories that are likely to be impacted. For some proposals, the assessments on adverse impacts refer to 'all Section 75 groups' or a 'a number of Section 75 groups.'

The Department outlines its overall determination of potential impacts and concludes that the actions being proposed to live within the budget for 2023-24 have the potential for adverse impact on five of the section 75 categories with **no inequalities** identified in relation to people with different sexual orientation, different marital status and different political opinions.

Assessments of impacts do not appear to have been made in relation to racial group although the determination in relation to people with different religious beliefs references failure to mitigate the 2 child policy in NI disproportionately impacting families '*with certain religious beliefs / from certain racial backgrounds where there is a trend for bigger families.*'

There is also little consideration of impact on multiple identities.

Given that the actual data used from the data sources listed is unclear it is difficult to consider whether the determination of impacts is appropriate and coherent e.g. several of the individual proposals identify a potential adverse impact on older people, however the overall assessment of impacts solely specifies young people. The overall

determination indicates that there is likely to be no impact on three of the Section 75 categories while some of the individual proposals indicate a likely adverse impact on all Section 75 categories.

4. Consideration of mitigating measures or alternative policies

Our understanding of the mitigations considered in the EQIA are that the Department will:

- Prioritise the move to Universal Credit
- Reduce funding for Discretionary Support grants rather than removing funding altogether
- Review budget allocations during the financial year to identify if funding may be reallocated to other priority areas depending on relative spend levels in each Departmental business area (with consultation responses being used to inform such allocations)
- Prioritise any additional capital funding that becomes available in year for social housing.

The Department has stated that '*Promotion of equality of opportunity and the protection of services to **vulnerable** groups will be a key consideration in the Department's final Budget decisions.*'

It is unclear what specific inequalities the Department intends to prioritise – particularly in relation to the third bullet point above. The Department should identify and clearly present in the EQIA what it considers the priorities are based on its consideration of the research and data.

The EQIA should be informing stakeholders so that they may consider whether they agree with the Department's assessment of impacts and plans for prioritisation of the budget and then take account of responses before making final decisions.

Currently the Department appears to be placing responsibility on consultees to identify priorities. Consultees may not be able to access all the data and evidence available to the Department and some groups may be more resourced and able to articulate their concerns better than others.

The EQIA references the reallocation of any additional funding that may become available **in year**, however it is unclear whether there has been any **current** consideration given to mitigating adverse equality impacts

of the proposals by redistribution of internal budgets. Reallocation of funding in year may be of little help to organisations impacted by DfC funding cuts who may have to reduce or stop services, make staff redundant etc. in the interim period.

The mitigating measures listed are mitigating the impact of the budget more generally, rather than mitigating specific equality or good relations impacts on particular Section 75 groups. Overall, it is unclear if alternative policies are proposed in light of the EQIA or how the EQIA informed the mitigation set out in this section.

5. Consultation

We note that consultation on the EQIA will be for 4 weeks prior to decisions being taken with the consultation continuing for the full 12 weeks and any views received after the initial 4 week period being used to consider further mitigations.

Consultation timelines are shorter than those set out in DfC's equality scheme and the Department should record its rationale for deviation from scheme commitments. Where the 'exceptional circumstances' provisions of an equality scheme are relied upon, public authorities should be in a position to stand over these decisions. Equality schemes also state that there should be 'equal time to respond' for people who are using any alternative formats that are provided subsequent to the initial consultation release.

We note that a summary of the EQIA has been produced in British Sign Language and Irish Sign language videos, which were added to the Department's website after the initial consultation launch. There is currently no Easy Read provision of the EQIA although we note that the consultation webpage has a link 'help viewing documents' which takes users to a page that refers to different formats and also states that alternative formats are available on request.

The consultation webpage advises that people can respond online, by email or in writing. There is no indication of any face-to-face consultation, public meetings etc. however we understand that the Department hosted a virtual session focusing on disability and work for members of the Department's Disability Employment Stakeholder Forum, provider organisations and co-design partners to support them in fully understanding the budget proposals and their potential implications.

6. Decision and publication of EQIA results

As outlined in this response, the EQIA, at Stage 7 should include evidence of DfC consideration of mitigating measures/ alternative policies, and how these have informed decision making, providing a rationale where alternatives/mitigations have not been adopted.

7. Monitoring for adverse impact

The Department has not included how it proposes to monitor the impact of budget decisions on Section 75 groups. Rather, it commits to taking account of '*adverse impacts...identified through **this assessment process***' to inform 2023-2024 budget allocations and using its findings to inform further mitigations, revised budget allocations and in-year bids. These are the **anticipated** impacts, which the Department is required to take account of to inform its final decisions; not related to Section 75 monitoring when the policy is adopted.

The monitoring commitments in the Departments equality scheme require it to put in place Section 75 monitoring arrangements to identify the '**actual**' impacts of its budget decisions on Section 75 categories once a decision has been made to adopt a specific policy direction and implement it and to publish this data 2 years after adopting the policy. The final EQIA report should clearly outline what specific systems and mechanisms the Department will put in place to do this.