



Response by the Equality Commission for Northern Ireland to the consultation by the Department for the Economy's 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 choices around reducing or cutting public services are seen to be unavoidable the need to comply with the Section 75 duties, while always important, is even more essential. In complying with the Section 75 duties, the Department for the Economy (DfE) 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 characteristic, 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 the most vulnerable in our society.

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

The EQIA sets out in some detail the policy aim, the budget context, including the decisions taken in 2022 – 2023 to deliver Departmental savings of £75 million and the proposals for saving a further £55 million

in 2023 - 2024; information that relates to the remit and work across the DfE (Sections 4, 5, 6, 7). The EQIA (Section 7) states that the Department will have to find different ways of meeting its strategic objectives and that the proposals will have implications for the DfE's delivery partners, with consequences for employment, education, continuity of services and well-being. The decisions and proposals for savings include a range of measures, including the suspension or curtailment of All Age Apprenticeships, a reduction in the programme spend for FE Education Colleges, not increasing Maintenance Grants for eligible Higher Education Students and reductions in funding for the Department's Arm's Length Bodies and Skills Initiatives.

It appears from the EQIA that the Department has already taken some decisions in advance of the EQIA consultation. The Commission reminds the Department that equality assessments should 'inform' its decisions.

Section 8 '**Analysis of Impacts**' states that for most business areas it has been determined that the impact will be felt across all Section 75 groups and that this has resulted in **most business areas being screened out**. The Department's equality scheme requires screening assessments to be made based on the likely impact on equality of opportunity and good relations for those affected by this policy, for the relevant Section 75 categories, with assessments made in terms of minor, major or no impact. The Department's assessment that the impact will be felt across all Section 75 groups does not therefore align with its equality scheme commitments. Resulting from these determinations the EQIA therefore only assesses the potential adverse impacts in relation to the delivery of Apprenticeship and Youth Training and on the delivery of Invest NI's functions.

The EQIA should have included consideration of the allocation of the budget across all the Department's functions. It is unclear from the EQIA whether the redistribution of internal budgets across functions has been considered. The implications and the savings decisions/proposals included in the EQIA (and as noted above), would appear to impact directly on people and to have the potential to differentially impact on people in a number of the Section 75 groups. For example, given that

participation in education, training and the labour market differs across people in the Section 75 groups the potential equality and/or good relations impacts should be considered. Such differential impacts are recognised in various DfE policy initiatives such as the Women in STEM Action Plan or widening access initiatives in the further and higher education sector. An example of such initiatives includes the recent proposal from the Executive Office Travellers Thematic Group to the DfE to improve access for Irish Travellers to higher education, drawing from recent initiatives in Great Britain and the Republic of Ireland.

The EQIA does not include information from the relevant screenings as to the basis for screening out most of the Department's business areas (Table 5). The screening reports for these decisions, including whether mitigation and/or alternative policies were identified, and the information relied on to make these decisions should be available to consultees and be made available on the Department's website and in the Stage 7 report.

The EQIA (Section 8.3), 'Other Considerations' includes a range of wider economic impacts of budgetary proposals, which seem to be related to the implications noted in Section 7 (page 15). Considering the potential for adverse impacts across the Section 75 groups should be a core focus of the EQIA.

The EQIA references data, which should have included the Department's Audit of Inequalities. The **specific data** on which the Department made its assessments was not however extracted, therefore putting an onus on consultees to extract and analyse data. 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 provide greater transparency for stakeholders, making it easier for engagement with the consultation.

The EQIA concludes that the budget proposals have the potential to adversely impact on five of the Section 75 categories. The EQIA does not consider cumulative impacts across the policies or if there are impacts on multiple identities.

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 only mitigation set out in the EQIA is that budget allocations will be revisited during the financial year, particularly during the Monitoring Round process and/ or any Department of Finance budget realignment process. It is stated that the EQIA and consultation responses will inform such allocations. Given that the EQIA focuses on two business areas it is not clear how the EQIA will assist this. Any future proposed policies on budget reallocation require equality assessments (screen/EQIA). The EQIA should set out the priorities for allocating any additional budget in terms of the inequalities it would mitigate. 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. Alternative policies do not appear to be considered.

The **staged approach to consultation** is noted. The DfE should record its rationale for any deviation from its equality scheme commitments. Where the 'exceptional circumstances' provisions of an equality scheme are relied on, public authorities should be in a position to stand over their 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.

Consultees are advised to respond by email or in writing. It may have assisted consultees to engage more effectively with the consultation if additional consultation methods were used, such as face-to face meetings with officials, as referenced in the Department's equality scheme.

The Stage 7 EQIA report should include DfE's consideration of mitigating measures and/or alternative policies, indicating how these have informed decision making and providing a rationale where alternatives/mitigations have not been adopted. The Stage 7 report should also reflect the advice provided in the Commission's response and the Department's equality scheme commitments.

The Department has **not included how it proposes to monitor the impact of budget decisions on Section 75 groups**. The DfE's equality scheme requires Section 75 monitoring arrangements to be put in place to identify the 'actual' impacts of its budget decisions on people in the Section 75 categories once a decision is made to adopt a specific policy and to publish this data two years after adopting the policy. The final EQIA report should outline what specific systems and mechanisms the Department will put in place to do this.

Going forward, whether further budget becomes available or not, the Department is reminded that the Section 75 duties are **continuing duties** and it 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.

Further Section 75 advice is available (dcollins@equalityni.org).

Equality Impacts

The Commission is concerned about the potential for funding decisions to impact 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 relevant to the DfE's remit below, with further information available via the links provided, or by contacting publicpolicy@equalityni.org

Improving access to, and progression within, employment is a key driver of economic and social wellbeing. It is also a route out of poverty for some groups of people with rights under or covered by the equality laws to improved social mobility and inclusion. The Commission's Statement

on Key Inequalities in Employment¹, identified **key inequalities in employment** for disabled people, women, carers, lone parents, those under 24 and those over 50, migrant workers, and Irish Travellers. During the COVID-19 pandemic, we noted the potential for the pandemic to exacerbate existing inequalities.

The removal of barriers to work will contribute to realising Northern Ireland's full economic potential with improved employment opportunities for all. A specific focus for the Commission is economic independence, specifically mindful of the needs of women and disabled people.

Workplaces should be welcoming and inclusive, with freedom from prejudice and harassment at work. We recommend Government take action to **reduce discrimination** in employment, including due to pregnancy and maternity and disability, as well as encouraging employers to promote equality in the workplace.

In relation to **disability**, there is clear evidence of the economic exclusion of disabled people. Northern Ireland has the lowest rate of employment for d/Deaf and disabled people in the UK². Disabled people face barriers to employment and reasonable adjustments must be taken to ensure disabled people may access and remain in the workplace. We have published research, undertaken by Disability Action, on Progress Towards the Implementation of the UNCRPD in Northern Ireland, which included a consideration of Article 27 of the UNCRPD on work and employment³.

Gender⁴ stereotypes, the challenges in combining work and family life, and discrimination contribute to gender inequality in relation to work. We recommend action to encourage employers across all sectors to show leadership at a senior level to gender equality and to building an organisational culture that promotes gender equality in the workplace. Action is needed to eliminate occupational and industrial segregation, including in STEM related industries. There is also a need to tackle the

¹ ECNI (2018) [Statement on Key Inequalities in Employment](#)

² Disability Action (2022) [Progress Towards the Implementation of the UNCRPD in Northern Ireland](#), commissioned by ECNI, pp. 458-480.

³ Disability Action (2022) [Progress Towards the Implementation of the UNCRPD in Northern Ireland](#), commissioned by ECNI, pp. 458-480.

⁴ ECNI (2016) [Gender Equality Policy Priorities and Recommendations](#), paras 7.1-7.26.

prejudice and discrimination that create barriers for **trans people** entering and remaining in the workplace, including when transitioning.

Further, in relation to **race**⁵, we recommend support for initiatives aimed at tackling the exploitation of migrant workers; reducing ethnic minority disadvantage in employment; raising awareness of the rights of migrant workers; and maximising migrant workers' access to the labour market.

In relation to **age**⁶, we have highlighted that mentoring, targeted careers advice and wider support for those at, or approaching, school leaving age could help match aspirations to job prospects; encouraging actions to gain required skills and/or deal with any wider issues. A close match between the available training courses and labour market opportunities may also support more direct access to employment. Further, targeted action is needed to tackle barriers experienced by older people returning to, and remaining in, work – including with regards to stereotypes; life-long learning and education; training and development opportunities; and pathways to work.

In relation to **sexual orientation** and employment, we have recommended targeted action⁷, including to raise awareness of responsibilities under the equality legislation and sharing of good practice and encouraging employers to promote equality in the workplace.

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 gender⁸. 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. Meeting equality scheme commitments regarding Section 75 monitoring, as set out above, should assist with this.

⁵ ECNI (2014) [Racial Equality Policy Priorities & Recommendations](#), paras 5.1-5.22.

⁶ ECNI (2017) [Age Equality Policy Priorities and Recommendations](#), para 5.1-5.22.

⁷ ECNI (2013) [Promoting Sexual Orientation Equality Priorities and Recommendations](#), paras 6.14-6.24

⁸ For further details, see www.equalityni.org/EqualityData

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.

For more information on the Commission's policy recommendations relating to employment, see www.equalityni.org/Employment/Policy