

EQUALITY COMMISSION FOR NORTHERN IRELAND

Response to the Department for Infrastructure's Consultation on Water and Sewerage Charges – Options for Revenue Raising.¹

March 2024

Executive Summary

- 1.1 This response is set out in two parts, as follows:
- Part 1 - Policy advice and information (Pages 5 to 15); and
 - Part 2 - Section 75 advice (Pages 16 to 19).
- 1.2 **Part 1: Policy advice summary** - The Commission continues to emphasise the importance of ensuring progress to tackle long-standing inequalities and prevent the exacerbation of existing inequalities.
- 1.3 The Commission is concerned that the introduction of domestic water charges may have an adverse impact on those Section 75 groups most likely to experience poverty, specifically: people with disabilities, women and lone parents, Travellers and Roma, asylum seekers and refugees.
- 1.4 The Department's Equality Impact Assessment anticipates that younger and older people, disabled people and carers may be particularly adversely affected.
- 1.5 The consideration of mitigation of adverse impacts is intertwined with the consideration of alternative policies, as part

¹ Department for Infrastructure (2023): [Consultation on Water and Sewerage Charges – Options for Revenue Raising.](#)

of the equality impact assessment process. Mitigation can take the form of lessening the severity of the adverse impact.²

- 1.6 The Department's EQIA acknowledges that consideration will need to be given to how best to protect vulnerable groups from any excessive impact or hardship caused by charging. Examples cited include discounts or rebates given to those on low income and an Affordability Tariff for low-income households.³
- 1.7 Other schemes which the Department may wish to consider include: a Support scheme to help with debt; Reduced or stopped payments for a limited period; Support schemes that cap bills;⁴ and a Financial Hardship Fund.⁵ The Department should also consider eligibility for such relief schemes for people in receipt of state benefits.
- 1.8 Consideration of these measures should take account of the cumulative impact of factors giving rise to poverty and of the Northern Ireland Executive's commitments to tackle poverty.
- 1.9 **Part 2: Section 75 advice summary** - The final / stage 6 EQIA report should: Set out the key findings of the Departments data and research analysis rather than listing data sources; include the detail of proposed mitigations / alternative policies and how these may impact on S75 groups; reflect any evidence of equality impacts obtained through the consultation process ensuring that responses are not used as a headcount; be updated to reflect issues raised by consultees including the Equality Commission, setting out how this has informed decision making; and, provide an outline of specific S75 monitoring arrangements that will enable the Department to assess the actual impacts of this policy once implemented, ensuring data gaps are addressed.

² Equality Commission for Northern Ireland (2005): [Practical Guidance on Equality Impact Assessment](#), p. 30.

³ With the aim of ensuring that no low-income household would have to spend more than 3% of their total income on water and sewerage services.

⁴ For example, for people with health needs or disabilities or for low-income families with children that require high usage of water.

⁵ See: [Affordability Review: Outcomes - CCW](#)

2 ***Introduction***

2.1 The Equality Commission for Northern Ireland (the Commission) is an independent non-departmental public body established under the Northern Ireland Act 1998. We have a statutory remit to:

- promote equality of opportunity and affirmative action;
- work towards the elimination of unlawful discrimination and harassment;
- keep relevant legislation under review;
- promote good relations between persons of different racial groups and good disability practice;
- oversee the effectiveness of statutory equality and good relations duties on public authorities.⁶

2.2 The Commission welcomes the opportunity to respond to the Department for Infrastructure’s Consultation on Water and Sewerage Charges – Options for Revenue Raising.

The Department’s Consultation Document

2.3 The Department’s consultation document outlines different options to generate revenue from charging for water and sewerage services in Northern Ireland, with a focus on creating sustainable public finances. It sets out and seeks views on the main pathways through which domestic water and sewerage charging could be introduced, how a relief scheme to protect vulnerable people might be developed, and how charging might be billed and collected.⁷

2.4 The wider financial context for this exercise is set out in the Department of Finance’s document on the financial context for revenue raising consultations on measures to support budget sustainability.⁸

⁶ Further information about The Commission’s Role and Remit can be found via [the following link](#).

⁷ Department for Infrastructure (2023): [Consultation on Water and Sewerage Charges – Options for Revenue Raising](#).

⁸ Department of Finance (2023): [Financial context for revenue raising consultations](#).

- 2.5 The Commission's Practical Guidance on Equality Impact Assessment set's out that in undertaking such an assessment a public authority must make a judgement as to whether there is a differential impact and then determine whether the impact is adverse based on a systematic appraisal of the accumulated information.
- 2.6 The Department's Equality Impact Assessment (EQIA)⁹ of the policy proposals acknowledges that the introduction of water and sewerage charges for domestic users will potentially have an adverse impact on a number of s75 groups. This impact potentially ranges from a minor negative to major negative and the Department anticipate that younger and older people, disabled people and carers may be particularly adversely affected.
- 2.7 The Department are therefore welcoming suggestions on potential mitigations that can be made to lessen the negative impact of these proposals or better promote equality of opportunity and good relations.

⁹ Department of Infrastructure (2023): [EQIA - Water and Sewerage Charges Options](#).

3 Part One: Policy Advice & Information

- 3.1 The Commission continues to emphasise the importance of ensuring progress to tackle long-standing inequalities and prevent the exacerbation of existing inequalities.
- 3.2 The Commission are concerned that the introduction of domestic water charges may have an adverse impact on those Section 75 groups most likely to experience poverty, specifically: people with disabilities, women and lone parents, Travellers and Roma, asylum seekers and refugees.
- 3.3 We welcome the fact that the Department has considered the potential adverse impacts of domestic water charge introduction against the backdrop of available research and information, including ECNI's policy positions relating to poverty and socio-economic disadvantage.¹⁰
- 3.4 The Commission also welcome that the Department is taking steps to consider how those on low incomes and / or those in vulnerable groups may be protected from excessive impact or hardship caused by charging.¹¹

Socio-economic disadvantage

- 3.5 Whilst socio-economic disadvantage is not a specified ground under the equality legislation in Northern Ireland, the barriers and inequalities experienced by equality groups can be exacerbated by poverty and social exclusion.
- 3.6 The Commission continues to proactively highlight the link between poverty and social exclusion, and the inequalities faced by individuals protected under the equality legislation across a number of areas of public policy, including social protection.¹²

Factors contributing to poverty

- 3.7 The Anti-Poverty Strategy Expert Advisory Panel has highlighted a range of factors contributing to poverty, including the COVID-19 pandemic, the UK's exit from the European

¹⁰ Department for Infrastructure (2023): [Water and Sewerage Charges - Options for Revenue Raising Draft Equality Impact Assessment](#), para 4.4, p.8.

¹¹ Ibid, pp.17 to 19.

¹² See Equality Commission for Northern Ireland (2020): [Summary of policy positions relating to poverty and socio-economic disadvantage](#).

Union, the climate emergency and a decade of austerity and antipathy to income redistribution.¹³

- 3.8 The Commission has highlighted the need to protect the most vulnerable from the adverse impact of welfare reform including disabled people; women and lone parents; younger people; mixed aged households and people from ethnic minority backgrounds (including asylum seekers and refugees) and called for consideration of mitigating measures.¹⁴
- 3.9 Reports from several sources have shown how social security benefits rates have failed to keep pace with the increasing cost of living.¹⁵
- 3.10 The Joseph Rowntree Foundation and the Trussell Trust have revealed that the basic rate of Universal Credit falls short of what is needed to afford essentials and is now at its lowest ever level as a proportion of average earnings.¹⁶
- 3.11 Fitzpatrick (2023) states that ‘Current benefit levels in NI are at an ‘all time low’. When a centralised system of social security was introduced in GB in 1948, unemployment benefit was equivalent to 20 per cent of average weekly earnings; today’s equivalent (universal credit standard allowance) has fallen to 12.5 per cent. 4.31 ‘The most recent uprating in April 2023 means that working age social protection is being maintained at the greatly diminished level of adequacy it had reached by the late 2010s’.¹⁷

¹³ Department for Communities (2020): [Report of the Expert Advisory Panel – Recommendations for an Anti-Poverty Strategy](#), p. 6.

¹⁴ See: [ECNI - Welfare Reform policy recommendations - Addressing Inequality, Equality Commission NI \(equalityni.org\)](#)

¹⁵ Loughborough University (2023): [The minimum income standard for the United Kingdom](#); Resolution Foundation (13 October 2022): [The Long Squeeze](#); Arnold, S., Caddick, D. and Krebel, L. (2021): [How our benefits system was hollowed out over ten years](#) (New Economics Foundation); Resolution Foundation (16 October 2019): [The benefit freeze has ended, but erosion of the social security safety net continue](#); UN Special Rapporteur on Extreme Poverty and Human Rights (2019): [Visit to the United Kingdom of Great Britain and Northern Ireland: Report of the Special Rapporteur on extreme poverty and human rights](#), page 9; Rutherford, T. (2013): [Historical rates of social security benefits](#) (House of Commons Library).

¹⁶ The Trussell Trust and the Joseph Rowntree Trust (2023): [An Essentials Guarantee](#) (Full Report), pp. 3 and 15; See also Joseph Rowntree Trust (2022): [Fifty years of benefit uprating](#). The report shows that in eight out of ten benefits upratings between 2013 and 2022, the basic rate of employment benefits had lost value with a freeze in benefits imposed during 2016-2019.

¹⁷ Fitzpatrick, C. (May 2023): [‘Imagining a new social security system in a new Ireland’](#), Agenda NI May 2023.

- 3.12 The inadequacy of existing social protection¹⁸ has been further exacerbated by the current costing of living crisis which has been driven by a number of mainly global factors including the COVID-19 pandemic, an energy crisis in 2021–2022, a supply chain crisis in 2021–2022 and Russia's invasion of Ukraine in 2022. The crisis has seen the cost of everyday essentials like groceries and fuel bills rising faster than household incomes.¹⁹
- 3.13 The Commission has raised substantial concerns that 2023-24 Departmental Budget proposals for Northern Ireland will combine to lead to new or further exacerbated inequalities for protected equality groups.²⁰
- 3.14 While groups across all equality grounds will likely be adversely impacted by the Budget proposals, it appears from the information presented by Departments, that when considered collectively, young people, older people, people with a disability and women will be more likely to experience multiple adverse impacts across a range of budget decisions and may be at more risk of substantive cumulative disadvantage than others.
- 3.15 The Commission notes that although a Programme for Government has not been agreed for the current mandate²¹, the Northern Ireland Executive's draft Programme for Government (PfG) for 2016 to 2021 included proposed actions aimed at reducing the percentage of people living in absolute poverty and the percentage living in relative poverty.^{22 23}

¹⁸ See: [Guarantee our Essentials: reforming Universal Credit to ensure we can all afford the essentials in hard times | Joseph Rowntree Foundation \(jrf.org.uk\)](#) and footnote 12 above.

¹⁹ Office for National Statistics (2022): [Rising cost of everyday foods leaves most vulnerable the worst off.](#)

²⁰ For further details, see: <https://www.equalityni.org/budget>

²¹ The Northern Ireland Executive's [Programme for Government draft Outcomes Framework Consultation Document](#) includes a number of references to poverty. For example, under the strategic outcome 'We have an equal and inclusive society where everyone is valued and treated with respect', a key priority area is identified as 'Tackling disadvantage in terms of welfare and poverty and providing support where it is needed...', whilst another key priority is identified as 'Promoting and respecting the rights of individuals...ensuring that everyone feels included' (p.16). Under the strategic outcome 'We have a caring society that supports people throughout their lives' a key priority area identified is 'Improving the quality of life of those of us with disabilities and supporting people to build a route out of poverty, administering an effective social security/benefits system to those who need it...' (p. 27).

²² In June 2014 the High Court ruled that the Northern Ireland Executive had failed to develop an anti-poverty strategy for Northern Ireland. This followed legal action by the human rights watchdog Committee on the Administration of Justice (CAJ) see: Belfast Telegraph (30 June 2015): [Stormont Executive Failed To Develop An Antipoverty Strategy.](#)

²³ Northern Ireland Executive (2016): [Draft Programme for Government Framework 2016 to 2021.](#) The reduction of poverty is a key indicator; see pp. 13 and 15.

- 3.16 The Commission has made it clear that we support the proposed Delivery Plan for PfG Indicators to address poverty in Northern Ireland to the extent that they can be utilised to address the poverty and social exclusion experienced by a range of equality groups.²⁴
- 3.17 Furthermore, the Commission notes that the Northern Ireland Act 1998 obliges the Executive to develop a strategy ‘to tackle poverty, social exclusion and patterns of deprivation based on objective need’.²⁵ In 2015, the Northern Ireland High Court ruled that there was no such strategy in existence.²⁶ Although the Department for Communities established an Anti-Poverty Expert Advisory Panel²⁷ and a Co-Design Group²⁸ to assist in the development of an Anti-Poverty Strategy, the strategy has not yet been published.
- 3.18 Neither the Panel nor the Co-Design Group have had the opportunity to comment on the likely impact of water charges on poverty in Northern Ireland.²⁹
- 3.19 As part of the Independent Mechanism for Northern Ireland (IMNI)³⁰, the Equality Commission made a submission to the 2016 Committee on the Rights of Persons with Disabilities’ Inquiry under the Optional Protocol of the UN Convention on the Rights of Persons with Disabilities (UNCRPD).
- 3.20 The Inquiry focused on the cumulative impact of the legislation, policies and measures adopted by the United Kingdom (UK) relating to social security schemes and to work and employment on persons with disabilities with regard to their rights to independent living, employment and adequate standard of living and social protection.³¹

²⁴ Equality Commission for Northern Ireland (2017): [Response to the proposed Delivery Plan for Programme for Government Indicators 19 & 28](#).

²⁵ [Section 28E](#) of the Northern Ireland Act 1998. See also: See the [St Andrews Agreement](#), Annex B and [Section 16](#) of the subsequent Northern Ireland (St Andrews Agreement) Act 2006.

²⁶ See [NIQB 59](#)

²⁷ Department for Communities: [Anti-Poverty Strategy co-design group - terms of reference](#)

²⁸ Department for Communities: [Anti-Poverty Strategy co-design group - terms of reference](#)

²⁹ Department for Communities (2020): [Report of the Expert Advisory Panel – Recommendations for an Anti-Poverty Strategy](#); Anti-Poverty Strategy Co-Design Group (2022): [Recommendations on the development of an Anti-Poverty Strategy for Northern Ireland](#)

³⁰ Under [Article 33\(2\)](#) of the UNCRPD, the Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission have been appointed as the Independent Mechanism to promote, protect and monitor the implementation of the Convention in Northern Ireland.

³¹ Committee on the Rights of Persons with Disabilities (2016): [Inquiry concerning the UK carried out by the Committee under article 6 of the Optional Protocol to the Convention, Report of the Committee](#)

- 3.21 The UNCRPD Committee concluded in its findings from the Inquiry that there had been ‘grave or systematic violations’ of the rights of persons with disabilities.³²
- 3.22 In 2022, the UNCRPD Secretariat indicated that the Committee would consider follow-up actions taken by the UK following the Committee’s 2016 inquiry. IMNI subsequently submitted a Jurisdictional report on progress in Northern Ireland since the 2016 Inquiry in August 2023.³³
- 3.23 Our assessment is that little substantive progress has been made by the UK Government and the Northern Ireland Executive to address the recommendations of the UNCRPD’s 2016 Inquiry report. IMNI have accordingly developed a range of proposed recommendations, for consideration by the UNCRPD Committee.³⁴
- 3.24 These recommendations included that the Committee call upon:
- the Department for Work and Pensions to consider the establishment of an independent process to ensure that the rates of social security benefits are calculated at a level that reflects essential costs, such as food, utilities and vital household goods.
 - the NI Executive take immediate action to develop and implement an effective anti-poverty strategy, which includes specific measures to address the additional costs arising from having a disability and supports disabled people into employment.
 - the UK Government and devolved administrations to develop a methodology to assess the cumulative impact of tax and social security reforms.

³² Ibid.

³³ Independent Mechanism for Northern Ireland (2023): [Jurisdictional ‘Parallel’ Submission on the implementation, in Northern Ireland, of the recommendations by the Committee on the Rights of Persons with Disabilities in its 2016 report on an Inquiry, carried out under Article 6 of the Optional Protocol, into the United Kingdom](#)

The report highlights (at paragraph 4.32, p.18), inter alia, that nearly two thirds of people referred to food banks in the Trussell Trust network are disabled (Source: Ipsos and the Trussell Trust (2023): [Hunger in Northern Ireland](#), p. 13.

³⁴ Ibid.

- the Secretary the State for Northern Ireland and NI Departments to ensure that further budget cuts do not exacerbate an already difficult situation for disabled people.
- That the Committee explore what steps the NI Executive will take to sustain and expand the measures to mitigate the detrimental effects of social security reforms in NI. Such measures should ensure that disabled people are guaranteed an adequate standard of living.

The Human Right to Water and Sanitation

3.25 The UN General Assembly Resolution 62/292³⁵ recognises the human right to water and sanitation, holding states and other rights-bearers responsible for ensuring ‘safe, clean, accessible and affordable drinking water and sanitation for all’.

3.26 Although it is generally considered that this right has been fulfilled in high-income country (HIC) contexts³⁶, research on Household Water Insecurity (HWI) disproves this assumption, finding limitations and inequalities in service provision stemming from a lack of funding and local capacity, discrimination issues and technical challenges (Mattos et al., 2021).³⁷

Water Poverty

3.27 In the UK there is currently no agreed definition for water poverty.³⁸ However, in England, National Energy Action are currently undertaking an initiative which aims to establish an industry acknowledged definition and seek to better understand the links between water and fuel poverty.³⁹

3.28 The water poor are often identified as those households spending over 3% or 5% of household disposable income on water services. The water poor are most likely to come from low-income households in the social rented sector.⁴⁰

³⁵ United Nations General Assembly (2010): [Resolution adopted by the General Assembly on 28 July 2010\] 64/292. The human right to water and sanitation](#)

³⁶ Meehan, K. et al. (2020): [Exposing the myths of household water insecurity in the global north: A critical review](#)

³⁷ Mattos, K.J. et al (2021): [Reaching those left behind: knowledge gaps, challenges, and approaches to achieving SDG 6 in high-income countries](#), Journal of Water, Sanitation and Hygiene for Development (2021) 11 (5): 849–858.

³⁸ Chartered Institute of Plumbing and Heating Engineering (undated): [Water Poverty](#)

³⁹ See National Energy Action (2020): [Water Poverty](#)

⁴⁰ Chartered Institute of Plumbing and Heating Engineering (undated): [Water Poverty](#)

- 3.29 The water poor are often identified as those households spending over 3% or 5% of household disposable income on water services. The water poor are most likely to come from low-income households in the social rented sector. Those living in water poverty may have a range of debts and affordability concerns, and could be living in fuel poverty.⁴¹
- 3.30 Research has indicated that in 2020: 12% of Scottish households 17% of English households and 27% of Welsh Households spent more than 3% of their net income on water and sewerage charges.⁴²
- 3.31 A report by Citizens Advice Scotland (CAS) (2015) has suggested that as many as one in five Scottish consumers may be in debt for their water and sewerage services.⁴³
- 3.32 Research by the Fraser of Allander Institute (2016) found that charges are proportionately a larger burden on household budgets for the poorer in society: the amount paid for water and sewerage charges by those in receipt of benefits as a proportion of their income, exceeds the average proportion paid by wage earners in Scotland.⁴⁴
- 3.33 Water poverty is viewed as a widescale problem in other UK regions where domestic charging occurs. The Chartered Institute of Plumbing and Heating Engineering highlight that in Great Britain:
- Pre-pandemic, around 3 million households were struggling to pay their water bills;
 - Only 1 in 4 customers are aware water companies have schemes that can reduce the water bills of low-income customers;
 - 5 out of 6 customers who cannot afford their water bill are not receiving the help they need;
 - 1 million households are now receiving help with their water bills.⁴⁵

⁴¹ Chartered Institute of Plumbing and Heating Engineering (undated): [Water Poverty](#)

⁴² Ibid.

⁴³ Walker, G. (2015): Sink or Swim: [Consumer experiences of water and sewerage debt](#) (Citizens Advice Scotland).

⁴⁴ Fraser of Allander Institute (2016): [Recent trends in the affordability of water and sewerage charges in Scotland](#), (University of Strathclyde for Citizens Advice Scotland).

⁴⁵ Chartered Institute of Plumbing and Heating Engineering (undated): [Water Poverty](#)

- 3.34 Under British law, water companies are not allowed to switch off the water supply to domestic residences. This allows bills and debts to mount up as households continue to use services they cannot afford.⁴⁶
- 3.35 Water poverty can impact massively on a household's quality of life, health, and wellbeing. For many it can lead into a downward spiral of debt, damage to the debtor's credit rating, further stress, and additional costs. Those who try to ration usage to lower bills could have issues associated with poor hygiene, social exclusion and health risks.⁴⁷
- 3.36 Six drivers of water poverty are thought to include: 'absolute income, unit cost of water, bill and income volatility, living costs, volume of water required, and customer control and understanding'.⁴⁸

Northern Ireland Context and EQIA

- 3.37 In 2007 the Independent Water Review Panel recommended that plans for optional household metering should be dropped for the foreseeable future. They also noted that households already pay some £109m towards water and sewerage services through their rates bills should not have to pay twice for water and sewerage.⁴⁹
- 3.38 There has been no specific research carried out for Northern Ireland on water and sewerage charges since the Independent Review.⁵⁰
- 3.39 In comparison to England, Wales and Scotland, Northern Ireland still significantly lags other parts of the UK as regards earnings and employment rates.⁵¹ The 2021 Census shows that 41% of NI population recorded as economically inactive of which 3% are recorded as unemployed.⁵²

⁴⁶ Chartered Institute of Plumbing and Heating Engineering (undated): [Water Poverty](#)

⁴⁷ Ibid.

⁴⁸ Sylvester, R., Hutchings, P. and Mdee, A. (2023): [Defining and acting on water poverty in England and Wales](#), Journal of the World Water Council, Water Policy (2023) 25 (5): 492–508.

⁴⁹ Independent Water Review Panel (2008): [Strand Two Report, Management, Governance and Delivery](#) page 10.

⁵⁰ Department for Infrastructure (2023): [Water and Sewerage Charges - Options for Revenue Raising Draft Equality Impact Assessment](#), para 5.5.

⁵¹ Joseph Rowntree Foundation (2022): [Poverty in Northern Ireland 2022](#), p. 3.

⁵² NI Statistics and Research Agency (21 March 2023): [Statistics Press Notice Census 2021 Main Statistics – Phase 3](#), pp. 1-2.

- 3.40 A Joseph Rowntree Foundation report on ‘Poverty in Northern Ireland 2022’ describes how 1 in 14 households are in food insecurity against a background of recent spikes in energy prices and inflation, highlighting that certain groups such as people in workless families, disabled people, carers and people in ethnic minority households have much higher poverty rates in Northern Ireland.⁵³
- 3.41 The Commission notes that the Department’s EQIA advises that metering of domestic water supplies may give rise to a potential adverse impact on low income and/or larger households, and on customers who require large volumes of water on health grounds.
- 3.42 Furthermore, the EQIA identifies that the introduction of water and sewerage charges has the potential to adversely impact on people with long term health issues and/or a disability particularly if that person is unemployed or in low paid employment.⁵⁴
- 3.43 They are also likely to create socio- economic barriers which might lead to social inclusion and inequalities particularly amongst children and older people, people from ethnic minority backgrounds and people with multiple S75 identities.⁵⁵
- 3.44 There is also the potential that water poverty may also give rise to hygiene issues as a result of affected families and individuals washing clothes less frequently, flushing the toilet less frequently and showering/bathing less frequently.
- 3.45 This, in turn, may have an adverse impact on the health of individuals and on public health, leading to increased demand for healthcare and the consequent displacement of costs to a health service widely acknowledged to be already at crisis point.

⁵³ Joseph Rowntree Foundation (2022): [Poverty in Northern Ireland 2022](#), p. 1.

⁵⁴ Department for Infrastructure (2023): [Water and Sewerage Charges - Options for Revenue Raising Draft Equality Impact Assessment](#), p. 15.

⁵⁵ Ibid. pp. 14 and 15.

4 ***Conclusions and Recommendations***

- 4.1 The Commission's 'Practical Guide to Equality Impact Assessment' emphasises that 'consideration of mitigating measures and alternative policies is at the heart of the EQIA process. Different options must be developed which reflect different ways of delivering the policy aims. The consideration of mitigation of adverse impacts is intertwined with the consideration of alternative policies. Mitigation can take the form of lessening the severity of the adverse impact.'⁵⁶
- 4.2 The Department's EQIA acknowledges that consideration will need to be given to how best to protect vulnerable groups from any excessive impact or hardship caused by charging.
- 4.3 Examples cited include discounts or rebates given to those on low income, an Affordability Tariff for low-income households.⁵⁷
- 4.4 Other schemes which the Department may wish to consider include:
- Support scheme to help with debt;
 - Reduced or stopped payments for a limited period;
 - Support schemes that cap bills;⁵⁸
 - Financial Hardship Fund.⁵⁹

⁵⁶ Equality Commission for Northern Ireland (2995): [Practical Guidance on Equality Impact Assessment](#), p. 30.

⁵⁷ With the aim of ensuring that no low-income household would have to spend more than 3% of their total income on water and sewerage services.

⁵⁸ For example, for people with health needs or disabilities or for low-income families with children that require high usage of water.

⁵⁹ See: [Affordability Review: Outcomes - CCW](#)

- 4.5 The Department should also consider eligibility for such relief schemes for people in receipt of state benefits, including:
- Customers who have reached the Government State Pension age;
 - Customers in receipt of Universal Credit;
 - Customers in receipt of income-related benefits (Income Support, Housing Benefit, Jobseeker's Allowance (income-based), Employment and Support Allowance (income-related), Pension Credit);
 - Customers in receipt of disability related benefits (Disability Living Allowance, Personal Independence Payment, Attendance Allowance and Constant Attendance Allowance).
- 4.6 Consideration of these measures should take account of the cumulative impact of factors giving rise to poverty and of the Northern Ireland Executive's commitments to tackle poverty, as outlined above.
- 4.7 The Commission continues to emphasise the importance of ensuring progress to tackle long-standing inequalities and prevent the exacerbation of existing inequalities.
- 4.8 If you would like to discuss any aspect of this policy advice, contact Paul Noonan, Senior Policy Officer (e-mail: pnoonan@equalityni.org or telephone: 02890 500570).

5 Part Two: Section 75 Advice

- 5.1 The Commission welcomes that the Department has undertaken an Equality Impact Assessment (EQIA) and is consulting on this along with the Policy Consultation document. The following advice is provided to assist the Department to improve the implementation of its Section 75 equality scheme arrangements and to ensure that the EQIA assists to inform the Department's final decision making.
- 5.2 The Commission refers the Department to its previous detailed Section 75 advice on undertaking EQIA's, the most recent includes:
- [Equality Commission response to the Consultation by the Dept for Infrastructure Spending Plans for 2023-24 EQIA \(equalityni.org\)](https://equalityni.org) and
 - [Response to Consultation by Department for Infrastructure on Free and Discounted Fares on Public Transport \(concessionary fares\). \(equalityni.org\)](https://equalityni.org)
- 5.3 This response reiterates much of the Section 75 advice that the Commission has provided in previous EQIA responses. In light of this, the advice relevant to this EQIA is summarised below.
- 5.4 The EQIA refers to the **primary function of an EQIA** (Page 6, Paragraph 3.2) '*... is to assess whether policy proposals would have a differential impact, and an adverse differential impact....*'. The Commission advises that the purpose of an EQIA is not only to identify the potential adverse impacts on Section 75 groups but also that the Department seeks out opportunities to promote equality of opportunity and good relations. It also concerns identifying ways to address any differential impacts i.e. mitigation and alternative policies. An EQIA should inform the decisions taken.
- 5.5 There are a **number of aspects of the EQIA that are positive** for example the 'Assessment of Impacts' section identifies and provides some rationale regarding a number of Section 75 groups that will be adversely impacted by the proposed policy(s) i.e. racial groups, children and older people and disabled people.

5.6 In addition, a number of other Section 75 grounds' impacts are identified, as part of multiple identity issues. However, it is unclear if this is a coherent analysis of impacts on Section 75 groups, given that the basis for the assessments is unclear as only titles of data are included.

5.7 **Consideration of Available Data and Research:** As noted above, this section of the EQIA lists a number of data 'sources' and refers to other jurisdictions where water charges have been in existence for some time. The EQIA does not, however, extract or present sufficient relevant data on the policy proposals. In addition, the EQIA infers a lack of data relating to these policy proposals. The Commission advises that:

- It is the Department's responsibility to set out and analyse, in its EQIA, the relevant qualitative and/or quantitative data as part of the preparation for consultation. The consultee role is to highlight information, whether qualitative or quantitative, and to add value to any data gathered by the Department. We recommend that this Section of the EQIA should be updated accordingly in the Stage 6 EQIA report.
- The Department should include in the Section 75 monitoring section of the EQIA, what monitoring arrangements it will put in place to address the gaps in data, that it has identified and monitor the impacts of the policy, if adopted.

5.8 **Consideration of Mitigations / Alternative Policies:** There are no details of mitigations or consideration of alternative policies set out in the EQIA. The EQIA on Page 16 refers to '*...the development of options post consultation*' and states '*...As a mitigation action we are considering a relief scheme and are seeking views on what this should entail*' and '*....comments are welcome on the development of an Affordability Tariff*'. We note that the main consultation document provides limited information on what may be part of such a scheme/tariff. It is the responsibility of the public authority to include in the EQIA the detail of the proposed mitigations / alternative policies and how these may impact on Section 75 groups. Section 5 of the main consultation document sets out 5 policy options, but the potential impacts/mitigations of each of these proposals are not considered separately.

- 5.9 **Consultation:** The Commission notes that question 2 on Page 17 of the main consultation document states: ‘Which of the following customers do you think should be entitled to relief from water and sewerage charges? (Tick all the options that apply).’ It is important, when taking into account consultation responses, that the evidence of equality impacts identified in relation to Section 75 groups is considered and used to inform the proposed policy rather than being solely based on the number of consultees that agree/disagree with the proposals i.e. that the number of consultation responses are not used as a simple headcount.
- 5.10 **Publication and Decision:** Paragraph 8.6 refers to ‘...*up to the relevant decision maker to consider how to proceed...*’. It will be important that the decision maker has sight of and considers the updated EQIA, before decisions are taken. The Commission reminds the Department that this is not the end of the Departmental work relating to assessing the equality impacts of this proposed policy.
- 5.11 The final EQIA report i.e. Stage 6 report should be published in line with the Department’s approved equality scheme. A Stage 6 EQIA report should update the consultation version of the EQIA to address the issues raised in this advice, to incorporate additional evidence from consultees, set out the Department’s full consideration of relevant qualitative and quantitative data, assessment of impacts and priorities, consideration of mitigating measures/ alternative policies, and how these have informed decision making, providing a rationale where alternatives/mitigations have not been adopted.
- 5.12 **Section 75 Monitoring:** The Department has not included arrangements for how it proposes to monitor the impact of this policy on Section 75 groups, if adopted. Page 18 of the EQIA refers to ‘.....*any adverse differential impact on equality of opportunity or good relations that may be identified through this consultation process...*’. The monitoring commitments in the Department’s equality scheme (4.31-4.33) require it to put in place (and state in an EQIA report) Section 75 monitoring arrangements to identify the actual impacts of a policy it adopts and to publish this Section 75 data 2 years after adopting the policy.

- 5.13 The final EQIA report should clearly outline what specific systems and mechanisms the Department will put in place to do this. As noted above, any gaps in data identified by the Department should be addressed in this section of the EQIA also.
- 5.14 If you would like to discuss any of the Section 75 advice, please do not hesitate to contact Mairead Starrs mstarrs@equalityni.org or Patrice Hardy phardy@equalityni.org at the Equality Commission.

Equality Commission for Northern Ireland

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