

## EQUALITY COMMISSION FOR NORTHERN IRELAND

### Response to the Department for Economy's [Consultation on the Design plan for the roll-out of smart electricity meters in NI.](#)

#### Executive Summary

- i. This response is set out in three parts, as follows:
  - Part 1: Background Information (pages 2 -6);
  - Part 2 - Section 75 advice (Page 7);
  - Part 3 – Public Policy Comments (Pages 8 - 13).
- ii. The Equality Commission for Northern Ireland (The Commission) welcomes the Department's commitment to ensure the smart meter roll-out will be sensitive to, and address the needs of, consumers with access needs or other vulnerabilities.
- iii. We recommend that the Department ensure that significant safeguarding steps are taken to protect all equality groups from any potential adverse impacts arising from the proposed roll-out (both in the short and longer term).
- iv. The Commission recommends that the Department are particularly mindful of impacts on disabled people, lone parents, women, older people, younger people, and minority ethnic communities.
- v. The Commission reiterates our position on the importance of ensuring access to information and public services for everyone, including disabled people and older people.

# 1 Background Information

## ***The Equality Commission Northern Ireland***

- 1.1 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.
- 1.2 The Commission and the NI Human Rights Commission form the 'Independent Mechanism for Northern Ireland' (IMNI) which is tasked, under Article 33.2 of the [UN Convention on the Rights of Persons with Disabilities](#), with promoting, protecting and monitoring implementation of the Convention in Northern Ireland. Together with the Equality and Human Rights Commission (GB) and Scottish Human Rights Commission we form the United Kingdom's Independent Mechanism (UKIM).<sup>1</sup>
- 1.3 This response draws on our work across a range of policy areas including that derived from our role as part of the 'Independent Mechanism' in Northern Ireland as well as our work to promote equality and ensure the effectiveness of the Section 75 duties.<sup>2</sup>

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<sup>1</sup> For further information on the Convention see: <https://www.equalityni.org/uncrpd/>

<sup>2</sup> Our powers and duties derive from a number of statutes which have been enacted over the last decades, providing protection against discrimination on the grounds of age, disability, race, religion and political opinion, sex and sexual orientation. We also have responsibilities arising from the Northern Ireland Act 1998 in respect of the statutory equality and good relations duties.

## **UNCRPD Obligations**

- 1.4 **Article 9** of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) requires State Parties to recognize that persons with disabilities have the right to accessibility.
- 1.5 Accessibility is a vital precondition for persons with disabilities to participate fully and equally in society and enjoy effectively all their human rights and fundamental freedoms. Accessibility should therefore be considered in the context of the right to access from the specific perspective of disability.
- 1.6 The UNCRPD Committee issued **General Comment Number Two**<sup>3</sup> specifically addressing the right to accessibility. It notes the following:
- *It is generally acknowledged that ICT is an umbrella term that includes any information and communication device or application and its content. Such a definition encompasses a wide range of access technologies, such as radio, television, satellite, mobile phones, fixed lines, computers, network hardware and software. The importance of ICT lies in its ability to open up a wide range of services, transform existing services and create greater demand for access to information and knowledge, particularly in underserved and excluded populations, such as persons with disabilities.*<sup>4</sup>
  - *New technologies can be used to promote the full and equal participation of persons with disabilities in society, but only if they are designed and produced in a way that ensures their accessibility. New investments, research and production should contribute to eliminating inequality, not creating new barriers [and] that these technologies and systems become accessible at minimum cost.*<sup>5</sup>
  - *Persons with disabilities should have equal access to all goods, products and services that are open or provided to the public in a manner that ensures their effective and equal access and respects their dignity. This approach*

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<sup>3</sup> For further details, see [UNCRPD Committee General Comment Number Two on Article 9 - Accessibility](#)

<sup>4</sup> UNCRPD Committee General Comment Number Two on Article 9 – Accessibility. Paragraph 5

<sup>5</sup> UNCRPD Committee General Comment Number Two on Article 9 – Accessibility. Paragraph 22.

*stems from the prohibition against discrimination; denial of access should be considered to constitute a discriminatory act, regardless of whether the perpetrator is a public or private entity. Accessibility should be provided to all persons with disabilities, regardless of the type of impairment, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, legal or social status, gender or age. Accessibility should especially take into account the gender and age perspectives for persons with disabilities.*

- 1.7 **Article 19** of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) requires State Parties to recognize that persons with disabilities have the right to live independently and be included in the community.<sup>6</sup>
- 1.8 States Parties to the Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:
- Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
  - Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
  - Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

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<sup>6</sup> [UNCRPD Article 19 – Living independently and being included in the community.](#)

- 1.9 The UNCRPD Committee’s **General Comment No. 5** on living independently and being included in the community, notes that: *“Programmes and entitlements to support living independently in the community must cover disability-related costs.”*<sup>7</sup>
- 1.10 **Article 25** of the Convention requires State Parties to recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability.<sup>8</sup>
- 1.11 **Article 28** requires State Parties to recognize that persons with disabilities have the right to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.<sup>9</sup>
- 1.12 State Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:
- To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
  - To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
  - To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;

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<sup>7</sup> United Nations Committee on the Rights of Persons with Disabilities (2017): [General Comment No.5 on Living independently and being included in the community](#), paragraph 59, p.12.

<sup>8</sup> [UNCRPD Article 25 – Health.](#)

<sup>9</sup> [UNCRPD - Article 28 – Adequate standard of living and social protection.](#)

## ***Socio-economic Status and Poverty***

- 1.13 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.
- 1.14 The Commission consistently highlights 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 (for example, areas such as education, housing and social protection).<sup>10</sup>
- 1.15 The Commission has expressed concern at the lack of detailed action and commitment to addressing poverty within the current draft Programme for Government.<sup>11</sup>
- 1.16 The Joseph Rowntree Foundation have highlighted that: ‘Disabled people face a higher risk of poverty and have done so for at least the last 20 years. This is driven partly by the additional costs associated with disability and ill-health, and partly by many disabled people being less able to access work. With potential for work often limited, disabled people and/or families where someone is disabled frequently rely on benefits as a source of income, which at current rates will almost inevitably lead to higher poverty rates’.<sup>12</sup>
- 1.17 Disabled people are more likely to experience poverty than non-disabled people<sup>13</sup> and an additional three million non-disabled people in poverty in the UK live in a household where someone is disabled, meaning that, overall, nearly half of the 14 million people in poverty in the UK are affected by disability. Poverty is especially high among families where there is a disabled adult. If there is also a disabled child, the poverty rate is twice the rate where there is no disability.<sup>14</sup>

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<sup>10</sup> [Summary of policy positions relating to poverty and socio-economic disadvantage](#)

<sup>11</sup> For further details, see: <https://www.equalityni.org/pfg>

<sup>12</sup> Joseph Rowntree Foundation (2022): UK Poverty 2022 - the essential guide to understanding poverty in the UK, p. 57

<sup>13</sup> Reed & Portes (2019): [Cumulative impact assessment of tax and social security reforms in NI \(NIHRC\)](#), paragraph 7.2, p. 101.

<sup>14</sup> Joseph Rowntree Foundation (2020): [UK Poverty 2019/20](#), p. 7.

## 2 Section 75 / EQIA Guidance

- 2.1 The Commission notes that the Department screened out this Policy with mitigation and decided not to conduct an equality impact assessment.<sup>15</sup>
- 2.2 The Department have committed to gather and act on any information identified during this consultation process which indicates a negative impact upon any of the nine S75 categories. If any negative impacts are identified the Department will seek to mitigate for these and if required re-screen the final policy.<sup>16</sup>
- 2.3 The Commission notes that consultees have not been asked to complete any form of monitoring questionnaire. As this information has not been collected it makes it more difficult to look at potential impacts on specific S75 groups.
- 2.4 The Department have identified that this policy will have a minor impact on disabled people and will consider whether there is a need to explore alternative solutions for people with disabilities.<sup>17</sup> The Commission recommends that the Department takes action to identify and implement alternative solutions for disabled people who need it.
- 2.5 The Department should consider whether older people will be impacted by the design of the smart meters and look at potential mitigations for them.
- 2.6 Within the screening document, data used relates mainly to the Census 2021 Main Statistics for Northern Ireland. As well as these statistics, information could have been considered on Households in Northern Ireland.
- 2.7 We note that if any negative impacts are identified the Department will seek to mitigate for these and if required re-screen the final policy. It might also be useful to review the screening when the design and roll out of the newly designed smart meters is being implemented.

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<sup>15</sup> DfE [Equality Screening: Electricity Smart Meter Roll-out Design Plan](#), p 19.

<sup>16</sup> DfE [Equality Screening: Electricity Smart Meter Roll-out Design Plan](#), p 23.

<sup>17</sup> DfE [Equality Screening: Electricity Smart Meter Roll-out Design Plan](#), p 14.

### **3 Public Policy Recommendations**

- 3.1 We broadly welcome the Department’s aim to become self-sufficient in affordable renewable energy and ensure that people in Northern Ireland pay a fair price for locally produced renewable energy.
- 3.2 We welcome the Department’s commitment to ensure the roll-out will be sensitive to and address the needs of consumers with access needs or other vulnerabilities, however we express concern at the lack of specific or detailed information on how the Department intends to achieve this.<sup>18</sup>
- 3.3 While we also welcome the Department’s intention to “give consideration to exploring alternative solutions for people with disabilities”, we express concern that this has not already taken place in order to fully inform this consultation.
- 3.4 We recommend that the Department ensure that significant safeguarding steps are taken to protect all equality groups from potential adverse impact arising from the proposed roll-out (both in the short and longer term).
- 3.5 The Commission recommends that the Department are particularly mindful of impacts on disabled people, lone parents, women, older people, younger people, and minority ethnic communities.
- 3.6 We reiterate that whilst socio-economic disadvantage is not a specified ground under the equality legislation in Northern Ireland, the barriers and inequalities experienced by protected equality groups can be exacerbated by poverty and social exclusion.
- 3.7 By ratifying the UNCRPD in 2009, the UK Government and devolved Assemblies are committed to promoting and protecting the full enjoyment of human rights by disabled people and ensuring they have full equality under the law.<sup>19</sup>

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<sup>18</sup> DfE [Consultation on the Design Plan for the Roll-out of Smart Electricity Meters in NI](#) para 6.4

<sup>19</sup> For further details, see section 1 for detail on Articles relevant to this roll-out.



## ***Just Transition Principle***

- 3.8 The Climate Change (Northern Ireland) Act 2022 requires Departments to have regard to the just transition principle when deciding on proposals and policies for the purposes of meeting carbon budgets. Action taken should be done so in a manner which, so far as possible, achieves multiple objectives, including:

*“supporting persons who are most affected by climate change, particularly those who may have done the least to cause it or may be the least equipped to adapt to its effects; reducing, with a view to eliminating, poverty, inequality and social deprivation; and eliminating gender inequality and advancing equality of opportunity between men and women”*

- 3.9 We note that the Department view the roll out of smart meters as essential to their aim to deliver: “a just transition for energy consumers towards a greener and more sustainable economy that generates more prosperity and better health opportunities.”
- 3.10 We note research that indicates that the poorest 40 per cent of UK households are most at risk of being impacted by net zero policies, leading to further deprivation and exclusion.<sup>20</sup>
- 3.11 We ask that the Department provide clarity on how this policy will contribute to achieving a just transition, including detail on how this will be progressed in a manner that will reduce poverty, inequality and social deprivation; and support those who may be least equipped to adapt to the changes or may stand to lose out economically.

## ***Roll-out of the Programme***

- 3.12 We note that The NI Executive are committed to installing smart meters in all homes and businesses and view this programme as representing a cornerstone of their energy strategy that must be completed ‘*as urgently as possible*’.<sup>21</sup>
- 3.13 Programmes delivered at pace can impact on quality of service and potentially lead to unintended consequences. We urge the

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<sup>20</sup> Young Foundation (2024): [Our Journey to Net Zero](#).

<sup>21</sup>Page 3: [Consultation on the Design Plan for the Roll-out of Smart Electricity Meters in NI](#)

Department to be fully cognisant of difficulties and learnings arising from roll-outs in other regions.<sup>22</sup>

- 3.14 The Commission highlights the importance of tracking equality impacts and collecting equality data within all Government programmes. We recommend the roll-out of the programme is tracked, not only in aggregate, but also for the impact on individuals from across the full range of equality grounds. It is important to ensure that all equality groups have access to the programme, and that inequalities are not exacerbated or created by the roll-out process.

### ***Time of Use and Dynamic Tariffs***

- 3.15 We note that The Department anticipate that their policy will lead to Time of Use tariffs offered to consumers who may be able to take advantage of savings, if they engage with this process.
- 3.16 We welcome the Department's development of a consumer protection workstream related to this and a commitment that consumers should not be detrimentally impacted as a result of their tariff choices. We look forward to further detail addressing how such potential detriments will be avoided.
- 3.17 Our understanding is that the purpose of Time of Use tariffs is to help smooth out demand in the system by incentivising consumers to choose the cheapest time of run household appliances. We highlight concerns that the opportunity to save money by increased usage during off-peak times may be offset by increased costs during peak times which may penalise those who cannot delay their energy use.<sup>23</sup>
- 3.18 We highlight that not all consumers have the same scope to change their consumption behaviour. Some consumers, including people with disabilities, older people and people with dependants may have limited scope to cut down on their energy consumption or use energy at different times (for example energy use associated with heating, household appliances, and disability aids such as kidney dialysis machines).

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<sup>22</sup> See: [Millions missing out on smart meter benefits due to faults and poor supplier service, warns Citizens Advice](#) and [Get Smarter: Ensuring people benefit from Smart Meters - Citizens Advice](#)

<sup>23</sup> Citizens Advice (2015): [Vulnerable consumers and the smart meter rollout](#).

- 3.19 Scope UK has highlighted that: ‘Life costs more for disabled people and their families, spending more on essential goods and services like, heating, electricity, equipment, and therapies. These extra costs mean disabled people have less money in their pocket than non-disabled people or go without’.<sup>24</sup>

### ***Mental Health***

- 3.20 Concerns have been raised about customers experiencing increased anxiety and stress arising from the installation and use of smart meter technology, which may be challenging for those who are already struggling with mental health issues, such as obsessive compulsive disorder. Constant monitoring and immediate access to information about energy usage may lead to feelings of anxiety or guilt, especially if a person feels that they are using too much energy.<sup>25</sup>
- 3.21 We recommend that the Department take steps to ensure that smart meters are installed and used in a way that considers and protects the mental health of customers, including those with disabilities.

### ***Pre-payment Meters***

- 3.22 We note that the End Fuel Poverty Coalition have raised concerns about vulnerable consumers being forcibly switched to pre-payment meters due to debts. This may adversely impact on people’s physical and mental health.<sup>26</sup> Customers in debt on pre-payment tariffs incur daily standing charges and pay more for their energy at a higher unit cost. This can often lead to customers being “disconnected by the back door” as the cost of servicing debt and standing charges leaves them with no money for energy.<sup>27</sup>
- 3.23 The Warm This Winter campaign estimate that 68% of smart pre-payment meter customers are vulnerable, with 58% having health conditions or disabilities.<sup>28</sup>

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<sup>24</sup> Scope (2024): [Extra Costs](#).

<sup>25</sup> For further details, see: [‘I’m obsessed with my smart meter’ - BBC News](#)

<sup>26</sup> End Fuel Poverty Coalition: [Pre-payment meters crisis hits ‘smart’ customers.](#)

<sup>27</sup> End Fuel Poverty Coalition: [Pre-payment meters crisis hits ‘smart’ customers.](#)

<sup>28</sup> Warm This Winter: [Pre-payment meters crisis hits ‘smart’ customers.](#)

### ***Accessible Technology and Engagement***

- 3.24 The Department indicate that consumers will be alerted to price changes via app technology and that they may be able to take advantage of savings, if they engage with this process.
- 3.25 This may have adverse impacts for consumers who do not have access to / are not familiar with the necessary technology, for example some older people, or persons with learning disabilities.
- 3.26 Smart Time of Use tariffs are complex which may make it more difficult for some customers to engage with their energy bills and understand the true cost of what they're paying for.
- 3.27 There may also be issues for people living in rural areas as they are more likely to experience poor internet connection.
- 3.28 The Commission continues to recommend that technology needs to be accessible and usable for individuals across the equality groups, including persons with disabilities and older people. Specific actions and considerations from the Department are likely required to ensure that this technology and roll-out meets this standard.

### ***Consumer Diversity and Needs***

- 3.29 We welcome the Department's commitment to introduce additional consumer protections specifically to address the needs of different groups of consumers such as those with particular access needs.
- 3.30 We urge the Department to identify the specific types of access needs they anticipate encountering, introduce appropriate protections before commencing roll-out, and ensure that all personnel involved in the programme delivery have been trained on consumer diversity, access needs, rights and protections.

## ***Programme Costs & Benefits***

- 3.31 We note that the cost of meters and installation will be absorbed into consumer energy bills and that consumers may also have to pay for replacement if their equipment stops working after 12 months.<sup>29</sup> This may have an adverse impact on groups and individuals more likely to experience poverty, including disabled people and lone parents.
- 3.32 We note research into the lived experience of fuel poverty in Scotland found that most respondents living in fuel poverty or extreme fuel poverty had not noticed a reduction in their energy bills because of smart meters.<sup>30</sup>
- 3.33 We further highlight that without financial support, benefits adjacent to smart meter technology, such as discounts on vehicle charging and rebates on installing solar panels to sell back unused electricity to the grid, will likely only benefit those who can afford up-front installation and purchasing costs.
- 3.34 The costs of the smart metering programme should be transparent to ensure the trust of consumers. Smart metering should enable all consumers, including across all equality groups, to participate and benefit.

## **Public Policy & Strategic Engagement December 2024.**

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<sup>29</sup> [Smart meter In-Home Display: voluntary replacement principles - GOV.UK](#)

<sup>30</sup> Scottish Government: [Smart meters - Lived experience of fuel poverty](#) Para 9.6