

**EQUALITY COMMISSION  
FOR NORTHERN IRELAND**

**Report on the Implementation of the  
Section 75 Statutory Duties**

**1 April 2002 - 31 March 2003**

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## **Accuracy of information contained in this report**

Sections 4 and 5 of this report are based only on information included in public authority annual progress reports. It has not been possible for the Equality Commission to confirm the accuracy of such information.

Section 6 of this report is based only on discussions with a sample of representatives from voluntary and community sector organisations.

## Preface

### **A Public Sector Statutory Duty Approach to the Promotion of Equality of Opportunity and Good Relations**

Legal duties which were introduced on 1 January 2000, require public authorities “to have due regard” to the need to promote equality of opportunity and “to have regard” to the desirability of promoting good relations.

The duties are designed to ensure that equality and good relations considerations are made central to policy development by Government and public authorities. The duties have the potential to make a real difference to the lives of people in Northern Ireland, since those affected by policy decisions must be consulted and their interests taken into account. This provides an opportunity for the community to participate in public policy-making, right from the start of the process.

### **The Statutory Duties**

In the Agreement reached between Governments and political parties in April 1998, the section dealing with Rights, Safeguards and Equality of Opportunity included a commitment to a statutory obligation on public authorities. This was then implemented through the Northern Ireland Act 1998.

Under Section 75 of this Act (Appendix A), public authorities are required to have due regard to the need to promote equality of opportunity :-

- Between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- Between men and women generally;
- Between persons with a disability and persons without; and
- Between persons with dependants and persons without.

Public authorities are also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

This approach has been reflected in the Northern Ireland Executive’s Programme for Government, which has set out the Government’s vision of Northern Ireland as “a peaceful, fair, and inclusive community”, requiring both the promotion of equality, and working to improve community relations.

## **Equality Schemes**

Each public authority must have an equality scheme in place, as both a statement of its commitment to the statutory duties and a five year plan for performance on the duties. Public authorities must also assess the equality impact of their policies and publish the outcome of such assessments.

## **Consultation**

Consultation with those affected by public policy decisions is central to the effectiveness of the duties. Equality schemes spell out an authority's arrangements for consultation on the duties and on the likely impact of policies.

## **Impact on Policy**

If a public authority's assessment of the impact of a policy shows a possible "adverse impact" on any group, it must consider how this impact might be reduced, and how an alternative policy might lessen any adverse impact the policy may have. The public authority must also show that it considered how any alternative policies might better achieve the promotion of equality of opportunity.

## **How do the statutory duties affect people in Northern Ireland?**

The implementation of the statutory duties provides an important opportunity, for all those affected to influence public policy decision making. It makes the process more transparent and accountable. People have the opportunity to make an input to the formulation of policies that impact on their interests. Consultation by public authorities has to be meaningful and be conducted before a decision is made, while it is still possible to influence the outcome. This is leading to a new set of relationships between Government and people in our society. The aim is to have more informed and better decision-making.

Each equality scheme contained a commitment by the public authority to submit an annual report of its progress to the Commission, setting out the steps it has taken to promote equality of opportunity and good relations. The Commission has used this information to assist it in keeping the effectiveness of Section 75 under review, and to publicly report progress.

## **Progress during 1 January 2000 – 31 March 2002**

The Commission published a report and summary report of progress on implementation of the duties during the first two years of the initiative. These reports are available on the Commission's website at [www.equalityni.org](http://www.equalityni.org)

## **Progress during 1 April 2002 – 31 March 2003**

This is covered within this report, which is also available on the Commission's website.

## Foreword

The Equality Commission believes that the duties placed on the public sector in Northern Ireland, by Section 75 of the Northern Ireland Act 1998 have significant potential to ensure that equality of opportunity and good relations are mainstreamed into decision making. The Commission acknowledges the wealth of information presented in the annual progress reports and the efforts being made to mainstream equality and good relations into policy decision making. The voluntary and community sector has made its contribution through providing an important perspective on the progress being made by public authorities.

Some important progress has been made in the implementation of Equality Schemes. However, as would be expected in the development of such a new methodology for influencing decision making, a number of areas for improvement have been identified. Significantly these include the time taken to carry forward the EQIA timetable and the importance of overarching high level policies such as the Programme for Government, acknowledging the importance of S75 and identifying the way in which policies emanating from the Programme should be assessed for equality impact. Training is also central to the fullest implementation of the duties in ensuring that people have the skills and knowledge to mainstream equality into policy development and decision making at all levels.

The important measure of the effectiveness of the duties is in the outcomes being achieved. Identifying and monitoring such outcomes as we make progress will provide a clearer view of what can be achieved in creating greater equality of opportunity and good relations through the implementation and delivery of public policy.

**Joan Harbison**  
**Chief Commissioner**  
**Equality Commission for Northern Ireland**



## **Public Authorities which did not submit an Annual Progress Report, by 31 October 2003**

- **Ballymoney Borough Council**
- **Castlereagh Borough Council**
- **Fermanagh College of Further and Higher Education**
- **Larne Borough Council**
- **Lisburn Institute of Further and Higher Education**
- **Londonderry Port and Harbour Commissioners**
- **NI Council for the Curriculum Examination and Assessment**
- **Northern Ireland Human Rights Commission**
- **Warrenpoint Harbour Authority**

## 1. Introduction

- 1.1** During the period covered by this report public authorities have made progress on implementing their five year equality schemes. The individual progress reports submitted by public authorities demonstrate innovation and creativity, particularly where there have been joined up approaches to undertaking Section 75 work. The individual reports further highlight the problems faced by public authorities particularly in relation to:- ensuring ongoing commitment to implementation of the duties; delivery of the duties by different sizes and shapes of authorities; the issue of resourcing; how to ensure effective consultation; and the differing levels of commitment to the duties. Public authorities are not a homogenous group: there are those which demonstrate good progress on implementation of the duties, whilst there are others whose progress is slower.
- 1.2** The progress being made by public authorities is, as far as this report is concerned, based only upon the information contained in the progress reports submitted. This report covers the period 1 April 2002 – 31 March 2003. Public authorities may have undertaken other activities during the reporting period, to help to implement the duties, but if these have not been included in progress reports we are not able to comment on them. The Commission has not validated the accuracy of information included in the progress reports for the period, although roundtable discussion with representative groups from the voluntary and community sector provided us with some independent perspectives on the progress being made by public authorities.
- 1.3** This summary report is published some 12 months after the end of the reporting period covered. The Commission received many progress reports by 31 July 2003. A reminder was forwarded to those public authorities that had not submitted a report by this date extending the date for receipt to 31 October 2003. By this date a total of 148 annual reports had been received. Those public authorities which did not provide a report by 31 October are listed on page nine.
- 1.4** During the period covered by this report further progress on implementation of the duties was demonstrated by most public authorities. Of particular note were the roll-out of equality impact assessment time-tables by public authorities; an increase in the level of Section 75 complaints from the public; and the development by the Commission of additional systems and mechanisms to support public authorities and those affected by the duties. This report includes much additional detail on outcomes from Section 75 processes, in terms of their impact on improving public sector management and organisation

and in relation to impact on people listed in the nine Section 75 categories. This information was specifically requested by the Commission to examine the extent to which Section 75 is being effective. The Commission intends to further develop progress reporting information during 2003-04, in anticipation of the five year review of implementation of equality schemes.

- 1.5** Between April 2002 and March 2003, more public authorities were designated and equality schemes approved. At the end of March 177 public authorities had been designated and 154 equality schemes approved. The Commission continues to work with public authorities to ensure approval of equality schemes and implementation of them.

## **2. Background and Progress Report Structure**

- 2.1** This report covers the period from 1 April 2002 to 31 March 2003. 156 public authorities subject to Section 75 of the Northern Ireland Act (1998) submitted progress reports to the Commission. Four authorities failed to submit a progress report as committed to in their approved equality scheme. Most of the public authorities' progress reports were submitted by the end of July 2003.
- 2.2** In February 2003 the Commission produced detailed guidance for public authorities on progress reporting. We received advice on the format and content of guidance from a range of public authorities and affected groups. The progress reports received show that public authorities on the whole applied the guidance.
- 2.3** All public authorities were asked to produce a progress report for the period ending 31 March 2003. Many public authorities submitted their progress reports to the Commission by the end of July 2003.
- 2.4** This summary report is divided into nine sections. Section 3 details progress made by the Commission. Section 4 is a summary of progress being made on implementation of the statutory duties by public authorities. Section 5 provides more detailed information on progress by public authorities. Section 6 provides a perspective from representatives of the Section 75 groups and sections 7 and 8 focus respectively on the key themes and next steps.

### **3. Equality Commission for Northern Ireland**

- 3.1** The Commission's Statutory Duty Committee (formed early in 2000 to assist with strategic management and monitoring of the implementation of the Section 75 statutory duties) continued to meet and provide top level commitment and input to the development of Section 75 throughout this period.
- 3.2** The Commission liaised with the Northern Ireland Office (NIO) Human Rights and Industrial Relations Division to ensure that a further Designation Order was passed through Parliament. As a consequence a total of 177 authorities had been designated for Section 75 purposes by the end of March 2003. The NIO provided advice on handling of deficient schemes and enforcement of the duties.
- 3.3** During the year the Commission continued to hold meetings with key stakeholders including Government departments, public authorities and the voluntary and community sector. We provided ongoing support to organisations from these sectors on all aspects of Section 75 development and implementation.
- 3.4** The Commission's staff participated in a wide range of awareness-raising events with public authorities and voluntary/community and trade union organisations, as well as attending advisory meetings with Ministers, government departments, and the NIO.
- 3.5** The Commission completed its Equality Impact Assessment (EQIA) training programme for the voluntary and community sector, trade unions, Section 75 groups and public authorities. An evaluation of the training indicated a very high level of satisfaction with both the content and format.
- 3.6** Ongoing training (18 facilitated events) was provided for a number of local councils and other public authorities, including Assembly Commissioners and staff, the Chief Executives' Forum and police authorities. Training was provided for the Northern Ireland Policing Board on Section 75 implications of recruitment to District Policing Partnerships. In addition the Commission provided an input to conferences: on consultation organised by Newry and Mourne District Council; on good relations organised by the Community Relations Unit of the Office of the First Minister and Deputy First Minister (OFMDFM); and to the Ethnic Minorities Law Centre Conference (in Glasgow) on Implementation of Statutory Duties.

- 3.7** We set up a network to provide support and training for designated UK public authorities whose functions extend to Northern Ireland. Three one-day training events were provided in London. These events focused on: raising awareness of Section 75 requirements and processes; training on EQIA and screening; addressing issues of common interests to the UK public authorities (e.g. geographic isolation, implementation of Section 75 and the UK race duty); and sharing practical experiences of Section 75.
- 3.8** An audit of Section 75 complaints was undertaken during the period and a major project undertaken to finalise the strategy, procedures and guidance for dealing with Section 75 Complaints and Investigations. A Section 75 Investigations Committee (of Commissioners) was set up to consider potential investigation of Section 75 complaints received by the Commission.
- 3.9** An in-house working group was established to develop a strategy to support public authorities in the implementation of their good relations obligations. Initial work was undertaken to develop practical guidance on implementation of good relations, including consolidation of all Commission guidance on good relations, a good relations audit of progress by public authorities and identification of good practice in Northern Ireland and elsewhere.
- 3.10** The review of the Commission's documents, the 'Guide to the Statutory Duties' and 'Practical Guidance on Equality Impact Assessment', was advanced through the creation of an Advisory Group. This included representatives from: public authorities, voluntary and community sector organisations, trades unions, OFMDFM, NIO and the Commission. Six meetings of the Advisory Group were held during the period and work was advanced through an agreed project plan. This work involved Advisory Group consideration (through workshops) of the usefulness of the guidance and where improvements should be made; roundtable discussions involving public authorities and representatives of community/voluntary sector; and a questionnaire-based survey of public authorities and voluntary/community sector organisations. The revision of the documents was completed following progress report meetings with groups of public authority equality officers, and also took account of information from progress reports for 2001 - 02. The production of the draft Guide and Practical Guidance was completed and the revised documentation issued for consultation early in the financial year 2003 - 4.

- 3.11** The Commission implemented its methodology and criteria for responding to EQIAs received and analysed and responded to a range of EQIAs during the period. Information from public authorities' progress reports was used to update on planned and completed EQIAs. This information was added to the Commission's EQIA database. EQIA training was provided for Commission teams, individual public authorities or groups of public authorities.
- 3.12** Work on addressing public authorities' needs on Section 75 monitoring was further progressed through an analysis of feedback to the consultation exercises on the monitoring consultation document. In relation to developing Section 75 monitoring guidance for public authorities it was agreed that this should be progressed with OFMDFM, through its Equality and Social Needs Research and Information Group (ESNRIG) working group, and that this should be aligned to the (to be approved) ESNRIG strategy, as well as work being undertaken by NISRA to create a Section 75 information base.
- 3.13** The Commission produced an overall progress report for the period 1 January 2000 – 31 March 2002. This report took account of information received from public authority annual progress reports, as well as progress by the Commission on implementation of Section 75 duties. It analysed progress made to date and identified next steps for the Commission and the public authorities. The report was launched early in financial year 2003 – 04. A summary version was also produced for publication (end March 2003) and launched (May 2003). Written feedback was provided to individual public authorities on each annual progress report received by the Commission. In addition a series of meetings was held with groups of public authority equality officers, to provide information on progress and to consider ongoing implementation issues.
- 3.14** The progress report template for 2002 - 03, produced by the Commission to assist public authority progress reports, was revised to ensure that more detail could be provided on outcomes and on EQIA timetables. This template was piloted before being sent to all public authorities at the end of March 2003.
- 3.15** By the end of March 2003 the Commission had approved 90% (154 of 172) of draft equality schemes received, meeting the target set for the three year period covered by the Corporate Plan.

- 3.16** The Commission was a key member of the OFMDFM' Consultation Advisory group, set up to review consultation processes being used in relation to Section 75. We also responded to the consultation document produced by OFMDFM.
- 3.17** A project plan was developed for a major conference on Section 75, to take place during 2003 – 04 financial year.



## **4. Summary of Progress Made By Public Authorities**

**4.1** Public authorities subject to Section 75 of the Northern Ireland Act 1998 (the Act) submitted progress reports to the Commission for the period 1 April 2002 – 31 March 2003 (details of all designated public authorities are attached as Appendix B). To help public authorities address all of the key issues relating to the period, the Commission produced a reporting template (see Appendix C). This template was piloted before revision and distribution to all designated public authorities. The aim of the template was to ensure consistency and completeness of progress reporting, as well as helping the authorities to ensure that all key areas were addressed. The Commission's review and analysis of the progress reports indicates that public authorities are making progress on the implementation of the Section 75 duties. This report outlines the steps taken by the Commission, Northern Ireland Government departments, public authorities from the education, further and higher education, health and local government sectors as well as other Northern Ireland, cross border and UK-wide public authorities, to promote the duties.

### **4.2 NI Central Government Departments**

This sector includes the eleven Government departments established under the Northern Ireland Act (1998).

#### **Areas of Progress Included in Reports**

#### **Strategic Implementation of the Section 75 Equality Duties**

- Most Government departments reported that equality objectives and targets are included in corporate and annual business plans.
- Further attempts to mainstream equality considerations into the Programme for Government were made with limited results.
- There was substantial evidence of departments working in partnerships with each other; with other public authorities; and with authorities in the voluntary and community sector.
- There was some evidence of delivery of initiatives to promote good relations.

## Screening and EQIAs

- In general the sections on screening and EQIAs in the progress reports were very disappointing. Many departments did little more than catalogue completed, current or future EQIAs.
- Screening is a fundamental part of equality mainstreaming but progress was poor. The Commission was extremely disappointed at the screening out of policies by departments without consultation. A number of departments indicated that further guidance and advice on the area of screening of policies and legislation would be useful. Revisions to the Guide to the Statutory Duty will address these concerns.
- There was little evidence to suggest that departments are taking active measures to inform consultees of the outcomes of screening exercises and EQIAs.

## Training and Communication

- Departmental reports restated the commitment to the seven training objectives specified in their approved equality schemes. Within the departments, there was a high degree of homogeneity in the extent and nature of training activities and communication strategies reported.
- Training and communication was one of the few areas where 'direct rule' was cited as not being beneficial in progressing equality issues.
- All departments reported that induction training for new staff contained elements on awareness of Section 75 and equality issues.
- There was considerable evidence that some departments have expanded awareness training beyond senior and middle management. However, further evidence is needed to indicate whether training is being evaluated or is effective.
- In general, Section 75 related training was found by participants to be useful and informative.

## Data Collection

- Departments undertook a combination of monitoring initiatives and research, both quantitative and qualitative, to supplement existing statistical and research information.
- The collection of monitoring information on political opinion and sexual orientation continued to be problematic. However, there were successful efforts by some departments to capture information on these categories. The Equality and Social Needs Research and Information Group (OFMDFM) and the Northern Ireland Statistics and Research Agency (NISRA) were advancing work to develop an information database for Section 75 purposes.
- Evidence that departments were establishing systems to monitor the future impact of policies that have been equality impact assessed was limited.

## Information Provision and Access to Services

- Many departments waited for central government guidance on making information accessible before preparing their own accessible information strategy. Departments also referred to their statutory obligations under the Freedom of Information Act 2000. It would appear that adherence to these obligations complements undertakings made in Departmental equality schemes.
- Most departments reported extensively on accessibility with respect to disability related issues and also reported actions on the use of alternative languages.

## Section 75 Complaints

- Two departments reported receiving formal complaints during 2002 - 03. In addition, one Department reported referring a complaint to the Commission from the previous reporting period.

## Consultation

- In the first instance it appears that all departments relied primarily on written methods. However, it is important to note that not one Department placed exclusive reliance on print and written methods and all evidenced the use of alternative consultation processes. The most frequent alternative methods cited include conferences, public meetings,

focus groups, meetings with Section 75 representative groups and, on occasion, either face to face meetings or telephone conversations with individuals.

- The progress reports included evidence of the use of pre-consultation and targeted consultation in an effort to lessen the burden on Section 75 groups and improve both the practice of and outcomes from consultation exercises.
- All Government departments cited their use of Information Communication Technology (ICT) in consultation exercises. The consultation published by OFMDFM in August 2002, 'Bridging the Digital Divide in Northern Ireland' suggests that there are equality implications and significant variations in the level of access to the Internet with respect to age, disability status and socio economic groups.

### **Outcomes and Impacts**

- Most departments gave an account of their activities rather than the impact of those activities. Regardless of reported tangible outcomes all departments clearly indicated that Section 75 has had in a very brief period (essentially two years since approval of schemes) positive impacts on the way they go about the cycle of policy planning, implementation and assessment as well as the delivery of services.
- The impact which Section 75 has had on Government departments can be characterised as falling under three broad headings:
  1. Increased awareness of equality considerations in the design, delivery and monitoring of policies and services. For example, DEL's Equality Unit regularly meets with those involved in assessments to monitor progress and to provide advice if needed.
  2. Increased engagement with Section 75 groups and the wider social economy. For example, DOE introduced revised consultation procedures and methods which led to the development of a more effective working relationship with voluntary, community and Section 75 groups.
  3. Changes and adjustments to policies and the associated delivery of services. For example, DHSSPS allocated an additional £1.5 million to Sure Start to increase access and address the findings of the Sure Start EQIA which pointed out the need to improve access for Travellers and other excluded groups.

### 4.3 Education Sector

The Education sector comprises the five Education and Library Boards (ELBs), the Council for Catholic Maintained Schools (CCMS), the NI Council for the Curriculum, Examinations and Assessment (CCEA), the Staff Commission for Education and Library Boards (SCELB) and the Youth Council for Northern Ireland.

#### Areas of Progress Included in Reports

- Continued implementation of a strategic and partnership approach to the Section 75 duties.
- Equality awareness training, screening training, EQIA training, refresher equality training and evaluation.
- Consultation Skills Training Package developed in partnership with Disability Action.
- Northern Ireland Council for Ethnic Minorities (NICEM)/Centre European Juif d'Information (CEJI) trans-national partnership project 'Anti-discrimination and Diversity in Action'.
- New employment monitoring system for the Education and Library Boards, which will gather quantitative information across the nine categories.
- Equality Consultation Guidelines, to be formally launched in April 2003.
- Review of access to information and services and follow-up actions taken.
- Implementation of a consultation strategy to facilitate groups/individuals to engage in decision-making, including a Travel Assistance Scheme.
- Information on impacts and outcomes (for example, the increased awareness of the needs of service users and the consequent/resultant improvements to services).
- Research into physical and attitudinal barriers to youth provision facing young disabled people in the Southern Education & Library Board area.
- Initiatives aimed at promoting good relations, such as the Youth Education Social Inclusion Partnership, the Traveller Support Services, the Schools Community Relations Programme and the Joint Equity and Interdependence (JEDI) Initiative.

## **Areas for further development noted by the Commission**

- In relation to progress on the EQIA Timetable being taken forward by Education authorities with the Department of Education the Commission wishes to ensure that they properly inform consultees about EQIAs that have been postponed or deferred, and give an explanation for such decisions.

### **4.4 Further & Higher Education**

The Further and Higher Education sector comprises 16 Colleges of Further Education and five Universities.

#### **Areas of Progress Included in Reports**

- Strategic and partnership approach to the implementation of the Section 75 duties, co-ordinated for the Colleges of Further Education by the Association of Northern Ireland Colleges (ANIC) and by the Higher Education Equality Consortium for the universities.
- Equality awareness training, screening training, EQIA training and evaluation of this training. An Equality Training Officer was appointed to oversee the strategic development and management of equality training throughout the Further Education sector.
- The Good Relations Training Programme, Actioning Good Relations, Equity and Equality (AGREE), was accredited by the NI Open College Network. This programme aims to build capacity within the Further Education sector by training staff to become trainers in the areas of race, religion and political opinion.
- A Further Education Equality Newsletter was developed; this is distributed to staff and consultees twice a year.
- A Communication Plan, developed by ANIC, outlines how the various aspects of implementing the equality duties should be communicated to those involved and to those affected.
- A new Management Information Systems (MIS) for the further education colleges is being developed so that data can be collected on all of the Section 75 equality categories.

## Areas for further development noted by the Commission

- Universities should provide more information on implementation of the good relations duty.
- The process of screening by the Higher Education Sector has been lengthy. In addition progressing of EQIAs has been slow within the Further Education sector.

## 4.5 Health

The Health and Social Services Sector (HSS Sector), comprises the Department of Health Social Services and Public Safety (DHSSPS), four Health and Social Services Boards covering the North, South, East, and Western areas, four Health and Social Services Councils, 19 Health and Social Services Trusts and 11 Health and Social Services Agencies.

## Areas of Progress Included in Reports

- The Health and Social Services sector has made steady progress in the period under review.
- The development of collaborative working arrangements at regional, area and local levels has helped to ensure consistency in screening, Equality Impact Assessment, and consultation.
- There was a structured and systematic approach to implementation, with key organisational structures being put in place.
- There was evidence of development of partnerships with the voluntary and community sectors, to assist implementation of the duties.
- More innovative, structured and targeted approaches to consultation were being developed and implemented.
- Good practice reviews were being used as a means of identifying practical actions that can be delivered promptly to address the specific needs of service users.

## **Good Progress was being made in:**

- Improving the accessibility of information and services.
- Section 75 training and communication.
- Data capture and analysis.

## **Areas for Further Improvement noted by the Commission**

- There was a lack of information on promotion of the good relations duty.
- There is a need for more detail to be provided on the screening of new/revised policies, particularly the level of consultation that takes place.
- The sector should ensure that the Regional EQIA timetable is progressed on time.
- There is a need for health sector organisations to be more specific about their precise input to DHSSPS led initiatives, including the Regional EQIA programme.
- There should be further consideration of “local” EQIAs that may be required by individual health authorities.
- There should be further progress in terms of data collection and analysis, and monitoring.

## **4.6 Local Government Sector**

The local government sector comprises 26 Local Councils, the Local Government Staff Commission (LGSC) and the Northern Ireland Local Government Officers Superannuation Committee (NILGOSC). Equality Schemes for all 28 authorities were approved by the Commission between April 2001 and January 2002.

## **Areas of progress noted in Reports**

- Progress by the local government Sector was generally slower with some councils far behind most authorities in submitting annual reports on progress. The need for Council approval of reports prior to submission should not be seen as an opportunity to delay submission to September or thereafter.



- There has been good progress in the strategic implementation of the statutory duties in the local government sector. More than three-quarters of these public authorities have incorporated objectives and targets relating to equality of opportunity and good relations into corporate and business plans. All of the authorities in this sector report progress on implementation to senior management level, and nearly half also report regularly to Council level.
- There was evidence of the development of equality officer and public authority networks. The initiation of informal networks between neighbouring Councils indicates equality officers' desire to share information and experience.
- Considerable work had been carried out in respect of good relations, including community relations programmes.
- All but one of the local government authorities which reported had completed screening and developed EQIA timetables. In total, 80 EQIAs had been begun, conducted or completed in the April 2002 - March 2003 period.
- Provision of general awareness training for all staff, and specialist training for those with specific Section 75 duties, such as responsibility for conducting EQIAs was widespread.
- There have been some interesting examples of training initiatives, such as the development of a Section 75 test and the use of a business model approach. There were also some good examples of the involvement of affected groups in the design and delivery of training.
- The local government sector acknowledged the importance of training for elected members, sixteen local government authorities reported the provision of Section 75 training to Councillors, and a further three plan to do so.
- Most Councils have put mechanisms in place to internally communicate Section 75 activities and progress made.
- Some Councils provided details of proactive external activities to communicate and promote their statutory duties, including holding conferences, making presentations on the implementation of the duties, and including information on the duties in speeches and corporate publications.

- Most of the organisations in this sector have put systems in place to ensure the availability of information in accessible formats, and are also reviewing physical accessibility arrangements.
- A wide variety of initiatives and mechanisms are being used to collect monitoring data and relevant information. However, it is clear that gaps remain in relation to some of the Section 75 categories.
- Four complaints were reported. Most local government authorities reported that complaint procedures are set out in their equality schemes. However, a few have integrated Section 75 complaint procedures into general complaint mechanisms.
- The most commonly used methodology for consultation was by mail shot. However, a number of other methods of direct contact with consultees, including consultative fora and focus groups, were also used. There was also significant reporting of attempts to address consultation fatigue and overload. One of the more successful ways of doing this was by consulting on similar policy issues with the same target group at the same time.
- Writing to consultees to invite expressions of interest or requests for full documentation appeared to be a popular method of reducing the consultation burden.
- The main impact of Section 75 was the raising of awareness of equality issues, and the integration of equality of opportunity and social inclusion considerations in policy development and decision-making processes. It was thought that the setting of equality objectives helped shape service delivery and access to services.

### **Areas for further improvement noted by the Commission**

- There was little evidence of Councils joining together to conduct EQIAs or address other aspects of the duties, such as the collection of data.
- By the end of March 2003 three Councils had not undertaken any EQIAs to date, though reports indicated that practical plans had been made to take these forward.
- There had been some slippage in EQIA timetables, mainly due to reprioritising policies, but in some cases because assessments have taken longer than anticipated, or because programmes were halted to provide adequate training to those conducting EQIAs.

- There was a small but encouraging amount of interest in conducting joint consultation exercises, but a low level of this actually taking place.
- There was little evidence of outcomes in the form of policies being amended or reviewed in order to remove or mitigate adverse impacts. Some examples of practical outcomes for members of affected groups included greater leisure provision for older people; acceptance of grant applications from groups representing older people and special needs groups which had previously been disallowed; removal of a requirement to hold a bank account to avail of commercial use of land; action to increase low participation of young people in the workforce.

### **4.7 Other Northern Ireland and Cross Border Public Bodies**

Forty-five public authorities (subject to Section 75 of the Northern Ireland Act 1998) have been grouped as "Other Northern Ireland and Cross Border" public authorities for reporting purposes. These include the Northern Ireland Office (NIO), significant regional non-departmental public authorities such as the Northern Ireland Housing Executive (NIHE) and a variety of other authorities with specific sectoral remits e.g. the Health and Safety Executive of Northern Ireland (HSENI). Due to the size of this combined group, information has been grouped relating to Non Departmental Public Bodies (NDPBs) and the NIO/associated authorities (including administrative and criminal justice authorities).

#### **Areas of Progress Included in Reports**

- Development of collaborative working arrangements between authorities.
- Development of partnerships with the voluntary and community sectors.
- More innovative, structured and targeted approaches to consultation.

#### **Good Progress was made in:**

- Improving the accessibility of information and services.
- Section 75 training and communication.
- Data capture and analysis.
- EQIA programmes.

## Areas for Further Improvement noted by the Commission

- Need for increased promotion of the Good Relations Duty.
- Need to ensure screening identifies policies with the greatest equality implications.
- Need for more targeted and participative consultation.
- Need to provide greater detail on the ongoing screening of new/revised policies, particularly the level of consultation that takes place.
- Need to involve Section 75 groups in the development and delivery of training.
- Need for further progress on data collection and analysis, and monitoring.

### 4.8 UK Wide Public Authorities

Twenty five UK wide Government departments, referred to as the 'UK authorities', are designated for the purposes of Section 75. These include for example the Inland Revenue, Department of Trade & Industry and various lottery authorities.

#### Areas of progress included in Reports

- During 2002 - 03 three UK authorities incorporated the Northern Ireland duties into national corporate strategic frameworks and annual operating plans. In the previous year five have taken this step.
- By the end of March 2003 ten UK authorities had screened policies and finalised their EQIA programmes. Two undertook four EQIAs by the end of March 2003. During 2003 - 04, nine plan to progress twenty four EQIAs. This represents a significant improvement in implementing statutory equality requirements.
- There has been further progress on training and communication initiatives. For example the Community Fund identified and commenced work with affected groups to address a lack of training resources on sexual orientation. DTI and Inland Revenue used IT solutions to enhance training and awareness-raising.

- Over the past year lottery authorities have reported substantial progress on monitoring. The Inland Revenue set organisational targets and tied certain monitoring developments with the requirements of its Race Relations scheme.
- The Commission took steps to assist UK authorities (many of which have no actual offices in Northern Ireland) by organising a series of network events. These events incorporated advice from the Commission and sharing of good practice examples by a number of UK authorities.
- A range of UK authorities reported a number of impacts and outcomes. Amongst these the British Council reported details on staff appraisal and senior management progression, both policy areas identified during screening for EQIA.

### **Areas for Further Improvement noted by the Commission**

- Few UK authorities made sufficient progress on monitoring and development of systems to supplement available statistical and qualitative research. Some reports indicated progress was delayed pending Commission guidance on this issue.

## 5. Progress on Section 75 Implementation by Public Authorities

### 5.1 Government Departments

**This Sector includes the following Government departments:**

Department of Agriculture and Rural Development (DARD)  
 Department of Culture, Arts and Leisure (DCAL)  
 Department of Enterprise, Trade and Investment (DETI)  
 Department of the Environment (DOE)  
 Department of Health, Social Services and Public Safety (DHSSPS)  
 Office of the First Minister and Deputy First Minister (OFMDFM)  
 Department of Education (DE)  
 Department for Employment and Learning (DEL)  
 Department for Social Development (DSD)  
 Department for Regional Development (DRD)  
 Department of Finance and Personnel (DFP)

### Strategic Implementation of the Section 75 Equality Duties:

**5.1.1** In the year 2001 - 02, many Government departments reported that equality objectives and targets were included in both corporate and annual business plans. Describing progress during year 2002 - 03, most Government departments reported that objectives and targets relevant to the statutory duties were included in both corporate and annual business plans, public service and service delivery agreements.<sup>1</sup>

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<sup>1</sup> In December 2002 the Secretary of State published *Building on Progress: Priorities and Plans 2003 - 2006* outlining Government plans and priorities for Northern Ireland for the 2003/04 financial year and beyond. This document includes a Public Service Agreement (PSA) for each of the Northern Ireland Departments. These Public Service Agreements set out the main outcomes that departments are working to deliver with the resources available to them. They are a key accountability tool as they are a crucial link between policy priorities and budgets.

A Service Delivery Agreement sets out how each Department will deliver the objectives and targets set out in its Public Service Agreement. Whereas a Department's Public Service Agreement sets out the high level targets for delivering our objectives, the Service Delivery Agreement provides some detail on how objectives and the high level PSA targets will be achieved. Collectively, the Public Service Agreement and Service Delivery Agreement describe the outcomes and outputs the Department is working to achieve from the resources allocated to it.

**5.1.2** The implementation of the Section 75 commitments was a standard agenda item for board and senior management meetings. In most instances these meetings ran on a quarterly basis with reports submitted to the relevant Government Minister. It is worth noting that those Departmental reports that did refer to the collapse of the Executive in October 2002 all underlined ongoing ministerial commitment to Section 75 duties. While further attempts to mainstream equality considerations into the Programme for Government were made this is an area for further development. The Commission is dissatisfied with the strategic implementation of the duties in this regard.

### **Partnerships with other public authorities and the Community/Voluntary Sector**

**5.1.3** All Government departments noted their membership of two key authorities: the Equality and Social Needs Steering Group (ESNSG) and the Equality and Social Needs Research and Information Group (ESNRIG).

**5.1.4** The ESNSG Group is chaired by the OFMDFM Director of Equality, Human Rights and Community Relations and its members are senior representatives of departments.

**5.1.5** ESNRIG promotes cross-Departmental collaboration and data sharing and the exchange of experience, expertise and methodologies. This group is chaired by the Northern Ireland Statistics and Research Agency (NISRA), with the support of OFMDFM Research Branch. It includes professional statisticians from all Northern Ireland departments and the Northern Ireland Office, along with representatives of the Equality Commission and the Northern Ireland Council for Voluntary Action (NICVA).

**5.1.6** DHSSPS cited its partnership work with the Commission, on race discrimination issues.

*“The Department in partnership with the Equality Commission developed ‘Racial Equality in Health – A Good Practice Guide’ which was aimed at helping health and social service staff recognise the particular health needs of black and minority ethnic communities. The Guide was launched for consultation on 25 March 2002 by the then Minister for Health, Social Services and Public Safety, Ms Bairbre de Brún and Mrs Joan Harbison, the Chief Commissioner of the Equality Commission”*

### 5.1.7 Examples of partnership between departments and Section 75 groups included:

- DE's work with NICEM to deliver an Anti-Discrimination Training Programme;
- DEL's funding of an initiative through LearnDirect that was used to support four successful ESOL (English for Speakers of Other Languages) projects where LearnDirect centres worked closely with the Mid Ulster Chinese Community Association, The Chinese Welfare Association in Belfast, The Indian Community Centre, The Belfast Islamic Centre and the Centro Portuguese in Dungannon. These projects provided the opportunity for individuals from these ethnic communities to maximise their personal potential and to play a fuller part in Northern Ireland society.

### 5.1.8 Partnerships existed in formal or informal frameworks. For example DSD stated:

*“Officials across the Department already operate many other informal and formal arrangements whereby they interact with representatives of the voluntary and community sector in relation to policy development and service delivery issues. In particular, the Social Security Agency has a policy of co-operation with groups who represent their customers and over the past two years has collaborated extensively with a number of voluntary groups in producing publications or organising events. Although many relationships would have been operating before the Section 75 duties came into effect, the statutory duties add another dimension to the relationship”.*

### 5.1.9 A number of departments did not make specific comment on factors that enhanced or impeded the process of strategic implementation. Of those who did, factors that enhanced strategic implementation included:

- Quarterly progress reports submitted to the Minister and Departmental Board which were a useful means to monitor progress and attainment of targets and objectives.
- Commitment by the Executive continued by Direct Rule Ministers to ensure implementation of the statutory obligations.
- Personal commitment of the Head of the Northern Ireland Civil Service (NICS) and the Second Permanent Secretary.



**5.1.10** Factors which impeded strategic implementation included:

- Difficulty in carrying out an EQIA on those high level strategic policies where the details regarding implementation and delivery have yet to be finalised (DSD).
- Limited support and understanding by the outside consultants which some departments used.

**Good Relations**

**5.1.11** In January 2003 OFMDFM issued a major consultation on good relations, 'A Shared Future'. All departments reported that further progress on rolling out the good relations duty was contingent upon the outcome of the 'A Shared Future' consultation which ended on 30 September 2003. DEL, DE, DCAL, DSD in association with OFMDFM have established a cross-departmental Community Relations Steering Group to develop and implement a strategy following the consultation. In addition, some departments noted that they are awaiting further guidance from the Commission on implementing the good relations duty.

**5.1.12** There was some evidence of delivery on the ground of innovative initiatives to promote good relations. For example:

In partnership DCAL and DE continued to support the Verbal Arts Centre in Londonderry, a cultural resource that promotes written and spoken creative expression through arts activities and education programmes. The DE funding is provided through its community relations programme for work specifically earmarked to promote good relations through art and education between people of different religious belief, political opinion or racial group.

**5.1.13** As an example of its promotion of good relations DEL cited its work with the Employability Taskforce:

*The Department responded to the West Belfast and Greater Shankill Taskforces in December 2002, when the Employability Taskforce report was published and the Minister announced that the Targeted Initiatives would be piloted in West Belfast, Greater Shankill, Londonderry and Strabane.*

- 5.1.14** DENI cited a number of programmes funded by the Department and provided by the voluntary sector whose objective is to improve and enhance community relations. These included the Community Relations Core Funding Scheme, the Schools Community Relations Programme and the Youth Service Community Relations Support Scheme.
- 5.1.15** Finally, with respect to drivers and impediments, in previous progress reports a number of departments had cited consultation fatigue as one of the impediments to the strategic implementation of Section 75. Reference to consultation fatigue does not occur in any of the 2002 - 03 progress reports.

## **Screening & Equality Impact Assessments**

- 5.1.16** All departments provided an inventory of EQIAs initiated during 2002 - 03 and timetables for EQIAs planned in the future.
- 5.1.17** In completing this section many departments did little more than catalogue completed, current or future EQIAs.
- 5.1.18** DARD reported that in April 2002 screening guidance and screening forms (outlining the main considerations for screening of new and developing policies against Section 75 criteria) were issued to all business areas within the Department. Completed screening forms are returned to the Head of Corporate Policy Division for monitoring purposes.
- 5.1.19** DETI reported that in order to enhance the process of policy screening and assist Divisions determine whether a new policy/piece of legislation requires an EQIA, a detailed screening form has been developed based on the Equality Commission's four core questions, but offering staff a broader and more structured framework. This was piloted initially in legislative Divisions where much of the legislation is technical, and has enabled DETI staff to assure themselves that should there be any equality aspects these have been identified. It is the form now used throughout DETI and associated NDPBs to assist consideration of how new policies and legislation might impact on equality of opportunity.

## Outcomes from screening included:

*DARD consultees were informed of the outcome of the initial screening exercise on the DARD Restructuring proposals in response to the O'Hare Review of the arrangements for the provision of agri-food education and R&D in Northern Ireland.*

*DCAL decided to publish and inform consultees of the outcome of policy screening on a six-monthly basis during 2003 - 04. The first screening report for the period 1 October 2002 to 31 March 2003, was published in June 2003.*

**5.1.20** Those reports that did address the issue of informing consultees of screening outcomes, the comment below indicates the most prevalent method reported:

*“At present, consultees are generally informed of the outcomes of screening exercises by way of associated policy consultation documents and the Department’s Annual Progress Report provided to the Equality Commission”.*

## Enablers and Impediments

**5.1.21** Only a few departments commented on enablers and impediments. Factors mentioned included the involvement of equality working groups, equality units and the sharing and circulation of information among senior management:

*“Good practice in EQIA is disseminated through the series of interdepartmental groups which meet regularly to discuss issues of mutual concern, such as Equality and Social Needs Steering Group, Equality and Social Need Research and Information Group, and Equality Practitioners meetings”.*

**5.1.22** It is worth noting that active engagement and communication with consultees can yield dividends for the organisation. As a result of its extensive consultation on the initial EQIA programme (2001- 03), the DHSSPS and its family of organisations agreed to undertake a series of Good Practice Reviews. Their purpose was to address specific pressing issues, stimulate prompt and positive action, and help mainstream equality awareness amongst staff.

**5.1.23** The Department stated the reviews were capable of providing recommendations and practical action that can be implemented promptly where it can address the specific needs of patients, clients and service users.

## Training and Communication

**5.1.24** Departmental Reports re- stated the commitment to the seven training objectives specified in their approved equality schemes. There was a high degree of homogeneity in the extent and nature of training activities and communication strategies reported.

## Induction Training and Equality

**5.1.25** All departments reported that induction training for new staff contained elements on awareness of Section 75 and equality issues. For example, DEL reports:

*“Section 75 induction training for new entrants to the Department at all grades has been modified to include an equality presentation. More time has been allocated for this training to ensure new entrants are aware of their responsibilities under Section 75. Equality Unit staff work closely with Staff Development Branch to ensure this training is evaluated fully to continue to meet the needs of staff and the Department”.*

## Training Practice and Methods

**5.1.26** Many departments reported the delivery of training to relevant staff on EQIAs and to a lesser extent on consultation. For example:

### **DFP**

Additional specialist training on EQIAs and screening was provided for equality practitioners in DFP but a review of the training plan is in hand to provide courses on consultation and diversity. We will also assess the needs of specialists. We have been encouraged by the generally positive feedback from equality training to date.

## Awareness Training

**5.1.27** In the earlier reporting period training and awareness programmes in Government departments had been developed primarily for senior and middle management. This year's reports showed considerable progress by some departments in providing awareness training to a wider range of staff. In some instances this expansion of awareness training beyond senior and middle management was accomplished by the use of internal communications including emails and staff magazines. For example, the DHSSPS reported that:

*“The Evaluation and Equality Unit in partnership with the Department’s Personnel Development Branch issued (via E-mail) to all staff in the Department an equality awareness brief. The purpose of the brief was to provide all staff that have not received equality training with an introduction to equality”.*

**5.1.28** Similarly DEL reported that:

*“The Department has continued to raise and maintain awareness among other staff by means of internal communications such as the staff magazine, Departmental Core Brief, meetings, presentations to Branch ‘organisational development’ events”.*

**5.1.29** Disability was the most prevalent topic for issue specific awareness training. DARD reported that:

*“Focus (Disability Action) has provided a number of training courses e.g. Equality Impact Assessment, consultation and screening of policies. Royal National Institute for the Deaf (RNID) have also been involved with providing deaf awareness sessions for DARD staff”.*

## Partnership

**5.1.30** The sole explicit reference to partnership with Section 75 groups other than disability or race-based organisation was contained in the OFMDFM report:

*“Through its work on gender, disability, age, sexual orientation and children and young people departmental officials work in partnership with groups and organisations from these sectors. Through this work significant awareness and appreciation of the issues that affect the various equality groups has been developed”.*

## Evaluation

**5.1.31** All departments reported that evaluation was an integral part of the training process, with subsequent follow-up evaluations and ongoing review of materials to ensure currency and relevance of course content. Generally, Section 75 related training, of whatever nature, was found by participants to be useful and informative. (The comments below are indicative of the overall evaluation of training.) For example DOE reports:

*Awareness Training – “Positive feedback was received from those attending the course. The training was found to be relevant and useful. Trainers checked the understanding of attendees after each session. The content of the course was reviewed regularly and updated to ensure that the training material remained current”.*

## Data Collection

**5.1.32** In earlier progress reports Government departments described significant first steps to supplement available research and statistics. In those reports all departments underlined their participation in the NISRA-led audit of existing data sources. The results of this exercise have been updated and included in the Commission’s ‘Revised Practical Guidance on EQIA’.

**5.1.33** In 2000 - 02 five departments detailed steps taken to develop monitoring systems regarding access to information and services to ensure equality of opportunity. From the 2002 - 03 reports it appears that departments, having viewed this issue as integral to their equality strategies, have made considerable progress on monitoring. A number of departments have begun, where appropriate, to monitor participants/customers by some of the Section 75 categories; political opinion and sexual orientation being thus far the most problematic to monitor.

**5.1.34** Departments undertook a combination of monitoring initiatives and research, both quantitative and qualitative, to supplement existing statistical and research information. In this respect the report from DARD is of particular note.

DARD's Rural Development Division commissioned a Needs Analysis for Rural Women. The Department worked with the Women's Resource Development Agency and the Rural Women's Networks in completing the Needs Analysis. Identified needs were wide-ranging and cut across the remits of Government departments. Accordingly, the needs analysis has been made available to all Government Departments.

**5.1.35** One of the themes in Departmental reports is the lack of guidance on monitoring sensitive issues such as political opinion and sexual orientation. One Department stated that:

*“One major factor, which impedes the process of data collection and analysis is the need for precise definitions within the Section 75 Groups. Age is clear, as are some of the other categories, but there is a need for clear definitions of, for example, “political opinion” ... Such guidance is essential before detailed data collection can proceed”.*

**5.1.36** Some efforts to capture information on sexual orientation and political opinion were successful. DCAL commissioned qualitative research into 'barriers to participation in culture, arts and leisure', and received the final report at the end of the year. The report includes data relating to the following Section 75 categories: people with disabilities; people from the LGBT community; older people; people with dependants; people from the nationalist community; and people from the unionist community.

## Monitoring Systems

**5.1.37** The evidence that departments are establishing systems to monitor the future impact of policies that have been equality impact assessed is limited. DEL reported that:

*“... once a policy has been equality impact assessed the Department will, if practicable, amend the data collection systems currently in place in order to meet the requirements of Section 75. The Department will also continue to collect data on and monitor the occupancy of all of its major programmes and services. The results from this will be published each year in the Labour Market Bulletin”.*

**5.1.38** DETI acknowledged that there was limited data on the equality groups across a number of DETI policy areas. The Department reported:

*“Given the nature of these policies, detailed statistical monitoring across all Section 75 groups may not be appropriate but discussions with relevant Section 75 groups to assist consideration of how best to assess impact will continue”.*

**5.1.39** DHSSPS evidenced active and concrete endeavours to implement comprehensive and serviceable monitoring systems. The Department's Equality Information Steering Group (EISG), which was established in February 2001, continued to meet regularly. A report from three working Sub-Groups of the EISG was completed and presented to EISG in May 2002. The report found that good quality information was available across a wide range of systems for age and gender, but it is sparse for marital status, religion, racial group and disability and almost non-existent for dependants, political opinion and sexual orientation.

DHSSPS has also developed guides on the availability of equality information in order to address the need for service-use information specific to each of the nine equality categories. These guides aim to ensure that information which is already available is used to optimum effect.

Although the guides are primarily targeted at policy makers, professionals and others tasked with taking forward EQIAs in the area of health and social services, it is hoped that they will be of value to a wide range of stakeholders. The guides which will be updated on an ongoing basis, are available on DHSSPS web site at:

<http://www.dhsspsni.gov.uk/stats&research/guides.html>



## Information Provision and Access to Services

- 5.1.40** Many departments waited for central government guidance on making information accessible before preparing their own accessible information strategy. Specifically, DCAL reported that this will be done during 2003 - 04 as part of a Departmental customer charter.
- 5.1.41** Many departments referred to their statutory obligations under the Freedom of Information Act 2000. It would appear that adherence to these obligations complements undertakings made in Departmental equality schemes.
- 5.1.42** Accessibility enhances the consultative/participatory aspects of Section 75. In short, it is a means to an end. DHSSPS is amongst a number of departments that recognised this dynamic:

*“The Good Practice Review on Access to Information has been completed. The HSSPS Equality Steering Group will, through the Department be consulting formally during the summer 2003 on the outcomes and recommendations it plans to implement in the near future, as set out in a comprehensive Guidance Note. The outcomes of this will assist the wider HSSPS to address information issues across the Section 75 groups”.*

- 5.1.43** With reference to arrangements made for accessible formats, most departments reported extensively on accessibility with respect to disability related issues. However, departments also reported pragmatic actions on alternative languages. Typical of this pragmatic approach is DSD which reported that:

*“An interpreter service for social security customers was introduced in the East Down District network of offices. This District Office also has available copies of the SSA Customer Charter in Chinese, Urdu, Punjabi, Hindi and Arabic”.*

All departments referred to consultative documents containing statements regarding alternative formats such as Braille or audiocassette are available on request. Although all departments reiterated their commitment to monitoring, reports of concrete developments in monitoring were limited. Of particular concern is the absence, in many reports, of any reference or discussion to monitoring the outcome of EQIAs.

## Complaints

**5.1.44** Two departments reported receiving a Section 75 complaint during 2002 - 03. In addition, one reported referring a complaint to the Commission from the previous reporting year.

## Consultation Methods

**5.1.45** In the first instance it appeared that all departments relied primarily on written methods. However, it is important to note that not one Department placed exclusive reliance on print and written methods and all evidenced the use of alternative methods. The most prevalent alternative methods cited included conference and public meetings, focus groups, meetings with Section 75 representative groups and, on occasion, either face to face meetings or telephone conversations with individuals. For example:

### **DARD**

DARD's main consultation method tends to be through written correspondence normally providing 12 weeks for responses to be submitted. Details of consultation exercises appear in the three NI daily newspapers as well as on the Department's internet site and the OFMDFM run central consultation Internet site. Consultees are invited to contact the Department via phone, text phone, and email or by letter. The Department offers face-to-face meetings and remains open and willing to explore any other method that suits consultees. A significant degree of DARD policies impact on the agricultural public and the Department has in place a well developed network of formal and informal contacts with industry representatives.

**5.1.46** Most departments noted that the development and maintenance of consultee databases was continuous and ongoing. For example:

### **DHSSPS**

The annual review last year involved each HPSS organisation undertaking consultation with organisations on its own consultation list resulting in duplication of effort and resources. To address this the Department, through the HSSPS Equality Steering Group, agreed to centrally coordinate the process via a single consultation list. The rationalised consultation list was used this year to issue letters of interest to some 3,500 potential consultees regarding the 2003 – 2005 EQIA programme, eliminating approximately 2000 duplicate pieces of correspondence. The Department is further developing the consultation list to improve its accuracy and identify preferred modes of communication, including the use of email.

The refined consultation list will be used in future consultation exercises by the Department and its family of organisations, and should provide a more efficient and effective use of available resources.

## Pre-Consultation and Targeted Consultation

**5.1.47** In the progress reports there is evidence of the use of pre-consultation and targeted consultation in an effort to lessen the burden on Section 75 groups and improve both the practice and outcomes of consultation exercises. For example:

### DCAL

As part of stages 1-3 of the EQIA on Belfast's bid to be European Capital of Culture, management consultants employed by the Department conducted pre-consultation with Section 75 groups using various methods, including targeted mailing, media advertisements and public meetings.

## Accessibility and alternative formats

**5.1.48** All Government departments reiterated the commitment contained in their equality schemes, to provide consultation materials in alternative and accessible formats. Although reports on consultation contained few specific references to alternative formats or minority languages, reading across from the section on communication and training, it would appear that departments' consultation was inclusive and accessible through the provision of non-print formats, alternative languages and other accessible formats. For example:

### DETI

A DETI advisory note to staff involved in consultation exercises states: *“Documents should be made widely available, within the fullest use of electronic means (though not to the exclusion of others), and effectively drawn to the attention of all interested groups and individuals. It should also state that the document is available on request in accessible formats, and arrangements for ensuring that consultees using alternative formats are given similar time-scales for responding should also be outlined”.*

## Information Communication Technology

- 5.1.49** All Government departments cited their use of Information Communication Technology (ICT) in consultation exercises. The development and use of information and communication technologies, in particular the Internet, are fundamentally changing the roles and relationships of governments, business, community /voluntary groups and individual citizens.<sup>2</sup>
- 5.1.50** Some departments reported that the new technology of e-mail, on-line discussions, and web-based information dissemination will lead to an increasingly informed, engaged, and therefore influential public. This would be an outcome consistent with the ethos of Section 75. However, while many embrace these developments with enthusiasm others warn of an increasing digital divide.
- 5.1.51** In order to encourage awareness of and debate about the digital divide OFMDFM published a consultation document 'Bridging the Digital Divide in Northern Ireland' (August 2002). The report contained a number of findings relevant to Section 75 groups and differential access to the internet. Citing findings from the 2001 - 02 Continuous Household Survey the paper noted that 78% of households in Northern Ireland do not have access to the internet and are "excluded from the advantages of the Information Age". Using the same survey data the paper declared that with respect to age, disability status and socioeconomic groups there are significant variations in the level of access to the internet.
- 5.1.52** Participation, engagement and inclusion underpin the statutory duties. The application of information technologies can be a powerful tool, which enhance these themes and, thus contributing positively to consultation exercises. However, the Commission would expect that public authorities, aware of the potential exclusionary aspects around access to ICT, situate the use of ICT within a wider set of consultation techniques and tools.

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2 Slevin, J. The Internet and Society, Polity Press, Cambridge, 2000

## Outcomes and Impacts

**5.1.53** The equality schemes of all Government departments were approved early in 2001. By March 2003 all departments had set in place various systems to implement and progress their Section 75 obligations. This effort and activity is welcomed. However, when reporting on impacts and outcomes many Department's have given an account of activities rather than the impacts of those activities. The DOE states the view that:

*“The Department considers it to be somewhat early in the EQIA programme to appraise outcomes”.*

**5.1.54** All departments indicated that Section 75 has had (in a very brief period; two years since approval of schemes), positive impacts on the way departments go about the cycle of policy planning, implementation and assessment and also in the way they deliver services. Even in the absence of reported tangible outcomes, equality is being mainstreamed to the benefit not only of different equality constituencies but to Government itself. As the DOE states:

*“Implementation of the Section 75 Statutory Duty has without doubt improved the way in which the Department undertakes its work”.*

**5.1.55** The impact Section 75 has had on Government departments may be characterised under three broad headings:

- Increased awareness of equality considerations in the design, delivery and monitoring of policies and services;
- Increased engagement with Section 75 groups and the wider social economy and (arising from these);
- Changes and adjustments to policies and the associated delivery of services.

**5.1.56** One of the core considerations in mainstreaming equality into policy making is the extent to which key staff develop an awareness of the potential equality impacts of actual or proposed policies. With the accumulation of organisational and individual experience and expertise an affinity with equality considerations should become innate and instinctive. Arising from the implementation of the statutory duties the examples cited below from the reports of Government departments are evidence of the developing awareness of equality issues.

**DEL**

*“The Department’s Equality Unit meets regularly with those involved in Assessments to monitor progress and to provide advice, if needed. It is clear, however, from these discussions that the Assessment exercise itself is not just about meeting the Section 75 requirements but has created a practical awareness and focus among staff that will contribute to more effective mainstreaming.”*

**DHSSPS**

In its policy review activity, the Department’s Evaluation and Equality Unit promotes the importance of equality considerations in reaching policy conclusions. This applies whether the work is carried out internally or by engaging external consultants. Directors are also encouraged to include equality considerations in the Terms of Reference for the projects.

**DOE**

*“The Department considers it to be somewhat early in the EQIA Programme to appraise outcomes. The most important results so far have been in the areas of developing awareness and the systems established to mainstream all aspects of equality across the Department. In drafting revised, or new policy or legislation, staff are encouraged to consider the need to deliver equality of opportunity and good relations better from the earliest stages and this is now embedded in the process as an essential element of policy formulation.”*

**DRD**

*“It is very early to assess the benefits and outcomes of the EQIA process; the Department’s EQIA Programme is only now gathering pace. Main outcomes so far have been in the measures taken to develop awareness and the systems put in place to mainstream equality consideration in all aspects of the Department’s work.”*

**DETI**

DETI has undergone an extensive training programme; made constant use of NISRA statisticians (as well as other statistical sources) to quantify and measure the impact of policies; consulted widely to gain qualitative data on issues that affect Section 75 groups; produced best practice guides for staff on equality communication and consultation; produced promotional literature for dissemination to staff; and had “equality” as a standard agenda at senior management meetings.

**DE**

*“It is not yet possible to fully assess the benefits to the nine Section 75 categories of the Departments policy development process. However, it is apparent that consideration of the equality agenda is now firmly rooted in the legislation and policy making process.”*

## **Increased engagement with Section 75 groups and the wider social economy**

**5.1.57** Experience in Northern Ireland and elsewhere show that questions of equality may become sidelined in organisations. All public authorities are committed to mainstreaming and to the consideration of measures to mitigate adverse impacts. However, mitigation will be ineffective without a complete and accurate assessment of the likely impact of policies on different Section 75 groups.

**DOE**

*“As revised consultation procedures have been introduced, a more effective working relationship has been developed with the voluntary, community and Section 75 Groups. These improved consultation methods have meant improved policy development and service delivery and a heightened awareness by Departmental staff of the needs of the Section 75 Groups, which has brought about genuine efforts to improve access to information and services.”*

**DHSSPS**

*“The Equality Impact Assessments of the Oral Health Strategy and General Dental Services have identified no evidence that the policies themselves have an adverse impact on any of the nine equality groups. However, the assessments recognise that qualitative evidence obtained from discussions with the voluntary sector suggests that in the delivery of the policies some groups may have difficulty accessing services, information and advice.”*

**OFMDFM**

*“As a result of the statutory duties, the Department has engaged early in the process of strategy/policy development with key stakeholders and has established mechanisms through which they can be involved, for example gender and sexual orientation reference groups such as, CoSO; Women’s Support Network; Women’s Rural Development Agency; Men’s Project, Race Forum, Children’s and Young Persons Forum, Age Sector Reference Group. Although this work is resource intensive, it has encouraged greater openness in the decision making process and has made the Department more effective in taking forward its work.”*

## Changes and adjustments to policies and the associated delivery of services.

**5.1.58** Section 75 requires the consideration of measures not only to mitigate identified adverse impacts but to also make those adjustments to policy that may promote greater equality.

**5.1.59** Extracts from Departmental progress reports provided evidence of implementation:

### **DRD**

Following the consultation process on the Regional Transport Strategy (RTS) Draft EQIA the Department agreed that research into the transport needs of disabled people should be considered as part of the Accessible Transport Strategy included in the RTS.

### **DCAL**

*“Screening of the policy to provide concessionary fishing permits, however, resulted in changing the qualifying age for older people. The qualifying age for men was reduced from 65 to 60, in line with existing sex discrimination legislation.”*

### **DOE**

As the result of an equality screening exercise carried out by the Road Safety and Vehicle Standards Division on their proposed Children’s Traffic Club aimed at pre school age children, certain policy changes are being considered, e.g., translating the letter of invitation to parents into their ethnic minority language, where appropriate.

### **DEL**

Work on EQIAs on Worktrack and Bridge to Employment helped to identify an under representation of specific groups and highlighted the benefits of consultation with representative groups. Those under represented on the programmes will be encouraged to participate in greater numbers through more effective marketing and communication initiatives.

### **DHSSPS**

An additional £1.5 million has been allocated to Sure Start to increase access and address the findings of the Sure Start EQIA... which pointed out the need to improve access for Travellers and other excluded groups.



The EQIAs for the Promoting Mental Health and Teenage Pregnancy and Parenthood Strategies, identified that more specific recognition needed to be given to the needs of particular vulnerable people (e.g. the need for a greater focus on young males in relation to suicide). This has now been taken account of in the further development of the Strategies and Action plans.

### **OFMDFM**

Northern Ireland is unique in having a Commissioner for Children and Young People. Where the post exists in other parts of the world he/she is the Commissioner for Children, however, it was input from young people during consultation that led to the name change here. That, in turn, led to how we define children/young people and rather than having set age brackets it is a continuum up to age 18.

## **Concluding Remarks**

**5.1.60** Commenting on the impact of Section 75 DARD stated:

*“These changes are relatively minor and lead the Department to question the return for our investment in all the detailed work involved in undertaking EQIAs”.*

**5.1.61** In a similar vein DARD stated:

*“Furthermore virtually all of the policies the Department has subjected to the EQIA process show that no substantive changes have been necessary to how the Department delivers its core business”.*

**5.1.62** Whilst a minority view, this particular perspective must be acknowledged. With time and support from the Commission, hopefully the benefits and results of Section 75 will become more tangible and obvious. However, the general consensus view to date is encapsulated by DSD when it stated that:

*“It is difficult to separate implementation of the Section 75 duty from ongoing improvements to policy and service delivery ... Section 75 does however provide a focus to formally consider the equality considerations when developing or revising policies and delivering services... The Department’s ultimate aim is to ensure that Section 75 is mainstreamed so that it is an integral part of the process of policy development and service delivery. There is much evidence of this being the case”.*

## 5.2 Education

**5.2.1** The Education sector comprises the five Education and Library Boards (ELBs), the Council for Catholic Maintained Schools (CCMS), the NI Council for the Curriculum, Examinations and Assessment (CCEA), the Staff Commission for Education and Library Boards (SCELB) and the Youth Council for Northern Ireland.

### Strategic Implementation of the Section 75 Equality Duties

**5.2.2** All of the education authorities were continuing to implement a strategic and joined up approach to implementing the Section 75 duties. They had all included equality objectives in their corporate and business plans and in individual job plans, as considered appropriate. The DE/NDPB Equality Liaison Committee, which is made up of representatives from the Department of Education, the Education and Library Boards and the other education NDPBs, continued to meet on a quarterly basis to share information and discuss progress on implementing the duties. In addition, the Staff Commission/Education and Library Board's Statutory Duty Co-ordinating Group continued to meet to share information and take forward the Section 75 work on an inter-Board basis.

### Good Relations

**5.2.3** Although none of the education authorities appeared to have developed a strategic framework for promoting good relations, the majority were taking forward a number of different initiatives aimed at promoting good relations. The Education and Library Boards in particular outlined a number of initiatives which they were involved in; for example, the Schools' Community Relations Programme, the Youth Education Social Inclusion Partnership and the Joined in Equity, Diversity and Interdependence (JEDI) initiative. The Youth Council and the Boards also outlined their intention to join with the Department of Education in undertaking an EQIA of community relations policy.

### Screening and Equality Impact Assessments

**5.2.4** The Staff Commission and Education and Library Boards adopted a two-stage approach to the screening process and published their final joint screening report in December 2001. CCMS published its screening report in July 2002. The Youth Council has committed to equality impact assessing all of its policies. CCEA issued its screening report for consultation in July 2002, with a closing date for

consultee comments in October 2002. The Staff Commission, Education and Library Boards and the other education NDPBs all agreed to join with the Department of Education in conducting EQIAs of wider policy areas as required.

- 5.2.5** During 2000-2003 no EQIAs were completed by any of the education authorities. To date, therefore, the education authorities have only been involved in one completed EQIA, i.e. the EQIA of the electronic libraries policy, which was completed in November 2001. Although the electronic libraries policy is a DCAL policy, the Staff Commission and Education and Library Boards were represented on the project team which carried out the EQIA.
- 5.2.6** The Staff Commission and Education and Library Boards have listed a further 12 EQIAs with which they were engaged, in collaboration with the Department of Education. These EQIAs were at various stages: two of them were at Stage 5, one was at Stage 4, one was at Stage 2 and the remaining eight were at Stage 1. The Boards listed a further four policies for EQIA in 2003-2004, two of which will be carried out in conjunction with the Department of Education.
- 5.2.7** The Youth Council, CCMS and CCEA had yet to complete an EQIA of any of their own policies. CCMS, however, outlines involvement in two EQIAs being conducted by the Department of Education. The Youth Council provides information on its involvement in the Department's EQIA of the policy 'To Promote, through the Youth Service, the Personal and Social Development of Young People.'
- 5.2.8** With regard to the screening of new policies, the Staff Commission and Education and Library Boards have agreed to issue a Supplementary Screening Report at the end of each financial year. These reports will identify any new policies which have been screened, the results of the screening and any resultant proposed changes to the Staff Commission/ELBs' EQIA timetable. Following consultation any decisions taken after consideration of the issues raised will be communicated to consultees.
- 5.2.9** A number of the education authorities stated in their reports that they have not been able to adhere to their EQIA timetables for a variety of reasons, including organisational changes and staffing problems. Several authorities also stated that they intended to review their EQIA timetables in 2003-2004, with a view to making them more manageable. We would emphasise the need to ensure that any such reviews of EQIA timetables are carried out with full consultation with affected groups.

## Communication and Training Provision

**5.2.10** The Staff Commission, Education and Library Boards, CCMS and the Youth Council have collaborated to provide a programme of Section 75 training for staff, Commissioners, Board members and Joint Negotiating Council members. They established a Working Group to design and produce equality awareness training materials. To date over 200 staff have received equality awareness training and feedback has been very positive, with 89% of staff stating that the aim of the course was 'well/very well' met. The Staff Commission also held screening workshops during which staff from the education sector were provided with practical guidance on screening. The Staff Commission intended to continue to hold these screening workshops as required.

**5.2.11** As the Department of Education and the other education NDPBs had decided to join in conducting EQIAs, they agreed that training linked to each EQIA would be conducted in an integrated way. The Statutory Duty Unit of OFMDFM made arrangements with the Government Purchasing Agency to produce a select list of consultants to provide EQIA training. Staff involved in the following EQIAs participated in this training:

- Pre-School Education Expansion Programme.
- Promotion of Good Community Relations among Young People.
- Home to School Transport.
- Promotion of Child Protection Policies and Procedures in Schools.
- Promotion for Inclusion for Pupil Groups in Danger of Educational Under-achievement.

**5.2.12** Feedback from these training courses has been very positive, with staff indicating that they found the training to be of practical value in increasing their understanding of the EQIA process.

**5.2.13** The Staff Commission and Education and Library Boards have developed, in partnership with Focus Consultancy Service (Disability Action), a training package on 'Effective Consultation'. The training, facilitated by Focus Consultancy, was piloted on an inter-Board/Staff Commission basis in June 2002 and the feedback received was very positive, with over 90% of staff rating the training as 'good/excellent.'

The Top Management Team, Business Managers, Senior and Professional Staff and the Statutory Co-ordinating Group of CCEA have received equality awareness and screening training. In addition, the Top Management Team, the Statutory Duty Group and staff involved in the Review of the Curriculum also received EQIA training. CCEA did not indicate in its report whether any of this training was evaluated. CCEA planned to roll out an equality awareness and Section 75 training programme to its entire staff over an 18-month period, commencing autumn 2002. It did not make clear whether its Board members will receive Section 75 training.

## Data Collection and Analysis

- 5.2.14** With regard to data collection and analysis, the Department, Staff Commission and Education and Library Boards adopted a collaborative approach. The main data sources which they used were the NISRA data sets, the Annual School Census and the Post Primary School Leavers Survey.
- 5.2.15** The Staff Commission and Education and Library Boards were in the process of developing an employment monitoring system which collects quantitative data across the nine Section 75 categories. This new monitoring system will be piloted by the BELB towards the end of 2003.
- 5.2.16** The Youth Council developed a geographical information system to gather youth service data and display it on a geographical basis, rather than presenting statistical summaries. The Education and Library Boards are providing the Youth Council with statistical data on various characteristics of both voluntary registered and controlled youth groups. Data relating to perceived religious affiliation, age, gender, disability and ethnic origin is being collected. This data can then be geographically analysed to identify gaps in youth service provision, in order that resources can be allocated more effectively and to assist in the development and planning of such services. This is the first co-ordinated attempt to collect data in the youth service. "Barometer 2001", a Youth Council publication, uses some of the statistics from this GIS, and provides the Council and other public authorities with an up to date and convenient collation of youth service statistics. Barometer 2001 has also proved to be a valuable resource in respect of EQIAs.

**5.2.17** CCMS states that its IT systems are being revised to collect a range of statistical data, which will enhance the availability of information for screening and equality impact assessments. CCMS also indicates that it has carried out a customer satisfaction survey to determine the level of satisfaction amongst customers using the Council's services.

**5.2.18** CCEA has begun to identify areas where there is insufficient data/information to inform decision-making and it states that questionnaires which are sent out to schools have been modified to gather information on a number of additional categories.

## **Information Provision and Access to Services**

**5.2.19** The Staff Commission and Education and Library Boards have developed Equality Consultation Guidelines which provide practical advice for staff involved in consulting with or providing information to young people or people with learning difficulties. These Guidelines were consulted upon widely and the final version was published in early 2003. In addition to producing these Guidelines, the Staff Commission and ELBs have put arrangements in place to facilitate requests for information on disc, audio cassette and Braille and the provision of translation/interpreter services.

**5.2.20** The Youth Council has also published guidance on consulting with and providing information to young people. In addition, it is involved in a UK-wide project called 'Taking the Initiative - Promoting Young People's Involvement in Public Decision Making in the UK', in cooperation with the Carnegie Trust. The Council states that its involvement in this initiative has helped it to refine its approach to consulting with young people.

**5.2.21** CCMS referred to improving access to its information and services through its enhanced website development, which is aimed at increasing the accessibility of information on the Council's services, policies and procedures.

## **Complaints**

**5.2.22** One of the Education and Library Boards reported having received a total of five Section 75 complaints. Three of these complaints related to disability, one to gender and one to religious belief. The Board outlined how these complaints were dealt with and resolved.

## Consultation

**5.2.23** The Staff Commission, Education and Library Boards and the Youth Council all had a consultation strategy in place to facilitate the engagement of individuals and groups affected by existing and proposed policies in the decision-making process. The strategy provided for:

- the circulation of consultation documentation to consultees with response pro forma documents to facilitate written feedback;
- the publication of consultation documents on the website;
- the organisation, as appropriate, of public meetings;
- the organisation of regional meetings in partnership with key groups.

**5.2.24** Details of all public and regional events and the individuals/groups who participated in them are published. Participants are advised in advance of all meetings that requests for assistance to ensure full participation, including any communication, transport or access needs will be considered. In addition the Staff Commission/Boards have developed a Travel Assistance Scheme.

**5.2.25** All feedback, written and verbal, at local and/or regional levels is shared and taken into account by each Board and the Staff Commission. Given the decision to join with the Department of Education and other NDPBs in the education community, the Department of Education participates in some regional events and all information received is shared within the education community. Feedback is provided to consultees on decisions made.

**5.2.26** Equality Consultation Guidelines which provide practical advice to Staff Commission/Board officers on how best to communicate information to young people and people with learning disabilities have been developed. An associated training package has been developed in partnership with Disability Action.

**5.2.27** Generally feedback from consultees on the co-ordinated approach to consultation has been positive and has opened up further opportunities for joint working e.g. Consultation Skills Training Package developed and delivered in partnership with Disability Action and the NICEM/CEJI trans-national partnership project 'Anti Discrimination and Diversity'.

## Impacts and Outcomes

**5.2.28** According to the education authorities, the fact that equality proofing, now an integral part of policy formulation, is an outcome of the implementation of the Section 75 duties. The education authorities also state that the implementation of the duties has resulted in an increased awareness of the needs of service users, which in turn has led to improvements in service delivery.

**5.2.29** The education authorities refer to the mitigating measures that have been put in place, as a result of EQIAs, as outcomes. These included for example:

The EQIA of the policy to promote, through the Youth Service, the personal and social development of young people. This EQIA identified that there is a lower uptake of services across the following equality categories:

- Age - 19-25 year olds tend to opt out of “youth club” type activities.
- Race - young ethnic people do not access local youth provision for fear of rejection, lack of understanding and abuse.
- Gender - lesbians, gays, bi-sexual and transgender people feel marginalised and “not welcome”.
- Disability - screening of the main Youth Service activities has identified that not many people with a disability are known to be involved.
- Dependants - many young carers feel they have a duty to care. This makes it difficult for them to have a social life and they feel excluded from normal teenage liaison activities.

**5.2.30** In response to these findings, the education authorities, in conjunction with the main stakeholders, introduced a range of pilot projects which they believe will be stepping stones to the elimination of any adverse impact for these equality categories. Pilot projects involving the following organisations are currently underway:



- North Eastern Education and Library Board Youth Service in partnership with Mencap.
- South Eastern Education and Library Board Youth Service in partnership with Phab.
- Western Education and Library Board Youth Service working with young Travellers.
- Southern Education and Library Board Youth Service looking at rural isolation.
- Belfast Education and Library Board Youth Service working with the Deaf Youth Association and also considering youth counselling and city centre initiatives.
- YouthNet considering issues around gay and lesbian young people.
- Youth Council for Northern Ireland working with ethnic minorities.

It is anticipated that these pilot projects will provide substantial qualitative and quantitative data and the learning experience will be shared.

**5.2.31** The EQIA of the 'Code of Procedures for Recruitment, Selection and Promotion and the Internal Trawl' identified the following issues:

- the potential barrier to the promotion of equality of opportunity of the internal trawl procedure (race; disability; gender; religion; dependants);
- the potential adverse impact on a number of Section 75 categories, namely gender, disability and dependants, of the use of a minimum service requirement when applying for promotion posts; and
- the need to consider more specific guidance on job requirements, eligibility criteria and assessment arrangements.

**5.2.32** The Staff Commission/Boards proposed a range of positive measures, which they believe will eliminate any adverse impact for the equality categories. These measures include:

- a significant reduction in the number of posts advertised through the Internal Trawl Procedure;
- removal of the eligibility requirement that staff with less than six months' continuous service in a permanent capacity cannot apply for promotion to a higher graded post;
- removal of the eligibility barrier in relation to internal trawls for staff on temporary, fixed term contracts and/or Employment Support Scheme;
- incorporation of a number of substantive changes to further develop good practice and thereby promote equality of opportunity; and
- provision of comprehensive training to panel members.

**5.2.33** The EQIA of the Electronic Libraries for Northern Ireland policy recommended a number of actions to mitigate any adverse impact of the policy in respect of political opinion, race, age, gender, marital status, sexual orientation, disability and dependants. Monitoring systems put in place as a result of this EQIA included:

- the establishment of an Intelligent Customer Unit which develops and operates systems and procedures to monitor impact and recommends service improvements;
- an Electronic Libraries Benefits Realisation Plan which includes a section on equality and sets out the benefits of the project and how and when these will be measured. The Contract Executive receives updates on the achievement of benefits from the Intelligent Customer Unit;
- the project's new management information system, which will provide much improved access to information on library users and the use made of libraries; and
- the boards will include questions on equality issues in the national annual Public Library User Survey.

- 5.2.34** Another outcome from the implementation of the duties within the education sector related to access to services. One of the Boards was carrying out a disabled access audit of its estate, with a view to identifying the scale and nature of the improvement works required to better meet the needs of people with disabilities.
- 5.2.35** CCMS had not yet completed any EQIAs and stated, therefore, that it was too early to report any outcomes. It maintained, however, that all of its policies will be equality proofed using the procedure outlined in the Commission's Guide to the Statutory Duties.
- 5.2.36** The Youth Council also stated that as it has not yet completed any EQIAs it is too early to report any outcomes. However, it pointed out that the parallel processes of EQIA and the JEDI initiative had been mutually beneficial to the Council, with each approach informing the other and improving the prospects for the eventual outcome of EQIAs. The Council added that these processes will result in a fundamental cultural change within the Council, rather than one which only affects policies and actions.

## **5.3 Further and Higher Education**

- 5.3.1** The Further and Higher Education sector comprises all of the Colleges of Further Education and the Universities.

### **Preparation of Draft Equality Schemes**

- 5.3.2** The 16 Further Education Colleges worked together to develop their Equality Schemes. This work was co-ordinated by the Association of Northern Ireland Colleges (ANIC). The colleges managed local consultations on their schemes themselves and ANIC, in conjunction with the Equality Co-ordinators from each of the colleges, organised the consultations at a Northern Ireland level. Following consultation on the schemes the necessary amendments were made and final versions of the schemes were approved by the Commission in late 2002.
- 5.3.3** The five Universities formed a consortium, the Higher Education Equality Consortium (HEEC), and worked together in drafting their Equality Schemes. After consultation all of the Universities' Schemes, with the exception of the Open University, were approved by the Commission in June/July 2002.

## Strategic Implementation of the Section 75 Equality Duties

- 5.3.4** With regard to strategic implementation of the equality duties, each college appointed an Equality Co-ordinator with operational responsibility for implementing their college's scheme. An Equality Co-ordinators' Forum made up of all of the Equality Co-ordinators, met monthly to exchange information and to discuss equality issues. Each college also had an Equality Working Group, made up of a cross-section of college staff. Smaller Sectoral Policy Working Groups were also established to carry out the colleges' EQIAs on a sectoral basis. The colleges reported that equality was a standard item on the Governing Body Sub-Committee agenda. They did not indicate, however, whether equality objectives were included in colleges' Corporate Strategies or Operating Plans.
- 5.3.5** The universities' Higher Education Equality Consortium met at least quarterly to discuss equality issues and work collaboratively on areas such as consultation, screening and training. The universities also made their own internal arrangements to ensure implementation of the equality duties. In the University of Ulster, for example, the Equality Policy and Practice Unit has day-to-day responsibility for implementing the duties, whilst overall responsibility lies with the Steering Group, which is chaired by the Pro-Vice-Chancellor (Quality Assurance and Enhancement). Stranmillis College has an Equality Committee and St Mary's has an Equality Working Group, both of which report to the Board of Governors.
- 5.3.6** In addition to working together in the Consortium, the universities reported that they also worked in partnership with the Department for Employment and Learning, NUS-USI and the Association of Northern Ireland Colleges.
- 5.3.7** Only two of the universities confirmed that equality objectives had been incorporated into their Human Resources Strategies, which are part of their Corporate and Annual Operating Plans.

## Good Relations

- 5.3.8** With regard to the good relations duty, the colleges made considerable progress. A three-year programme, AGREE (Actioning Good Relations, Equity and Equality), aimed at mainstreaming the principles and practices of equity, diversity and interdependence within the colleges, was drawn up by ANIC and the colleges, in conjunction with Trademark. This course was accredited by the NI Open College Network at Level 3, and aims to build capacity within

the colleges by training staff to become trainers in the areas of race, religion and political opinion. The first AGREE course began in May 2003 and a second course will begin in September 2003. In addition, ANIC were in the process of recruiting a research group to carry out a research project on the 'chill factor' in colleges.

**5.3.9** The universities have done little to progress the good relations duty to date. Members of the HEEC met with CRC, Futureways and NUS-USI to discuss ways in which to progress the duty within the universities. All of the universities intended initially to conduct an audit of good relations practice and to use this as a basis for developing their good relations strategies.

## **Screening and Equality Impact Assessments**

**5.3.10** The colleges worked with ANIC in carrying out their screening exercises. They adopted a two-stage approach to consultation on screening and issued their final generic screening report in March 2002.

**5.3.11** Although no EQIAs had been fully completed by the colleges, they were involved in progressing 10 EQIAs. These EQIAs were at varying stages: five were at Stage 1 of the EQIA process; one was at Stage 3; three were at Stage 4 and one was at Stage 7. Seven of these EQIAs related to new policies and three of them were to be carried out in conjunction with the Department for Employment and Learning. The colleges listed a further five policies to be impact assessed in 2003-2004.

**5.3.12** The universities' Consortium produced a generic screening report. Each university also carried out its own screening exercise and identified a number of local policies for EQIA. Consultation on the generic screening report began in April 2003 and was due to be completed in July 2003.

## **Communication and Training**

**5.3.13** A considerable amount of equality training was delivered by the colleges, to both staff and members of Governing Bodies. ANIC appointed an Equality Training Officer to oversee the strategic development and management of equality training throughout the further education sector. In addition, ANIC commissioned consultants to assist with the development of the equality training strategy. Equality Action Plans are being developed by college Equality Working Groups and Equality Co-ordinators, in co-operation with the Equality Training Officer.

Affected groups are given the opportunity to contribute to the development of equality training through the colleges' Equality Working Groups. Training which has been carried out to date includes:

- equality awareness training
- EQIA training;
- good relations training;
- anti-sectarianism training;
- anti-racist training;
- race relations within further education training; and
- SENDA legislation training.

**5.3.14** All of the training provided by ANIC was monitored and evaluated and the evaluations of the training delivered to date appeared to be very positive.

**5.3.15** Colleges' staff and student induction packs and the student handbooks were updated to include reference to the Section 75 obligations.

**5.3.16** With regard to communication, the further education sector developed a communication plan which outlined how the various aspects of implementing the equality duties should be communicated to those involved and to those affected. It also developed a Further Education Equality Newsletter, to be distributed to staff and consultees twice a year.

**5.3.17** In addition, ANIC developed a lobbying strategy to update political parties on the good relations work which is being undertaken by the sector. To date it had met with representatives from five political parties and was arranging to meet with two more political parties.

**5.3.18** The universities began to develop Equality Training Programmes. Stranmillis College, for example, developed a five-year training plan and St Mary's incorporated equality training for all staff in its Human Resources Strategy. To date, however, little Section 75 training had actually been carried out. Some university staff received Section 75 awareness training and some senior staff and members of the HEEC attended specialist training on consultation and screening. Further training for university staff on screening, consultation and equality impact assessment was planned.

## Data Collection and Analysis

- 5.3.19** ANIC worked with DEL's Tertiary Education Statistics and Research Branch on the collection of student statistics. All student surveys and student enrolments now collect data on seven of the nine Section 75 categories. ANIC and the colleges had a number of internal and external networks which allowed them to collect information relating to the categories. These networks included Policy Working Groups, the AGREE Development Group, the Equality Co-ordinators' Forum and the regular meetings held with affected groups such as CoSO, Opportunity Now and the NI Equality Forum.
- 5.3.20** ANIC was in the process of developing a new MIS system for the further education sector. It established an MIS Equality Working Group, comprising representatives from DEL, the trade unions, the Equality Commission and the colleges. The Working Group has been established to ensure that data collection and monitoring is compliant with Section 75 requirements and other equality legislation. This Working Group was also considering the most appropriate means of gathering equality data relating to sexual orientation and political affiliation.
- 5.3.21** The universities initiated a review of their monitoring systems. Student and staff monitoring arrangements have already been reviewed and amended and now collect data relating to seven of the nine Section 75 categories. In addition, the two research staff appointed by the HEEC were in the process of developing portfolios of information, including relevant regional, national and international statistics, which can be used to inform the universities' EQIAs.

## Information Provision and Access to Services

- 5.3.22** ANIC and the colleges made a commitment that they will make all of their publications, forms, leaflets, etc. available in alternative formats as required.
- 5.3.23** In addition, each college had a Learning Support Co-ordinator. Each of these Co-ordinators was a member of the Learning Support Co-ordinators' Forum which discussed ways of dealing with access issues within the sector, such as the requirements of SENDA, access funding for students with disabilities, etc. This Forum was managed by Skill NI and included representation from the ANIC Equality Unit.

**5.3.24** The universities held discussions with umbrella groups representing the Section 75 categories, including Youthnet, Disability Action, Age Concern, Traveller Movement and Carers National Association, to determine best practice methods for consultation and the provision of information. The universities also committed to considering all requests for information in alternative formats and the HEEC has sourced translators and facilities for providing information in alternative formats, such as Braille, audio-cassette, etc.

## Complaints

**5.3.25** ANIC developed a Section 75 complaints procedure for use by all the colleges. It also produced guidance to assist the colleges in dealing with Section 75 complaints. College Equality Co-ordinators were responsible for following up any issues arising from Section 75 complaints. All of the colleges stated that they had not received any Section 75 complaints during the reporting period. The universities also had Section 75 Complaints Procedures in place, though none had received any Section 75 complaints during the reporting period.

## Consultation

**5.3.26** The ANIC Equality Unit managed all sectoral consultations relating to screening, EQIAs, policy reviews, etc. This involved organising internal consultations with trade unions and negotiating committees such as the College Employers Forum, as well as external consultations with affected groups. The Equality Unit also facilitated sub-regional consultations, where three or four colleges would join in consultation exercises. It also regularly consulted affected groups on specific equality issues. The colleges managed their own local consultations. The main consultation methods which were used were: open forum debates, questionnaires, press and direct mail.

**5.3.27** The HEEC developed a screening consultation strategy for the universities, which included mechanisms for internal and external consultation. In addition, the HEEC was planning to establish a consultative panel, consisting of representatives from the affected groups, to assist with the EQIA pre-consultation process. It was not intended that this consultative panel would be substituted for wider consultation, but would lead to more meaningful consultation, as the representatives from affected groups use their established communication channels to gather views and feedback.



## Impact and Outcomes

**5.3.28** The colleges stated that as they had yet to complete any EQIAs, it was too early to report any policy changes which resulted from the implementation of Section 75. However, they did refer to a number of policy change recommendations which were proposed by the Equality Policy Working Groups developing EQIAs/policy reviews (e.g. on race policy, fees policy, harassment policy and good relations policy.) These proposals were being considered by the appropriate ANIC Committees.

**5.3.29** Similarly, the universities stated, because they have not yet conducted any EQIAs they could not outline any policy changes which had resulted from implementing the equality duties. The University of Ulster, however, did point out that when it was developing its new Car Park Management Scheme, equality implications were considered and changes were made to the policy to mitigate potential adverse impacts, for example, reserved spaces were allocated for users with mobility-related disabilities.

## 5.4 Health

**5.4.1** The Health and Social Services Sector (HSS Sector), comprises the Department of Health, Social Services and Public Safety (DHSSPS), four Health and Social Services Boards covering the North, South, East, and Western areas, four Health and Social Services Councils, 19 Health and Social Services Trusts and 6 specialist agencies.

### Strategic Implementation of the Section 75 duties

**5.4.2** The HSS Sector adopted an extremely collaborative approach to the implementation of Section 75, as evidenced by its regional approach to the equality impact assessment of policies. This ensured that such policies were reviewed at regional, area, and local levels by all the relevant HSS authorities acting collaboratively. This approach was managed in a structured and systematic way, with key organisational structures established at regional level, including an HSS Equality Steering Group comprising senior staff across the health service. There was also a high level of collaboration at area, local and agency levels. Equality “Best Practice Forums” were established in the regional areas to ensure a consistent and collaborative approach to implementation. Similarly, the HSS Agencies worked together in a consortium convened initially by the Central Services Agency, and also shared resources on scheme implementation. In addition, the Central Services Agency’s Equality Unit provided a range of services to some HSS agencies.

**5.4.3** Equality targets and objectives were included in Health and Wellbeing Investment Plans, and in the Corporate and Annual Operating Plans of the various health organisations. Generally such targets were cascaded down into the individual performance review of staff responsible for policy development. The implementation of such objectives was reported on a quarterly basis to Board and Senior Management Team Meetings.

**5.4.4** The sector continued to forge and develop relationships with groups representing the nine equality categories, primarily through its Regional and Area Equality Liaison Panels:

A “Northern Ethnic Minority Steering Group” was established in the reporting period, comprising representatives from Health, Education, and minority ethnic groups. Such partnership working has of course always been a feature of the work of this particular sector, but Section 75 has helped to reinforce the importance of social inclusion.

**5.4.5** Progress in terms of the promotion of the good relations duty was somewhat mixed. A number of innovative initiatives aimed at promoting cultural and religious diversity were reported. Nevertheless many organisations accepted the need to further progress this duty, including undertaking internal/external audits. The sector considered its response to 'A Shared Future' which generated debate on how the sector could contribute to better relationships between different religious, political and racial groups.

## **Screening and Equality Impact Assessment**

**5.4.6** The HSS Sector continued to collaborate on the screening of policies and the conduct of a Regional Equality Impact Assessment Programme. During the period under review eight Equality Impact Assessments were completed and 13 were progressed. In April 2003, consultation took place on a general review of the Regional Programme. The Sector intended to assess 29 policies in 2003 - 5 which was clearly an ambitious programme of work. By end of the third reporting period only approximately 1/5 of the planned programme had been completed. Several of the EQIAs completed to date did not identify any adverse impact, raising the question of whether the sector was using screening properly to identify the most important policies from an equality perspective. It is arguable that the sector might have better promoted equality by applying the screening criteria more rigorously and focusing more on policies that do create adverse impacts.

**5.4.7** Health organisations also confirmed that they continued to screen new and proposed policies, although many failed to confirm that decisions to screen out policies were actually consulted upon. In addition only a limited number of additional EQIAs were scheduled as a result of such ongoing screening. Given the high level of policies screened out for Impact Assessment, it is imperative that these decisions are properly consulted upon.

The Causeway HSS Trust piloted and implemented a formal policy development process. The resulting Policy Framework provided managers with a step by step guide to ensure that equality issues were considered during policy development and implementation. This should ensure that policies are properly screened, consulted upon, and if necessary subject to Equality Impact Assessment.

**5.4.8** Progress reports from individual health authorities reflected their participation in these collaborative arrangements and their plans to conduct local EQIAs of policies not covered in the region-wide EQIA Programme. In the view of the Commission most authorities should be more specific about their precise input into the Regional EQIA Programme, in order to confirm that they are fully involved in the process to ensure that policies are assessed at Department, Board, Trust and Agency level.

**5.4.9** The Commission has previously commented on the fact that local EQIAs had not been undertaken by authorities in two Board areas. As a result, the authorities in the Western Board area now planned to put a local EQIA Programme in place.

**5.4.10** Good Practice Reviews were also conducted within the four health regions and it was anticipated that these would be published as a composite document during July 2003. These were designed to provide practical actions that could be implemented promptly to address the specific needs of service users in respect of:

- staff attitudes to diversity;
- access to information;
- complaints procedures; and
- user involvement .

**5.4.11** These reviews were also highlighted as a means of making more substantive progress, generally, on the duty to promote good relations.

## **Communication and Training Provision**

**5.4.12** The HSS Sector reported progress on training provision during the reporting period, at an awareness level and in the development of specialist skills for those involved in policy development. Training on the Section 75 duties was generally an integral part of mandatory training programmes, which are reviewed and updated annually. Training Needs Assessments were carried out to determine the needs of staff for specialist equality training. Evaluation of training delivered was generally positive.

**5.4.13** Many reports lacked information on how representatives of the equality categories input to training. Reported approaches included both the involvement of Section 75 groups in the development of training materials, particularly case study material, and the delivery of training by such groups.

**5.4.14** In general, the health authorities did demonstrate their commitment to equality of opportunity, both internally and externally. Some organisations reported the development of an Equality Communications Strategy to ensure the communication of key messages internally and externally.

## Data Collection and Analysis

**5.4.15** The HSS Sector also adopted a collaborative approach to the collection and analysis of existing equality data, and instituted data collection systems to supplement available qualitative information. A regional Equality Information Steering Group comprising representatives from across the sector continued to meet regularly to clarify and address the equality information needs of the HSS sector.

**5.4.16** Individual health organisations received details of DHSSPS held statistical data services which could be used to analyse service delivery and uptake by the Section 75 groups. Guides were also developed by the Department on the availability of equality information.

**5.4.17** Individual organisations worked to supplement available statistical data by, for example:

- research
- surveys
- consultation
- satisfaction surveys
- needs assessment process
- individual / representative feedback; and
- the introduction of person-centered information systems.

**5.4.18** Additional qualitative information was also obtained from various sources, including regional and local liaison panels comprising members of voluntary and umbrella groups representative of the Section 75 categories.

**5.4.19** Individual health organisations responded to OFMDFM's consultative document on Cross-Departmental Equality and Social Need Research and Information Strategy.

## Information Provision and Access to Services

**5.4.20** Good progress was reported across the sector on development of arrangements to produce information in accessible formats, particularly for those groups that were perceived to be particularly vulnerable, such as people with disabilities and those who do not speak English as a first language. For example the health agencies developed an Access Strategy which specifically considered access issues relating to the Disability Discrimination Act. There were also many examples of the development of translation and interpretation services which should significantly improve access to health and social services for persons who do not speak English as a first or competent second language.

Between 2001 and 2003 the Eastern Area Best Practice Equality Forum led, on behalf of the sector, a Good Practice Review on Access to Information entitled "Cracking the Information Barrier: The 5C's of Information Provision". This has led to the publication of guidance to assist staff who produce information to help raise standards in the production and provision of basic information.

**5.4.21** The Northern Ireland Ambulance Service Trust (NIAS) was particularly proactive in this area.

During the period under review it introduced a multi-lingual phrase book for operational staff to allow them to communicate 21 key emergency phrases in 31 different languages. It also continued to work on the implementation of Language Line, which was introduced to take account of potential equality implications of a new Advanced Medical Priority Dispatch System. This was highlighted in the consultation process on an EQIA of the Strategic Review of the Ambulance Service. Language Line was operational in one Control Centre, and plans were in place for roll out across all Control Centres in the in-coming year. The Trust also installed text phones and trained staff in their use as a result of an initiative with the Royal National Institute for the Deaf to make the Ambulance Service easily accessible for the deaf, speech impaired and hard of hearing. Those with hearing and speech impairments also have the option of using RNID Typetalk, an operator service. This provides a third party translator to relay the conversation between a text phone user and a hearing person.

**5.4.22** Research was also conducted by the sector in collaboration with the Northern Ireland Coalition on Learning Disability (LEAD) which should significantly improve consultation and communication for people with learning disabilities.

**5.4.23** Health service organisations developed some monitoring systems on access to information and services to ensure equality of opportunity. There was a recognition that the quality of information held varies across the Section 75 groups, and work continues to determine which additional variables might practically be collected for the purposes of such monitoring.

## Complaints

**5.4.24** All Section 75 complaints were handled under established complaints mechanisms. Monitoring systems were developed to ensure that issues which may have potential Section 75 implications are brought to the attention of appropriate managers so that remedial actions can be taken. Moreover procedures were put in place to ensure that equality managers and complaints managers discuss complaints where there are potential equality implications, even if Section 75 has not been used in the context of the initial complaint. The majority of these procedures include information on how an individual can progress Section 75 complaints. Systems have also been implemented for identifying learning and ensuring appropriate action is taken following the investigation of a complaint.

Between 2001 and 2003 the Southern Health and Social Services health organisations have led, on behalf of the sector, a good practice review on complaints, with the aim of making complaints procedures more accessible. Extensive consultation has already taken place, and it is anticipated that a leaflet entitled 'Comments, Compliments and Complaints' will be published in the near future.

## Timetable

**5.4.25** Steady progress continued to be made across the sector. Much of this work, particularly in areas such as the promotion of the good relations duty and data collection and analysis was ongoing. The health sector recognised the need to realistically examine its EQIA programme. A thorough review was completed in 2003, leading to a programme of 29 policies to be assessed between 2003 and 2005.

## Consultation

**5.4.26** The sector recognised and responded to the problem of “consultation fatigue” by both targeting consultation more effectively and adopting a joined up and collaborative approach. Practical measures adopted include the use of:

- umbrella groups;
- focus groups;
- consultation summaries; and
- consultees identifying their preferred method of consultation.

**5.4.27** Regional and area equality liaison panels were established to develop better links with those being consulted and a regional central consultee database was established (including a central consultation website for the HSS organisations).

**5.4.28** The health agencies reviewed their consultation approaches and produced a strategy for future Section 75 consultation. The key feature of this strategy is the wide and effective dissemination of information about the consultation in tandem with targeted initiatives to secure the involvement of specific groups.

## Impacts and Outcomes

**5.4.29** The DHSSPS reported a number of positive outcomes. In particular, the new 20-year Regional Strategy will be a major mechanism for mainstreaming equality issues. In terms of EQIA, the high number of assessments that found no adverse impact was somewhat surprising. This led to a concern as to whether the Department was properly applying screening as a mechanism for identifying those policies that have the greatest potential for equality implications, so that resources can be directed to these areas. Interestingly the Department reported that even in cases where EQIA did not identify adverse impact, the process nevertheless allowed it to consider how it could improve the accessibility of such services.



**5.4.30** The sector reported the main outcomes from the implementation of Section 75 as being:

- a greater awareness on the part of staff of the need to consider equality and good relations considerations at the policy-making and service design/delivery stages;
- improvement in consultation with Section 75 groups; and
- greater accessibility of information disseminated and services provided.

**5.4.31** Overall a growing awareness was reported of the need to consider the potential impact for the Section 75 categories and to take action to address adverse impacts. The sector also reported that the growth of collaborative working and networking has allowed the sharing of good practice.

**5.4.32** Other significant developments included:

- Collaborative research on consultation with the Northern Ireland Coalition on Learning Disability, leading to the publication of "A Fair Chance".
- The development of a Policy Development Framework to ensure that the equality implications of policies are considered during policy development and implementation.
- The development of interpretation and translation services for groups whose first language is not English.
- The development of a multi-lingual emergency phrase book.
- The development of a production of a racial equality handbook to be used as a basis for training on issues such as health records, diet and cultural needs, and the inclusion of last office procedures for Black and Minority Ethnic groups in a Death and Bereavement handbook.
- Development of a Promoting Race Equality policy.
- Development of draft guidelines to assist managers across the health sector to ensure user involvement in local planning, delivery and decision-making.
- Commissioning Outreach Low Vision services inclusive of the needs of people with learning disabilities.
- Greater consideration of issues with particular ethnic, cultural or religious requirements e.g. diet.

**5.4.33** Several health organisations accepted that despite the investment of considerable effort in terms of Section 75 implementation, there was little evidence that this has led to many new outcomes which promoted equality of opportunity. It is arguable that the types of outcomes sought through the use of Section 75 processes are difficult to obtain in the short term, and it may be the case that a number of direct positive impacts for the Section 75 groups will increase as ongoing projects are progressed and EQIAs are completed.

## Outcomes arising from EQIA

**5.4.34** One of the clearest examples of an existing policy being changed, as the result of an EQIA, to date, was reported by the Craigavon and Banbridge HSS Trust.

As a result of an EQIA and associated consultation on Catering and Domestic Services provision, a decision was made to return these previously outsourced employees in-house. Whilst the Trust did not elaborate on the adverse impact identified by this EQIA, it appears likely that the revision of existing policy is likely to benefit the gender category, given previous research which identified the adverse impact of Compulsory Competitive Tendering on women.

**5.4.35** Positive practical outcomes of EQIAs included:

- Improved access to child care facilities for excluded groups, including Travellers.
- Specific recognition being given to vulnerable groups in the development of strategies and action plans, e.g. greater focus on young males in relation to suicide.
- The use of alternative settings and environments for the teaching of resuscitation skills. This instruction had previously taken place in schools and workplaces, environments where some groups (e.g. Travellers) would be under-represented.
- The revision of Board funding policy for voluntary and community groups in light of its Section 75 obligations.
- An EQIA on the provision of family planning led to changes in the policy.

- The provision of a bus service during a temporary transfer of service between two hospital sites to mitigate adverse impact identified in respect of those with dependants, the elderly, and persons with a disability.
- Provision of translation services for people seeking to access general medical services.
- An EQIA on the Strategic Review of the Ambulance Service led to many changes in the organisation. Amongst these was the introduction of Language Line to ensure that the service is accessible to those whose first language is not English. The Trust worked with the RNID to address issues in relation to communication with the deaf, hard of hearing and speech-impaired. The Service now makes use of text phones and the type talk interpreting service offered by the RNID.

**5.4.36** An EQIA on sub-fertility treatment also recommended, subject to consultation, the removal of a dependent's criteria, meaning that couples with a child will in future be eligible for treatment.

**5.4.37** All the Health Sector authorities confirmed that new and revised policies are subject to screening, although many failed to clarify whether decisions to screen out policies are properly consulted upon.

## 5.5 Local Government

**5.5.1** The Local Government sector comprises 26 local councils, the Local Government Staff Commission (LGSC) and the Northern Ireland Local Government Officers Superannuation Committee (NILGOSC). Equality Schemes for all 28 authorities were approved by the Commission between April 2001 and January 2002.

### Strategic Implementation of the Section 75 duties Objectives and Targets

**5.5.2** Over half of the local government authorities (17) developed clear objectives on equality and good relations and have included these in corporate, operational or business plans. Two authorities stated that the statutory duties were reflected in corporate planning processes, though not necessarily as specific objectives. Three councils were developing or revising corporate plans or performance improvement plans in which 'mainstreaming equality' was to be a core value.

**5.5.3** Three local government authorities did not make any reference to the development of equality and good relations objectives, performance indicators or targets in their progress reports.

### Partnerships

**5.5.4** Relationships with the voluntary and community sectors continued to develop. Examples given included the establishment of consultation fora and networks, Local Strategy Partnerships and District Policing Partnerships and the involvement of Section 75 groups in training.

**5.5.5** The LGSC confirmed that all councils (plus the NI Housing Executive) belonged to its Statutory Duty Network, which enabled members to exchange information and experiences on implementing the statutory duties and benchmark good practice. The Network also examined ways in which councils and the Housing Executive could work together to facilitate the process for the voluntary and community sector. Nineteen (of 25) councils cited membership of this group as evidence of partnership working. Last year over a quarter (nine) of the authorities in the sector belonged to one of the public authority area networks. A quarter (eight) reported attending informal area council networks – a number of councils reported that this informal networking had proved the most useful, providing a sounding board for problems, obtaining advice and for access to equality materials and information produced by other organisations.

- 5.5.6** Most of the reporting on partnerships was about developing relationships and sharing experiences and information. However, only three local government authorities specifically reported working with other councils or public authorities to conduct EQIAs or to address an issue. For example:

Eleven councils in the eastern region of Northern Ireland participated in the preparation of the ARC21 Waste Management Plan, and an EQIA was completed during the year on behalf of the participating Councils. Of the nine participating Councils who provided progress reports to the Commission, only two reported this partnership. Carrickfergus noted that it *“proved to be a cost efficient exercise”* and would *“consider the possibility of conducting future assessments in such a cohesive manner. However, it should be noted that there is still a degree of parochialism between councils, which does not aid this manner of working”*.

## Reporting Progress

- 5.5.7** All of the authorities in this sector regularly reported progress internally to senior management level. Seven did so quarterly, while 12 reported more frequently – monthly or bi-monthly. However, six did not specify how often progress was considered. Thirteen local government authorities reported progress to full Council (or Commission) or to a relevant Council Committee.

## Good Relations

- 5.5.8** Nearly two-thirds (17) of the councils were implementing the good relations duty through their community relations programme.
- 5.5.9** Four councils and NILGOSC reported that they had completed good relations audits, whilst four other authorities were considering conducting such an audit. Five authorities had developed a good relations or community strategy. Four councils had established a good relations working group or steering panel, which included elected members. NILGOSC also established a similar group, and another council proposed the establishment of a good relations forum. Examples of progress included:

Coleraine Borough Council and Newry and Mourne District Council specifically referred to their EDI initiatives, although the Commission is aware of a number of other councils which have participated in Civic Leadership programmes with further work planned.

Ballymena Borough Council, in partnership with Ballymena Community Forum have helped fund the services of an Ethnic Minorities Officer and Ethnic Minorities Project. The aim of the project is to develop the capacity of all ethnic minority communities within the borough and assure access to all services. The project involves conducting a base-line study to identify the needs of ethnic minority communities, providing training and support to ethnic minorities, developing volunteering opportunities, working with interpreters, and developing an inter-agency approach to support ethnic minorities.

## Factors which enhance or impede implementation

- 5.5.10** A major factor affecting an authority's ability to implement the statutory duties was the allocation of appropriate resources, such as the establishment of an equality budget, the appointment of a staff member charged with the responsibility of overseeing implementation, and the development of internal working groups.
- 5.5.11** Armagh and Carrickfergus appointed Equality Officers during the reporting period, and there was clear evidence of substantial progress towards implementation from their progress reports. In contrast, the post of Equality Officer in Limavady was vacated during this period, and there was less progress to report.
- 5.5.12** North Down Borough Council demonstrated its obligation to fulfil the Council's commitment within its equality scheme by agreeing a specific budget of over £50,000 for the period 1 April 2002 – 31 March 2003. This included direct and indirect salary costs and other direct costs. Craigavon also referred to an equality budget.

## Screening and Equality Impact Assessments

- 5.5.13** There was significant progress on this central element of the statutory duties. Last year we reported that 14 local government authorities had submitted screening reports to the Commission, and six had not completed screening. This year all authorities but one had completed their screening exercises while the outstanding body has conducted initial screening but had yet to consult on this.
- 5.5.14** In 2001 - 2002, 14 (half) of the authorities in the sector had begun EQIAs, although none had been completed at the time of reporting. In 2002 - 03, the 26 public authorities which submitted progress reports had conducted, begun or completed 80 equality impact assessments.

- 5.5.15** Three councils – Carrickfergus, Cookstown and Dungannon – did not undertake any EQIAs during the reporting period. Carrickfergus appointed a Policy/Equality Officer, screening has been completed and an EQIA timetable produced. The Commission looks forward to receiving information on the Council’s experience of conducting EQIAs in next year’s progress report. Dungannon’s equality steering group and equality screening group expressed concern at the number of policies initially screened in and it decided to rescreen. The exercise was not completed at the time of reporting as consultation had yet to take place. Cookstown’s screening exercise resulted in the identification of six policies for EQIA, and two were to be conducted in 2002 - 03 (Community Services and Community Relations). However, the Council concentrated instead on training for those responsible for conducting EQIAs. The remaining EQIAs were to be conducted in 2003 - 04.
- 5.5.16** Across the sector, seven new policies were identified for equality impact assessment. Fourteen of the authorities specifically stated that they have, or would have, communicated with consultees about the screening of new policies. The Commission recommends consulting on screening new policies rather than simply informing consultees.
- 5.5.17** There was reporting of ongoing review and revision of EQIA timetables. It is important that consultees are informed of changes to EQIA timetables and the reasons for such changes.
- 5.5.18** In total, the local government authorities planned to conduct 93 equality impact assessments in 2003 - 04, an average of nearly four each. This was a very significant increase in activity since our previous report.
- 5.5.19** The following extract from Derry City Council’s progress report reflects many of the points made generally by those in this sector:

*“Factors that enhance the process of policy screening and EQIA include: equality awareness and EQIA training, summary documentation, regular briefings on Section 75 progress (through management Team and Equality Task Team), the development of Local Equality Consultative Forum, Equality Newsletters and the greater use of Information Technology through the Council’s intranet and web-site. Factors that impede the process of policy screening and EQIA include: being inclusive without causing consultation fatigue in the voluntary / community sector, lack of capacity of consultee groups and a poor response from consultees.”*

**5.5.20** There was little evidence of authorities in this sector co-operating in terms of the screening of policies and the synchronisation of policies for EQIA. One exception to this was the joint EQIA of the ARC21 Waste Management Plan, for which 11 participating councils employed a consultancy firm to conduct the EQIA. One other council (Armagh) said it was investigating the possibility of a similar EQIA partnership in the Southern area. Comments on taking a joint approach were made under the 'partnerships' and 'consultation' subsections of this report.

## Training Provision

**5.5.21** Many authorities had provided general awareness training for senior employees and, in the case of councils, to their members.

**5.5.22** Twenty-four, of the 25 authorities which reported, advised that training programmes were ongoing. These included Section 75 and equality, anti-harassment and human rights awareness training, specialist training for relevant staff in screening, equality impact assessment and consultation, and training by or after consultation with affected or representative groups in gender, race, disability, sexual orientation and religious diversity.

**5.5.23** About half of those who reported had provided good relations and/or diversity training, delivered by or in conjunction with organisations such as the Community Relations Council, Counteract, University of Ulster and FutureWays.

**5.5.24** Only one Council reported that no specific training had taken place in 2002 - 03, but training had been provided the previous year and is also planned for 2003 - 04.

**5.5.25** Most local government authorities include Section 75 awareness in induction training for new employees, and also for elected members.

**5.5.26** Some interesting examples of training approaches are as follows:

- Armagh City and District Council took a 'business model' approach to the implementation of Section 75, including in its training programme. All Departmental Heads of Service and the Senior Management Team have or will receive in-depth training on conducting Equality Impact Assessments, delivered on a 'learn and do' basis so that the skills developed during these workshops are put into practice relatively soon. Managers who have attended this



course stated that by using a business model to implement equality, it was easier for them to interpret; mainstreaming equality is meaningful to them; it helped them deliver a better quality public service; and assisted in providing a responsive service as a result of involving groups and individuals in the consultation process.

- Ballymena Borough Council asked management and supervisory staff to sit a test following completion of a half-day training course covering awareness, screening and EQIA. Those who fail must re-sit the test.
- Derry City Council's training activities included an Equality Awareness Programme in which 15 affected groups provided training to Council staff. The training included the personal perspectives of groups living in the Derry City area. The Council reported that *"This local personal exploration of identity was a valuable learning tool for staff... staff felt they had a greater awareness of Section 75 groups and they benefited from hearing from actual members from each of the groups."*
- Moyle DC reported a particularly proactive approach to the provision of training to external community groups. Their report states:

*"Our Community Services Officer has undertaken a range of training within the district this year. He has...facilitated this...by organising and conducting the training at a time and venue which best suits the members of the community groups. He has conducted training in individual's homes where members of the group can meet. This has proved very effective. It removes travel concerns and the outcome of the training has proved much more valuable as the attendees feel at ease in the environment".*

- In North Down, casual and seasonal employees were provided with a training pack and access to training on request. In Ards BC *"each training day or session was introduced by the Director of Administration to provide background and context and to highlight the significance of the legislation and the Council's commitment to its equality duties."*

- 5.5.27** Most authorities in this sector evaluated their training courses and programmes. Feedback was positive, with participants describing training as useful, raising their awareness and increasing their awareness of the needs of and issues of concern to Section 75 groups and individuals.
- 5.5.28** Some councils expressed concern about the time required to conduct EQIAs and consultations. This indicated a need to embrace the concept of consideration of equality as an integral part of policy making.
- 5.5.29** Less than a quarter of the public authorities in this sector said they had developed a specific Section 75 training plan. Others reported that training plans evolve over the life of the scheme, or that they had 'embraced the concept' of a training plan by developing more immediate training plans or by carrying out and responding to training needs analyses.
- 5.5.30** Belfast, Derry, and Newry and Mourne Councils continued to be at the forefront of training development and provision, but substantial progress was made by some councils which had not implemented training programmes, such as Ards, Carrickfergus, and Dungannon.

### **Training for elected members**

- 5.5.31** The Commission believes that Section 75 and equality, anti-discrimination and human rights training for elected members is essential. Councillors are ultimately responsible for implementing the statutory duties, and for promoting equality of opportunity and good relations, and it is therefore crucial that they are individually fully aware of the relevant legislation and its implications. They must be encouraged to provide civic leadership in this regard. The Commission would like to see equality awareness, including Section 75, training made integral to induction training for all Councillors.
- 5.5.32** The Commission is pleased to note that the local government sector acknowledged the importance of training for elected members, and that this year 16 local government authorities reported the provision of Section 75 training to Councillors, and a further three planned to do so. The LGSC held two sessions, in conjunction with the Equality Commission, during April 2002, but attendance was low and it was planned to run a training programme in conjunction with the National Association of Councillors (NAC). The Local Government Training Group established a sub-group to address the training needs of elected members generally, on which a representative of the NAC sits. Examples of member training provided included the following:

- Armagh City and District Council stated that feedback had been positive, with participating Councillors becoming more fully aware of the benefits of implementing equality on a business model.
- Craigavon Borough Council provided training for elected members in November 2001. A small number of Councillors were unable to attend, and *“it is now a matter of priority to either arrange another in-house session or have these members attend external training.”* Dungannon, Lisburn and Moyle were planning further training.

- North Down reported:

*“Training, workshops and challenge workshops have provided Officers, Members and Consultative Panel members with the appropriate knowledge and skills to ensure EQIAs are carried out in a timely, open and accurate manner”.*

## Communication

**5.5.33** As previously stated, there was limited reporting of external and internal communication, and a few authorities did not report on communication at all. Methods of dissemination of equality schemes and summaries were reported last year and most authorities did not repeat these this year. There was significant reporting of the inclusion of Section 75 articles in newsletters.

**5.5.34** Some councils have provided considerable detail on their communication activities. For example, Derry stated that:

*“The internal mechanisms by which the Council communicates its commitment to the statutory duties include staff training and evaluation, use of the monthly Equality Task Team meetings, Council intranet, including research information, Equality Commission Guidelines, EQIA questionnaires, completed EQIAs etc., use of the Council’s Personnel Newsletter which is distributed regularly to all staff, and the implementation of the Code of Practice on Producing Information which requires officers to present information in accessible formats.”*

**5.5.35** External communication mechanisms reported included Council newsletters and specific leaflets, distributed to all households, use of websites, equality forum, consultative panel and focus groups. Corporate plans were also used to communicate commitment to the statutory duties.

**5.5.36** There was also reporting of promoting equality objectives in public statements, at conferences and seminars, speeches by Chief Executives, Mayors, and Committee Chairs, press releases, the use of promotional stands at conferences, and holding conferences on aspects of Section 75.

**5.5.37** Ballymena provided an unusual example of promoting Section 75, and ensuring compliance, by requiring all recipients of Council funding to sign a Section 75 declaration.

## **Information Provision and Access to Services**

**5.5.38** Twenty-two local government authorities confirmed that they had put systems in place for providing information in accessible formats. Two others were addressing the need for such systems, although one council did not provide any information as to how it is implementing this aspect of the Section 75 duties.

Arrangements made included:

- employing the services of a translator;
- establishment of a foreign language voice-mail service;
- carrying out disability access audits and ensuring compliance with the Disability Discrimination Act;
- arrangements for the provision of information in alternative formats (Braille, audiocassette, other languages etc);
- provision of large print or electronic documents;
- use of and improvements to websites;
- use of signers, and training front-line staff in sign language;
- installation and use of text phones and hearing loops;
- use of plain English; and
- supplementing printed notices about council services with telephone calls to registered blind people to ensure they receive the information.

Most councils routinely asked those attending conferences and seminars if they had any specific access needs.

- 5.5.39** There was little reporting of requests for information in alternative formats.
- 5.5.40** Five councils said that the provision of accessible information and services would be (or in one case, has been) the subject of an Equality Impact Assessment.
- 5.5.41** Six councils reported the provision of training in food hygiene and safety regulations for the Chinese community. Courses were provided in Cantonese and Mandarin, as was accompanying literature. Examples of council progress in this area included:

In Craigavon, a cross-departmental working group was set up to examine ways of improving access to information and services in relation to Section 75 and the Disability Discrimination Act 1995. The group met with community representatives, particularly from the local ethnic communities, to get advice on their needs. The group will develop an Access to Information and Service Policy and good practice guidelines, which will be subject to Equality Impact Assessment.

Derry produced a Code of Practice on Producing Information for staff. It provides advice on using alternative formats and languages other than English, and on style, positive images, plain English and website accessibility.

NILGOSC will undertake a feasibility study of the use of a lo-call telephone charging system. Such a system would allow callers, from any part of Northern Ireland, to phone NILGOSC and be charged at a local call rate. In this way there would not be a different rate on calls from outside the Belfast area.

## Data Collection and Analysis

- 5.5.42** Last year the Commission reported considerable activity in relation to measures being taken to collect information across the categories and in relation to Council services. Many examples of good practice were given. We are pleased to note from this year's progress reports that these activities are being built upon, and that many authorities which had not previously begun data gathering were doing so. Data collection was ongoing and monitoring systems were being extended to include more Section 75 categories, with the data being used to inform EQIAs.

- 5.5.43** The Commission is conscious that there remains a need for central guidance on monitoring, particularly to ensure consistency, for example in terms of the racial groups monitored. The issue of sensitivity was frequently raised in reports, particularly in relation to monitoring political opinion and sexual orientation.
- 5.5.44** Despite the extent of information gathering reported, there was little evidence of monitoring across all of the nine categories, so it is likely that there remains a substantial deficit in some categories.
- 5.5.45** Local government authorities were collecting data from a variety of both internal and external sources, such as existing databases, staff, customer and service uptake surveys, Census data, Noble Indices and information from representative groups, and the voluntary and community sector. It is clear that there was much good work being conducted to monitor and gather data.
- 5.5.46** Five councils referred to obtaining information from other councils and/or other public authorities, or from inter-council networks. However, none referred specifically to the LGSC's Statutory Duty Network as a source of information.
- 5.5.47** There was considerable reference to the Best Value Customer Satisfaction Survey as a source of information. The survey was conducted by Research and Evaluation Services (RES), managed by the DOE and 25 councils took part. It will be repeated in late 2003, and will include questions relevant to Section 75 (although it is unlikely to produce data across all nine categories).
- 5.5.48** Some councils reported modifying internal data sources to allow for more Section 75 analysis, or extending existing information systems to include a number of Section 75 categories.
- 5.5.49** At least two councils (Antrim and Coleraine) mentioned the use of anecdotal evidence in the absence of any other quantitative or qualitative information.

**5.5.50** Belfast conducts a major public consultation exercise every two years from which relevant data can be obtained. The 2001 survey included a sample boost to ensure it was representative of all nine Section 75 categories, and the exercise is due to be repeated in 2003. Some examples of progress included:

Belfast City Council's Equality Officer and the Good Relations Working Group were in the process of developing more comprehensive monitoring systems throughout the Council. A comprehensive system of monitoring with equality considerations will be phased into the various systems and structures, in two phases. Phase one of the process is to audit all existing structures and make recommendations for Phase two, the amendment of monitoring systems. The inclusion of Section 75 categories in monitoring systems will be progressed with service users and providers through a series of meetings. The monitoring system will also take account of corporate needs.

Carrickfergus and Lisburn stated commitment to the provision of the necessary resources to, for example, commission independent research when appropriate.

Ballymena reported that it had issued an Equality and Good Relations booklet and questionnaire to all households in the Borough (the data was being analysed).

Derry created an Equality Database which includes statistics and secondary research evidence on the Section 75 groups. It has also produced an Equality Fact sheet, a two-page document of statistics on the local and regional Section 75 groups using information gathered from the recent 2001 census and other sources. Using the information provided by external Section 75 groups during the Equality Awareness Training, the Council is currently producing information booklets as an easy reference guide for staff.

## Complaints

**5.5.51** As previously stated, most councils reported that Section 75 complaints procedures were set out in their equality schemes. Ballymena and North Down have also redesigned their complaints procedures to incorporate the equality complaints into the general complaints procedure.

**5.5.52** Only four complaints were reported within the sector. There were two about 'flying of flags', and in both cases the relevant policy was being impact assessed. There was a complaint about women-only sessions at a swimming pool, and another in relation to a council's failure to make a grant to a community organisation. In the latter two cases, the complaints have been dropped.

**5.5.53** Another two councils, although they had not received complaints, reported that issues had been raised by members or through consultation, and that these were being addressed. Steps had been taken to ensure that, where possible, monitoring procedures to assess future adverse impact were put in place.

## Implementation Timetables

**5.5.54** The Commission asked public authorities to provide an update of their equality scheme implementation timetables, identifying any changes since previous reports. Most local government authorities provided revised or updated timetables, but did not specifically identify changes. It was therefore difficult to assess the extent to which timetables have fallen behind schedule.

**5.5.55** A number of authorities reported that EQIA timetables had slipped, as conducting individual EQIAs had taken longer than had been anticipated. Others reported a refocusing of EQIA priorities, resulting in changes to the timetable. Two councils delayed the implementation of their EQIA timetables to ensure that appropriate training was provided to those who would be involved.

## Consultation

**5.5.56** The Commission asked for details of organisational arrangements for managing Section 75 consultation exercises and for information on consultation methods, processes and experiences.

**5.5.57** The most common method of consultation reported was the use of mail shot. However, this has tended to generate a low response.

**5.5.58** It was found that response rates could vary greatly depending on the subject being consulted upon. There was widespread reporting of very low response rates – fewer than 10 replies in some cases. In contrast, an outstanding response was received by Fermanagh District Council in relation to the EQIA on the policy "That No Flag be Flown on the Townhall on Any Occasion" - the Council received responses from 586 individuals or groups.



**5.5.59** Low response rates were commonly attributed to ‘consultation fatigue’ or ‘overload’. Many councils therefore tried to address this problem by making consultation easier for the affected groups. Measures taken included:

- Using summary documentation.
- Ensuring documentation was concise and easy to read (Ards, Newry and Mourne) or using plain English (Derry).
- Targeting consultation.
- Using umbrella groups, focus groups, and consultative panels.
- Consulting on more than one policy or initiative at the same time e.g. Best Value or departmental plan consultations – integration with Best Value consultations was mentioned by eleven Councils.
- Surveying consultees on their preferred method and format of consultation.
- Most respondents said they prefer face-to-face meetings. However, one council’s survey (Craigavon) indicated that the preferred method of consultation is postal survey, followed by public meeting and focus groups. Interestingly, even this survey had a low response and the exercise is to be repeated in 2003.
- Writing to consultees to inform them of the consultation subject, sometimes with summary documentation, and inviting them to request full documentation if they wished to make a response.

**5.5.60** Craigavon noted that one of the main reasons for low response rates was limited resources, and it intended to appoint an additional staff member to assist with the implementation of the equality agenda, which *“should allow future consultations to be more proactive”*.

**5.5.61** There was a small but encouraging amount of interest in conducting joint consultation exercises, but a very few examples of this actually taking place. Ards stated that it would be open to such an approach, but felt that joint consultation with other authorities was not appropriate because the policies under consideration were specific to the Council. Ballymena suggested that the lack of joined up consultation was due to the differences in format and content of EQIA timetables.

**5.5.62** Lisburn noted that joined up consultation was problematic because councils had to be at the same development level, unfortunately this was not always the case.

**5.5.63** The LGSC tried to join up its consultation with other public sector organisations, for example, in relation to its EQIA of recruitment and selection practices and procedures. However, they found that “it would appear that consultees preferred to concentrate on organisations which provide services which directly affect them.”

**5.5.64** There was more reporting of joining up to consult on several policies or subjects at the same time.

**5.5.65** Coleraine reported that:

*“Meetings have generally had the broader focus of ‘improving services and access to services’. The emphasis on improving services and access to services will remain because Section 75 consultation alone is sometimes too narrow, as concerns about general service delivery are a common issue for everyone. This is consistent with a holistic perspective of Council’s responsibilities, but does permit a narrower policy perspective as well.”*

**5.5.66** In contrast, Magherafelt reported that:

*“Council would tend to prefer to consult on multiple issues, e.g. equality, best value etc at the one time but the perception is that (willing) consultees prefer to have succinct and focussed exercises as opposed to multi-faceted ones”.*

**5.5.67** Two councils –North Down and Derry - established consultative fora. North Down reported:

*“the panel members collectively represent the nine equality categories within the legislation. The panel plays a very important role within the equality and good relations process by challenging and supporting the consultative process in representing the Section 75 categories from a position of single or cross category representation. ...The Consultative Panel on Equality and Good Relations is an invaluable part of the Council’s consultation process and allows Officers to be challenged and to challenge the ideas and concerns presented to them.”*

**5.5.68** Derry reported:

*“[the Consultative Forum] also helps the Council to get to know Section 75 consultees; and provides an insight into policies and services by those Section 75 groups that are affected by them. This forum facilitates more direct, interactive and participative communication between Council Officers (including departmental officers whose policies are subject to screening and/or impact assessment) and representatives of the Section 75 groups.”*

A further six Councils are considering or in the process of setting up such consultative panels or forums.

**5.5.69** Five Councils reported use of their websites as an effective means of making information widely and easily available.

One example was Derry Council:

*“The equality link within Derry City Council’s website provides up to date information to Section 75 consultees and the general public on the Council’s equality impact assessments, current consultations and results from previous consultations. Draft and completed policy documents that have undergone equality impact assessment can be downloaded, as well as the Council’s Equality Scheme in full report, summary document or leaflet format. The website also gives dates of current consultations and allows users to download the policy and equality impact assessment questionnaire”.*

**5.5.70** Belfast City Council produced its own consultation guidelines and Derry City Council produced a Code of Practice on Producing Information. Craigavon Council was involved in drawing up consultation guidance as a result of the two consultation events, held in 2001 and 2002, by the Greater Craigavon Equality Network.**5.5.71** Three Councils were considering or preparing the development of a consultation strategy, including the LGSC, though only one referred to OFMDFM’s work in relation to guidelines.**5.5.72** Antrim strongly criticised the consultation requirements.

## Impacts and Outcomes

**5.5.73** It was disappointing that there was little evidence reported by local government authorities of tangible changes and outcomes in the form of policies being amended or reviewed in order to remove or mitigate adverse impacts. A number of councils reported that policies had been changed as the result of EQIA but did not report in what way or which groups have been affected. We would hope to identify more of these changes through a review of EQIAs, as a separate exercise.

Practical outcomes for Section 75 groups included:

The Community Relations Grant Aid Scheme in Craigavon did not accept grant aid applications from groups representing senior citizens or special needs groups. The rationale was that, as the budget was limited, it would be more appropriate for such groups to apply for assistance to the Southern Health and Social Services Board or Southern Education and Library Board. The EQIA clearly demonstrated that this was unacceptable under Section 75 and the policy changed to allow applications from these groups.

NILGOSC revised the practice for dealing with requests for information and changing of some personal details, which are now accepted by telephone. NILGSOC also contributed to the national debate on Pension for Partners in UK Public Sector Pension Schemes, with the hope that these would soon be introduced.

In Derry a policy on financial procedures for commercial use of the Council's landfill site was changed in the light of Section 75 responsibilities. A requirement to have a bank account and/or credit facility was altered to include cash payment in light of the potential impact on members of the Travelling community wishing to use the facility.

As a result of EQIAs undertaken by Fermanagh, the guidance on completing application forms for grants was updated to improve accessibility for all sections of the community. It was also agreed to use the Sperrin Lakeland Trust Older People's Consortium's mailing list to circulate information designed to attract older people to become involved in community relations work. The Council also agreed to liaise with organisations representing people with disabilities, to liaise with the Shadow Youth Council and the Northern Ireland Business Education Partnership Officer to find ways to increase participation of young people in the workforce in the District Council area.

In Lisburn, the Grant Aid policy was impact assessed and substantially changed to take account of the “community profile” of the Council’s area. Many more local government authorities reported that the main impact of Section 75 was the raising of awareness of equality issues, and the integration of equality of opportunity and social inclusion considerations in policy development and decision-making processes. The setting of equality objectives was considered to help shape service delivery and access to services.

Newry and Mourne said that the implementation of the duties had “a positive direct impact upon increasing participative decision-making processes and formulation of policy. Through the key themes of access and communication, implementation of Section 75 duties continues to improve the Council’s civic leadership role as a major employer and deliverer of services in the area.”

Belfast commented that the level of awareness had increased dramatically, from understanding the terms and appreciating the language of Section 75, to incorporating equality into daily work. The incremental approach which the Council advocated, aims to embed equality throughout the fabric of its business in a practical and realistic manner.

**5.5.74** Although Antrim questioned the relative costs and benefits of EQIAs, it nevertheless stated that:

*“The Council believes that the year to date has perhaps been the first during which the impact of equality legislation has been particularly visible across the organisation. ...Council takes the view that the implementation of the statutory duties is making a substantial and positive impact on the way policies are developed”.*

## 5.6 Other Northern Ireland & Cross Border Public Authorities

**5.6.1** Forty-five public authorities, subject to Section 75 of the Northern Ireland Act 1998, have been grouped as "Other Northern Ireland and Cross Border" public authorities for reporting purposes. These include the Northern Ireland Office (NIO), significant regional non-departmental public authorities such as the Northern Ireland Housing Executive (NIHE) and a variety of other authorities with specific sectoral remits e.g. the Health and Safety Executive of Northern Ireland (HSENI). Due to the size of this combined group, information reported has been grouped under Non Departmental Public Bodies (NDPBs) and the NIO/associated authorities (including administrative and criminal justice authorities).

### Preparation of draft Equality Schemes

**5.6.2** During the year seven 'Other NI and Cross Border Bodies' schemes were approved. A further three schemes were approved in June 2003. The Police Board, Police Ombudsman and Police Service for Northern Ireland (PSNI), designated for the purposes of Section 75 in November 2001, had schemes approved in February 2003. The Northern Ireland Assembly Commission and the Northern Ireland Audit Office were included in the Secretary of State's fourth designation Order in January 2003. However, in light of the suspension of the devolved institutions the Assembly Commission was not asked to begin developing a draft scheme.

**5.6.3** By the end of March 2003, the Commission had not received draft schemes for approval from two authorities designated in April 2001; the Independent Assessor for Military Complaints (IMAC) and the Northern Ireland Film and Television Commission (NIFTC). Schedule 9 of the NI Act 1998 sets out a statutory six months timescale for scheme development.

**5.6.4** In 2001 - 02 the Commission approved two Cross Border Bodies' equality schemes. During 2002 - 03 a further two schemes were approved. However, the suspension of the devolved institutions led to delays in approving the remaining schemes, although efforts to secure approval for schemes continued. The Commission approved the remaining two Cross Border Bodies schemes in June 2003.

## Strategic Implementation of the Section 75 Equality Duties

**5.6.5** Many reports highlighted progress in the reporting period in terms of the strategic implementation of the Section 75 duties. Such progress was often facilitated through collaboration between smaller public authorities and their sponsoring Department. For example:

Progress reports from public authorities sponsored by the Department of Enterprise, Trade and Investment (DETI) demonstrated a high level of collaboration within the DETI “family”. The equality agenda has been driven by both the Department’s dedicated Equality and Diversity Unit and within its sponsored authorities by dedicated personnel and or Equality Units, which had developed specific individual implementation plans to ensure the fulfillment of commitments set out in each equality scheme.

**5.6.6** Similar collaboration had taken place between the Department of Agriculture and Rural Development (DARD) and its non-departmental public authorities. For example:

An audit process conducted by DARD was utilised by the Livestock and Meat Commission for Northern Ireland to develop an appraisal process incorporating equality objectives. The Northern Ireland Fishery Harbour Authority (NIFHA) had included such equality targets and performance indicators in its business plans since 1999/2000, which were cascaded down into work plans subject to appraisal.

Enterprise Ulster participated in an EQIA conducted by its sponsor Department, the Department for Employment and Learning (DEL), providing statistical information on participation rates by equality dimensions. Enterprise Ulster has also collaborated with DEL by comparing its statistics and analysis with DEL statistics on economic inactivity information for Section 75 categories.

Ulster Supported Employment Limited (USEL) had worked closely with DEL in connection with its consultation process for the Employment Support Programme, for which USEL is Northern Ireland’s largest programme deliverer.

The Construction Industry Training Board (CITB) reported collaborative working with the Department, but added that its suggestion that DEL and its non-departmental public authorities collectively work together to consult with the Section 75 groups was not implemented.

- 5.6.7** There was also some evidence of collaboration across sectors, and the development of partnerships with the voluntary and community sector. For example:

The Fishery Conservancy Board participated in the Southern Area Health and Social Services Board's Equality Forum, the Craigavon Travellers' Support Group, and an Equality Forum organised by its sponsor Department, the Department of Culture Arts and Leisure (DCAL).

USEL developed close working and partnership relations with a number of groups such as Chancel Open Learning Centre, Worknet Falls Road, North City Training (Ardoyne), Upper Springfield Development Trust, Chinese Community Centre, Craigavon Travellers Support Group, Special Needs Schools throughout Northern Ireland, Dunlewey Substance Abuse (Falls area), Forum against Substance Abuse etc. It reported that such partnerships have ensured increased participation in USEL's services, generated increased knowledge of the work of the organisation and helped obtain the views of external stakeholders, particularly about gaps in service delivery.

- 5.6.8** The Commission endorses this type of systematic and planned approach to strategic implementation, and notes that good progress has been made by authorities adopting such arrangements. Collaborative working allows smaller public authorities to avail of the greater resources of the Departmental authorities, and eases the consultation burden on the voluntary and community sector.
- 5.6.9** NIHE's progress report also identified progress in the period under review. Equality of opportunity and good relations were core organisational values included in the Executive's corporate and business plans, and a risk register was developed to ensure compliance with Section 75. Partnerships were developed with the voluntary and community sector through the establishment of a Consultative Forum, and an associated steering group which meets on a quarterly basis.
- 5.6.10** The promotion of good relations is possibly the weakest area with regard to implementation by these authorities. NIHE was reviewing its Community Relations Strategy. This is an extremely important development as the Executive is uniquely placed and has a vital role to play in the promotion of good relations in terms of providing opportunity for engagement and improved relationships between our communities.



**5.6.11** The Loughs Agency reported that it consulted with the Community Relations Council on how it could better promote good relations. As a consequence, the Agency has committed to:

- consult with the Multicultural Resource Centre, the Northern Ireland Council for Ethnic Minorities and other relevant groups covering religious belief, political opinion and racial groups to build relationships in order to better understand good relations issues;
- carry out an organisational audit of staff views on good relations; and
- utilise this audit to influence an Agency outreach strategy and its training/communications programme.

**5.6.12** The Arts Council approached the good relations duty in pragmatic ways. It asked all organisations applying for Council funding to complete an Equality of Opportunity Commitment, which was incorporated into its grants compliance requirements. In addition it initiated a Cultural Diversity Programme with the Community Relations Council to facilitate the development of a good relations strategy.

**5.6.13** The National Museums and Galleries of Northern Ireland (MAGNI) used its learning and access functions to promote good relations. This encompassed a wide range of museum activities and includes:

- developing cross-community education and learning programmes aimed at primary schools, secondary schools and other groups;
- working with relevant organisations in planning and delivering these programmes including schools, youth organisations, community groups and representative organisations [e.g. Forum on Community Understanding and Schools];
- developing and presenting exhibitions that address political, religious and ethnic issues locally [e.g. 'Conflict' exhibition in the Ulster Museum];
- working with advisory organisations such as the Community Relations Council in creating recurrent events and programmes aimed at promoting good relations; and
- working with OFMDFM's Victims Unit to stage an exhibition which will explore areas of division and diversity in Northern Ireland.

**5.6.14** The majority of NIO associated authorities made further progress in developing equality and good relations objectives. Amongst steps to work with other public authorities NIO again highlighted the Inter-Departmental Group on Voluntary and Community Development and the Joint Sectors Forum. During the year NIO provided core funding of over £2.1m to various voluntary organisations involved in the design and implementation of projects. It reported that this partnership work had helped the voluntary and/or community sector in progressing the duties.

**5.6.15** The Probation Board for Northern Ireland (PBNI) undertook a major internal good relations initiative facilitated by representatives of the Future Ways Programme, University of Ulster, to explore cultures which encouraged learning and allowed capacity to grow. Amongst its aims was the measurement of the impact of the process on improving operational goals.

## Screening and Equality Impact Assessment

**5.6.16** The progression of EQIAs within this category was generally acceptable, particularly in light of the size and functions of some of the organisations concerned. Steady progress was reported by a number of organisations:

- CITB finalised five Assessments and had progressed two others to formal consultation stage.
- NIHE finalised the three Assessments it had initiated to date.
- Laganside Corporation completed four Assessments.
- HSENI completed its first EQIA, and began a second, which was well advanced by the end of the reporting period.
- NIFHA completed an EQIA on its recruitment, selection and promotion policy.
- The Rural Development Council (RDC) completed its first EQIA (Methodology and Selection Criteria for Assessing Grant Applications) prior to the period under review, and initiated a second (Methodology for Appointing Members) in January 2003, which reached formal consultation stage.
- The LRA completed a significant amount of work in terms of screening its existing policies in the period under review. Many policies were put in writing for the first time to facilitate input by consultees. Initial screening has identified 13 policies for EQIA over the next three-and-a-half years.

- In total the NIO and associated authorities began 10 EQIAs during 2002 - 03. However, only half of the EQIAs commenced reached stage four of the process and were consulted upon. As a result NIO and associated authorities planned to progress 16 EQIAs in 2003 - 04 (including a number carried forward). In addition to the low level of progress through the 7-step EQIA process, reports include evidence that the EQIA process is not leading to amendments to policy.

**5.6.17** A number of “other” public authorities had not initiated any assessments during the period under review. Quite often these were extremely small organisations with limited interface with the general public, or their failure to engage in EQIA could be explained by the timing of their designation or some other external factor.

**5.6.18** Some organisations recognised the need to ensure that their EQIA programme was viable with the correct policies being subject to equality impact assessment. For example both the Sports Council for Northern Ireland and the Belfast Harbour Commissioners decided to conduct a re-run of screening in light of concerns over the initial exercise. This was a development supported by the Commission, given that the undertaking of screening and the development of an EQIA programme are perhaps the most important elements of the implementation of Section 75. It is critically important that screening is used to identify policies that have significant equality implications so that resources can be effectively devoted to these by way of Equality Impact Assessment.

**5.6.19** Some of the reports in this category lacked detail on how the authorities concerned conduct the ongoing screening of new/revised policies. Few new/revised policies were selected for inclusion in EQIA programmes. In circumstances where there is a high level of new policies being screened out, it is particularly important to confirm that these decisions are properly communicated to the Section 75 groups and that consultation takes place.

## Communication and Training Provision

**5.6.20** Most reports provided evidence of a continued commitment to the delivery of Section 75 training, and effective communication of the organisation's commitment to equality of opportunity and good relations. Staff training associated with the Section 75 duties was evident in the majority of reports, at both the introductory awareness level, and with regard to the provision of more specialist instruction for staff involved in policy development. For example:

Several departments delivered direct Section 75 training to staff employed by their associated non-departmental public authorities. There was also evidence of more innovative training evaluation e.g. the use of focus groups.

The Arts Council developed an equality training manual in completing EQIAs to ensure that officers responsible for policy development were aware of the variety of issues that may arise.

**5.6.21** Much of the training implementation lacked input from Section 75 groups. Indeed need for such input was recognised by some organisations that have reported their determination to involve Section 75 groups in training in the future.

**5.6.22** A small number of organisations were proactive involving Section 75 groups in training, for example, MAGNI worked in partnership with Disability Action to design and implement its Section 75 programme.

**5.6.23** Most NIO associated authorities had developed plans for training and were rolling out staff and management provision. During the year the Chief Electoral Officer extended training provision to the many part-time staff recruited for canvassing during the electoral registration process.

The Chief Electoral Officer began work with representatives of MENCAP, the RNIB and the RNID in a co-ordinated approach to the training of canvassers to deal sympathetically and effectively with people with disabilities.

Amongst other work in progress PSNI commenced a compulsory course, 'Course for All', for all ranks of police and support staff, including the Chief Constable. Training was based on a video, which

was produced in British Sign Language and Irish Sign Language to facilitate deaf and hearing impaired staff members. Separate deaf awareness training was provided by the British Deaf Association to police personnel dealing with the public on a daily basis. It was also noted that though NIO training directly involved only one of the affected groups, training providers ensured all nine groups were covered in training through case studies and 'equality quizzes'.

**5.6.24** In terms of information on training evaluations NIO reported an overall satisfaction rating in excess of 85% for awareness raising. End-of-course evaluation highlighted that the use of specific examples of departmental policies for training made sessions relevant to individual divisions and branches.

**5.6.25** In terms of areas for improvement some associated authorities highlight scarcity in training provision and lack of networking opportunities. The Commission intends to address this during 2003 - 04 through the development of a Smaller Bodies Network.

## Data Collection and Analysis

**5.6.26** Systems to supplement available statistical and qualitative data were progressed. In some cases this was done in conjunction with sponsoring departments, or in partnership with other non-departmental public authorities. The Commission encourages smaller public authorities to collaborate with their sponsor department to build upon its available data. These organisations have access to the planned work of the OFMDFM led Equality and Social Needs Research and Information Group, which continues to research data sources and monitoring.

**5.6.27** Many organisations reported the use of satisfaction surveys to inform the development and review of policies. External data utilised included Census data, Labour Force survey reports, and workforce profiles. In situations where detailed statistical information was not available or appropriate, discussion / consultation with the Section 75 groups was often used as a method of obtaining qualitative data. For example:

Enterprise Ulster, met with the N. Ireland Coalition on Sexual Orientation (CoSO) to establish its views on monitoring sexual orientation information.

**5.6.28** Invest NI began a review of the extent of existing Section 75 monitoring within each of the main policy areas considering:

- The value of any additional monitoring information or research.
- The readiness of the business sector and the public to supply such information.
- The resource implications.
- Use of proxies.
- Proposals for collection, maintenance and analysis of monitoring data.
- Proposals for evaluating the effectiveness of monitoring data.

**5.6.29** NIHE was particularly proactive in terms of data collection and analysis. It developed a monitoring strategy implemented through a dedicated Equality Monitoring Project Group to ensure that mechanisms were in place to facilitate the statistical monitoring of housing services, access to information, impacts of policies/functions, and adverse impact identified through EQIA. The main components of the strategy are:

- the utilisation and development of existing information systems;
- a dual system for monitoring with emphasis on the production of statistical data supplemented by the collection of qualitative data from other sources;
- initial focus on high priority areas;
- ongoing assessment of data quality; and
- production of monitoring reports.

**5.6.30** The Rural Development Council (RDC) was also proactive in this area, introducing an internal Management Information System to aid data capture on its activities. Equality impact monitoring across the Section 75 groups is an intrinsic part of the system.

**5.6.31** Although the amount of information in progress reports about data collection and analysis varied, significant work was undertaken by authorities involved in the area of criminal justice. In September 2002 the NIO completed research into the monitoring of religion in the criminal justice system. The findings, which will be published during 2003 - 04, will inform the Department and other authorities (through the Criminal Justice Board) as efforts continue to develop the 'Causeway Project'. This is a monitoring initiative which covers the whole Criminal Justice Service. It is hoped offenders will be monitored at their point of entry to the system with relevant information travelling through the system and obviating the need for separate monitoring.

**5.6.32** Among other worthwhile developments, NIO indicated further research was planned on Section 75 categories and the criminal justice system. This will complement existing reports on 'Gender' (March 2002) and 'Age' (April 2003) and the criminal justice system. The Chief Electoral Officer reported discussions during the year with NI Statistics and Research Agency (NISRA) to identify how Census data and anonymised Registration data could be correlated to indicate the take-up of electoral registration by Section 75 categories. Work is still at an early stage and is continuing.

## **Information Provision and Access to Services**

**5.6.33** Good progress was reported on the development of arrangements to provide information in accessible formats, including:

- The provision of information in Braille, large font format and minority languages and use of audio cassettes.
- A statement advising of the availability of alternative formats was placed in publications.
- The use of widget software in developing information in suitable formats for people with learning disabilities.
- Publication schemes that commit to standards of accessibility. "Bobby" website accreditation – ensuring that websites have undergone a series of tests to ensure accessibility to all individuals including those with disabilities.

**5.6.34** Efforts were also made to improve the accessibility of services, with specific initiatives including:

- Telephone based language interpretation and translation services.
- Staff training in sign language and deaf awareness.
- Hearing induction loops.
- Text phone.
- Physical refurbishment of buildings in line with a Disability Action accessibility audit.

**5.6.35** Many organisations have developed or were working on communication strategies to ensure information and services are accessible. For example:

The Health and Safety Executive (NI) prepared a best practice Communications Guide to ensure that the information it disseminates and the services it provides are made as accessible and equitable as possible.

**5.6.36** The Northern Ireland Tourist Board (NITB), one of whose major functions is to provide information to the general public and the tourism industry, undertook a review in conjunction with Disability Action, which will form the basis of a new Accessibility Strategy. The LRA was also in the process of formalising its communications strategy in the period under review.

**5.6.37** Arrangements were also made to develop monitoring systems regarding access to information and services to ensure equality of opportunity. For example within NIHE the uptake of information made available in alternative formats was monitored within its Information/Secretariat Division. In addition the Executive's Equality Unit has developed a scoping paper on monitoring access to information and services.

Laganside Corporation utilised attitudinal focus groups to provide feedback on information provision and accessibility.

The Loughs Agency began the development of an outreach and dissemination strategy to determine what arrangements were needed to ensure the provision of accessible services and comprehensible/accessible information.



Further steps were taken by the NIO and associated authorities to review and develop arrangements for the provision of information in accessible formats. Specifically the NIO reported a translation service to deal with non-English correspondence, which covers most of the languages of the world. However, in its report NIO noted that: *“In practice there has been little or no take-up of any of these facilities or services”*.

**5.6.38** Among the associated authorities the Office of the Police Ombudsman ensured documentation was available throughout PSNI and CAB centres, enhancing communication and information provision further.

## Complaints

**5.6.39** During the reporting period a voluntary group from the Dungannon area contacted the Commission to highlight difficulties faced by Portuguese migrant workers. A number of authorities including the Court Service, PSNI and TV Licensing were contacted to clarify policy responsibility. As a result of subsequent discussions, arrest warrants were withdrawn and commitments to review language provision and enhance mechanisms to avoid adverse impacts were made.

## Timetable

**5.6.40** An overall view of the forty-five authorities in this section 2002 - 03 reports suggested that the majority of timescales and commitments are being met.

## Consultation

**5.6.41** Many organisations in this sector adopted innovative and structured approaches to consultation. For example:

NIHE established a Consultative Forum on Equality to consult generally on matters relating to the duties, with a Steering Group to review progress in addressing issues raised by the Forum. The Forum met annually following publication of the Executive’s annual report, and it proved to be an inclusive way of engaging with affected groups.

The Loughs Agency established an equality reference group with representation from the nine Section 75 categories and from the voluntary and community sector.

**5.6.42** Other groups such as the DETI sponsored non-departmental public authorities adopted a collaborative approach with their sponsor Department to consultation. Many organisations recognised and responded to the problem of “consultation fatigue” adopting a range of consultation techniques including the use of target groups and executive summaries of detailed information. For example, the Livestock and Meat Commission sent consultees a circular letter providing basic information, and inviting their participation in further consultation. Some organisations reported the use of consultation databases to help manage consultation exercises.

**5.6.43** This new section of the progress reports included a range of examples of good consultation practice and work in progress by the NIO and associated authorities. NIO indicated that certain consultation periods, for example the Rehabilitation of Offenders (Exceptions) Order, lasted more than 12 weeks and the Patten Action Team’s consultation on the Police Bill was outlined. This included a focused approach intended to reflect limited interest amongst many authorities with the NIO reporting that the response of those consulted validated the approach.

## Impacts and Outcomes

**5.6.44** The sector reported the main outcomes from the implementation of Section 75 as being:

- an increased awareness of equality issues and the need to mainstream equality of opportunity into all activities;
- better policy-making and service design/delivery, informed by consideration of equality issues from an early stage of policy development;
- improvement in consultation with Section 75 groups;
- increased monitoring associated with information and services;
- greater accessibility of information disseminated and services provided; and increased public transparency.

## Significant developments included:

- The Fishery Conservancy Board re-formulated a new policy on concessionary licences for older people. Prior to screening the Board planned to base eligibility on pension entitlement, i.e. men who had reached 65 years of age and women who had reached 60. As a result of screening the policy was revised to give concessionary licences to all people aged 60 or more.

- The Arts Council now requests that all organisations applying for funding complete an Equality of Opportunity commitment, which is tied into their compliance requirements for Grants purposes.
- The Sports Council introduced a new policy on flexible and part-time working hours that will benefit employees who have dependents. New exchequer challenge fund programmes were also introduced. This opened up funding to a wide range of organisations where previously only governing authorities were eligible. Consequently a greater variety of groups have had the opportunity to attract funding, e.g. Disability Sport NI.
- Waterways Ireland changed a number of its personnel policies to mitigate adverse impact identified by screening.
- NITB participated in a Business Support Scheme provided by Disability Action. It also encouraged the provision of accessible accommodation, resulting in the improvement of facilities for people with disabilities.
- Intertrade Ireland sought to promote the role of women in business by funding a Research Forum; "Promoting female entrepreneurship, Implications for Education, Training and Policy".
- Enterprise Ulster undertook a project titled 'Positive Action for Women'. This was carried out in concert with the Training for Women Network and resulted in the award of a grant of £150,000 to assist in improving further participation by women, support entrepreneurship and develop women's access to emerging work opportunities deriving from peace. This project was carried out with the support of Omagh Forum and Omagh Women's Area Network (OWAN). This project had commenced and was delivering a programme of training for the unemployed, which embraced ICT, basic skills, confidence building and peace and reconciliation within the Omagh District Council area in both rural and urban settings. The main beneficiaries of the project will be to rural disadvantaged women who have little or no access to learning because of rural isolation and urban women who want to return to work but lack the necessary skills and qualifications.
- Laganside Corporation refurbished its Lagan Lookout Visitors Centre in line with recommendations made by Disability Action in an accessibility audit.

- The Belfast Harbour Commission revised the Harbour Police Oath to reflect the oath now taken by members of the PSNI.
- NIHE published the 'Travellers' Accommodation Needs Assessment Report' in February 2003. This represents comprehensive research carried out in relation to the accommodation needs of Travellers in Northern Ireland and will inform a 5 year programme of schemes by the Executive with the focus on those locations where families are in greatest need.

**5.6.45** NIHE is also presently reviewing its Community Relations Strategy. Practical outcomes to date include:

- Providing additional local support for residents e.g. over the past two years 53 Neighbourhood Warden Posts have been established (47 currently in post). Feedback from community groups, individual residents and public representatives on this initiative was very positive.
- A number of "concierge" schemes were established in high rise blocks which have traditionally been the focus of anti-social behaviour.
- The skills and talents of front-line staff were being reviewed through the Modernising Services Agenda to develop ways to assist local people in practical terms.
- A partnership on crime initiative was introduced in 10 estates through the Creating Common Ground Consortium.
- A Community Safety Team was established.
- An in-house mediation service has been introduced to help tackle problems of anti-social behaviour.
- A good neighbour competition was held to highlight best practice in the delivery of community safety.

**5.6.46** Outcomes specifically arising from EQIA included:

- Both the NI Fishery Harbour Authority and the Fishery Conservancy Board extended their equal opportunities monitoring to cover additional equality groups.
- The Rural Development Council reviewed its selection methodology and criteria for assessing grant applications.
- The Arts Council changed its funding policy to provide additional funding to Section 75 groups.

- Invest NI improved its Business Support Programme to develop closer links with potential participants including ethnic minority groups and women.
- Laganside Corporation revised and updated its employment policy.
- The Northern Ireland Housing Executive completed assessments on appointments, promotions, homelessness, and house sales leading to significant proposed changes to these policies to promote equality of opportunity. For example, the EQIA on house sales led to the relaxation of a previous exclusion on people over 60 years of age on buying their Executive property.

**5.6.47** A number of benefits for organisations were reported by authorities in this sector including:

The Northern Ireland Court Service reported: *“The improved consultation process is gradually creating a more outward facing organisation”*.

NIO indicated that: *“At this stage in the ... application of the Section 75 principles, it is perhaps too early to assess the benefits for any of the nine Section 75 categories of the NIO’s evolving approach to policy development”*.

PBNI reported: *“Section 75 had made little positive impact on the Board to date ... The main outcomes are simply expressed: Positive – stimulus to revise and update the full range of Board policies. Negative – mountainous bureaucracy”*.

**5.6.48** A number of NIO associated authorities outlined impacts and outcomes related to specific equality categories and/or multiple identity issues. These included:

- During 2002 - 03 NI Prison Service worked closely with NIACRO and the Quaker Society to develop child-centred visits, during which a prisoner was able to spend time alone with dependant children, for families and friends visiting at Magilligan and Maghaberry prisons.
- The Chief Electoral Officer began work with representatives of MENCAP, the RNIB and the RNID in a co-ordinated approach to the training of canvassers to deal sympathetically and effectively with people with disabilities.

- In the light of the screening exercise the Chief Electoral Officer re-located all but two Area Electoral Offices in sites that provide access for wheelchair users.
- The Chief Electoral Officer removed any upper age limit to promote equality of opportunity on the grounds of age in the recruitment of temporary canvassing staff, and core staff.
- PSNI indicated that face to face meetings, held with stakeholder groups, were extremely useful. A meeting with Youthnet resulted in the PSNI facilitating a youth forum for young people to express their opinions on policing in Northern Ireland.
- NICS changed a number of policies/practices as a result of the EQIA process, namely: The declaration of "God Save the Queen", at the opening of certain courts, symbols on Court Service Buildings, the Judicial Oath and the Court Service Accommodation Strategy.

## Additional Information

**5.6.49** The Legal Aid Department of the Law Society, whose scheme was approved in October 2002, was preparing for the transfer of responsibility to a new Legal Services Commission for Northern Ireland. The Commission will be effective from 1 November 2003. As a result a formal EQIA timetable was not prepared or consulted on during 2002 - 03.

## 5.7 UK Wide Public Authorities

### Preparation of Equality Schemes

**5.7.1** Twenty-five UK wide Government departments, referred to as the 'UK authorities', are designated for the purposes of Section 75.

**5.7.2** Of the twenty five UK authorities subject to Section 75 nine had equality schemes approved by the end of March 2003. A further three schemes were approved in June 2003. Two UK authorities were granted exemptions from the requirement to produce an equality scheme.

**5.7.3** During the year three of the remaining 11 UK authorities continued to consult and amend their draft schemes to ensure compliance with the Guide to the Statutory Duties. By the end of March 2003, however, the Commission had not received draft schemes for approval from five UK authorities designated in April 2001. These authorities included:

- British Wool Marketing Board
- Food from Britain
- Home Grown Cereals Authority
- United Kingdom Xenotransplantation Interim Regulatory Authority
- Unrelated Live Transplant Regulatory Authority

**5.7.4** In January 2003 three UK authorities were designated and requested to begin the process of developing and consulting on a draft scheme. By the end of October 2003 one of these authorities had submitted a draft scheme for approval.

### Strategic Implementation of the Section 75 Equality Duties

**5.7.5** Many UK authorities continued to administer Section 75 duties through strategic management mechanisms. Previously five UK authorities reported steps had been taken to build equality and good relations objectives, performance indicators and targets into corporate and annual operating plans. During 2002 - 03 three more UK authorities incorporated the duties relating to Northern Ireland into national corporate strategic frameworks. National Heritage Memorial Fund (NHMF) began to use Section 75 to review its policies, functions and grant programmes across the organisation rather than only in Northern Ireland. NHMF anticipate this approach will make the organisation more likely to mainstream equality issues and help prepare for proposed changes in equality legislation in England, Scotland and Wales.

- 5.7.6** The Department of Trade and Industry (DTI) provided an example of good practice in mainstreaming. DTI's progress report indicated:

Its vision was "prosperity for all" with a Departmental Business Plan objective to "promote and realise the benefits of diversity in the economy and more widely". DTI's 'Fair Markets Group' was tasked with taking this objective forward by mainstreaming diversity, ensuring compliance with statutory equality schemes (DTI's Northern Ireland Equality Scheme and DTI's Race Equality Scheme) and developing appropriate impact assessment tools.

- 5.7.7** To support scheme commitments Inland Revenue published, via its intranet, equality performance objectives for all staff posts and grades.

The equality objectives were a fundamental part of individual performance agreements and the performance appraisal process during the year. Inland Revenue also set targets aimed at making the organisation more representative of the communities it serves, with targets set across the whole of the Department for gender, ethnicity and people with disabilities.

- 5.7.8** Following major management restructuring and appointments, the Qualifications and Curriculum Authority (QCA) undertook a review of Section 75 responsibilities and identified the need to repeat initial training to ensure new staff had the skills to ensure strategic implementation of Section 75.
- 5.7.9** In Section 2 of its report the Information Commissioner noted that three additional Assistant Commissioners were appointed during 2002 - 03 to set up and manage satellite offices in Scotland, Wales and Northern Ireland. As a result the Information Commissioner's office was reconsidering the functions and policies covered by its approved scheme.
- 5.7.10** There were general issues for improvement and development by UK authorities regarding strategic implementation. These include working with other authorities, partnerships with voluntary and community sector and progressing the good relations duty. Following low levels of work with other authorities the Commission took steps to assist UK authorities, organising network events in June 2002 and March 2003. These events included advice giving and sharing of good



practice examples by a number of UK authorities. In addition limited work to progress the good relations duty was evident in reports. A number of UK authorities expressed interest in the development of Commission guidance on good relations and others noted work in progress with the NI Community Relations Council.

## Screening and Equality Impact Assessments

**5.7.11** In 2002 it was reported that few UK authorities had completed screening and the process was taking longer than anticipated. Delays were caused by the need to identify functions relating to Northern Ireland before assessing relevant policies for equality implications. Nevertheless by the end of March 2003 nine UK authorities had screened policies and finalised their Equality Impact Assessment (EQIA) programmes. While only two UK authorities had undertaken four EQIAs by the end of March 2003, some good practices were employed and effective joined up working arrangements to facilitate EQIA work were under development by other UK authorities. Interestingly both authorities that undertook EQIAs indicated changes had been made as a result of assessment and consultation. These are set out under the Impacts & Outcomes heading.

**5.7.12** During 2003 - 04, nine UK authorities planned to progress 24 EQIAs according to progress reports. This represented a significant improvement in activity and progress in implementing statutory equality requirements. Remaining UK authorities were progressing screening or were amending draft schemes for approval before commencing screening work.

Examples of good practice included the following:

In order to avoid further delays in its EQIA programme NHMF planned to begin initial EQIA steps before completing the screening consultation exercise. The Community Fund built on the grouping of similar policies for EQIA and worked with other lottery distributors in progressing the 'Awards for All' EQIA during the year. 'Awards for All' is a joint lottery programme and the EQIA is being co-ordinated by the Fund.

DTI highlighted work to secure organisational-wide input to its screening of 212 policies. It estimated approximately 750 hours were spent on screening policies (including screening training) against a backdrop of only six out of 9,500 staff having a NI presence. Amongst the methods for ensuring new policies were screened a 'Better Policy' intranet site was created by DTI.

The Information Commissioner's report highlighted that EQIA of policies, such as office location, staffing and employment conditions, were considered inherent in the build up to the establishment of the new office, rather than an afterthought.

**5.7.13** Various UK authorities reported notable outcomes in their reports, some of which are linked to screening and preliminary EQIA work. Screening of policies for EQIA was an area requiring improvement. In its previous overall progress report the Commission had expressed concern at how screening by some authorities in this sector had produced limited EQIA timetables. Once again the Commission noted that some UK authorities, with responsibility for implementing sizeable ministerial portfolios, produced limited EQIA programmes. We are aware of a learning process within all authorities subject to Section 75 as well as the limitations of the screening consultation process. However, the timescale for some UK authorities to complete screening and develop capacity to undertake EQIAs was unduly lengthy. In addition, little linkage was made in progress and screening reports, with the requirement to screen under race relations schemes.

## Communication and Training Provision

**5.7.14** Many UK authorities previously reported progress on undertaking initial training, ring-fencing funds for future Section 75 staff training and building up internal and external communication processes. Reports for 2002 - 03 suggest further progress. The Community Fund, for example, outlined practice which could offer significant benefits for other groups and authorities.

The Fund has been working with the Coalition on Sexual Orientation (CoSO) to develop a tailor-made programme on equality issues on sexual orientation for Northern Ireland, based on staff and Committee members and the corporate Mainstreaming Equalities Training Programme.

The Fund also identified limited availability of training resources within the age sector as a factor likely to impede the progress of training within its planned timetable. It decided to liaise with relevant age sector representatives to develop custom made staff training.

Other examples included:

NESTA invited speakers to address staff regarding diversity issues and scheme implementation. NHMF has merged Section 75 specific training and Race Relations (Amendment) Act training.

The Department for Culture, Media and Sport (DCMS) indicated training was also being combined.

The Information Commissioner's Office liaised with another UK authority with the aim of using a Diversity Strategy Training Programme, outlined at a UK Authorities Network seminar, as the basis for training to be delivered by in-house staff or someone from the authority concerned. DTI is also making use of Commission EQIA training, from an UK Bodies Network seminar, at its own Senior Civil Service training seminars.

DTI held a further 15 diversity seminars for members of the Senior Civil Service on Section 75 and race relations duties. The Secretary of State and the Permanent Secretary introduced the seminars and a video was made by the Secretary of State, endorsing the importance of the seminars and her commitment to diversity, for use at events the Minister did not attend. In October 2002 DTI's Permanent Secretary launched its e-learning training tool 'Diversity, Policies and Services'. This provided information about the NI Section 75 and GB race relations obligations. It also provided information and guidance on mainstreaming diversity and equality issues into DTI policy making and services, including how to equality proof policies. The training tool was available to all staff on the DTI Intranet. Staff in the Executive Agencies who could not access the Intranet were provided with CD Rom copies.

**5.7.15** While there were many examples of good progress in this sector there were also areas for improvement. Provision of further details of training evaluation and benefits would have been worthwhile. Many reports indicated training evaluation was being undertaken, though the results of this and learning and development needs identified were not highlighted. Despite some good examples of the involvement of affected groups in training development and delivery, this remained an area in which limited progress had been made by most UK authorities. The Commission intends to focus the UK authorities network on this issue. Examples of internal communication had increased, as had examples of induction training. There also appeared to be an increase in the use of other communication media. For example, Inland Revenue intended to

develop a staff training video, for use by managers, as the key vehicle to raise awareness and to strengthen compliance with the departmental plan in support of Section 75.

## Data Collection and Analysis

**5.7.16** Efforts to continue the development of data collection systems were evident in reports, though the amount of information is less than in previous years. Good practice could be seen within the lottery sector, where it was noted monitoring systems had the facility to run reports on application and success rates in terms of grant-making across most of the nine Section 75 equality categories. During 2002 - 03 one body further amended application forms and IT systems with new questions on sexual orientation, people with dependants and gender introduced.

**5.7.17** DTI commissioned contractors to work on six projects linked to mainstreaming diversity and equality issues. Amongst these 'Data for Diversity - Help for DTI Directorates' consisted of analysis of large-scale official data sets, to produce disaggregated analysis by gender, ethnicity, age and disability. The principal focus of this work was on the economically active, especially those in employment, using the Labour Force Survey.

**5.7.18** Other notable data collection developments included the British Council, which initiated a staff survey that will be repeated every three years.

NHMF reported development of workforce monitoring, in particular ethnic origin, related to:

- staff in post;
- applicants for employment, training and promotion;
- numbers of staff from each such group who:
  - \* receive training;
  - \* benefit or suffer detriment as a result of performance assessment procedures;
  - \* are involved in grievance procedures;
  - \* are the subject of disciplinary procedures; or
  - \* cease employment with the Fund.

**5.7.19** Customs and Excise indicated that it had instigated two customer surveys during 2002 - 03, in the areas of Debt Management and Passenger Challenge and Search, though coverage of the Section 75 equality categories was not outlined. This authority also indicated 'should experience indicate that we need to supplement this data (census, customer surveys and staff monitoring) we will do so'. Another example of issues for improvement was illustrated by NHMF. The Fund acknowledged a lack of systems in place to monitor sexual orientation, political belief, marital status or people with dependants. The Commission believes this reflects a situation common to many UK authorities. Some UK authorities highlighted the need for further guidance from the Commission.

## Information Provision and Access to Services

**5.7.20** Most UK authorities reported actions to review arrangements for the provision of accessible information. Undoubtedly the range of publications and formats continues to expand. Interestingly one authority undertook an EQIA of publications and access to services resulting in a new policy on the use of plain English and the enhancement of systems to better monitor demand for languages/formats to meet the needs of customers at a local level.

The British Library reported work to enhance reader and visitor services including reader information leaflets designed in consultation with RNIB in large print format. The Library also reduced the cost of photocopying for visually impaired readers; and permission was obtained to waive printing restrictions so that a visually impaired reader could access the required material through 'Reading Edge' in its reading room.

In relation to developing practice the Community Fund held information events as a valuable method of promoting access to information. During 2002 - 03 information events were held all over Northern Ireland, both in rural and in urban areas, in geographical areas from where the Fund gets few applications and areas of high levels of disadvantage. The Fund also targeted specific information events at groups under-represented in terms of grant making.

**5.7.21** Most reports by UK authorities indicated progress under this heading.

## Complaints

**5.7.22** No complaints were received by any UK authority regarding failure to implement an equality scheme during 2002 - 03. Several UK authorities, including the New Opportunities Fund, highlighted enhancement of existing complaints systems and information leaflets. Inland Revenue outlined central monitoring of complaints to enable equality issues to be identified and fed back to various functions. It was reported this arrangement would enhance the effectiveness of existing policies and strengthen the consideration of Section 75 by those responsible for developing future policies.

## Timetables

**5.7.23** Generally 2001 - 02 progress reports from UK authorities included limited information on timetables. There has clearly been an effort to improve reporting, under this heading in 2002 - 03. In terms of the style of reporting, useful approaches were employed by the Office of Telecommunications (OFTEL), NHMF and the British Council. These provided an outline of equality scheme implementation timetables and changes from year to year. In overall terms there was evidence from 2002 - 03 reports of rescheduling and joining up of activities to ensure overall timescales and commitments are met.

## Consultation

**5.7.24** This new report heading produced an assortment of information on consultation practice. While a number of reports merely restated scheme commitments on consultation many examples of good practice were evident. Significant amongst these, NOF, Inland Revenue and NHMF reported expansion of consultation timescales from eight to twelve weeks in line with Cabinet Office and other best practice guidance.

**5.7.25** Other changes were highlighted by Community Fund, Customs & Excise, Inland Revenue and New Opportunities Fund.

Community Fund began to organise staff focus groups to discuss EQIA issues. Case studies were used to supplement the consultation process with staff, and discussion papers were provided for Committee and Management Team members to facilitate responses. Customs & Excise indicated it had moved away from 'blanket coverage' consultation towards writing and e-mailing those on the consultation list to highlight new developments.

Consultees could then request a copy of the consultation document.

In its report the Inland Revenue highlighted participation in 'Mobility 2002, Belfast'. This exhibition was made up of over 30 exhibitors from a wide range of public, private and voluntary organisations. The event provided a forum for the Revenue to be accessible and supportive to disabled customers as well as network and discuss ways towards closer working with other government departments. The event generated approximately 50 enquiries of which 70% related to disabled persons tax credits, some enquirers were not aware of their eligibility for this.

During the year NOF produced a report entitled 'Engaging Young People in Evaluation and Consultation'. This included things to consider and best practice to engage young people in both programme and project evaluation, as well as how evaluation could be part of a wider process of consultation. The report is available on NOF's website.

## Impacts and outcomes

**5.7.26** Progress reports included details of impacts from implementing Section 75 which UK authorities believe accrued benefits to their organisation and people from various equality categories. In terms of the style of reporting, useful approaches were employed by the British Council and the Community Fund.

**5.7.27** A number of authorities noted benefits for themselves:

*DTI's report stated "We believe the analysis and thought which is applied to policies operating in Northern Ireland because of the Act does help officials generate their policies and programmes more effectively." Similarly Customs & Excise reported, 'that the implementation of the duties included in Section 75 has had a positive benefit for the organisation, helping us to focus on our goal of better reflecting the society we serve by becoming a more diverse organisation'.*

**5.7.28** Some changes were made to policies and practices which cannot yet be assessed. For example, as a result of consultation on producing information in other formats, the Community Fund was aware that targeted information 'surgeries' could be more valuable for Black and Minority Ethnic (BME) communities. NOF reported increased knowledge transfer from Belfast-based staff to assessment and decision making colleagues and outreach officers based in other offices.

**5.7.29** Although a number of reports focused on process issues, a significant number of outcomes were identified in relation to specific equality categories and multiple identity issues. These included:

- The British Council reported increased representation of women (30% to 35.4%) and ethnic minorities (2.7% to 5%) at the most senior management level; the rate of change has exceeded expectations. The Council also reported substantial increase in the number of ethnic minority staff being awarded an exceptional rating in performance management (an increase from 7% to 18.7% in 01 - 02).
- The British Council brought to the attention of CCEA, the Dept of Education and the Joint Council for Examinations attempts at discriminatory practice by some schools in Northern Ireland regarding language assistant posts. This collaboration resulted in agreement to amending the wording to be used in future information and guidance for schools.
- The British Council raised awareness of uncapped additional funds, prevalent in some European programmes, which enable better equality of outcome, e.g. funds to enable carers to accompany children with learning difficulties, thus ensuring full participation in the programme. Similar funding models for awards were considered and adopted in the arts arena.
- The Community Fund's (NI) Communications Officer and Equalities Officer developed an outreach and development plan for BME groups in December 2002. The Plan aimed to increase participation/success rates of BME groups across all grant programmes, identify effective information strategies and address barriers to BME groups. The Fund's corporate policy team produced information and background guidance for policy decision makers on the nature of disadvantage facing BME communities and the role of the Fund in meeting these needs.



- After consultees told the Community Fund that using a Plain English approach to external materials was a key way to promote accessibility, the Fund adopted a policy on using Plain English. Over 60 staff were trained in how to implement the policy on Plain English and the Fund is rolling out training on Plain English for all staff in all regional and country offices benefiting younger people, people with learning disabilities and ethnic minority communities.
- The Community Fund developed a summary version of its scheme, in partnership with Mencap, in a format for people with learning disabilities. The summary involved user-testing and was formally launched at a user-led event in December 2002
- During 2002/03 Customs & Excise instigated a work experience programme for people with disabilities. In partnership with the Orchardville Society and the Cedar Foundation, disabled people gained experience of the working environment. Customs & Excise are discussing expanding the scheme during 2003 - 04.
- As a result of Section 75 developments, the Information Commissioner took steps to amend its policy relating to posts which required individuals to retire at 60.
- The Information Commissioner also commissioned an equal pay audit by an external auditor to assess if there are, or have been, differences in the treatment of male and female staff based in Wilmslow. The auditor concluded very positive results regarding the provision of opportunities for training, development, promotion and in attracting and dealing with applications for vacancies when they arise and in setting pay.
- The Director of OFTEL published recommendations on the universal service and the provision of public call boxes (PCBs). As regulator OFTEL decided that the consent of appropriate local community groups must be sought by British Telecommunications where the complete removal of PCB service from a site in Northern Ireland is proposed.
- NOF's Complaints Procedure was modified after EQIA findings, leading to more user-friendly publications. The process of modifying documents will continue in 2003 - 04 to further develop publications that are more user-friendly for people with visual impairments.
- UK Transplant undertook an assessment of equality of opportunity for people in Northern Ireland relating to kidney transplantation.

**5.7.30** As EQIA activity increases amongst UK authorities the range of impacts and outcomes should increase both in terms of policy areas and equality categories affected.

## Additional Information

**5.7.31** It should be noted that the New Opportunities Fund and Community Fund are scheduled to merge within the next two years. The Secretary of State for Culture, Media & Sport has published the National Lottery Funding Decision Document outlining plans. It is anticipated that an administrative merger will occur prior to legislation being placed before Parliament and the creation of a new distributor. While the full scope of the administrative merger has yet to be determined it is likely that Section 75 work will be refocused on scheme development. This will impact on two pathfinder authorities that had built organisational capacity and were clearly using the EQIA process as a tool for change, as well as reporting on impacts and benefits.

## Conclusions

**5.7.32** The size, location, resources and commitment to implementing the Section 75 duties varied between UK authorities. Some took the duties, which by statute refer only to their functions relating to Northern Ireland, and made them relevant to their entire UK-wide functions and activities. On the other hand, a number of UK authorities had not met the timescale for developing and consulting on their draft schemes. Others submitted draft schemes and progressed negotiations with the Commission whilst making progress with scheme commitments ahead of approval.

**5.7.33** Commitments to develop information provision, data collection and analysis had not progressed as well as previous progress reports had projected. Some information was reported on the enhancement of systems. There was some reporting of the extent to which current systems cover the nine Section 75 equality categories.

**5.7.34** Information on timetables detailed varying levels of success but some authorities did not report on all scheme aspects or those not met during 2002 - 03.

**5.7.35** It is clear that the impact of devolution and changes in Whitehall were causing some UK authorities to redevelop their structures e.g. Information Commissioner, lottery authorities. Such changes will lead to some revision of existing equality schemes and, possibly, delay in making progress on delivery of the duties.

**5.7.36** UK Authorities reported some creative consultation practices including expansion of the consultation period from eight to twelve weeks. However some authorities again reported low response levels from affected groups and questioned the value of consultees' responses.

**5.7.37** Some fifteen impacts and outcomes were reported highlighting positive advantages of mainstreaming. These benefited not only various organisations but affected the majority of the nine equality categories. This represented a significant shift for Section 75 from conditioning and influencing UK authority policy makers to making a real difference to the lives of people in Northern Ireland and, significantly, also in England, Scotland and Wales.

## 6. A Voluntary & Community Sector Perspective

The following views were expressed by representatives of the Community and Voluntary sector at a roundtable meeting (10 November 2003). The meeting was convened by the Commission, to consider progress on the implementation of the statutory duties.

**Comments below were made by various participants and are listed under the headings in the progress report template.**

### Preparation of Equality Scheme - Room for Improvement

- 6.1** Recently designated public authorities were cutting and pasting from equality schemes which have been approved earlier. Where such public authorities had not given sufficient thought to their schemes they were not well placed to implement them.

### Strategic Implementation of Section 75 Equality Duties - Good Practice

- 6.2** Despite disappointing performance by many public authorities, Section 75 still had the potential to bring about change.
- 6.3** The Race Relations Amendment Act 2000 contained greater enforcement powers in respect of the statutory duty than the Northern Ireland model. It would be useful if the Commission noted the usefulness of Compliance Notices used in Great Britain.
- 6.4** The Association of Northern Ireland Colleges (ANIC) had been a notable good practice example. It had:
- Used a joined-up approach
  - Provided good relations training for Equality Officers
  - Dovetailed Section 75 duties with race and disability legislation requirements
  - Established a Higher and Further Education Equality Consortium
- 6.5** Belfast City Council responded to a need for single gender swimming sessions highlighted by Muslim women by making such provision available (however the Council failed to avail of the positive public relations opportunity offered by this development, to highlight this as a positive consequence of Section 75).

## Strategic Implementation of Section 75 Equality Duties - Room for Improvement

- 6.6** Despite a lot of activity around consultation, public meetings, issuing of documents, there was little evidence of feedback from public authorities to voluntary and community organisations on their comments/contribution. This had led to cynicism amongst those consulted and there was a danger that this could result in some disengagement from the process. Public authorities must provide more feedback to consultation responses to affected groups.
- 6.7** Lack of understanding of Section 75. For example, some politicians viewed Section 75 as largely about flags and marches. This preserved a narrow conception of the legislation. There was a need for awareness raising among politicians (evident from some of the comments made while the Assembly was sitting), in order to ensure top-level commitment to the statutory duties.
- 6.8** Knowledge of Section 75 was confined to a narrow band of players in public authorities and the voluntary and community sector with little understanding of its significance by the 'person in the street'. There was a need for a campaign to explain and 'sell' Section 75.
- 6.9** Section 75 cannot deliver equality on its own – it is important that momentum on the Single Equality Act is maintained. Direct rule had slowed progress towards the Single Equality Act. A timetable had been established under the devolved administration, but had not since been adhered to.
- 6.10** Affected groups felt that they had not got a fair return on their investment in the Section 75 process. There had been some failure to mainstream equality at policy making level. This could, in part, be attributed to the participation of consultants rather than decision makers in consultation exercises.
- 6.11** The involvement of consultants in the consultation and EQIA (Equality Impact Assessment) processes had been a negative development because it tended to restrict the growth of knowledge on equality issues amongst public authority staff. Furthermore, bad practice could be blamed on the consultants i.e. failure to consult, give feedback etc.
- 6.12** Consultants often came to meetings with affected groups to seek information but were not properly informed about Section 75 or the groups.

- 6.13** The question of value for public money arose in relation to the use of consultants.
- 6.14** Consideration of equity needed to be taken into account in order to address historic inequalities.
- 6.15** Good practice was often due to committed individuals and not representative of a wider understanding of Section 75 among the public authority as a whole. However, raising awareness about Section 75 had provided the opportunity to educate staff about how it impacts on their life both inside and outside the workplace.
- 6.16** Good relations needs increased attention, although a lot of people arguing for greater emphasis on good relations are doing so at the expense of equality.
- 6.17** Good practice can be built up in one Department but lost when key personnel move jobs.

### **Screening and Equality Impact Assessment (EQIA) Timetable - Good Practice**

- 6.18** The screening process has improved. It is better at detailing policy aims and some potential impacts of policies.
- 6.19** The most effective approach to the screening of policies was where public authorities raised the possible impact of policies during consultation and indicated which policies were most relevant.
- 6.20** Some pre-consultation has been undertaken by public authorities on the availability of information about children and young people and how best to communicate with them.
- 6.21** The development of the Children's Strategy had involved a good pre-consultation exercise.
- 6.22** Belfast City Council had considered pre-consultation very useful to highlight issues and to plan an effective consultation process.

### **Screening and Equality Impact Assessment (EQIA) Timetable - Room for improvement**

- 6.23** There was a need for revised assistance/training on EQIAs for public authorities in order to raise standards.

- 6.24** Consultation on screening was deficient in some areas, with no attempt being made by many public authorities to call meetings or contact groups directly. Instead, voluntary and community groups just received a list of screened policies.
- 6.25** Some consultants used to carry out EQIAs did not have a clear view of policy aims, as they weren't as familiar with the internal workings of the public authority as the authority staff. Use of consultants also militated against development of partnership working with the voluntary and community sector.
- 6.26** The onus should be on public authorities to demonstrate that there is no inequality rather than on the voluntary and community sector to prove that there is inequality.
- 6.27** There had been a number of examples where public authorities had not suggested mitigating measures themselves but had asked consultees to identify these.
- 6.28** Some public authorities approached EQIAs as if they were essays, searching to find things to include.
- 6.29** There was very little evidence of future monitoring for adverse impact.
- 6.30** Even where research showed a differential impact, it was being denied by some public authorities.
- 6.31** There was a question as to what priority was given to the Section 75 duties by some public authorities.

### **Training and Communication - Good Practice**

- 6.32** Use of telephone contact with affected groups enabled contact and communication by public authorities with groups who otherwise mightn't have participated in the Section 75 process.
- 6.33** Youthnet had found the use of focus groups particularly effective, especially where public authorities used language which young people could understand.

## **Training and Communication - Room for improvement**

- 6.34** The level of communication had reduced. There was still an over-reliance on paper consultation documents and on communicating with umbrella groups rather than the wider Section 75 constituencies.
- 6.35** There was a danger that e-mailing of all documentation by public authorities would impose an undue burden on affected groups.

## **Data Collection and Analysis - Room for improvement**

- 6.36** Some public authorities were not using statistics and were using generalities. Where statistics were available to them, these were not being analysed.
- 6.37** Some public authorities didn't analyse data to consider adverse impact but requested consultees to do this, thus imposing an unnecessary burden.
- 6.38** Public authorities sometimes used out-of-date statistics.

## **Information Provision and Access to Services - Good Practice**

- 6.39** One example of positive progress was the Royal Victoria Hospital which issued a letter requesting GPs to provide interpreters when required (the DHSSPS to meet costs).

## **Information Provision and Access to Services - Room for improvement**

- 6.40** A lot of commitments to provide information provision about access to services had not been met. All public authorities had committed to reviewing their strategy regarding access to information (especially languages and formats used) and services after one year, but few had done so.

## **Complaints - Room for improvement**

- 6.41** There was a need to review Section 75 legislation and seek additional power for the Equality Commission to impose compliance notices on public authorities.
- 6.42** The Commission could use judicial review as a tool to enforce compliance with the statutory duties.



- 6.43** There must be some penalty mechanism to ensure public authority compliance with Section 75.
- 6.44** There should be a linkage between the complaints mechanism and anti-discrimination laws. The majority of complaints received at NI Council for Ethnic Minorities were in respect of the language barrier and the failure of public authorities to provide an interpreter. However, most people didn't want to progress their complaints because they are 'afraid of raising their head above the parapet'.

### **Consultation - Good Practice**

- 6.45** The Arts Council (NI) provided a good practice example for approach towards consultation e.g. use of road shows, provision of detailed feedback to consultees; notification by e-mail and print, linking of policies for EQIA.
- 6.46** The Staff Commission for the Education & Library Boards displayed an excellent approach towards partnership. It was prepared to devote the necessary time to organise effective consultation meetings (not just involving umbrella groups), it actively engaged in listening and discussion and involved decision makers in meetings.
- 6.47** Belfast City Council's efforts to work with other public authorities on the Section 75 duties were noted, particularly through its public authority network.
- 6.48** The Community Fund had been pro-active on pre-consultation. They had also signposted groups with moral objections to applying for lottery money to alternative sources of funding. It had also undertaken outreach work even though it didn't have a large staff team. However, staff other than the Equality Officer were informed about equality issues and were able to discuss these with groups.
- 6.49** Disability Action and its membership had been involved in many pre-consultation exercises including those carried out by the Council for Curriculum, Examination and Assessment, Inland Revenue and the Staff Commission for the Education & Library Boards.
- 6.50** The Department of Culture Art and Leisure's approach to consultation, by asking groups "How do you want to be consulted?" was commendable.

## Consultation - Room for improvement

- 6.51** Consultations where public authority representatives were unable to answer questions because the relevant staff member was not present.
- 6.52** There should be a review of the use of consultants from a value for money perspective measured against an assessment of the time committed by voluntary and community sector representatives in engagement with consultants.
- 6.53** There was an over-reliance by public authorities on consulting umbrella groups. Effective mainstreaming of equality considerations in policy formulation must involve all Section 75 groups.
- 6.54** There was a lack of outreach measures and an inclusive approach to consultation. Targeting was being used by some public authorities to limit consultation.
- 6.55** Many public authorities didn't provide feedback to consultation responses from affected groups.
- 6.56** Consultation had often been with those who have shouted the loudest with the more marginalised groups not being involved in the process.
- 6.57** It should be recognised that large numbers of marginalised people didn't engage with the voluntary or community sector. The sectoral groups often relied on tacit consent when replying on behalf of these people.
- 6.58** Public authorities needed to ask who is not present during consultations and why?
- 6.59** It was suggested that voluntary and community groups should charge for the use of their services in respect of consultation exercises (this might assist in addressing resource deficit).
- 6.60** Public authorities needed to respect the time, energy and commitment given by the voluntary and community sector to the Section 75 process by listening to their concerns. It was important that decision makers within public authorities attend consultation meetings as this demonstrated that listening is taking place.

- 6.61** There was no point in public authorities consulting voluntary and community groups when policy decisions have already been made. It would be useful to compile all the information on good practice approaches to consultation in one document. It was important that such a document included underlying principles. One of the most important of these was respect for the affected groups. The document should not simply be confined to being a list of good practice examples. It should aim to change the mindset of public authorities to obtain commitment towards acting in the spirit of the duties.
- 6.62** Public authorities had not availed of the opportunity to run consultations on several EQIAs at the same time.
- 6.63** The Department of Education had consulted with teachers and parents on the issue of school meals but considered it too difficult to consult with children.
- 6.64** Guidance on how best to consult with older people had been sent out with every Section 75 response by Age Concern, but this had been largely ignored by public authorities. The Northern Ireland Council for Ethnic Minorities had experienced a similar response by public authorities in respect of guidance which they had prepared on how best to consult with minority ethnic groups.
- 6.65** Not enough had been done to have joined up consultations involving all the relevant public authorities.

## 7. Key Themes

### Progress reporting

- 7.1** Most progress reports provided a good level of detail on the extent of implementation of the statutory duties during the period. A total of nine public authorities had not submitted a progress report, by 31 October 2003. These were received at various times after this date, too late for information included in them to be included in this overall report.

### Use of Commission guidance

- 7.2** The Commission's Guidance documents were used by public authorities for producing schemes, screening, consultation, undertaking of EQIAs and other key work areas. The current revision by the Commission of its Guidance documents, plus the production of Guidance on Good Relations and Section 75 Monitoring should help to assist better implementation of the statutory duties.

### Mainstreaming

- 7.3** This is core to the success of implementing the statutory duties. Progress reports gave evidence of work undertaken to mainstream the duties into the work of public authorities – at strategic and operational levels. Mainstreaming has led to organisational structures being examined and refined, e.g. relocation of Community Relations Officers within Chief Executives' departments in some local councils, or locating of equality officers within Chief Executive's departments. The main evidence of mainstreaming being successfully managed is outcome information. Whilst there are sufficient outcomes identified in progress reports this was not uniform across the public authorities. Some authorities were effectively mainstreaming equality and good relations duties into their management processes and structures. Some public authorities are effectively mainstreaming the equality duty but making little progress on the good relations duty: some demonstrated willingness to 'comply' with the minimum requirements of Section 75: and a small number were making slow progress in mainstreaming the duties.

## Resources

- 7.4** The level of resources of Section 75 work differed across public authorities. Dedicated statutory duty staff were appointed in many of the larger public authorities, whilst the role formed part of the work of key officers in smaller authorities. Many authorities were working in collaboration within sectors, to make best use of resources to share problems and expertise. Many had used consultants to undertake Section 75 work, particularly in relation to EQIA work. This raised questions about 'ownership' of statutory duty work in public authorities, as well as effectiveness of mainstreaming.

## Consultation

- 7.5** This key area was referred to by many public authorities as one which was resource intensive. There was evidence of good practice in consultation, particularly in working with affected groups and in using joined-up approaches. There was evidence that some public authorities were mass mailing consultation documents to all groups "on the consultee list". Consultation management and planning demonstrated a shift from mass mailing of documents to consultee lists, accompanied by public meetings. There was a trend towards: targeting of consultation to those most affected by particular policies; joining up consultation on EQIAs of 'similar' policies; consultation on outcomes of screening or new/revised policies; and earlier engagement with affected groups in the EQIA process. Targeting of consultation must be aligned with the requirement for consultation to be both 'meaningful and inclusive'. Thus targeting particular people or organisations which would be most affected by a policy is good, particularly at the early stages of policy development or EQIA. Those, on the public authority's consultee list, who are not being targeted should be made aware of consultation exercises and how to engage in them. Whilst targeting may reduce consultation overload on particular organisations it is essential that all of the organisations are aware of ongoing consultations, so that they may engage in such consultation exercises if they choose to.

The Commission's revised Guidance documents focus on pragmatic approaches to ensuring meaningful and inclusive consultation.

## Equality Impact Assessments

**7.6** EQIA timetables were being progressed by public authorities at varying speeds, some authorities were making good progress on undertaking EQIAs whilst some reported little progress. One important factor to consider is the need to screen and EQIA new or proposed policies, which adds to the overall EQIA timetable. Some public authorities had revisited their initial EQIA timetables and were undertaking re-screening and consultation to produce new timetables. The Commission also noted variance in the quality of EQIAs submitted. Whilst public authorities are addressing this challenging aspect of implementation of the statutory duties there is the need to ensure that EQIA analysis is robust and reflective of the requirements in Annex 1 of the Guide to the Statutory Duties.

## Information management and monitoring

**7.7** Progress was made by Central Government through ESNRIG and NISRA to address issues regarding information management and monitoring. Monitoring work was undertaken within other sectors, particularly the Further Education and the Education sectors. Public authorities commented that they needed additional guidance on how to meet the monitoring requirements of Section 75. The development of Section 75 Information Management and Monitoring Guidance will be a key project for the Commission.

## Communication

**7.8** Many public authorities communicated with the Commission by phone, in writing, or in person, on a regular basis. Thus Commission staff were made aware of areas of progress or difficulty in relation to implementation of the duties. The ongoing review and future revision of guidance documents should help to clarify requirements placed on public authorities. In addition we are examining how we can best communicate with public authorities in the future. This will include:

- an overall progress report;
- feedback on individual progress reports received from public authorities, which do not demonstrate effective progress on implementation of the duties;
- development and communication of guidance (e.g. monitoring and good relations);
- information on progress (e.g. quarterly news-sheet);
- face to face communication through planned meetings with groups of equality officers; and
- a Section 75 conference during 2003.

- 7.9** Communication between public authorities and the affected groups is a developing area, with examples of joined up approaches to communication, to undertaking EQIAs and to direct engagement with those affected by the statutory duties. Some reports noted that Chief Executives and other leaders explicitly expressed commitment to the Section 75 duties in public speeches and presentations when launching important corporate initiatives.

## **Good Relations**

- 7.10** There was evidence of progress being made on the good relations duty by a number of authorities. These developed good relations objectives and/or strategies to ensure effective implementation of the duty. Where a good relations policy strategy had been developed this was being 'screened in' for equality impact assessment purposes. Public authorities applied EQIA processes to good relations related policies such as; in local councils – flying of flags, emblems, bunting; in health – terms and conditions of hospital based nursing staff, to reflect the increasing diversity within the workforce. The development of 'A Shared Future' and additional Commission guidance on good relations was anticipated by a number of authorities.

## **Training**

- 7.11** Reports showed a planned approach to Section 75 training with training provided during induction for new staff and refresher training being provided by some authorities. There was little evidence of evaluation of Section 75 training, and little evidence of direct involvement of affected groups in the process. The development of an accredited training programme, by ANIC, is notable.

## **Good practice**

- 7.12** This report includes many examples of good practice from across the public sector. This reflects benefits for the organisations concerned plus those who are affected by their policies.
- 7.13** The examples of good practice help to assess the extent of implementation of the duties, particularly in relation to impact on society. The feedback from the roundtable discussion with voluntary and community sector authorities also referred to some of the examples provided. It is evident that communication of good practice and outcomes is essential, to inform those affected and the Commission. Identification and sharing of good practice is a key project within the Commission.

## Poor practice

- 7.14** Whilst the roundtable discussion with affected groups was useful to identify where Section 75 was having an impact it also provided the opportunity for concerns to be raised. The roundtable participants noted good work but also expressed disappointment and concern in relation to the 'pay-off' from the statutory duties. The participants referred to the need for improved consultation and communication, and to move public authorities towards more engagement and partnership with the sector. This would help the authorities to make better public policy.
- 7.15** Commission analysis of the progress reports identified areas for improvement, including the need to ensure that public authorities met stated commitments with regards to screening and EQIA.

## Partnership approaches involving Section 75 groups

- 7.16** Whilst progress reports noted examples of commitment to engagement with affected groups, many did not refer to how engagement was being planned or, indeed, happening. There was notable progress by the DHSSPS and health family organisations, ANIC and some local councils. This area of Section 75 was not well developed. Roundtable participants represented a desire to work directly with public authorities to help them make 'better' public policy. Resourcing this use of expertise necessitated a proactive approach from the public sector. Roundtable participants criticised the public authorities 'use of private sector consultants' (often at significant cost).

## Innovation and creativity

- 7.17** There was much evidence of innovation and creativity to assist effective progress of the statutory duties. This included: consortia and joined up approaches to share problems and best practice; use of alternative approaches to communication and consultation with affected groups -particularly in relation to accessible formats and ensuring feedback; the mainstreaming of equality impact assessment processes into policy development processes of some public authorities: the use of Section 75 to mainstream equality, diversity and good relations into organisation review, culture and change management processes.



## 8. Equality Commission Next Steps and Recommendations to Public Authorities

### Equality Commission

**8.1** The following summarises current work of the Commission to assist public authorities to deliver the statutory duties.

#### Key Projects

- Completion of the review of 'Guide' and 'Practical Guidance on EQIA' documents and re-issue documents.
- Development of Section 75 information management and monitoring guidance for public authorities in conjunction with ESNRIG and NISRA.
- Finalisation of a strategy to assist effective implementation of good relations duty and commencement of implementation of the strategy – particularly the development of baseline guidance for public authorities.
- Communication of progress on Section 75 implementation through feedback reports to individual public authorities and groups of equality officers, representatives of affected groups and Commission staff.
- Completion of a library/electronic library of Section 75 good practice -sourced from Equality Commission, public authorities and voluntary/community sector organisations.
- Development of a strategy and mechanisms to target action on poor performing public authorities, and to commend pathfinders.
- Implementation of a project to provide support to smaller public authorities.
- Maintenance of the UK Public Bodies Network.
- Ensure receipt of EQIAs and preparation of responses to a number of EQIAs and Section 75 related consultation documents, in accordance with the Commission's criteria.

- Audit the effectiveness of the Commission's EQIA database and update of same and to make available the timetable for EQIAs on the Commission website.
- Development and implementation of a methodology for grading quality of EQIAs and responding to public authorities.
- Guarantee continued designations and scheme approval, through provision of advice, guidance and training.
- Continue to advise public authorities on the implementation of schemes.
- Development of an enforcement strategy for Section 75, to build on complaints, investigations and sanctions.
- Provision of refresher training for public authorities and voluntary/community sector representatives on EQIA processes.
- Commencement of a review of Section 75 legislation to identify recommendations for further implementation and management of Section 75.
- Evaluation of progress on implementation of the duties, for 2003 – 04, utilising public authority progress reports and meetings with representatives of Section 75 groups.
- Development of mechanisms to engage with representative groups with and across the nine Section 75 categories, to monitor Section 75 progress and the impact of the duties on individuals/groups, and to identify areas for improvement.

### **Public Authorities**

**8.2** Many of the points listed below are requirements already placed on public authorities.

### **Progress reporting**

All public authorities must submit completed progress reports for 2003-4 to the Commission by the end of July 2004, in order that the next full progress report can be produced and made available at the end of 2004.

## Use of Commission Guidance

Authorities must adhere to Commission guidance, particularly in relation to equality proofing/screening of new policies and adhering to EQIA timetables.

## Mainstreaming

Authorities must ensure that Section 75 duties are considered at all relevant stages of policy development and that the duties are effectively integrated into corporate and business planning processes. This must also be demonstrated in the progress reports to the Commission.

## Resources

Authorities must allocate necessary resources to deliver their equality scheme commitments and EQIA timetables in accordance with the Commission's Guide to the Statutory Duties.

Authorities should continue to build on the collaborative and consortia approaches already begun, in order to make best use of available resources and to share experiences and problems.

Authorities should continue to develop and build relationships with representative groups. This work should utilise existing expertise and communication channels developed by such groups.

## Consultation

Authorities must ensure that consultation is both meaningful and inclusive. Targeting of consultation on those most affected by a particular policy is useful, particularly at early stages of equality proofing or equality impact assessment. If using targeted approaches to consultation, public authorities should ensure that all other consultees on the equality scheme consultation list are made aware of ongoing consultations, so that they may also choose whether to engage in the consultation process. Public authorities should use a range of face to face consultation mechanisms and reduce mass mailing of documents to all consultees.

Authorities must inform consultees on outcomes from screening exercises on new/proposed policies. This is particularly important to ensure that the perspective of those likely to be affected by a proposed policy can be considered by an authority.

## **Equality Impact Assessments**

Authorities must ensure that EQIAs are undertaken in accordance with agreed EQIA timetables. It is important that backlogs do not occur, although the Commission realises that the addition of new/proposed policies to EQIA timetables has increased the volume of planned EQIAs.

Authorities must involve the Commission in all EQIA consultation exercises, as the Commission is a statutory consultee. Copies of all EQIA reports must be forwarded to the Commission's Statutory Duty Team.

Authorities must ensure that their EQIAs comply with the requirements in Annex 1 of the Guide to the Statutory Duties. The 7-step approach must be followed and the public authorities should ensure that consideration of adverse impact and steps to mitigate such impact are based on sufficient and accurate information. The Commission does not accept the wording of some EQIAs which suggests that no information means no evidence of adverse impact.

## **Monitoring and Information Management**

Authorities must continue to develop effective information management systems to assess the impact of their policies on the nine Section 75 categories. This to be aligned to future guidance on Information Management and Monitoring for Section 75, being developed by the Commission in conjunction with OFMDFM and NISRA.

## **Communication**

Authorities must continue to mainstream communication on their Section 75 work into their corporate communication processes - both internal and external.

## **Good Relations**

Authorities should develop good relations objectives, policies and strategies to ensure effective implementation of the duty. The Commission will provide examples of best practice to public authorities, as well as baseline guidance on implementing good relations.

## **Training**

Authorities should evaluate their training and continue to identify and meet their training needs in relation to Section 75. Involvement of affected groups in training designs, delivery and evaluation would be beneficial to authorities. Whilst much awareness and skills training has been provided within public authorities it is important to ensure that newly recruited staff are made aware of the Section 75 duties and their implications for policy.

## **Good practice**

Authorities should share positive experiences and good practice with other authorities in their sector and in other sectors. The Commission will facilitate the identification and sharing of good practice, by means of audit and making such information available, on its website and in a good practice library.

## **Poor practice**

All designated public authorities must embrace their statutory responsibilities in a way that meets the requirements of Section 75, the Guide to the Statutory Duties and commitments in approved equality schemes. They must submit annual progress reports in accordance with the statutory requirement to do so. Non submission of a progress report will be regarded as a breach of the commitments in an equality scheme.

## 9. Conclusions

- 9.1** This report provides extensive information on the implementation of the Section 75 statutory duties. It is hoped that it will be of use to public authorities, and voluntary and community sector authorities. It will also be of assistance to those observing how Section 75 duties are being implemented by public authorities.
- 9.2** The information in this report provides a perspective on how far the statutory duties have been implemented since the first public authorities were designated on 1 January 2000. Together with the earlier Commission report on progress, which covers the period 1 January 2000 -31 March 2002, this report provides a mid-term view of the progress and impact of Section 75. It should be noted that at March 2003, most public authorities were at the end of year 2 of the implementation of their five year equality schemes. It should also be noted that the outcomes from policies changed as a result of EQIA processes were not generally available at March 2003. The monitoring of outcomes from EQIA revised policies will provide further information on the impact of Section 75. This information will be requested from public authorities by the Commission.
- 9.3** The Commission would like to thank both the public authorities for submission of their detailed progress reports and the voluntary and community sector groups which participated in the roundtable discussion.

## APPENDIX A: Section 75 Northern Ireland Act (1998)

### Statutory duty on public authorities.

- 75.** - (1) A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity-
- (a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
  - (b) between men and women generally;
  - (c) between persons with a disability and persons without; and
  - (d) between persons with dependants and persons without.
- (2) Without prejudice to its obligations under subsection (1), a public authority shall in carrying out its functions relating to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
- (3) In this section "public authority" means-
- (a) any department, corporation or body listed in Schedule 2 to the Parliamentary Commissioner Act 1967 (departments, corporations and authorities subject to investigation) and designated for the purposes of this section by order made by the Secretary of State;
  - (b) any body (other than the Equality Commission) listed in Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (authorities subject to investigation);
  - (c) any department or other authority listed in Schedule 2 to the Ombudsman (Northern Ireland) Order 1996 (departments and other authorities subject to investigation);
  - (d) any other person designated for the purposes of this section by order made by the Secretary of State.
- (4) Schedule 9 (which makes provision for the enforcement of the duties under this section) shall have effect.
- (5) In this section-
- "disability" has the same meaning as in the Disability Discrimination Act 1995; and
  - "racial group" has the same meaning as in the Race Relations (Northern Ireland) Order 1997.

## APPENDIX B : List of Public Authorities designated for the purposes of Section 75

### Department of Agriculture & Rural Development

Department of Agriculture & Rural Development	1 January 2000
Agricultural Research Institute for Northern Ireland	1 January 2000
Livestock & Meat Commission for Northern Ireland	1 January 2000
Loughs Agency	1 January 2000
Northern Ireland Fishery Harbour Authority	1 January 2000
Rural Development Council	1 January 2000

### Department of Culture, Arts & Leisure

Department of Culture, Arts & Leisure	1 January 2000
Arts Council for Northern Ireland	1 January 2000
Board of Trustees of National Museums & Galleries	1 January 2000
Fisheries Conservancy Board	1 January 2000
Northern Ireland Film Commission	5 April 2001
Northern Ireland Museums Council	1 January 2000
North-South Language Body	1 January 2000
Sports Council for Northern Ireland	1 January 2000
Waterways Ireland	1 January 2000

### Department of Education

Department of Education	1 January 2000
Belfast Education & Library Board	1 January 2000
Council for Catholic Maintained Schools	1 January 2000
North Eastern Education & Library Board	1 January 2000
Northern Ireland Council for Curriculum, Examinations & Assessment	1 January 2000
South Eastern Education & Library Board	1 January 2000
Southern Education & Library Board	1 January 2000
Staff Commission for Education & Library Boards	1 January 2000
Western Education & Library Board	1 January 2000
Youth Council for Northern Ireland	1 January 2000

### Department for Employment and Learning

Department for Employment and Learning	1 January 2000
Construction Industry Training Board	1 January 2000
Enterprise Ulster	1 January 2000
Governing body of the Armagh College of Further Education	5 April 2001
Governing body of the Belfast Institute of Further and Higher Education	5 April 2001
Governing body of the Castlereagh College of Further and Higher Education	5 April 2001



Governing body of the Causeway Institute of Further and Higher Education	5 April 2001
Governing body of the East Antrim Institute of Further and Higher Education	5 April 2001
Governing body of the East Down Institute of Further and Higher Education	5 April 2001
Governing body of the East Tyrone Institute of Further and Higher Education	5 April 2001
Governing body of the Fermanagh College of Further and Higher Education	5 April 2001
Governing body of the Limavady College of Further and Higher Education	5 April 2001
Governing body of the Lisburn Institute of Further and Higher Education	5 April 2001
Governing body of the Newry & Kilkeel Institute of Further and Higher Education	5 April 2001
Governing body of the North Down and Ards Institute of Further and Higher Education	5 April 2001
Governing body of the North East Institute of Further and Higher Education	5 April 2001
Governing body of the North West Institute of Further and Higher Education	5 April 2001
Governing body of the Northern Ireland Hotel and Catering College	5 April 2001
Governing body of the Omagh College	5 April 2001
Governing body of the Queen's University of Belfast	5 April 2001
Governing body of the St Mary's University College, a College of the Queen's University of Belfast	5 April 2001
Governing body of the Stranmillis College, a College of the Queen's University of Belfast	5 April 2001
Governing body of the University of Ulster	5 April 2001
Governing body of the Upper Bann Institute of Further and Higher Education	5 April 2001
Labour Relations Agency	1 January 2000
Office of the Certification Officer for Northern Ireland	1 January 2000
Ulster Supported Employment Limited	1 January 2000
<b>Department of Enterprise, Trade &amp; Investment</b>	
Department of Enterprise, Trade & Investment	1 January 2000
General Consumer Council for Northern Ireland	1 January 2000
Health & Safety Executive for Northern Ireland	1 January 2000
InterTradeIreland Trade and Business Development Body (Trade and Business Development Body)	1 January 2000
Invest NI	8 April 2002
Northern Ireland Tourist Board	1 January 2000

Office of Director General of Electricity Supply for Northern Ireland	1 January 2000
Office of Director General of Gas for Northern Ireland	1 January 2000
<b>Department of the Environment</b>	
Department of the Environment	1 January 2000
Antrim Borough Council	1 January 2000
Ards Borough Council	1 January 2000
Armagh City & District Council	1 January 2000
Ballymena Borough Council	1 January 2000
Ballymoney Borough Council	1 January 2000
Banbridge District Council	1 January 2000
Belfast City Council	1 January 2000
Carrickfergus Borough Council	1 January 2000
Castlereagh Borough Council	1 January 2000
Coleraine Borough Council	1 January 2000
Cookstown District Council	1 January 2000
Craigavon Borough Council	1 January 2000
Derry City Council	1 January 2000
Down District Council	1 January 2000
Dungannon & South Tyrone Borough Council (Dungannon District Council)	1 January 2000
Fermanagh District Council	1 January 2000
Larne Borough Council	1 January 2000
Limavady Borough Council	1 January 2000
Lisburn City Council	1 January 2000
Local Government Officers Superannuation Committee	1 January 2000
Local Government Staff Commission for Northern Ireland	1 January 2000
Magherafelt District Council	1 January 2000
Moyle District Council	1 January 2000
Newry & Mourne District Council	1 January 2000
Newtownabbey Borough Council	1 January 2000
North Down Borough Council	1 January 2000
Omagh District Council	1 January 2000
Strabane District Council	1 January 2000
<b>Department of Finance &amp; Personnel</b>	
Department of Finance & Personnel	1 January 2000
Special EU Programmes Body	1 January 2000
<b>Department of Health, Social Services &amp; Public Safety</b>	
Department of Health, Social Services & Public Safety	1 January 2000
Altnagelvin Hospitals HSS Trust	1 January 2000
Armagh & Dungannon HSS Trust	1 January 2000

Belfast City Hospital HSS Trust	1 January 2000
Causeway HSS Trust	1 January 2000
Craigavon & Banbridge Community HSS Trust	1 January 2000
Craigavon Area Hospital Group HSS Trust	1 January 2000
Down Lisburn HSS Trust	1 January 2000
Eastern Health & Social Services Board	1 January 2000
Eastern Health & Social Services Council	1 January 2000
Fire Authority for Northern Ireland	1 January 2000
Food Safety Promotion Board	1 January 2000
Foyle HSS Trust	1 January 2000
Green Park HSS Trust	1 January 2000
Homefirst Community HSS Trust	1 January 2000
Mater Infirmorum Hospital HSS Trust	1 January 2000
Mental Health Commission for Northern Ireland	1 January 2000
Northern Ireland Practice And Education Council For Nursing And Midwifery <sup>3</sup>	7 October 2002
Newry & Mourne HSS Trust	1 January 2000
North & West Belfast HSS Trust	1 January 2000
Northern Health & Social Services Board	1 January 2000
Northern Health & Social Services Council	1 January 2000
Northern Ireland Ambulance Service HSS Trust	1 January 2000
Northern Ireland Blood Transfusion Service Agency	1 January 2000
Northern Ireland Central Services Agency for Health & Social Services	1 January 2000
Northern Ireland Council for Post Graduate Medical & Dental Research	1 January 2000
Northern Ireland Guardian Ad. Litem Agency	1 January 2000
Northern Ireland Health Promotion Agency	1 January 2000
Northern Ireland Regional Medical Physics Agency	1 January 2000
Northern Ireland Social Care Council <sup>4</sup>	18 December 2001
Royal Group of Hospitals & Dental Hospitals	1 January 2000
South & East Belfast HSS Trust	1 January 2000
Southern Health & Social Services Board	1 January 2000
Southern Health & Social Services Council	1 January 2000
Sperrin Lakeland HSS Trust	1 January 2000

3 Northern Ireland Practice and Education Council for Nursing and Midwifery was established with effect from 7 October 2002 under the powers of Section 2 (1) of the Health and Social Services Act (NI) 2002 and replaces the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland

4 Northern Ireland Social Care Council - was established in October 2001 under the Health and Personal Social Services Act (NI) 2001. Chapter 3, Schedule 1, Paragraph 17 amends the Commissioner for Complaints (NI) Order 1996, Schedule 2 (authorities subject to investigation).

Ulster Community & Hospitals HSS Trust	1 January 2000
United Hospitals HSS Trust	1 January 2000
Western Health & Social Services Board	1 January 2000
Western Health & Social Services Council	1 January 2000
<b>Department for Regional Development</b>	
Department for Regional Development	1 January 2000
Belfast Harbour Commissioners	1 January 2000
Carlingford Lough Commissioners	1 January 2000
Coleraine Harbour Commissioners	1 January 2000
Londonderry Port & Harbour Commissioners	1 January 2000
Warrenpoint Harbour Authority	1 January 2000
<b>Department for Social Development</b>	
Department for Social Development	1 January 2000
Laganside Corporation	1 January 2000
Northern Ireland Housing Executive	1 January 2000
<b>Office of the First Minister &amp; Deputy First Minister</b>	
Office of the First Minister & Deputy First Minister	1 January 2000
Northern Ireland Community Relations Council	1 January 2000
<b>Northern Ireland Office</b>	
Northern Ireland Office	7 July 2000
Chief Electoral Officer for Northern Ireland	5 April 2001
Civil Service Commissioners for Northern Ireland	1 January 2000
Independent Assessor of Military Complaints Procedures	5 April 2001
Northern Ireland Human Rights Commission	7 July 2000
Northern Ireland Policing Board <sup>5</sup>	3 December 2001
Police Ombudsman for Northern Ireland	3 December 2001
Police Service of Northern Ireland	3 December 2001
Probation Board for Northern Ireland	7 July 2000
<b>Northern Ireland Assembly Commission</b>	
Northern Ireland Assembly Commission	15 January 2003

<sup>5</sup> Police (Northern Ireland) Act 2000 (Schedule 6) amends the Northern Ireland Act 1998 as follows

In Section 75(3) after paragraph (c) insert - "(cc) the Northern Ireland Policing Board, the Chief Constable of the Police Service of Northern Ireland, and the Police Ombudsman for Northern Ireland"

<b>Northern Ireland Audit Office</b>	
Northern Ireland Audit Office	15 January 2003
<b>Northern Ireland Court Service</b>	
Northern Ireland Court Service	7 July 2000
Legal Aid Department of the Law Society of Northern Ireland	5 April 2001
<b>Department for Culture, Media &amp; Sport (UK)</b>	
Department for Culture, Media & Sport (UK)	7 July 2000
British Library Board	7 July 2000
Community Fund (National Lottery Charities Board)	7 July 2000
National Endowment for Science, Technology and the Arts	5 April 2001
New Opportunities Fund	7 July 2000
Trustees of the National Heritage Memorial	7 July 2000
<b>Department of Education and Employment (UK)</b>	
Governing body of the Open University	5 April 2001
Qualifications and Curriculum Authority	5 April 2001
<b>Department for Environment Food and Rural Affairs</b>	
Food from Britain	5 April 2001
Home Grown Cereals Authority	5 April 2001
United Kingdom Register of Organic Food Standards <sup>6</sup>	5 April 2001
Wine Standards Board of the Vintners' Company	5 April 2001
Wool Marketing Board	5 April 2001
<b>Department of Health (UK)</b>	
National Biological Standards Board	15 January 2003
UK Transplant	5 April 2001
United Kingdom Xenotransplantation Interim Regulatory Authority	5 April 2001
Unrelated Live Transplant Regulatory Authority	5 April 2001

<sup>6</sup> UK Register of Organic Food Standards was 'wound up in accordance with the recommendation of the Quinquennial Review' of its work, and confirmed in the Action plan to develop organic food and farming in England (action point 1. The plan can be viewed at [www.defra.gov.uk/farm/organic](http://www.defra.gov.uk/farm/organic)). From April 1 UKROFS is to be replaced by a new advisory body without executive functions. The current executive functions of UKROFS, such as the approval of organic certifying bodies will be taken over by DEFRA.

**Department of Trade & Industry (UK)**

Department of Trade & Industry	7 July 2000
Exports Credits Guarantee Department	7 July 2000
Postal Services Commission	15 January 2003
Consumer Council for Postal Services	15 January 2003
OFCOM	7 July 2000

**Foreign & Commonwealth Office (UK)**

British Council	7 July 2000
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**HM Customs & Excise**

HM Customs & Excise	7 July 2000
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**Home Office (UK)**

Information Commissioner's Office	7 July 2000
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**Inland Revenue**

Inland Revenue	7 July 2000
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## **APPENDIX C : Progress Report Template - 1 April 2002 – 31 March 2003**

### **Template for Public Authorities to report on implementation of the equality and good relations duties under Section 75 of the NI Act 1998**

The information required from public authorities will cover the period from 1 April 2002 to the 31 March 2003 and is to be submitted to the Commission by 31 July 2003, **electronically (by completing this template) and in writing, with a signed cover letter from the Chief Executive** or, in his/her absence, the Deputy Chief Executive.

This year's progress report builds upon the guidance provided for the past two years, for purposes of consistency and comparison. It also seeks some additional information on: the status of EOQAs planned and progressed, aspects of Section 75 consultation and the identified impact/outcomes of Section 75 implementation to date.

**Please report on progress by entering information at the end of each section in the template below.** Prompts are included under each Section to allow you to assess the extent to which progress has been made within each area. Please note that these prompts are neither prescriptive or inclusive. It is important that the authority reports on what it views as being relevant in terms of progress being made on implementation of the statutory duties.

**Name of public authority (Enter details below)**

**Equality Officer name and contact details  
(Enter details below)**

**Section 1: Preparation of Equality Scheme  
(Applies only to organisations whose scheme was not approved by the Commission prior to 1 April 2002)**

Outline measures taken during the year to develop the authority's draft Equality Scheme, including consultation, and details of the authority's formal consideration of the draft Equality Scheme, before submission for final approval to the Commission.

Highlight any other areas of the scheme implemented prior to approval of the scheme

Prompt:

Have affected groups, staff, service users and groups representing the nine Section 75 categories been consulted about the organisation's draft scheme.

**(Enter text below)**

## **Section 2: Strategic Implementation of the Section 75 Equality Duties**

Outline evidence of progress made in developing equality and good relations objectives, performance indicators and targets and inclusion of these in corporate and annual operating plans. This may include performance information and targets for 2003-2004.

Outline steps taken to work with other public authorities in progressing the duties.

Outline any details of partnership work developed with the voluntary and/or community sector as a consequence of Section 75 work? Comment on whether these partnerships have proved beneficial?

Indicate if Section 75 is a standard agenda item for Board and/or Senior Management Team on a quarterly basis.

Provide details of steps to progress the Good Relations duty such as undertaking a good relations audit, developing a strategy or providing training.

Outline any factors that enhance or impede the process of Strategic Implementation.

Prompt:

Have the Board and Senior Officers reviewed the authority's progress report?

Has responsibility for equality been agreed and designated within the authority?

Has a clearly defined organisational structure with resources for implementation of the duties and assessment of policies been established?

Are equality objectives built into the job descriptions and performance targets of relevant staff, and are these reflected on in the appraisal process?

Is the authority on course for completing its 5-year timetable for implementation of its scheme? If not which areas of implementation are proving most difficult?

**(Enter text below)**



### Section 3: Screening & Equality Impact Assessment (EQIA) Timetable

#### 3a)

If a Screening Report has **not yet been submitted** to the Commission please advise us on the current position with regard to producing this report and forwarding to the Commission.

#### 3b)

If a Screening Report and EQIA Timetable has **previously been submitted** to the Commission please provide an update (**using the matrices in Appendix A**) detailing -  
those policies that were subject to Equality Impact Assessment during 2002-2003  
the timetable for Equality Impact Assessments in 2003-4.

(If relevant) list any proposals for legislation for which an assessment for the implications for the Section 75 duties was undertaken.

Outline any other factors that enhance or impede the process of policy screening or EQIA.

Outline how the authority, following screening of new policies, informs consultees of the outcomes from such screening exercises.

#### Prompt:

Does the authority require each department/directorate to identify how its policies impact on equality of opportunity and can promote good relations? Has the authority involved consultees in screening of new policies? If so how?

Has the authority informed consultees of the outcomes from screening of new policies? If so, how?

**(Enter text below)**

### Section 4: Training and Communication

Indicate if your organisation has developed a 5-year Training Plan (the Commission may wish to discuss details with individual authorities).

Outline details of staff and Management Board/Committee training provision associated with the Section 75 duties/Equality Scheme requirements.

Provide details of types of training provision (e.g. general awareness raising, specialist training on EQIA, Screening, Consultation) and who this training was provided for.

Provide details of how affected groups have been involved in the development and/or delivery of training.

Provide a summary of any training evaluations and comments on the benefits of such training.

Provide details of internal and external communication of the authority's commitment to the statutory duties.  
Outline any factors that enhance or impede the process of communication and training.

Prompt:

Does the authority monitor attainment of the training objectives contained within its equality scheme?  
Has section 75 training involved input from representatives of the 9 groups? If so please state how this happened and if it proved useful?  
Has section 75 training been evaluated? If so how has this happened and what are the lessons learned?  
Do the Board and/or Senior Officers promote the authority's equality objectives in public statements, interviews and external events such as conferences?

**(Enter text below)**

### **Section 5: Data Collection & Analysis**

Describe systems that have been established to supplement your available statistical and qualitative research including consideration given to using internal organisational data and external networks.  
Describe systems established to monitor the future adverse impact of policies that have been equality impact assessed  
Outline any factors that enhance or impede the process of data collection and analysis

Prompt:

Are the results of awareness or satisfaction surveys used to inform the development and review of policies?  
Is relevant external data (for example Census, workforce profiles, customer surveys, focus groups) used to inform policy development?  
Have new information systems been linked to arrangements for screening policies?

### **Section 6: Information Provision and Access to Services**

Outline what action has been taken to review and develop arrangements for the provision of information in accessible formats.  
Detail steps taken to make affected groups aware of information disseminated by the authority and the services it provides.  
Describe any arrangements to develop monitoring systems regarding access to information and services to ensure equality of opportunity.

Outline any factors that enhance or impede the process of information provision and ensuring/improving access to services.

Prompt:

Are alternative formats provided where appropriate to enable people from across the nine Section 75 categories to have access to all services?

Have appropriate consultation mechanisms been developed and used to establish needs /satisfaction levels?

Does the authority monitor uptake of services as a standard procedure?

**(Enter text below)**

### **Section 7: Complaints**

Identify the number of Section 75 complaints received during the year.

Identify the number of Section 75 complaints resolved during the year.

Identify the number of ongoing Section 75 complaints.

Prompt:

Does the authority have in place a Section 75 complaints procedure?

Does the authority monitor Section 75 complaints and the issues arising?

Have complaints led to policy changes or an undertaking of an Equality Impact Assessment of a policy relating to a complaint?

**(Enter text below)**

### **Section 8: Timetable**

Provide an update of on your equality scheme implementation timetable, identifying any changes since your previous report.

Prompt:

Is the implementation timetable reviewed on a regular basis by the Board and Senior Officers?

**(Enter text below)**

### **Section 9: Consultation**

Provide details of organisational arrangements for managing section 75 consultation exercises and processes e.g. system, processes, methods, communication channels.

Prompt:

Describe the system put in place by the authority to plan and manage consultation exercises?

What are the main consultation methods which you have used?

Have consultation exercises involved consulting on equality/good relations in conjunction with other policy development/review areas e.g. best value, good practice reviews?

Has the authority used communication channels of umbrella groups or representative groups? If so please give examples and comment on usefulness of using such mechanisms.

Have consultation exercises been joined-up, in relation to consulting on similar policies at the same time or in relation to joint-consultation exercises with other public authorities?

**(Enter text below)**

### **Section 10: Impacts and outcomes**

Please provide relevant information about impact of implementation of Section 75 to end of 2003. This should include details of existing policies changed to better deliver equality of opportunity; equality proofing of new policies; information about impact of new policy (better service provision, alternative service provision, accessibility to services, information gathering on users/non-users of services, satisfaction survey information); information on improved policy/services for nine groups.

Prompt:

How is policy formulation being managed to take account of the need to mainstream Section 75 duties?

Are all new or revised policies equality proofed by the authority? If so what process is used?

How have policies subject to EQIA changed as a consequence of the process?

Is there any evidence of how newly formulated policies or existing policies changed as a result of impact assessment are better delivering equality and/or good relations?

Has Equality Impact Assessment led to better policy making and service delivery? Please provide specific examples. These should indicate which Section 75 groups have benefited from policy changes, and how.

What, at this stage, do you perceive to be the main outcomes from implementation of the statutory duties?

**(Enter text below)**

## **Section 11: Additional Information**

Report information on any other matters considered relevant to the authority's implementation of the Section 75 duties.

Please include a general statement on whether the implementation of the duties is leading to improvement in how the authority undertakes its work?

**(Enter text below)**

## EQIA Timetables

### Matrices

Please enter details relating to the authority's Equality Impact Assessment timetable and progress on it.

#### EQIA Timetable Reporting Matrices – period to end March 2003

##### Existing policies – included in initial EQIA timetable

Title of existing policy EQIA's due to be completed pre-March 2003	Stage (as per Steps 1-7 of EQIA Process)	If joint-EQIA please state partner authorities	If EQIA completed is amended policy now being implemented ? Y/N	If EQIA completed is amended were adjustments to policy a result of Assessment of adverse impact/ feedback from Consultation, or Both Please enter A, C or Both
1.				
2.				
3.				
4.				
5.				

**New policies, i.e. new or revised policies developed after initial EQIA time-table produced**

<b>Title of new policy EQIA's due to be completed pre-March 2003</b>	<b>Stage reached (as per Steps 1-7 of EQIA Process)</b>	<b>If joint-EQIA please state partner authorities</b>	<b>If EQIA completed is amended policy now being implemented ? Please enter Y/N</b>	<b>If EQIA completed is amended were adjustments to policy a result of Assessment of adverse impact/ feedback from Consultation, or Both Please enter A, C or Both</b>
1.				
2.				
3.				
4.				
5.				

**EQIA time-table for 2003-4**

<b>Title of EQIA's due to be commenced during April 2003 – March 2004</b>	<b>Existing or New policy? Please enter E or N below.</b>	<b>If joint-EQIA please state partner authorities</b>	<b>Expected completion date of EQIA</b>
1.			
2.			
3.			
4.			
5.			

