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PRESS RELEASE

Equality Commission investigation says The Executive Office should consult young people on proposals for age discrimination legislation

An Investigation by the Equality Commission has found that The Executive Office (TEO, formerly OFMDFM), breached commitments in its Equality Scheme in 2015 when conducting a consultation into proposals to extend age discrimination legislation to include the provision of goods, facilities and services.

The Commission conducted the Investigation following a complaint received from the Northern Ireland Commissioner for Children and Young People (NICCY).

In 2015 the then OFMDFM had produced policy proposals to extend legal protection against discrimination on grounds of age to cover the provision of goods, facilities and services. Under this proposal, legislation would apply only to those over the age of 16, and children and young people under that age would not be included. The Department consulted upon these proposals from July to October 2015.

This Investigation by the Commission focuses on the question of whether or not the consultation by OFMDFM in 2015 adequately met the commitments in its Equality Scheme. It does not address the issue of whether children and young people under 16 years old should have protection from age discrimination in the provision of goods, facilities and services in Northern Ireland.

Specifically, the Investigation considered whether the consultation adequately sought the views of all those directly affected; whether it ensured accessibility and removed barriers to consultation for children and young people; and whether it made all relevant information available to consultees in a format which would ensure meaningful consultation.

The Investigation concluded that the consultation did not sufficiently meet these three commitments and, accordingly, that the TEO had breached its Equality Scheme.

The Commission has made three recommendations to address this finding:

1. TEO should conduct a consultation specific to the needs of children and young people, on the proposals to extend age discrimination legislation to include protection from discrimination in the provision of goods, facilities and services.

This consultation should:

- a. ensure the use of appropriate mechanisms to seek the views of children and young people;
 - b. be accessible to children and young people and remove any barriers to their participation.;
 - c. provide appropriate information, including EQIA information, which is relevant to children and young people.
2. These consultation results should be used to supplement the results of the earlier consultation in consideration of furthering the policy objective.
 3. TEO should report to the Equality Commission within 3 months on progress in consultation with the children and young people.

Dr Michael Wardlow, Chief Commissioner, said: “It is important to build relationships between those who make and deliver public policy and those affected by it. Consultation plays a vital role in assessing the views of those who will be affected by policy decisions, helping to raise awareness of issues and problems, which may not otherwise be discovered.

This Investigation highlights the importance of public bodies ensuring that consultation arrangements are meaningful and seeks the views of all those directly affected, including children and young people in this instance, as committed to under Equality Schemes.”

- Download the [full report of the Commission's investigation, findings and recommendations](#) (pdf, 586kb, 2017)

Notes

- Section 75 of the Northern Ireland Act 1998 places a statutory duty on public authorities to have due regard to the need to promote equality of opportunity between various categories of persons.
- Designated public authorities are required by Schedule 9(2) to submit an Equality Scheme to the Equality Commission for approval. Such Equality Schemes are both a statement of the public authority’s commitment to fulfilling the Section 75 duties and a plan for their performance.
- Paragraph 10, Schedule 9, Northern Ireland Act 1998 provides for the Equality Commission to investigate complaints by persons who believe that they have been directly affected by alleged failure by a public authority to comply with its Equality Scheme.