



29 September 2021

Equality Commission investigation finds that Northern Ireland Office failed to comply with its Equality Scheme commitments

The Equality Commission today published its investigation report into a complaint that the Northern Ireland Office had failed to comply with its approved Equality Scheme during the development of its proposed “Legacy Bill”.

The Investigation followed a complaint by the Committee on the Administration of Justice (CAJ) and the Pat Finucane Centre under Paragraph 10 of Schedule 9 of the Northern Ireland Act 1998. The complaint was that the Northern Ireland Office failed to comply with one of its Equality Scheme commitments, as it did not give them a screening document that they had expected would have been prepared on the legislation to address the legacy of the past that had been announced in March 2020.

Following its Investigation, the Commission found that the Northern Ireland Office failed to comply with its Equality Scheme commitments, as it failed to address the matters complained of in the way that it should have and in keeping with the purpose of screening as one of the arrangements set out in its Equality Scheme to help it fulfil its statutory equality and good relations duties.

The Commission has recommended that the Northern Ireland Office reviews its approach to equality assessment of the proposed Legacy Bill, to ensure that it applies its Equality Scheme arrangements of screening and equality impact assessment for their stated purpose and as early as possible in the policy development process. The report also includes a number of other related recommendations to ensure the Northern Ireland Office’s effective implementation of its statutory equality and good relations duties.

Commenting on the findings of the Investigation, Chief Commissioner, Geraldine McGahey said: “We undertook a detailed examination of how the Northern Ireland Office developed this important policy matter and found failures in the key process of undertaking equality assessment during the policy making process. The Northern Ireland Office should have followed the commitments set out in its Equality Scheme and we found that it did not. It must now consider our recommendations for improvements to their processes of undertaking equality assessments of proposed policies.

“While this Investigation was underway, the Northern Ireland Office said that it was continuing its work on its equality assessment of its legacy proposals. We expect

this work to continue so that decision makers can fully consider any equality implications.

“All public authorities have an Equality Scheme which sets out arrangements to help fulfil their statutory equality and good relations duties when carrying out their functions and developing new or existing policies. Compliance with these duties under Section 75 of the Northern Ireland Act is not optional. Ministers and their Departments are legally bound to adhere to these duties and must take their commitments seriously”.

Notes to Editors

- Download the [Full Investigation Report](#) (pdf, 368kb)
- Download the [Recommendations from the report](#) (pdf, 300kb)
- The duties set out in Section 75 of the Northern Ireland Act 1998 require that a public authority has to pay due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations, when it carries out its functions in Northern Ireland. The Northern Ireland Office is a public authority for the purposes of the Section 75 duties.
- The Investigation was undertaken in accordance with the Commission’s powers and duties, as set out in Paragraph 10 of Schedule 9 of the Northern Ireland Act 1998.
- The Complaint alleged failure was contrary to the commitment set out at paragraph 4.13 of the NIO’s Equality Scheme. This paragraph relates to making a screening document available and states: *“As soon as possible following the completion of the screening process, the screening template will be signed off and approved by the senior manager responsible for the policy. Screening documents will normally be published on our website every six months and made available on request by contacting....”*