



## **EQUALITY COMMISSION FOR NORTHERN IRELAND**

### **Briefing Note on need for Equality Data**

**November 2020**

#### **Overview**

The Equality Commission has long identified the need for robust equality data in Northern Ireland, both to enable good evidence-based policy making and to ensure effective compliance with the equality and good relations duties established by the Northern Ireland Act 1998.

The Commission has consistently recommended that public authorities collect detailed equality information / equality disaggregated data to inform public policy making and service delivery, so that equality considerations are at the heart of public policy making and are informed by the specific needs of those experiencing inequalities. We have also highlighted both the lack of equality data generally, and the lack of data disaggregated by equality ground, that is available to policymakers in Northern Ireland.

#### **COVID-19 pandemic**

Over recent months, the COVID-19 pandemic has highlighted the need for access to up to date and detailed equality data in Northern Ireland, as a vital component in shaping the public policy response to going forward. A number of equality-based analyses have emanated from data available in Britain and elsewhere, which shows different equality impacts of the virus, the wide pandemic and responses to it, on a range of grounds.

The Commission has pointed out that the pandemic would appear to be reinforcing existing health and wider inequalities and has articulated its concern that existing inequalities will be exacerbated or new inequalities may emerge. We have also raised specific concerns regarding the non-availability

of certain data by equality ground which the COVID 19 pandemic has highlighted.

In respect of data, for example, whilst the Department of Health COVID-19 dashboard data includes information on impacts by age and gender, it does not include data by race or disability. This contrasts with the position in Britain where data is collected and published on race. Such data has helped focus the Government's attention there on the differential impact the virus would appear to be having on Black, Asian or Minority Ethnic people<sup>1</sup>.

The Commission has raised these issues with NISRA, which shares its view about the importance of equality-disaggregated data to understand the impact of COVID-19 and has stated that it is committed to publishing as much data and statistics in relation to the pandemic as it can, while acknowledging that there is more to do to ensure that data and analyses are readily available to demonstrate the impact on different groups in society.

## **Programme for Government**

In recent years, we have highlighted the critical importance of equality disaggregated data to underpin the draft Programme for Government (PfG) measures<sup>2</sup>.

We recommended that the Executive ensure that all relevant PfG measures (and relevant indicators and outcomes) – those that directly relate to individuals - are tracked not only on aggregate terms but also for the impact on equality groups.

We also highlighted that the PfG needed to include actions, particularly by Departments and other public bodies, to address key gaps in equality data – including to ensure that data is available across the full range of equality grounds, and in respect of people's multiple identities.

The absence of key equality data means that it is difficult for the Executive, and for Departments and others to assess the nature and extent of key inequalities, as well as to track progress in achieving agreed equality and good relations outcomes.

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<sup>1</sup> Data is a vital component in tackling the impacts of COVID 19 pandemic, [ECNI press statement, 7 July 2020](#)

<sup>2</sup> [Response to the Executive's consultation on a draft Programme for Government Framework](#), July 2016, ECNI

## Key Inequalities research and public policy recommendations

Gaps in equality data collection are highlighted across the Commission's research and public policy work on inequalities in areas such as employment, education, housing and participation in public and political life. We have highlighted this and made recommendations for improvement and change.

The recommendations are aimed generally to address key equality data gaps and to ensure that data is sufficiently disaggregated to allow for meaningful equality analysis, to better inform public policy interventions.

This includes over recent years:

- Statement on Key Inequalities in Employment<sup>3</sup>
- Equality in Education: Policy Recommendations<sup>4</sup>
- Equality in Housing and Communities: Policy Recommendations<sup>4</sup>
- Participation in Public Life: Policy Recommendations<sup>5</sup>

The Commission also recommended the extension of monitoring requirements under the fair employment legislation to the grounds of nationality and ethnic origin, in its proposals for law reform in 2009<sup>6</sup>. The Executive's Racial Equality Strategy 2015 – 2025 (RES) committed to reviewing the fair employment legislation to examine the case for it being amended to include the collection of monitoring information as regards nationality and ethnic origin.

The RES also recognised that ethnic monitoring is key to tackling racial inequalities and racism<sup>7</sup> and committed that Government departments and agencies would examine, as a matter of priority, where ethnic monitoring should be introduced and consult on proposals for implementation<sup>8</sup>. It is understood that work on this is nearing completion and the Commission would urge that its recommendations are acted on as a priority.

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<sup>3</sup> [Key Inequalities in Employment: Statement, ECNI, May 2018](#) ), paras 12.18 to 12.25 <sup>4</sup>

[Equality in Education: Policy Recommendations](#), ECNI, Oct 2018, Chapter 4

<sup>4</sup> [Equality in Housing and Communities](#), ECNI, Feb 2019, Chapter 8

<sup>5</sup> [Equality in Public Life](#), ECNI, May 2019, Chapter 4

<sup>6</sup> [Proposals for Law Reform, ECNI, February 2009, pp 25 - 27](#)

<sup>7</sup> The Executive Office, [Racial Equality Strategy 2015-2025](#) – para 11.1

<sup>8</sup> The Executive Office, [Racial Equality Strategy 2015-2025](#) – para 7.6

## Section 75 duties

Public authorities have a statutory duty to consider the promotion of equality of opportunity and good relations, prior to decisions being made<sup>9</sup>.

The Commission's most recent review of public authority practices in the implementation of the s75 duties identified data development as an issue. Specifically, it stated that 'Equality Scheme commitments have not driven a data development agenda in the public sector, despite the requirements in Schedule 9 for particular monitoring arrangements and the Commission's longstanding advice.'<sup>10</sup>

The Section 75 statutory duties require public authorities pay the appropriate level of regard when revising and developing policies, and they should adhere to the arrangements in their Equality Schemes when doing so. Public authorities should be assessing any equality impacts, usually by conducting equality assessments of policies being reviewed or developed. This includes assessing any adverse impacts and seeking opportunities to better promote equality of opportunity before the policy is decided upon and implemented as well as monitoring the impacts of policies adopted.

In order to assess the equality impacts and monitor any adverse impacts of policies, public authorities need information to ensure that decisions and equality assessments are evidence based and appropriate.

The type and volume of such information should be relevant, appropriate and proportionate to the policy under consideration. The sources of information may be population and/or organisational and may be quantitative or qualitative. We advise that qualitative information may be particularly useful where the policy is of a sensitive nature or where there is a lack of quantitative data. We also advise that public authorities should bear in mind the Data Protection Act (third principle) i.e. that any personal data collected shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed

The Commission, in partnership with NISRA, has recently published Section 75 Using Evidence in Policy Making: A Signposting Guide<sup>11</sup> to encourage and support public authorities to collect and use equality data in developing policies, in line with the requirements of the duties.

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<sup>9</sup> Section 75, Northern Ireland Act 1998

<sup>10</sup> [Section 75, Acting on the Evidence of Public Authority Practices, ECNI, June 2018](#)

<sup>11</sup> [Using Evidence in Policy Making: A Signposting Guide, ECNI, 2020](#)