

Inequalities in Participation in Public Life in Northern Ireland

Summary Report

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1 Introduction

The Equality Commission for Northern Ireland (ECNI) commissioned Ipsos MORI to review the evidence and data on participation in public life and whether there are inequalities across the nine Section 75 grounds of the Northern Ireland Act (1998).

There has been limited investigation of trends or patterns in respect to inequalities across the nine Section 75 grounds since the ECNI's 2007 Statement on Key Inequalitiesⁱ. Therefore, the ECNI wished to update the 2007 Statement on Key Inequalities in order to identify any persistent and or emergent key inequalities in participation in public life and changing trends across all equality groups.

The restoration of devolved institutions around the time of ECNI's Statement on Key Inequalities in 2007 provided fresh emphasis on participation in public life through the establishment of Northern Ireland Assembly; setting a tone for broader engagement across the variety of areas in public life.. Nevertheless, there have been a number of reports (e.g. Office of the First Minister and Deputy First Minister's Public Bodies and Public Appointments Annual Reports, and Department for Enterprise, Trade and Investment's Women in Northern Ireland Report) which have identified the limited pace of change in regard to the composition of those participating in public life. There have also been a number of studies undertaken within Northern Ireland which have identified that the: bureaucracy associated with participation in public life; lack of outreach; lack of flexibility; physical barriers (e.g. inaccessible buildings); negative perceptions and stereotypes about those from underrepresented groups; and, the perceived culture of political institutions and public bodies, act as barriers to participation in public life for those from underrepresented groups.

The ECNI definesⁱⁱ 'Public life' as a very broad term, and provides examples of areas which may be considered as public life, including: **government public appointments; the House of Lords; Local Strategic Partnerships; community associations or fora; community police liaison committees; neighbourhood watch committees; citizens panels; public bodies' focus or working groups; school Boards of Governors, school councils; youth councils; user groups for a service provided by a public authority.**

Where data is available, this study examined participation across the nineteen areas of public life, as set out above, for each Section 75 ground and for multiple grounds.

2 Methodology

The current study adopted a four stage approach to the research including a full systematic literature review, a meta-analysis of quantitative secondary data, an expert seminar and a series of depth interviews with representatives of underrepresented equality groups.

The study considered available literature and secondary data for the period 2007-2014. Overall, the findings present the key inequalities that have remained persistent from 2007 to 2014. Although progress will have occurred, in respect to an increase in participation within some of the areas of public life, for some of the equality groups within the nine equality grounds underrepresentation can still be observed when considered against the expected levels of participation in public life for each of the nine grounds.

It should be noted that there is a considerable lack of data available on participation in public life for each Section 75 ground across the areas of public life investigated in this study:

- Data is only sufficiently available for two of the nineteen areas of public life, namely: Government Public Appointments and the Judiciary. However, even there the availability of data varies across the nine grounds, as to whether it is captured and recorded for an equality ground and how it is recorded.
- There is limited data for the areas of Elected Representatives and Access to Voting System, with this data only being available for gender, age and political opinion.
- There was no available data for any of the areas of public life investigated in this study in respect to marital status, dependency status or sexual orientation.

Furthermore, where data is available there were some limitations due to the periods covered by the source reports, and low numbers. In addition, with the exception of Government Public Appointments, there is no reporting of disaggregated data by two or more Section 75 grounds across the other areas of public life identified within this study. This made it difficult to examine multiple inequalities in participation in public life which occur at the intersection of two or more grounds (e.g. gender, marital status and dependent status).

This study was only able to report on inequalities in participation in public life where there was available data to do so. This is not to say that inequalities in participation in public life do not exist across the Section 75 grounds where data is not available. This study simply cannot draw any conclusions when the data is not available. Therefore, this study only presents key inequalities when publicly available data is presented consistently over the period of investigation.

The key findings identified in the meta-analysis are detailed in the following sub-sections.

3 Findings & Key Inequalities

Barriers

The report identified a range of cross-cutting issues such as: a lack of education/training, a lack of experience, lack of confidence or low self-esteem, and a lack of knowledge that continue to affect the level of participation in public life among those from underrepresented groups. Further, the report also identified a number of organisational / systemic barriers such as a lack of flexibility, physical barriers, negative perceptions and stereotypes about those from underrepresented groups, and the perceived culture of political institutions and public bodies acting as barriers to greater participation by people from underrepresented groups. However, the review also noted that there have been studies undertaken into increasing diversity in participation in public life (e.g. government public appointments) which make recommendations focussed on: raising awareness; changing the recruitment and selection process; establishing targets for diversity; and regularly monitoring and reporting on the levels of diversity in participation. These represent some of the key enablers of participation which could facilitate greater participation by underrepresented groups in future.

The following sections present the key inequalities in participation in public life for the nine Section 75 grounds based on an examination of the available data.

Gender

Overall, there has been more investigation of participation in public life for the ground of gender than on other grounds, both in terms of reports investigating barriers and enablers of participation and also in reporting on the levels of participation across a number of areas of public life. However, there has to date been a very limited investigation of the experiences of transgender people with no data being available on levels of participation in public life.

The research found that data was publicly available for only five of the nineteen areas of public life investigated for this study for the examination of gender, namely: Government Public Appointments, Community Associations or Fora, School Board of Governors, Elected Representatives and the Judiciary.

The analysis of the data for the areas of public life cited above indicated that there are persistent key inequalities for women. This is demonstrated by their underrepresentation in their participation in respect to :

- Government Public Appointments (Applicants and Appointments) and Chairpersonships
- Elected Representatives (MP's, MLA's, Government Ministers, Local Councillors, Candidates for Local Council elections, and Council Mayor/Chairpersons)
- The Northern Ireland Judiciary
 - Judicial Office positions across the more senior of the 8 groupsⁱⁱⁱ (Applicants and Appointments)
 - Judicial Office Court positions (Applicants and Appointments)
 - Judicial Office Tribunal (Legal) positions (Applicants and Appointments)
 - Judicial Office Tribunal (Non-Legal) positions (Applicants and Appointments)
 - Judicial Tribunal (Applicants and Appointments)
 - Recommendations for Judicial Appointments
 - Recommendations for Renewal of Judicial Appointments

Further, to the inequalities identified above, there have been notable increases in the underrepresentation (decreases in the representation) of women in respect to Chairpersonships of Government Public Appointments and Judicial Tribunal Appointments during the reporting period 2007-2014.

In respect to the participation of women in Community Associations or Fora; and School Board of Governors, the data is only available on a limited basis and therefore this research was unable to draw reliable conclusions for these areas of public life.

Age

The research found that data was publicly available for only five of the nineteen areas of public life investigated for this study with regards to age, namely: Government Public Appointments, Access to Voting System, School Board of Governors, Elected Representatives and the Judiciary.

The key findings of the analysis of data for the areas of public life cited above show there are persistent inequalities in terms of the underrepresentation of younger people, particularly for those under the age of 40 within:

- Government Public Appointments (Applicants and Appointments)
- Elected Representatives (MLAs)
- The Northern Ireland Judiciary
 - Judicial Office positions across the eight groups
 - Judicial Office Court positions (Applicants)
 - Judicial Office Tribunal Appointments Applicants

- Judicial Office Tribunal (Legal) positions (Applicants)
- Judicial Office Tribunal (Non-Legal) positions (Applicants and Appointments)
- Lay Magistrate positions
- Judicial Office Court and Tribunal (Legal) Appointments
- Recommendations for Judicial appointment
- Recommendations for Renewal of Judicial appointments

In relation to those aged over 40, a key inequality is the underrepresentation of those aged 41-50 within:

- Judicial Office Tribunal (Non-Legal) Applicants

There are no identified inequalities for those aged 51 and over within the areas of public life covered by the available data.

In respect to the participation of those aged 18 to 65+ years in the areas of Access to the Voting System and School Board of Governors, the data is only available on a limited basis. Therefore, this research was unable to draw reliable conclusions regarding participation for these areas of public life.

Religious belief

Public authorities tend to collect and publish data on community background and generally do not collect and publish data on participation in public life on the basis of religious belief. Consequently, a key finding of the analysis of secondary data is that there is limited publicly available data on participation covering religious belief across most of the nineteen areas of public life investigated in this study.

Where there is data available, namely Government Public Appointments, School Board of Governors and the Judiciary, it is presented by community background, and as such, has been analysed for the purposes of this study.

The key findings of the analysis of secondary data are as follows:

- Fluctuating levels of participation across different community backgrounds in terms of Government Public Appointments
- The Northern Ireland Judiciary:
 - Those of a Catholic community background are found to be underrepresented in:
 - Judicial Office Court, Tribunals (Non-Legal) and Lay Magistrates positions
 - Judicial Office Tribunal (Non-Legal) Applicants and Appointments
 - Recommendations for Judicial Appointments
 - Recommendations for Renewal of Judicial Appointments

- In contrast, those from a Protestant community background are found to be underrepresented in:
 - Judicial Office Tribunals (Legal) positions
 - Applicants for Judicial Appointments Court
 - Applicants for Judicial Appointments Tribunal
 - Applicants for Judicial Office Tribunal (Legal) positions

In respect to the participation by religious belief in School Board of Governors, data is only available on a limited basis. Consequently, this research was unable to draw reliable conclusions for this area of public life.

Political opinion

A key finding of the analysis of secondary data is that there is limited publicly available data covering political opinion across most of the nineteen areas of public life identified within this study, making it difficult to investigate potential inequalities.

When considering the data that is available, namely for Government Public Appointments and Elected Representatives, it is not possible to identify any emerging or persistent inequalities in participation in public life for persons with different political opinions.

In respect to the participation within School Boards of Governors and Access to Voting System, data is only available on a limited basis and therefore this research was unable to draw reliable conclusions for these areas of public life.

Race

A key finding of the analysis of secondary data is the limited publicly available data covering race across most of the nineteen areas of public life. Furthermore, the review uncovered that data is only available for participation in public life on the ground of race on the basis of a limited categorisation. In other words, the data collected and published by public authorities on participation in public life on the ground of race is on the basis of two categorisations; namely, those who are 'White' and those who are of a 'Minority Ethnic Background'. While the 2011 Census does provide data on individual ethnic groups, it can also provide data on the basis of the two categorisations cited above which enables a comparison with the available data to assess levels of participation in public life for persons of a Minority Ethnic Background.

Where the data is available it is limited to Government Public Appointments, Access to Voting System and the Judiciary. An examination of the data shows that Minority Ethnic groups experience persistent key inequalities in terms of their underrepresentation in participation in public life within:

- Government Public Appointment positions (Applicants and Appointments)
- The Northern Ireland Judiciary

- Judicial Office positions across the eight groupings
- Lay Magistrate positions
- Judicial Office Court positions (Applicants)
- Judicial Office Tribunal (Legal) Applicants
- Recommendations for Judicial Appointments
- Recommendations for Renewal of Judicial Appointments

Due to the low numbers, it is not possible to identify if these inequalities are specific to a particular ethnic minority background. This is a consequence of how data is aggregated and reported.

Furthermore, although data was available for race in the area of Access to the Voting System, the data is only available on a limited basis. This research was therefore unable to draw reliable conclusions for this area of public life.

Disability

Disability represents a challenging ground to investigate due to the wide ranging definition of disability to include both physical and non-physical disabilities or long-term health problems which impact a person's ability (either a lot or a little) to undertake normal daily activities. Furthermore, during the stakeholder interviews it was possible to identify a perception among individuals with a disability, or long term health problem, of a reluctance to declare their disability due to perceived negative stereotypes. Consequently, there may be an issue of underreporting.

A key finding of the analysis of secondary data is that there is limited publicly available data covering disability across the nineteen areas of public life identified within this study.

Where there is data available, it is limited to only two of the nineteen areas of public life, namely Government Public Appointments and the Judiciary. An analysis of this data indicates that there are persistent key inequalities for persons with disabilities in terms of their underrepresentation in participation in public life within:

- Government Public Appointment positions (Applicants and Appointments)
- The Northern Ireland Judiciary
 - Judicial Office positions across the eight groupings
 - Judicial Office Court positions (Applicants)
 - Judicial Office Tribunal positions (Applicants)
 - Lay Magistrate positions
 - Judicial Office Tribunal (Legal) positions Applicants
 - Judicial Office Tribunal (Non-Legal) Applicants
 - Judicial Office Tribunal (Non-Legal) Applicants
 - Recommendations for Judicial appointment
 - Recommendations for Renewal of Judicial appointments

Due to low numbers and how data is aggregated and reported, it is not possible to identify if these inequalities are specific to a particular disability.

Further, to the inequalities identified above, there have been notable increases in the underrepresentation of persons with disabilities in respect to Applicants for Judicial Office Court Appointments during the reporting period 2007-2014. This is somewhat worrying given the duties to promote participation in public life under the Disability Discrimination (Northern Ireland) Order 2006 and the United Nations Convention of the Rights of Persons with Disabilities (UNCRPD).

Sexual Orientation

It is not possible to identify any data sources across the nineteen areas of public life identified within this study which would permit an analysis of the level of participation in public life on the ground of sexual orientation. Therefore, it is not possible to identify any key inequalities.

Marital Status

There is no available data on participation on the ground of marital status across the nineteen areas of public life identified within this study. Therefore it is not possible to identify any key inequalities for persons of different marital status.

Dependency Status

There is no available data across the nineteen areas of public life in respect to participation by dependent status. Therefore, it is not possible to identify any key inequalities for persons of different dependent status.

Multiple Inequalities

There is an increasing recognition of multiple identities across a number of Section 75 grounds and the potential for inequalities to exist at the intersection of two or more grounds which may not be apparent when investigating a single equality ground. This is acknowledged by the ECNI in their Equality Impact Assessment Screening guide for public authorities. Unfortunately, the only data that is publicly available which is disaggregated by two or more Section 75 grounds is for Government Public Appointments. Therefore, an examination of multiple inequalities in this area of participation in public life revealed:

- A key inequality at the intersection of disability and gender is disabled women are less likely than disabled men to apply for a Government Public Appointment.
- A key inequality at the intersection of gender and age is older women (age 60+) are less likely than older men (age 60+) to apply for a Government Public Appointment.

Conclusion

This research has identified a considerable lack of publicly available data on participation in public life across each Section 75 ground for the nineteen areas of public life included within the study. Even in those areas where data is available, there is a complete lack of data for participation in public life for the specific Section 75 grounds of marital status, dependent status and sexual orientation. In addition, there is very limited disaggregated data which would examine the issue of potential multiple inequalities encountered as a result of multiple identities (e.g. barriers faced by young, single mothers).

This presents a real challenge to identifying inequalities in participation in public life. It also presents an ongoing challenge for the work of the ECNI, in respect to its oversight of the implementation of the statutory duties by public authorities as required under Section 75 of the Northern Ireland Act and the Disability Discrimination (Northern Ireland) Order 2006 to promote equality of opportunity in participation in public life.

There is a firm commitment in Section 75 of the Northern Ireland Act (1998), which places a statutory duty on all designated public authorities in Northern Ireland to have due regard to the need to promote equality of opportunity across nine equality grounds. Additionally, the Disability Discrimination (Northern Ireland) Order 2006 provides more comprehensive duties in respect to participation in public life for persons with disabilities. Despite these duties, a comparison of the data available in the ECNI's Statement on Key Inequalities 2007 and the data available for this study indicates that there has been slow progress to change the levels of participation in public life amongst historically underrepresented groups. Additionally, during this period 2007-2014, there is still limited available data across a range of areas of public life, with Government Public Appointments and the Judiciary being the only areas to routinely collect and publish data across most of the nine equality grounds.

Section 75 recognises the need for robust monitoring by public authorities i.e. consistent assessment of intended or unintended impacts of policies in terms of equality of opportunity. However, the Commission's effectiveness review^{iv} identified poor practice in monitoring by public authorities. Robust monitoring of policies will assist public authorities to identify any inequalities in participation in public life across the Section 75 grounds. This will require public authorities to develop systems in order to assess how a policy has been implemented, if it has had the intended effect and if changes are required to the policy to better promote equality of opportunity or to mitigate adverse impacts.

Consequently, public authorities across Northern Ireland will need to address the challenge of being able to sufficiently identify and evaluate the inequalities that may be experienced by all groups within the nine Section 75 grounds in terms of their participation across a range of areas of public life.

End Notes

- i. Equality Commission for Northern Ireland (2007) *Statement on key inequalities in Northern Ireland*. Belfast
- ii. ECNI (2007) *A Guide for Public Authorities – Promoting Positive Attitudes Towards Disabled People and Encouraging the Participation of Disabled People in Public Life*. Available from: <http://www.equalityni.org/archive/pdf/ECNIDisPlan.pdf>
- iii. In terms of Judicial Appointments, these are made to one of eight groupings identified in the NISRA Equity Monitoring Reports and NIJAC Annual Reports. These groups are defined as follows:

Group 1: Supreme Court - Lord Chief Justice, Lord Justices of Appeal, High Court Judges & Temporary judges of High Court

Group 2: County Court Judges; deputy County Court Judges; Chief Social Security and Child Support Commissioner; Social Security and Child Support Commissioner & deputies

Group 3: District Judges (Magistrates' Courts) and deputies

Group 4: District Judges & deputies; Masters; Coroners and deputies; Deputy Statutory Officer; Official Solicitor

Group 5: Industrial Tribunals & Fair Employment Tribunal (President FT, Vice President FT, Chairman FT, Chairman FP)

Group 6: Appeal Tribunals (President of Appeal Tribunals FT, Legal Chairman FT, Legal Member FP, Financial Member FP, Medical Consultant Member FP, Medical General Member FP, Expert Member FP)

Group 7: Special Educational Needs Disability Tribunal (President FP, Chairman FP); Mental Health Review Tribunal (Chairman FP, Deputy Chairman FP, Legal FP, Medical FP, Experienced FP); Lands Tribunal (President FP, Member FT); Pensions Appeal Tribunal (President FP, Deputy President FP, Legal Member FP, Medical Member FP, Service Member FP); Northern Ireland Valuation Tribunal (President FP, Legal FP, Ordinary Member FP, Valuation FP); National Security Certificates Appeal Tribunals (Chairman FP, Deputy Chairman FP, Legal FP, Lay FP); Charity Tribunal (President FP, Legal Member FP, Ordinary Member FP); Health and Safety Appeal Tribunals (Legal Chairman FP); Care Tribunal (Chairman FP); Reserve Forces Appeal Tribunals (Chair of the Reserve Forces Re-Instatement Committee FP); Northern Ireland Traffic Penalty Tribunal (Adjudicator FP); Criminal Injuries Compensation Appeals Panel for NI (Chairman FP, Adjudicator: Legal FP, Medical FP, Lay FP)

Group 8: Lay Magistrates FP

Notes: FT - Full time FP - Fee paid
- iv. ECNI (2008) Section 75, *Keeping it effective, Reviewing the Effectiveness of Section 75 of the Northern Ireland Act 1998*, ECNI Belfast.

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