

EQUALITY COMMISSION FOR NORTHERN IRELAND

**Report on the Implementation of the
Section 75 Equality and Good Relations Duties
by Public Authorities
Based on Public Authority Annual Progress
Reports**

1 April 2004 - 31 March 2005

Contents	Page
Foreword	5
Executive Summary	6
1. Introduction	8
2. Analysis and Recommendations	19
3. Summary of Progress made by Public Authorities	
- Government Departments	29
- Education	32
- Further and Higher Education	34
- Health	36
- Local Government	38
- Reserved and Excepted Matters	41
- Other Northern Ireland and Cross Border Public Authorities	43
- UK Wide Public Authorities	45

Appendices

Appendix A: Section 75, Northern Ireland Act 1998	48
Appendix B: Glossary of Terms	49
Appendix C: Progress Report Template - 1 April 2004 - 31 March 2005	56

Accuracy of information contained in this report

This report primarily reflects the views of the Equality Commission on implementation of the Section 75 Statutory Duties during 2004-05. In addition the report includes contributions from the public sector and the community and voluntary sectors regarding progress. The opinions set out in sections 1.25 to 1.27 of this report represent those expressed by voluntary and community organisations who attended a roundtable convened by the Equality Commission during April 2006. Section 3 of this report sets out information included in public authority annual progress reports. Annual reporting by public authorities is a process of self assessment and whilst views are sought from the community and voluntary sectors on progress by public authorities, the Equality Commission does not formally validate the accuracy of information they provide. This will be addressed through the forthcoming review of effectiveness of Section 75.

Foreword

Throughout the year under review, the Equality Commission for Northern Ireland witnessed further efforts to mainstream equality considerations in the performance of all parts of the public sector.

During this time the Commission finalised and published its revised guidance on the Section 75 statutory duties. Notably this new guidance reflected good working practices highlighted in a number of annual progress reports. It is hoped that the new guidance and principles will contribute importantly to the development and improvement of practices by public authorities and, by doing so, to better impacts and outcomes for individuals from the nine equality categories.

The new guidance also reflects comments and suggestions by the voluntary and community sector, many of which have been reflected in previous annual reports, on areas such as screening practices, consultation and training.

During the past five years Section 75 has become ever more owned by the public sector. However, Section 75 has at its heart a commitment to continual improvement and development. It is pleasing to see further developments in policy and practice during 2004-05 and I would again like to thank the individuals and organisations who have contributed to policy-making by their participation to consultations and other engagement with public authorities.

Bob Collins

Chief Commissioner

Executive Summary

Ninety five percent of the public authorities that submitted progress reports indicated they believed their work to date on implementing the statutory duties had produced positive benefits for the organisation, and 86% believed implementing the statutory duties had produced positive benefits for individuals from the various equality categories. Public authorities highlighted over 120 changes in policy or practices that resulted from equality impact assessment (EQIA) activities affecting individuals in all the equality categories.

The Voluntary and Community sector welcomed a range of initiatives by various public authorities during the year. However, areas of concern were highlighted regarding a number of screening and consultation activities. These included examples of reports connected with screening work being withheld by government departments on grounds of Freedom of Information legislation.

There is wide recognition that mainstreaming equality through Section 75 is an important statutory undertaking which brings real benefits to service users. Continued top-level commitment to implementing schemes is required to retain the momentum for mainstreaming equality and to counteract the perception that Section 75 has “already been dealt with”.

There is still evidence that organisational restructuring and other sectoral reorganisations have delayed or compromised scheme related programmes. In addition, while there were many positive examples of reporting impacts and outcomes, a number of public authorities, including some government departments, continue to report that because they do not deliver services directly to the public, they cannot demonstrate outcomes for individuals from Section 75 categories.

One feature of this reporting year was the level of rescreening undertaken. The Commission is concerned that the underlying reasons for rescreening may have more to do with reducing the number of EQIAS than screening in policies which have significant equality implications.

There is some evidence of refresher training being organised to recommit certain sectors and public authorities to equality. The Commission would like to see this approach adopted much more widely. E-learning was reported as one way of solving the problem of the release of frontline and operational staff for training on equality issues.

It is vital that Northern Ireland-wide user satisfaction and other generic surveys, such as the Northern Ireland Life and Times survey, which provide the 'bread and butter' information for central government and to an extent local government, are extended to cover all nine equality categories.

In many sectors, there were examples of public authorities structuring the consultation process more effectively by ensuring that their consultee lists were up to date, targeting consultations, making use of consultation zones on web sites and bringing consultees together through 'Consultative Forum' or 'Advisory Panels'. It is important that these mechanisms are in addition to, rather than a replacement for, direct consultation mechanisms.

During the year, OFMDFM published 'A Shared Future', the Government's policy and strategic framework for good relations in Northern Ireland, and this appears to have added some stimulus to the implementation of the good relations duty. Race appeared to be the category most likely to have benefited from good relations work during 2004-05, perhaps reflecting both the increasing numbers of migrant workers and the number of racial attacks during the year. The difficult and often contentious problem of sectarianism also needs to be addressed more directly as part of the promotion of good relations.

At the start of the year under review, five investigations of equality scheme implementation by four public authorities were in progress. During the year the Commission concluded five investigations identifying four failures to comply with approved schemes, and made two recommendations. Three further Paragraph 10 investigations were authorised and two other investigations were also initiated by the Commission under Paragraph 11 of the Northern Ireland Act 1998.

1. Introduction

The Statutory Duties

- 1.1 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 implemented through the Northern Ireland Act 1998.
- 1.2 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 people of different religious belief, political opinion, racial group, age, marital status or sexual orientation; between men and women generally; between people with a disability and people without; and between people with dependants and people without.
- 1.3 A public authority is also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
- 1.4 The duties are designed to ensure that government and public authorities make equality and good relations considerations central to policy development.

Equality Schemes

- 1.5 Each public authority must have an equality scheme in place, both as a statement of its commitment to the statutory duties, and as a five-year plan for performance of the duties.

Consultation

- 1.6 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

- 1.7 Public authorities must also assess the equality impact of their policies and publish the outcome of such assessments. 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 or reduce any adverse impact the policy may have. The public authority must also show how it considered alternative policies which might better promote equality of opportunity.
- 1.8 Each equality scheme contains a commitment by the public authority to submit an annual report of its progress to the Equality Commission. To help public authorities prepare their reports the Commission has provided a template for them to follow (see Appendix C). The Equality Commission uses the information gathered from these reports to assist it in keeping the effectiveness of Section 75 under review - as we are required under the Northern Ireland Act - and to publicly report progress.

Summary of Progress to Date

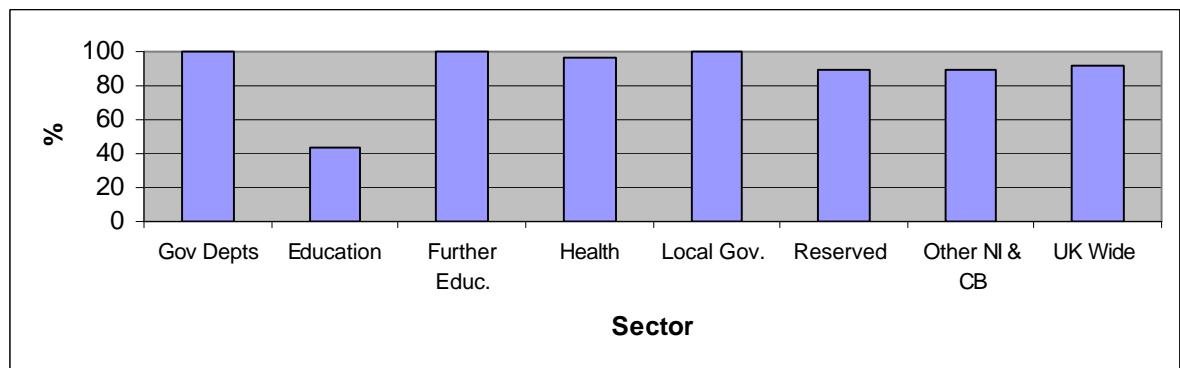
- 1.9 The Commission has published three previous reports of progress on the implementation of the duties, the first covering January 2000 – March 2002, the second covering 2002 – 2003 and the third covering 2003 - 2004. These reports are available on the Commission's website at www.equalityni.org Each public authority's progress report is a public document and is available from that authority.
- 1.10 The 2004-2005 report includes information provided by 157 public authorities subject to Section 75 of the Northern Ireland Act. They were in the first instance asked to report by 31 August 2004, and a reminder was sent to those who had not sent their reports by that time. By 1 October 2004, the public authorities set out in Table 1 had not submitted progress reports.

Table 1: Submission of Progress Reports Behind Schedule

Public Authority	Date Received
Limavady Borough Council	11 January 2006
Magherafelt District Council	<i>No report Received</i>
Sports Council for Northern Ireland	13 January 2006
Certification Officer	4 November 2005
NI Authority for Energy Regulation	<i>No report Received</i>
Department of Trade & Industry	<i>No report Received</i>

- 1.11 The 2004-2005 progress reporting template included a series of questions on public authorities views of the benefits of work on implementing the statutory duties for their authority and for individuals from the Section 75 equality categories. Responses to these questions were provided by 94% of the public authorities which submitted reports.
- 1.12 Of the 157 public authorities that submitted progress reports, a very high percentage (95%) indicated they believed their work to date on implementing the statutory duties had produced positive benefits for the organisation (see Figure 1: Perception of positive benefits from implementing Section 75 for public authorities). This result reflects a 12% increase on the previous year's result, with a noticeable increase in reporting of benefits from local government. Less than half (44%) of education sector authorities noted positive benefits for the organisation, although five authorities did not provide relevant information in their reports.

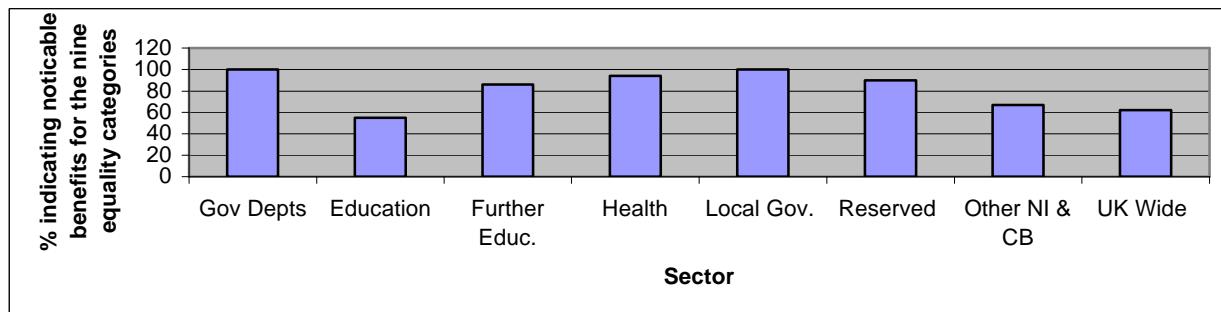
Figure 1: Perception Of Positive Benefits from Implementing Section 75 for Public Authorities



- 1.13 Respondents were asked to indicate the extent of benefit on a scale of very noticeable, noticeable and no real change. Just over one third (34%) of those that reported positive benefits said that awareness of equality issues in policy making increased very noticeably and just over a quarter (29%) reported that awareness of equality issues in service delivery had increased very noticeably. Less than a quarter (23%) of respondents also stated that the ability to ensure that policies were designed and targeted to reflect equal opportunities objectives had increased very noticeably. A slightly higher proportion (25%) of respondents acknowledged that the ability to ensure services were designed and targeted to reflect Section 75 requirements had increased very noticeably.
- 1.14 However, less than a fifth (15%) of those reporting positive benefits stated that awareness of good relations issues in policy making had increased very noticeably. A tenth also indicated that their ability to ensure that policies were designed and targeted to reflect good relations objectives had very noticeably changed.
- 1.15 The overwhelming majority (86%) of those that responded indicated that they believed their work to date on implementing the statutory duties had produced positive benefits for individuals from the various equality categories covered by Section 75 (see Figure 2: Perception of positive benefits for equality categories across the public sector). This overall figure reflects a 10% increase on the previous year. Government

departments, health and further and higher education sectors were much more likely to report positive benefits for the nine equality groups than Other Northern Ireland/Cross Border organizations (67%), or UK Wide authorities (62%). Just over half (55%) of the education sector authorities noted positive benefits for the equality categories, although four did not complete this section.

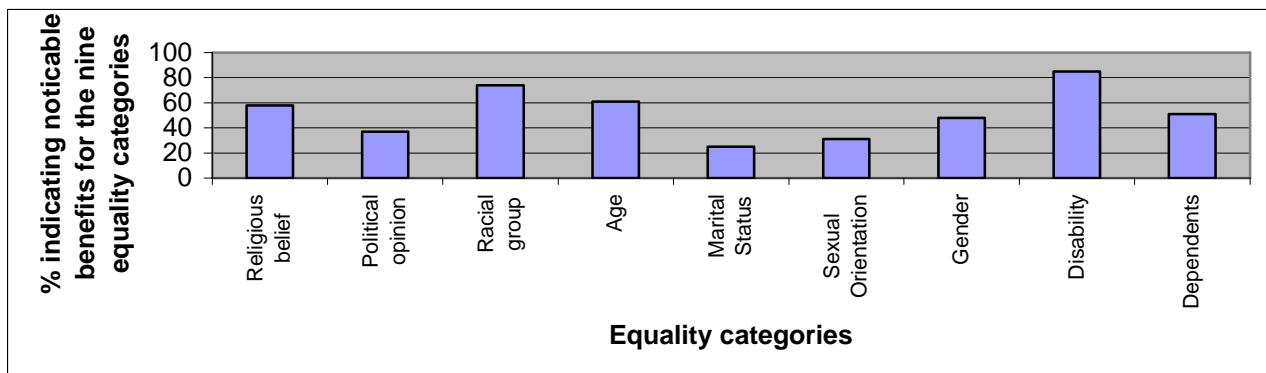
Figure 2: Perception Of Positive Benefits For Equality Categories Across The Public Sector



- 1.16 Respondents were also asked to specify benefits for the nine equality categories on a scale of very noticeable, noticeable and no real change. Compared to the significant levels of very noticeable positive benefits for organisations, reporting of very noticeable increases in equality of opportunity for the equality categories continues to be much lower. With the exception of people with a disability (27%) and people of different racial groups (17%) none of the other equality categories achieved 'very noticeable' benefits above 10%.
- 1.17 Views from the public sector on the amount of change in equality of opportunity are set out in Figure 3: Perception of increases in equality of opportunity. As Figure 3 indicates, more than three quarters (85%) of respondents indicated that implementation of the statutory duties had increased equality of opportunity for people with a disability, with just under three quarters (74%) indicating increased equality of opportunity for people of different racial groups. Just under two thirds (61%) indicated increased opportunities for people of different ages and 58% reported increased equality of opportunity for people of different religious belief. For people with and without

dependants over half (51%) reported increased opportunities. Under a half (48%) reported increased opportunities for women and men and just over a third (37%) reported benefits for people of different political opinion. Under a third (31%) reported increased equality of opportunity for people of different sexual orientation, and a quarter reported increased opportunities for people of different marital status.

Figure 3: Public Sector Perception Of Change In Equality Of Opportunity For The Nine Equality Categories



- 1.18 During 2004-05 the Commission progressed a range of activities to support and assist those affected by the duties. In terms of guidance and advice the Commission launched revised Section 75 guidance in the later part of the year and held a series of briefing sessions with public authorities to raise awareness of key changes and Commission expectations.
- 1.19 The Commission held a series of annual meetings and network events for public authorities to discuss progress on the implementation of Section 75 and examples of emerging good practice which the Commission would be keen to see more widely adopted and developed.
- 1.20 Advice on making official complaints regarding scheme implementation was provided on sixty-nine occasions. This advice related to complaints and investigations in connection with Schedule 9 of the Northern Ireland Act 1998, known as Paragraph 10 and 11 investigations. At the start of the period under review, five investigations of equality scheme

implementation by four separate public authorities were in progress as follows:

- McConnell and Belfast Education & Library Board (Paragraph 11) - alleged failure to properly consult on its screening of a policy relating to the proposed closure of an educational establishment for pupils exhibiting functional and behavioural disability, affecting persons with disabilities, young persons, Protestants and males. The alleged failure was established and the Board took steps to address the issue and to prevent a re-occurrence of the failure. No Commission recommendations were made.
- Leeson and Department of Finance & Personnel (Paragraph 10) - alleged failure to deal with a complaint in line with equality scheme commitments. The alleged failure was established and the public authority put measures in place to ensure the failure would not be repeated. No Commission recommendations were made.
- McCartney and Northern Ireland Office (Paragraph 10) - alleged failure to conduct an EQIA in accordance with Annex 1 of the Guide to the Statutory Duties, affecting the age category. The Commission's investigation concluded that the alleged failure had not been established.
- Allen and Fire Authority of Northern Ireland (Paragraph 10) - alleged failure to screen a new policy relating to standby/ call out areas for flexible duty officers, affecting Catholics and Nationalists. The alleged failure was established and the Commission recommended that the policy be screened immediately using the screening criteria and that consultation take place about the likely impact of this policy.
- Beattie and Fire Authority of Northern Ireland (Paragraph 10) -alleged failure to conduct (commence) an EQIA as planned in the EQIA timetable, affecting the age category (requiring specific officers to retire at 55). The alleged failure was established and the Commission recommended immediate screening of the authority's policy using the screening criteria and that consultation place about the likely impact of this policy

- 1.21 Copies of statutory duty investigation reports can be found on the Commission's website (www.equalityni.org). During 2004-05 the Commission received twelve complaints of alleged failures to implement approved schemes under paragraph 10, subsequently one complaint being withdrawn. Following consideration the Commission authorised three investigations as follows:
- Childrens Law Centre and Northern Ireland Office - alleged failure to properly apply the screening criteria to and properly consult upon its policy proposals and legislation in respect of anti-social behaviour affecting children and young persons. The investigation was ongoing at the end of the period under review.
 - Finlay and Department of Regional Development - alleged failure to take into account an EQIA and associated consultation when making its decision concerning its policy on concessionary fares affecting women aged between 60 and 64. The investigation was ongoing at the end of the period under review.
 - Allen and Fire Authority of Northern Ireland - alleged failure to deal with a complaint in line with equality scheme commitments. The investigation was ongoing at the end of the period under review.
- 1.22 During the year two investigations into failure to implement approved schemes were also initiated by the Commission under its powers under Paragraph 11 of the Northern Ireland Act 1998, as follows:
- Sinn Fein and Department of Social Development - investigation as to whether DSD had failed to screen an alleged policy adopted by it for allocating funding under the Peace II initiative, adversely affecting areas that would generally be perceived to be Catholic/Nationalist. The investigation was ongoing at the end of the period under review.
 - Northern Ireland Commissioner for Children and Young people and Northern Ireland Office - investigation into the period of time allowed by the NIO on the legislative stage of

the Anti-Social Behaviour Order proposals. The investigation was ongoing at the end of the period under review.

- 1.23 In terms of progressing guidance on Section 75 monitoring, the Commission jointly commissioned with the Office of the First Minister and Deputy First Minister (OFMDFM) a major research project on monitoring covering all aspects of public authorities subject to Section 75. The Commission also completed an audit of progress on implementing the good relations duty and made arrangements to publish and disseminate findings. During the year the Commission responded to thirty significant equality impact assessments (EQIAs) reflecting business plan priorities.
- 1.24 Annual reporting is an important mechanism to continue dialogue on mainstreaming. It allows the Commission, public authorities and representative organisations to identify good practice. The analysis set out in the following sections is both a commentary on progress during 2004-05 and an insight into future opportunities to take forward equality scheme commitments. Individuals will benefit most from equality scheme implementation if public authorities review their activities and continue to identify opportunities to better promote equality of opportunity and good relations. Further examples of implementation practice can be found on our website (www.equalityni.org).

A Voluntary and Community Sector Perspective

- 1.25 During early 2006 the Commission held an event to gather views from the voluntary and community sector on their experience of how public authorities were implementing the statutory duties. Not only does the sector as a whole have an essential role to play in the process of making the duties work and representing those affected by the duties, but many of the organisations involved in these discussions campaigned to have the duties included in the Northern Ireland Act.

- 1.26 It should be noted that the views expressed in this section represent only those articulated by the particular group of organisations who attended the event.
- 1.27 Amongst the examples of initiatives which the participants welcomed were:
- work on training projects by various local authorities involved in the Western Area Community Relations Officers Forum.
 - direct consultation practices by the Department of Health, Social Services and Public Safety.
 - the Forums and panels which added to the processes of engagement and consultation.
 - development of alternative formats including child accessible documents e.g. information on New TSN.
 - the long-term engagement and commitment of various authorities in the Education and Health sectors in particular.
- 1.28 Among the specific enablers and impediments to progress raised by participants were:
- ‘Plain English’ is an understated tool for improving accessibility of information.
 - Northern Ireland Statistics & Research Agency further developing its information sources and in particular qualitative information.
 - representative groups can help inform and develop training and awareness raising on equality issues, especially if public authorities want to effectively address a range of issues.
 - efforts to ensure web site standards are improved using specific standards, although some concerns exist about what the standards actually cover and who is providing the judgment on accessibility.
 - making alternative formats available on request i.e. demand led, would impact on individuals from some of the Section 75 equality categories.
 - the need to challenge public authorities’ belief that doing anti-discrimination work is part of promoting equality of opportunity. The Section 75 duties are separate.

- monitoring was not being progressed on a continuous basis and the standard of monitoring, where it was being undertaken, was not clear.
- examples of requests for reports connected with screening and EQIA activities being turned down on grounds of Freedom of Information legislation by two government departments.

1.29 Among the areas of concern which participants raised were:

Screening

- some public authorities were misinterpreting guidance on the definition of policy, and presenting new initiatives as an extension of a previously screened or EQIA'd initiative, or viewing decision-making criteria in guidance materials as not forming part of policy making.
- a lack of consideration of the equality implications of budget prioritisation despite evidence of proposed budget cuts impacting on specific equality grounds.
- weak reasons for public authorities undertaking rescreening e.g. too many EQIAs, or high numbers compared to other authorities, and the general use of rescreening to reduce the need for EQIA rather than identifying additional policies with significant equality implications.

EQIA

- heavy emphasis in some EQIAs on area-based statistics, rather than statistics relating to the nine equality categories.

Consultation

- consultation forums are intended to supplement not replace the need for direct consultation.
- use of electronic media to communicate information and providing only pdf versions of documents. This practice impacts on organisations in terms of their capacity to access and manipulate documents and presents barriers to people with disabilities using adaptive software.

- while a number of requests were made regarding information on public authority systems for analyzing responses, no details had been received from the authorities.

Good Relations

- while an increase in EQIA activity on flags and emblems was noted, the perception amongst the sector was that little was changing and improving.
- There was a perceived focus on race issues to avoid addressing the issue of sectarianism.

2. Analysis and Recommendations

- 2.1 The 2004-2005 report includes material from 157 public authorities, encompassing the whole range of public services provided to the population of Northern Ireland. Some authorities have thousands of employees, some only one or two. Most have been implementing Section 75 since 2000, but some were designated by the Secretary of State as recently as 2004.
- 2.2 In the previous chapter the Commission has attempted to identify particular areas of sector by sector progress and areas where authorities need to make improvements. This section of the report identifies the significant issues in terms of implementing the duties, issues which appeared more frequently; and which cross the various parts of the public sectors subject to Section 75. In most areas positive conclusions were drawn and a range of good practice identified. Nevertheless there was also evidence of poor practice within and across the sectors.

General points on strategic implementation

- 2.3 The progress reports show that there is wide recognition that mainstreaming equality through Section 75 is an important statutory undertaking which brings real benefits to service users. In many public authorities, equality is being factored in earlier by senior managers and policies are being based on objective assessments.
- 2.4 Whilst public authorities report that the statutory duties have increasingly been incorporated into the general strategic and planning cycles, progress reports could better demonstrate where and how Section 75 is being built into business plans, with specific targets being identified and resourced.
- 2.5 Continued top-level commitment to implementing schemes is required. For example, the implementation of Agenda for Change in the health sector added to corporate workloads. Such programmes of major change pose particular challenges

in the health sector for retaining the momentum for mainstreaming equality at senior levels, to counteract the perception that Section 75 has “already been dealt with”.

- 2.6 There was evidence in various sectors of follow through on the Government’s procurement policy, with many public authorities adopting a standard statement in all terms and conditions of contracts issued, making equality of opportunity a binding obligation on both parties to any agreement.
- 2.7 There was continued emphasis on disability in this year’s progress reports. This was reflected in the responses by public authorities to Section 13 of the reporting template. In addition some reports highlighted important provisions in and outlined progress to meet various requirements of the Disability Discrimination Act 1995. When reporting on progress, however, public authorities should be aware of the distinction between anti-discrimination legislation and the Section 75 duties to promote equality of opportunity and good relations. Reporting progress in terms of the former does not imply that the latter is being properly addressed.
- 2.8 There was also significant reporting of promoting race equality by public authorities, although little or no reference was made to the Race Relations Order 1997. Instead, policy initiatives on addressing race related issues were largely cited as a reaction to racially motivated hate crimes and the increase in the numbers of migrant workers.
- 2.9 A number of reports highlighted progress on promoting gender equality. However, many of the projects tackling women’s inequality cited appear to be implemented mainly with the help of European funding. There is a need to build the gender considerations more into mainstream programmes.
- 2.10 In sectors such as Health and Further Education, there was evidence of a coordinated approach to equality schemes, their implementation and reporting, which other sectors, in particular local government, could usefully learn from.

- 2.11 In some incidences, reference was made in 2004-05 reports to a previous year's report, demonstrating both a lack of progress on scheme implementation during the reporting period and a lack of commitment to address the issue in following years. This suggests that some public authorities have taken a one-off approach to some scheme commitments, and progress is then reported on a 'ticked the box previously' basis.
- 2.12 Authorities must ensure that they have effective systems for implementing their equality scheme. There is still evidence that organisational restructuring and other sectoral reorganisations have delayed or compromised scheme related programmes. It is important that authorities in this situation consult not only with the Commission on how to ensure that equality issues are considered during times of change, but also keep their consultees informed.
- 2.13 A clear example of an unacceptable lack of forward planning and lack of resourcing can be seen in those authorities which actually reported that progress halted because a staff member was on maternity leave, which happened in at least five instances. This suggests that equality scheme implementation was given less priority than other organisational commitments.
- 2.14 There were some positive examples of reporting impacts and outcomes, particularly where a public authority listed specific outcomes for each of the nine Section 75 categories to show how services had changed to meet specific needs. However, a number of public authorities continue to report that because they do not deliver services directly to the public, they cannot demonstrate outcomes for Section 75 groups. In these cases, the authority needs to take a more creative approach to the Section 75 legislation and consider their roles in wider partnerships and policy impacts.
- 2.15 There was continued evidence of public authorities working together, usually within a particular sector to deliver training on EQIAs. Whilst this is still recommended by the Commission, all public authorities must remain aware that they are responsible

individually for implementing their equality scheme and reporting their specific progress.

- 2.16 In the Guide to the Statutory Duties the Commission made it clear that proper implementation of equality schemes requires the allocation of sufficient resources. A commitment to allocating those resources was included in every public authority's equality scheme. It is clear that where public authorities, including smaller authorities, recognised the importance of this and reported dedicated budgets and monitoring systems, explicit progress was made.
- 2.17 There is evidence, particularly in some small public authorities, that responsibility for equality is seen as resting solely with the equality manager. There is a clear need for further development of mainstreaming and ownership at all levels and in all aspects of authorities.
- 2.18 Some authorities, such as the Harbour Commissioners, see themselves more as businesses and commercial enterprises than public authorities. Various comments were made highlighting the bureaucratic processes and amount of paperwork associated with scheme implementation which ultimately impact on commitment to implement the Section 75 duties.

Screening and EQIA

- 2.19 One feature of this reporting year was the level of rescreening undertaken. In some cases this reportedly resulted from training and a better understanding of the EQIA process and as a result, policies listed in the original equality schemes were screened out. However, the Commission is concerned that the underlying reasons for rescreening may have more to do with reducing the number of EQIAS than screening in policies which have significant equality implications.
- 2.20 There is still concern that high level policies continue to be inappropriately screened out and not developed by other authorities further down the policy implementation chain. The

annual Priorities and Budget document, for example, and Public Private Partnerships, have very wide equality implications, and the Commission urges more detailed analysis to assess their impact on the nine equality categories.

- 2.21 There was continued emphasis on identifying the potential discriminating impact of policies and mitigating factors. Equality schemes require public authorities to consider not only measures to mitigate but also alternative policies which might better achieve the promotion of equality of opportunity. Public authorities should bear this in mind in their future planning and undertaking of EQIAs.
- 2.22 There are still reported problems of setting and adhering to a planned schedule of EQIAs because of inadequate planning, resourcing and follow through. This was notable in all parts of the public sector and given the development of experience in undertaking EQIAs it is surprising that difficulties persist in scheduling EQIAs.
- 2.23 There is reporting by public authorities of a broader understanding of the meaning of policy as a result of additional guidance on Section 75 from the Commission, and more bespoke training organised by sectors and individual public authorities. However, there is also evidence in reports of misunderstanding what policies require to be screened. The Commission's guidance clearly indicates that all policies, whether pilot or otherwise, must be subject to screening.

Training

- 2.24 There was a big emphasis on sector specific training on EQIA and screening, which clearly led to a better understanding of what Section 75 means in practice. In addition there was a range of disability awareness training linked to the implementation of the Disability Discrimination Act (DDA) and evidence of awareness training on sexual orientation. There continues to be a low level of training on equality of opportunity related to age, carers and religious belief.

- 2.25 There is some evidence of refresher training being organised to recommit certain sectors and public authorities to equality. The Commission would like to see this approach adopted much more widely.
- 2.26 E-learning was reported as one way of solving the problem of the release of frontline and operational staff for training on equality issues. It is important that all staff can access training including temporary and placement staff. There is some evidence of good practice of this in the Health sector, which the Commission would like to see made more widespread.
- 2.27 Evaluation of training is still an area for concern and there was little evidence of evaluation beyond the immediate post course evaluation or 'happy sheets'. A number of authorities have said they are committed to putting in place three or six month evaluations to see what impact training made on service delivery. It would be useful to involve representatives of user groups in any evaluation and to develop more focused user satisfaction surveys. Evaluation should be at all levels i.e. understanding, attitude and behaviour.
- 2.28 There have been reported examples of staff surveys to monitor the effectiveness of awareness raising; in one example a survey of all staff who had declared a disability was used to monitor effectiveness of awareness raising work.
- 2.29 There were various examples of representatives of the affected groups being increasingly involved in the development and delivery of training. They have the direct experience of using or trying to access information and services, and their involvement was positively received by public authorities.

Communication

- 2.30 Public authorities are required to communicate their commitment and to progress in meeting the Section 75 duties both internally and externally. A number of public authorities have reported that they are undertaking reviews of communication strategies. Intranets are becoming increasingly

important for many organisations as a means of internal communication, and it is important that organisations monitor and review whether and how staff use the facility to keep up to date.

- 2.31 Various reports highlighted the ongoing development and improvement of web sites, including the adoption of web site standards. However, there is a variance in the technical standards being applied to web sites and it is unclear who benefits from which standards and how this is communicated to potential users. There is also evidence that more documents in MS Word format (which is reported as more accessible than other formats such as portable document file or 'pdf') are being made available on web sites.
- 2.32 Clarification is needed about the service standards expected of those requiring alternative formats. One body reported that it would 'if required' ensure that the turn around time for providing alternative format falls within the performance standards set for the traditional format. Public authorities should ensure that their provision of information in alternative formats is done on a timely basis, particularly where it forms part of a consultation process.
- 2.33 It is clear from work undertaken by public authorities that email has become the preferred means of communication for many organisations and individuals, although a sizeable minority of consultees still prefer hard copies of documents and will need to be catered for.
- 2.34 A number of authorities concluded that in communicating with consultees, one to one meetings and/or telephone calls have been effective, although these approaches can be more labour intensive than other consultation methods.

Data collection and analysis

- 2.35 The effective delivery of Section 75 duties relies on the availability of accurate information on: user/client groups; the take-up of services; the needs and opinions of representative

groups with regard to the impact policies are having. The work of NISRA and its equality website was mentioned by some public authorities, although awareness raising and training could ensure more uptake and reporting.

- 2.36 It is clear from progress reports that most public authorities are not collecting information on all Section 75 categories. The two areas which have still not been tackled widely are political opinion and sexual orientation. There are a few examples of good practice and this needs to be evaluated and widely disseminated.
- 2.37 It is vital that Northern Ireland-wide user satisfaction and other generic surveys such as the Life and Times survey, which provide the 'bread and butter' information for central government and to an extent local government, are extended to cover all nine categories.

Information provision, access to information and services

- 2.38 It is widely accepted that Section 75 requirements under this heading complement the Freedom of Information (FOI) legislation. However, some practitioners in larger public authorities report FOI as a barrier to meeting equality scheme commitments and Section 75 duties. The Commission believes mainstreaming should encourage greater openness in government and greater transparency in decision-making, and that information within public authorities should be made available to those likely to be affected by policies to enable them to be fully informed of the basis on which decisions are made.
- 2.39 The health family continued to coordinate activities and set up regional interpreting and translation facilities although there is still concern in some reports regarding the need to develop 24 hour cover and contingency arrangements.
- 2.40 This year public authorities have reported a big improvement in the availability of materials in alternative formats. More work still needs to be done to ensure that information is available for

those with learning difficulties. Improving access for this group of people will improve access for many people who have difficulty reading and for whom English is not a first language.

- 2.41 Some authorities still reported very little take-up by the public of documentation in other languages and formats. Public authorities must ensure that potential readers are made aware of the existence of systems to provide material in various formats. This is also an area in which careful targeting of information provision would be helpful.
- 2.42 Plain English is an under-used tool for ensuring equality of opportunity as it ensures the widening of access to information. Many public authorities are committed to the Crystal Mark Scheme which sets a standard for plain English. While there has been much progress in widening access to information, Plain English does not cover scheme commitments on this issue and it is not a panacea, particularly in relation to individuals from some of the traditionally hard to reach groups.

Complaints

- 2.43 There were a relatively small number of complaints to public authorities by members of the public reported during 2004-05. Beyond reporting the actual numbers, details of the nature and content of complaints is very limited, with the exception of the good practice shown in the Education and Health sectors.
- 2.44 Several authorities highlighted significant changes to policies arising from complaint monitoring and handling. The Commission considers it good practice for public authorities to monitor their general complaints and general correspondence to identify Section 75 implications.

Timetable

- 2.45 Most authorities continued to deal with timetabling in the context of their EQIA programme only. In future years the Commission will seek to develop better reporting from public

authorities on the timetable for progressing overall scheme commitments.

Consultation

- 2.46 In many sectors, there were examples of public authorities structuring the consultation process more effectively by ensuring that their consultee lists were up to date, targeting consultations making use of consultation zones on web sites and bringing consultees together through ‘Consultative Forum’ or ‘Advisory Panels’. It is important that these mechanisms are in addition to rather than a replacement for direct consultation mechanisms.
- 2.47 In addition some sectors were making use of sector-wide consultation mechanisms particularly for groups representing different sexual orientation, which could be extended to dependants and age and marital status.
- 2.48 There was still widespread reporting by public authorities of low response rates by consultee which could reflect a number of issues: (i) unrealistic expectations by public authorities of user groups and (ii) the need for user groups to be organised and informed if they are to engage and provide input.
- 2.49 The OFMDFM’s guide to consultation was published in the last but one reporting period. Though there was some mention of this guidance in this year’s public authority progress reports awareness raising could increase uptake and reporting, leading to identification of further guidance needs.

Good relations

- 2.50 During the year, OFMDFM published ‘A Shared Future’, the Government’s policy and strategic framework for good relations in Northern Ireland, and this appears to have added some stimulus to the implementation of the good relations duty.

- 2.51 This was the second year in which the reporting template included questions about the good relations duty. The Commission's Guide to the Statutory Duties (section 3 (a) ii) recommends that any policy with an impact on good relations should be screened in. It is noticeable that the level of reporting on good relations was comparatively extensive this year. Local authorities in particular are interpreting good relations more broadly than the 1998 Act and, whilst this recognises multiple identity issues, the overall impact on good relations is not clear.
- 2.52 Some of the largest areas of activity reported by public authorities related to EQIAs on flags and emblems and work on minimising the social and environmental impact of bonfires. There was also some work undertaken on addressing the wearing of emblems perceived to be divisive and to ensure a positive and harmonious environment, particularly in the further education sector.
- 2.53 Race appeared to be the category most likely to have benefited from good relations work, perhaps reflecting both the increasing numbers of migrant workers and the number of racial attacks during the year. The difficult and often contentious problem of sectarianism also needs to be addressed more directly as part of the promotion of good relations.
- 2.54 There was considerable variation in the approaches being taken by public authorities to the promotion of good relations. There were, however, a number of examples of effective and relevant practice, including examples of direct engagement with communities. Some authorities specifically mentioned how work on good relations benefited the business case by extending knowledge of communities and encouraging much greater user focus.

3. Summary of Progress Made By Public Authorities

- 3.1 Public authorities subject to Section 75 of the Northern Ireland Act 1998 (the Act) submitted progress reports to the Equality Commission for the period 1 April 2004 – 31 March 2005. To help public authorities address all of the key issues relating to the period, the Commission produced a reporting template (see Appendix C). This report outlines the steps taken by the Equality Commission for Northern Ireland, government departments, public authorities from the education, further and higher education, health and local government sectors, authorities responsible for reserved and excepted matters as well as other Northern Ireland, cross border and UK wide public authorities, to promote the equality of opportunity and good relations duties.
- 3.2 This chapter sets out examples of the public authorities' own assessment of the impacts and outcomes of their work, the Equality Commission's assessment of the main areas where progress has been made on scheme commitments, and areas where the Commission believes further improvement is needed.

Government Departments

- 3.3 This section of the report includes the eleven government departments established under the Northern Ireland Act 1998:
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)
- Impacts and Outcomes**

- DARD’s EQIA on the Regional Development Plan found a slightly higher proportion of people with dependants and a lack of childcare in the target area than in Northern Ireland as a whole. To mitigate this a number of projects were funded to increase childcare provision.
- DoE’s EQIA on Driving Theory Test procedures led to various accommodations and the provision of extra time during tests for people with reading and hearing difficulties.
- OFMDFM’s EQIA on the Race Equality Strategy to tackle racial inequality led to a focus on multiple identities and the prioritisation of areas for action.
- DHSSPS mainstreamed two Traveller Health initiatives, which had been set up as a pilot project using time limited resources.
- DETI removed the compulsory retirement age for fire fighters.
- DARD’s EQIA on New Entrants Scheme for Young Farmers led to amendments to specifically welcome applications from women.
- DEL’s EQIA on the Skills Strategy Review of Further Education Bridge to Employment led to a 20 point action plan, including a course specially tailored for people with disabilities.
- DHSSPS developed a ‘Teams Which Deliver’ initiative, which includes a commitment to proactively seek to employ those with most difficulty accessing the labour market because of illness, disability or other factors.

Areas of progress

- Government departments highlighted eighteen changes in policies or practices which resulted from EQIA activities during the year. Almost half of these were related to persons with a disability and people of different racial group.
- All government departments continue to report progress in building equality and good relations into corporate, business and/or operational planning. During the year DFP’s Land

Registry used the Diversity Excellence Model to assess the integration of equality and diversity agenda in their work.

- Some departments reported efforts to refresh commitments to Section 75. For example DHSSPS developed a new Section 75 training strategy for implementation in 2005/6. This aims to recommit the Department to its Equality Scheme.
- Most departments reported an increase in the amount of disability awareness training, including some innovative projects, e.g. a member of DETI's Consumer Affairs Branch (CAB) work-shadowed staff at the Disability Action Offices and, as a result, steps were taken to ensure all CAB front line staff received deaf awareness-training.
- Some departments showed awareness of the need to evaluate training more effectively. For instance DARD surveyed all staff who declared a disability, to monitor effectiveness of the department's general disability awareness raising work.
- Some departments reported examples of sustained commitment to using plain language to ensure that information was more widely accessible. DSD's Social Security Agency receiving a Gold Mark Certificate for reaching 50 publications with a Plain English Crystal Mark during the year.
- Most departments reported increased use of websites to communicate information about their equality scheme commitments and activities. For example DHSSPS launched a new Equality, Diversity and Human Rights Section of the Department's website
<http://www.dhsspsni.gov.uk/equality/index.asp>
- In implementing the statutory duties, 27% of government departments recorded a very noticeable benefit for persons with a disability and 17% for different racial groups. However, 46% of government departments registered no real change in increased awareness of good relations in policy making.

Areas for further improvement noted by the Commission

- Departments should ensure they have systems in place to ensure that the Section 75 duties are effectively complied with and for monitoring and reviewing the implementation of their schemes.
- While work was underway during the year in two departments to develop high level impact assessment tools for use across government departments, further work is needed.
- Where Departments report on strategic and/or technical changes to the way they work, it is important to show how changes have benefited access for individuals from the Section 75 equality categories.
- While some reports suggested reporting on impacts and outcomes was best done by non-departmental bodies who administer policy on a day-to-day basis, government departments remain responsible for reporting on impacts and equality outcomes in relation to their functions and policy remits.
- The Programme for Government is still the key overall public policy driver for Northern Ireland. While further attempts were made to mainstream equality considerations into the annual Priorities and Budget document, this is an area for further and ongoing development.
- Whilst there was some reporting of projects for women's equality these appear highly dependent on European initiatives and funding, suggesting a greater need to build gender considerations into mainstream programmes.
- In relation to the development of monitoring and information, the administrative collection of Section 75 data across all nine groups continued to pose problems. Large-scale regular surveys such as the Labour Market Survey should be developed to disaggregate findings by all Section 75 equality categories.
- During the year twelve Section 75 complaints into scheme implementation were received by government departments. However, little detail was provided about these complaints in progress reports.

Education

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

Impacts and Outcomes

- The EQIA on the Electronic Libraries for Northern Ireland (ELFNI) led to a series of actions including training on adaptive technology and disability awareness across all Boards.
- The EQIA on the Code of Procedures for Recruitment, Selection and Promotion and Internal Trawl Procedures led to the piloting of a monitoring survey of 5600 non-teaching staff at the BELB to gather further information on the impact of these procedures.
- The Belfast Education and Library Board Careers+ Programme was set up to help those with mental health needs across Greater Belfast to advance their careers.
- All five Boards, the Department of Education and the Northern Ireland Human Rights Commission worked to develop and launch resource material for schools on the Bill of Rights.
- Two Boards piloted a new policy on home-based working for the benefit of people with dependants, to be rolled out across all Board areas.
- A three year cross-community scheme to develop and sustain arts activities and initiatives for children and young people throughout Northern Ireland was initiated by the Western Education and Library Board.
- All Education and Library Boards reported detailed improvements in physical access to primary schools, secondary schools and libraries to comply with the Disability Discrimination Act.

- WELB made policy changes following a complaint about availability of student grants for full-time courses which was felt to discriminate against women.

Areas of Progress

- Education authorities highlighted nineteen changes in policy or practices which resulted from EQIA activities. These were spread across the various equality categories, except for marital status for which no policy changes were recorded.
- All Education Boards and the Staff Commission developed a training package in partnership with the Coalition on Sexual Orientation (CoSO) about dealing with complaints on the grounds of sexual orientation.
- Examples of mainstreaming equality in inspection and performance review were reported. During the year the inter-board Central Management Support Unit (CMSU), established to manage the process of best value across the five Boards, undertook two best value reviews of the Curriculum, Advisory and Support Service (CASS) and the Youth Service, both of which included an assessment of the delivery of services in accordance with equality legislation.
- All education authorities outlined measures taken to progress the good relations duty covering cross-community and cross- border programmes. Progress was evident on commitments to engage with young people, for example WELB carried out an audit of engagement of young people with disabilities in the Youth Service.
- Progress was evident on commitments to engage with young people, for example WELB carried out an audit of engagement of young people with disabilities in the Youth Service.
- All boards assisted in the collection of information on youth and voluntary groups for the Youth Council's Geographic Information Service (GIS) project.
- During the year, six Section 75 complaints were received by education sector authorities and progress reports included significant details and an outline of organisational responses.

- Within the nine equality categories, very noticeable improvements in awareness of equality in service delivery were reported by half of the education authorities and four-fifths reported very noticeable improvements for persons with a disability.

Areas for further improvement noted by the Commission

- While individual boards have submitted reports on how the statutory duties have been progressed, it is important that reports reflect Board-specific initiatives and progress within each public authority as well as areas of joint working.
- Education and Library Boards should report details of delayed or discontinued EQIAs outlining reasons for not taking the EQIA process forward as planned.
- Education authorities should fully complete all aspects of the progress report template so that a more complete picture of perceptions of progress is available.

Further and Higher Education

- 3.5 The Further and Higher Education sector comprises the sixteen Institutes/Colleges of Further and Higher Education and the five Universities.

Impacts and Outcomes

- During 2004-05, the Association of Northern Ireland Colleges (ANIC) initiated a student services forum on behalf of the sector to assist the strategic implementation of equality and good relations.
- In partnership with CoSO ANIC developed and designed a training package on dealing with complaints on grounds of sexual orientation.
- The EQIA on Pay Scales identified the potential impact of disrupted careers on pay affecting staff with caring responsibilities.
- Belfast Institute started to open on Saturdays, specifically to provide access for those who reported difficulty attending

College during the week, for example those with caring responsibilities.

- Limavady College incorporated Section 75 into Annual Course Reviews and Evaluations. This forced all staff to become aware of the procedures and demands of Section 75 and has delivered a deeper level of interest.
- The NW Institute of Further and Higher Education introduced a Sports Wear Policy to address the wearing of emblems perceived to be divisive and to ensure a positive and harmonious learning environment.

Areas of Progress

- Further Education authorities highlighted nine changes in policy or practices related to areas of religion, political opinion or race which resulted from the EQIA activities.
- Sectoral consultations continue to be managed by ANIC's Equality Unit on behalf of the further education sector.
- There was sector-wide recognition that an increased awareness of equality and related human rights issues among staff can enhance student retention.
- Some Colleges actively encouraged applicants across communities. For instance, St. Mary's College started to actively encourage applicants from the Protestant community and Castlereagh College introduced a strap line welcoming applications from the Roman Catholic community.
- A number of institutions carried out good relations audits, for example the University of Ulster which extended this audit to cover all nine equality categories.
- A few further education authorities provided equality scheme related training for students. For example, Stranmillis College third year students, who mentored groups of first year students, all received training on equality issues to prepare them for the role.
- Colleges such as the Belfast Institute sought recognition for their achievements for students with disabilities and received a Beacon Award for promoting and sustaining the inclusion of students with a disability within the mainstream of their

provision. This was the first time this award has been given to a college in Northern Ireland.

- Most colleges recognised a clear need for practical measures to be put in place to assess the level of English required for the various courses offered to benefit the increasing number of students who do not have English as a first language.
- Almost half (44%) of further and higher education authorities reported very noticeable improvement for persons with a disability as a result of scheme related activities, and under a fifth (17%) reported a very noticeable improvement in terms of gender equality.

Areas for further improvement noted by the Commission

- While individual colleges have submitted reports on how the statutory duties have been progressed, it is important that reports reflect progress within each institution, as well as areas of joint working.
- Given the previous year's awareness training on sexual orientation, it is surprising that no progress in adapting policies was reported for groups of different sexual orientation.
- Although some institutions reported the development of staff exit questionnaires which focus specifically on equal opportunities, the Commission would like to see evidence that exit questionnaires such as this are also undertaken amongst the student population to assess reasons for the drop out of students.
- Some institutions reported a generally 'lethargic' response from consultees during consultation and put this down to a direct response to the raft of organisations seeking consultation responses. There is a need to develop a continuous process of engagement and to review how consultations are carried out.
- Some colleges reported that changes at departmental level have been fairly regular and it has taken a considerable time for equality reforms to be transmitted down to all staff levels.

- Overall, four Section 75 complaints were received. However limited details were provided about the complaint issues.

Health

3.6 The Health and Social Services 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 other Agencies and authorities.

Impacts and Outcomes

- There were many good examples of coordination led by DHSSPS including:
 - The Regional Equality Impact Assessment Programme.
 - Regional Equality Steering Group to develop an overall strategy, and
 - Regional Information Steering Group.
- Central Services Agency's (CSA) EQIA on 'Access to General Medical Services' led to a series of action points including the translation of application forms for medical cards into minority ethnic languages.
- Health Sector progress reports highlighted that EQIAs of Work Life Balance and Flexible Working policies contributed not only to identification of shortcomings of the existing term-time schemes but also helped to raise awareness of availability of the policies amongst staff generally.
- The CSA's Equality Unit led on the development of an e-learning package on diversity aimed at addressing one of the factors which continues to impede progress with training, and that is the release of staff from their duties.
- The importance of 'local' EQIAs was underlined in this reporting period. For example the Medical and Dental Training Agency reported that EQIAs on recruitment of trainees for dental vocational training and on general dental practice policies contributed significantly to enhancing the

transparency and consistency of policies guiding the service provision.

- The Armagh and Dungannon HSS Trust extended paternity leave entitlement to include same sex couples.
- A number of health authorities developed specific projects for young people and those with learning difficulties. For example Homefirst Community Trust developed ‘Talking Teenagers’ to help young people feel more comfortable and confident in discussing sensitive issues, as well as a ‘Fitter Feet’ information pack for people with learning difficulties.

Areas of progress

- Five changes in policy or practices were attributed to the EQIA process, reflecting the level of screening undertaken by DHSSPS.
- Various progress reports recognised the importance of developing qualitative data collection and analysis. For example, Down Lisburn Trust invited members of its Community Consultation Panel to identify which of the nine categories they would identify with to allow direct consultation on relevant issues.
- The health family reported relatively few changes to policy as a result of EQIAs, specifically indicating that equality considerations were being considered much earlier in the screening process and mainstreamed.
- Some health authorities reported scanning general complaints and correspondence to see if any had an equality dimension. For example Foyle HSS Trust reported addressing a general complaint about disabled parking bays which had Section 75 implications. Also in response to general correspondence, the Northern Ireland Ambulance Service embarked on further screening of the recruiting and appointing of paramedics.
- Most health authorities reported the importance of mainstreaming equality at various management levels. For example, Green Park Healthcare Trust added equality to the remit of the clinical and corporate governance steering group.

- Some health authorities reported innovative approaches to the involvement of affected groups when collecting data: for instance, the Royal Group of Hospitals undertook a Health Perceptions Study with the Irish Traveller Community, and included three Travellers as research assistants.
- Overall, six Section 75 complaints were reportedly received by health sector authorities. Progress reports indicated that these led to a change of practice in recruitment, and to the screening of various other policies during the year.
- Amongst health sector authorities, over a third (36%) reported very noticeable benefits for racial groups and about a fifth (22%) reported very noticeable benefits for persons with a disability.

Areas for further improvement noted by the Commission

- There is still a need for further work on the establishment of systems to monitor the future impacts of policies which have been impact-assessed. In addition, reporting on the development of monitoring systems to assess equality of opportunity in access to information and services is important.
- Many health authorities have not reported EQIAs on their own ‘local’ policies and future progress reports would benefit from the inclusion of this information.
- While the health sector generally has devised screening templates, some members of the health family have reported major challenges in terms of what constitutes a policy and what needs to be screened.
- Top level commitment to the implementation of Section 75 appears to pose specific challenges for some public authorities in the health family. These authorities should ensure Section 75 is resourced and importantly that lessons are identified from complaints, both in terms of the specific issues raised and the organisation’s overall commitment to promoting equality of opportunity and good relations.
- There needs to be a more systematic evaluation of the outcomes of training in the medium term and its effect on the way people do their work.

- There needs to be evidence that temporary staff and placements in future receive the necessary training in equality and good relations and this must be built into inductions.

Local Government

3.7 The Local Government sector comprises 26 Local Councils, the Local Government Staff Commission (LGSC) and the Northern Ireland Local Government' Officers Superannuation Committee (NILGOSC).

Impacts and Outcomes

- In response to the EQIA on the Flying of Flags and Emblems Policy, Armagh BC adopted a policy of 'zero tolerance' to graffiti and flying flags on its property.
- A number of Councils either screened or undertook EQIAs on purchasing policies, and in general more suppliers are being asked to provide commitments to promote equality of opportunity and to provide more meaningful data related to the Section 75 equality categories.
- The Northern Ireland Local Government' Officers Superannuation Committee (NILGOSC) EQIA on administration led to changes to take account of the needs of persons of differing race or disability.
- A number of Councils commented on scheme related changes during the year: Down DC reported that equality legislation provided a better focus for policy making; Ards BC reported that equality was being considered at an earlier stage; Ballymena BC reported that mainstreaming had a major impact on decision making.
- Some key projects were implemented during 2004-05 to tackle gender inequality. For example Belfast City Council's 50-50 gender work experience for 150 placements; Derry City Council's *Crossborderwomen.com*. project.
- During the year, funding was provided to a range of strand specific initiatives, for example Fermanagh DC provided

funding to help Special Olympics athletes living in their district.

Areas of progress

- Local government authorities highlighted forty-one changes in policy or practices which resulted from the EQIA activities, nine of which related to disability and seven to dependants.
- At least eight public authorities reported reviews of their communication strategies. A number of Councils contacted all consultees to find out how they wish to receive communications from the Council. Armagh for instance found that 70 per cent of consultees wanted to receive information by email.
- Small Councils such as Moyle benefited from the Smaller Councils Network, facilitated by the LGSC, as well as links with Belfast City Council.
- Most Councils reported much good relations activity linked to their community development strategies, which needs to be further developed.
- A group of Councils collaboratively assisted in the development of a research questionnaire, carried out by the Rainbow Project, for young gay men within Armagh, Cookstown, Dungannon and South Tyrone Council areas. Following specific input the questionnaire was extended to include questions on religion and political opinion.
- Belfast City Council initiated a comprehensive training strategy with 16 components, including an equality resource bank and an affirmative action skills enhancement programme for employees who are members of under-represented groups.
- In implementing their schemes a fifth (19%) of local government authorities reported very noticeable improvement in awareness of equality issues in policy making and in targeting service delivery. Over half of local authorities (59%) saw no change whatsoever for persons with different sexual orientation and about half (52%) reported no change for persons of different marital status.

Areas for further improvement noted by the Commission

- At least nine Councils acknowledged that they had fallen behind in their equality scheme timetables, especially in undertaking EQIAs despite re-screening of EQIA programmes.
- At least two Councils reported delays in scheme implementation due to key staff being on maternity leave. Councils must put in place arrangements to ensure key scheme commitments are met.
- More collaborative working across the sector would still help effective implementation of equality schemes particularly in relation to communication and monitoring.
- Many Councils appeared to have an unrealistic expectation of the voluntary and community sector's ability to respond to EQIAs. Councils also need to take a more targeted approach and share knowledge from face to face meetings with representative groups.
- Councils placed a lot of emphasis on identifying the adverse impacts of policies. More needs to be done to identify how policies can be used to better promote equality of opportunity.
- Since Councils place much emphasis on the Province-wide resident satisfaction surveys, it is important that in future these cover all nine Section 75 equality categories, and that the information is disaggregated and used for monitoring.
- Councils are interpreting good relations on a broader number of categories than set out in the 1998 Act and, whilst this recognises multiple identity issues, the overall impact on good relations is not clear.
- Further work needs to be done across local government to ensure that all information and material are provided in plain language and are more widely accessible.
- Overall, local government progress reports indicated that five Section 75 complaints were received and details were provided of the complaint issue and actions taken to address them.

Reserved and Excepted Matters

- 3.8 The Northern Ireland Act included provision for a Northern Ireland Assembly to make laws and take decisions on all the functions of the Northern Ireland departments. The Secretary of State for Northern Ireland retained responsibility for Northern Ireland Office matters not devolved to the Northern Ireland Assembly. These reserved and excepted matters include policing, security policy, prisons and criminal justice, elections and peace and reconciliation.

Impacts and Outcomes

- The EQIA of electoral offices by the Northern Ireland Office (NIO) created improved physical access to polling stations.
- Although the EQIA of the Electoral Fraud Act by the NIO showed no adverse impact on Section 75 groups, it nonetheless led to measures to further the participation of ethnic minority groups in electoral matters.
- The Criminal Justice Review Branch of the NIO developed an equity monitoring system in two phases with the aim of producing the first monitoring report in 2007.
- A standard statement was included in all terms and conditions of contract issued by the Police Service of Northern Ireland (PSNI) procurement office, making equality of opportunity a binding obligation on both parties to any agreement.
- PSNI and the Garda Siochana were awarded funding under PEACE II to design and deliver a diversity training programme to officers with over 10 years service.
- The PSNI developed a gender action plan to monitor and address emerging issues relating to recruitment, retention and deployment in respect of female officers and staff.
- Representatives of ethnic and sexual orientation groups became actively involved in the training of new recruit officers for the PSNI.
- The Probation Board adapted the Community Sex Offender Programme to make it suitable for people with learning disabilities (believed to be the first of its kind in the world).

- The EQIA on data collection and policing led the Policing Board to commission research within the minority ethnic and the lesbian gay and bisexual communities in Northern Ireland.

Areas of progress

- Public authorities dealing with reserved and excepted matters highlighted twelve changes in policy or practices which resulted from the EQIA activities, eight of these related to race or disability issues.
- Some public authorities in this section reported a re-alignment and a more strategic positioning of Section 75 at both corporate and operational levels, with increased resourcing of equality work during the year.
- An increased number of authorities reported on equality monitoring and a number of joined-up initiatives were highlighted, for example PSNI introduced equality monitoring for all those entering the criminal justice system.
- Some reports focused on internal steps to ensure promotion of equality of opportunity. For example, the Police Ombudsman commissioned an Equal Pay Audit.
- A few authorities undertook equality focused client surveys; for example the NIO conducted research into the levels of confidence in the Community Justice System, which gauged the views of minority groups.
- A few authorities expanded their training programme, notably the Probation Board which reported ensuring that equality training was made available to students and placements.
- In implementing the statutory duties, almost four fifths (78%) of Reserved Authorities reported a noticeable increase in benefits for persons with different marital status; two thirds (67%) reported no change for equality of opportunity between gender, and over half (56%) perceived no changes for persons of different sexual orientation.

Areas for further improvement noted by the Commission

- All authorities in this section need to provide more information in progress reporting on resourcing scheme implementation.
- Generally, authorities in this section need to provide evidence of progress in developing and meeting equality objectives, performance indicators and targets.
- Only one authority provided evidence of training evaluation in its progress report. It is important that reports include such information as this is key to ensuring that training is effective and being provided to support future scheme implementation.
- Although most authorities reported that arrangements for data collection were in place, reports need to make clear that data is being collected and analysed by Section 75 category.
- While reports indicate that Section 75 complaints were received during the reporting period by some authorities in this section, the precise number is not clear from reports and more specific reporting in future is necessary.

Other Northern Ireland and Cross Border Public Authorities

3.9 Thirty-three public authorities subject to Section 75 have been grouped as 'Other Northern Ireland and Cross Border' public authorities for reporting purposes. These include significant regional non-departmental public bodies 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).

Impacts and Outcomes

- The Loughs Agency reported some success in encouraging people with disabilities and women to participate in angling and related sporting events.

- During the year the Northern Ireland Housing Executive linked some of its work on EQIAs with arrangements to support staff in areas of further education studies.
- Ulster Supported Employment Ltd. opened new offices in Andersonstown, leading to increased participation on programmes by people living in the area.
- The Arts Council funded community based arts projects with a particular emphasis on the replacement of existing paramilitary murals and other offensive items with more positive imagery.
- The Arts Council established a ‘Victims/Survivors Arts Programme’ to support healing and recovery work with survivors of the Northern Ireland Troubles.
- The Tourist Board met with Chinese and Islamic community representatives to encourage applicants for the ‘marketing support for events’ from these communities.
- The Consumer Council participated in a digital TV pilot and its web site was translated onto a digital TV platform and can be accessed through the online site.
- The Health and Safety Executive (HSENI) commissioned a pictorial ‘Silent Booklet’ which sets out basic health and safety information that can be understood by migrant workers in the construction and agriculture sectors.
- HSENI acknowledged that a gender-neutral approach to risk assessment and prevention can sometimes result in risks to female workers being underestimated.

Areas of progress

- Three changes in policy or practices which resulted from the EQIA activities were reported by all the authorities in this section. These were related to areas of religion, disability and race.
- A few authorities commissioned research to gain a greater understanding of the barriers faced by different equality categories. For example the Arts Council undertook base-line study into barriers to disabled people’s involvement in the arts, and the Northern Ireland Museums Council

- commissioned research into barriers preventing black and ethnic minority (BME) people from engaging with museums.
- Various attempts to better reflect equality considerations in procurement were reported. The Labour Relations Agency reported factoring Section 75 into planning process so that when it advertised tenders for services, suppliers were specifically instructed to consult with relevant organisations representing Section 75 groups.
 - Many authorities in this section reported difficulties in attracting interest in consultation processes and highlighted changes in practice to overcome this issue. Ulster Supported Employment Ltd and the Fishery Harbour Authority, for example, started to place more emphasis on compiling views in a more personal way, mainly through telephone and one-to-one visits.
 - There was more reporting of development of monitoring systems. Invest Northern Ireland's Northstar mentoring programme implemented a Section 75 monitoring system for all nine Section 75 categories.
 - Many authorities made use of research to inform their equality work. For example, the Community Relations Council commissioned a survey-based research project on the changing attitudes to community relations among young adults, whilst Intertrade Ireland made use of comparable international research on the gender balance in entrepreneurial activity.
 - Over a third (36%) of authorities in this section which reported positive benefits saw a very noticeable increase in awareness of good relations, the highest amongst the sectors.

Areas for further improvement noted by the Commission

- It is important that all authorities make materials available in different formats on request. Some authorities felt that due to the nature of their business, information on their services in alternative formats would not be of any consequence or

benefit to individuals from many of the equality categories at present.

- Some small authorities commented on the burden of paperwork associated with equality scheme implementation indicating efforts need to be made to simplify this by the organisation.
- Some progress reports place emphasis on the mitigating aspects of the equality scheme, and in future authorities need to assess how their activities can help promote equality and good relations.
- Some public authorities in this section reported delays in scheme implementation due to key staff being on maternity leave. Public authorities must put in place arrangements to ensure key scheme commitments are met.
- One Section 75 complaint was reportedly received by authorities in this section, relating to the lateness of last year's progress report.

UK Wide Public Authorities

3.10 Thirteen UK wide public authorities, referred to as 'UK authorities', were subject to Section 75 during the period under review. These include major Whitehall government departments and various non-departmental public bodies with functions relating to Northern Ireland.

Impacts and Outcomes

- The Big Lottery Fund reported that the EQIA on the 'Northern Ireland Awards for All Scheme' produced positive outcomes, including increased outreach and development work with under-represented groups in the Protestant community in arts initiatives, and with disabled persons in sports projects.
- The pre-application support put in place by the Big Lottery for the 'Young People's Fund' resulted from an EQIA on Access to Community Fund Services.

- Northern Ireland played an integral part in the Inland Revenue's Summer Placement Programme offering an eight week training placement for ethnic minority undergraduates.
- HM Customs and Excise achieved a major breakthrough with all business areas engaged in the EQIA process. This was achieved by establishing a steering group including senior management, creating diversity portfolio holders in all business areas, up-skilling staff and using its own staff to conduct EQIAs with appropriate support.
- The British Council's development and monitoring of the Achievement Bonus Scheme, following equality proofing, extended to the composition of the Judging Panel, and the nominee's pay grade, area of work, geographic region, race, disability, gender and working pattern.
- National Heritage Memorial Fund (NHMF) introduced monitoring of all committee recruitment and membership according to: ethnicity, religious background, gender, marital status, persons with dependants and age.
- NHMF's EQIA on Recruiting Country and Regional Committee members led to improved monitoring of applicants from all Section 75 categories, excluding sexual orientation and political opinion.
- The Inland Revenue revisited the National Customer Service Standards for Specialist Services to ensure that the needs of customers with special requirements, including those for whom English is a second language as well as people with disabilities, were being met.
- The British Library found that staff perceptions of the Library's commitment to equality, fairness and diversity were not attaining a high enough rating and addressed this through an internal communications programme, using the intranet.
- The British Council corporately developed and launched an equal opportunity and diversity e-learning module.

Areas of progress

- UK wide authorities highlighted fourteen changes in policy or practices which resulted from the EQIA activities. These covered all the equality groups except political opinion.
- Some authorities reported increased awareness and buy-in of the EQIA process by staff. The Qualifications and Curriculum Authority put this down to the engagement of staff responsible for policy implementation in the equality impact assessment process.
- There was increased evidence of collaboration and partnership working with for instance, HM Customs and Excise working with colleagues in the Inland Revenue to agree a draft Code of Courtesy regarding minority languages.
- Many authorities reported increased efforts to rectify staff imbalances, with the British Library concentrating on taking part in work experience programmes aimed at ethnic minorities and setting a target number of placements for people from disadvantaged groups.
- A few authorities reported addressing compliance with equality, and other legislation. The Inland Revenue set up a Diversity Monitoring Group comprising stakeholders from across the department to set a strategy to meet all legal and ministerial requirements, and allow compliance with the Freedom of Information Act and Data Protection Act.
- A few authorities reported improved evaluation of training; for example, the Inland Revenue evaluated its learning pack using a two stage process: (1) requesting feedback from people directly following the learning session (using a questionnaire); (2) telephone interviews with a sample of staff to obtain feedback on their application of the learning a few months after the session.
- Some authorities undertook anonymous staff surveys and HM Customs and Excise extended the coverage to include gender, sexual orientation, race, dependants, marital status, disability and religious belief, with a response rate of 50 per cent. Staff survey results from the British Council in Northern Ireland showed a dramatic improvement, including the valuing people indices.

- Some authorities reviewed their staff developmental courses which had traditionally run on a residential basis and changed to non-residential and regionally based venues to lessen the impact on staff with dependants.
- Two-fifths (42%) of UK wide authorities reported that the statutory duties had brought about a very noticeable improvement in awareness of equality issues in policy making.
- Over a quarter (27%) authorities reported that implementing the duties had a very noticeable benefit on persons with a disability, and 17% reported very noticeable positive benefits for persons of different racial groups. Only seven per cent of UK authorities reported very noticeable benefits for persons of different religious belief.

Areas for further improvement noted by the Commission

- More needs to be done to develop improvements in equality of opportunity by UK wide authorities in terms of promoting equality of opportunity for people of different religious beliefs.
- Whilst many authorities report that they are developing internal monitoring systems for recruitment and selection at all levels, more work is also needed to monitor policies and project beneficiaries.
- Structural reviews and mergers are still reported as causing delays in EQIAs and scheme implementation. This situation has been reported in a number of annual reports. While change process can be lengthy and complicated, equality scheme commitments must be maintained during these periods, when changes to policy and impacts are more likely.
- One Section 75 complaint was received amongst the various authorities in this section.

APPENDIX A – Section 75 Northern Ireland Act 1998

- 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 bodies 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 (bodies 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: Glossary of Terms

Adverse Impact

Where a Section 75 category has been affected differently by a policy and the effect is less favourable, i.e. adverse. If a policy has an adverse impact on a Section 75 category a public authority must consider whether or not the adverse impact is unlawfully discriminatory. In either case a public authority must take measures to redress the adverse impact, by considering mitigating measures and/or alternative ways of delivering the policy.

Consultation

In the context of Section 75, consultation is the process of asking those affected by a policy (i.e. service users, staff, the general public) for their views on how the policy could be implemented more effectively to ensure equality of opportunity across the 9 groups. Different circumstances will call for different types of consultation. Consultations could, for example, include meetings, focus groups, surveys and questionnaires.

Differential Impact

Differential impact occurs where a Section 75 group has been affected differently by a policy. This effect could either be positive, neutral or negative. A public authority must make a judgement as to whether a policy has a differential impact and then it must determine whether the impact is adverse, based on a systematic appraisal of the accumulated information.

Direct Discrimination

Direct discrimination consists of treating a person less favourably than others are or would be treated in the same circumstances.

Direct discrimination may arise, for example, if a public authority has:

- a policy which precludes giving grants to certain religious groups; or
- a policy to charge only a certain racial group a deposit for use of facilities to cover damages.

A similar formula is used - in the Fair Employment and Treatment (NI) Order 1998, the Race Relations (NI) Order 1997, the Sex Discrimination (NI) Order 1976 (amended 1988) and the Employment

Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 - to describe direct discrimination: that is the treatment of a person on the grounds of race, his or her sex, religious belief or sexual orientation etc. less favourably than another person is or would be treated. The Disability Discrimination Act 1995 however applies only to persons with a disability. In addition the Disability Discrimination Act provides that discrimination occurs as a result of unjustified failure to comply with the duty of reasonable adjustment. The Race Relations Order also includes segregation as a form of direct discrimination.

Equality Impact Assessment

The mechanism underpinning Section 75, where existing and proposed policies are assessed in order to determine whether they have an adverse impact on equality of opportunity for the relevant groups. EQIAs require the analysis of both quantitative and qualitative data.

Equality of Opportunity

The prevention, elimination or regulation of discrimination between people on grounds of characteristics including sex, marital status, age, disability, religious belief, political opinion, dependants, race and sexual orientation.

The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive measures to be taken to secure equality of opportunity between the categories identified under Section 75.

Equality Scheme

A document which outlines a public authority's arrangements for complying with its Section 75 obligations. An equality scheme must include an outline of the public authority's arrangements for carrying out consultations, screening, equality impact assessments, monitoring, training and arrangements for ensuring access to information and services.

Good Relations

Although not defined in the legislation, the Commission has agreed the following working definition of good relations:

'the growth of relations and structures for Northern Ireland that acknowledge the religious, political and racial context of this society, and that seek to promote respect, equity and trust, and embrace diversity in all its forms.'

Indirect Discrimination

Indirect discrimination traditionally referred to the application of a requirement or condition equally to persons but which (i) has a disproportionate impact on a particular group(s), (ii) cannot be shown to be justifiable and (iii) has a detrimental impact on the individual concerned. For example:

- a residency requirement in a policy may indirectly discriminate on racial grounds; or
- a policy which requires participation on a full-time basis may indirectly discriminate against women or those with dependants.

This definition remains in relation to discrimination based upon colour or nationality. The law changed in 2003 in respect of religion and belief and together with the new rules on sexual orientation in 2003 and changes which occurred in the definition of indirect discrimination on the grounds of sex in the Sex Discrimination (Indirect Discrimination and Burden of Proof) Regulations (Northern Ireland) 2001 adopted a new approach. The new rules under the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 and the Fair Employment Order (Amendment) Regulations (Northern Ireland) 2003 have changed the term 'condition or requirement' in the above definition with the broader phrase 'provision, criterion or practice', as existed in the area of sex discrimination. This means that the law will now cover less formal practices as well. The law used to require that 'a smaller proportion of one group could comply with a requirement etc.' to be proved in discrimination cases involving indirect discrimination. This has now been changed and there is less of a reliance on statistical evidence allowing complaints to be made without such evidence. This change did not however apply to discrimination cases solely based upon colour or nationality.

Mainstreaming Equality

The integration of equal opportunities principles, strategies and practices into the every day work of public authorities from the outset. In other words, mainstreaming is the process of ensuring that equality

considerations are built into the policy development process from the beginning, rather than being bolted on at the end. Mainstreaming can help improve methods of working by increasing a public authority's accountability, responsiveness to need and relations with the public. It can bring added value at many levels.

Mitigation of Adverse Impact

Where an equality impact assessment reveals that a particular policy has an adverse impact on equality of opportunity, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant groups; this is known as mitigating adverse impact.

Monitoring

Monitoring consists of continuously scrutinising and evaluating a policy to assess its impact on the Section 75 categories. Monitoring must be sensitive to the issues associated with human rights and privacy. Public authorities should seek advice from consultees and Section 75 representative groups when setting up monitoring systems.

Monitoring consists of the collection of relevant information and evaluation of policies. It is not solely about the collection of data, it can also take the form of regular meetings and reporting of research undertaken. Monitoring is not an end in itself but provides the data for the next cycle of policy screening.

New TSN

In 1991 the Secretary of State launched Targeting Social Need, an initiative designed to skew resources to those most in need.

Following a series of critical reports the 1998 White Paper 'Partnership for Equality' relaunched the initiative as 'New TSN.'

New TSN aims to tackle social need and social exclusion by targeting efforts and available resources towards people, groups and areas in greatest social need. It is a principle which runs through relevant spending programmes across NI Departments and the NIO and which requires efforts and available programme resources to be skewed towards those objectively defined as being in greatest social need.

The policy is being advanced through three complementary elements: tackling unemployment and increasing employability; tackling inequality in other policy areas such as health, housing and education; and Promoting Social Inclusion (PSI).

The Promoting Social Inclusion (PSI) element of New TSN involves Departments working together and with partners outside Government to identify and tackle factors which can contribute to social exclusion and undertake positive initiatives to improve and enhance the life and circumstances of the most deprived and marginalised people in our community.

This element of New TSN addresses a series of issues, usually requiring a multi-agency approach, and concentrating on a small number at any one time. It emphasises prevention, co-ordination and evidence-based decision making.

Northern Ireland Act

The Northern Ireland Act, implementing the Good Friday Agreement, received Royal Assent on 19 November 1998. Section 75 of the Act created the statutory equality duties.

Northern Ireland Human Rights Commission

A statutory body established under Section 69 of the Northern Ireland Act 1998, which works to ensure that the human rights of everyone in Northern Ireland are fully protected in law, policy and practice.

OFMDFM

Office of the First Minister and Deputy First Minister, which has responsibility for co-ordinating the implementation of Section 75 across government departments.

PAFT

The Policy Appraisal and Fair Treatment (PAFT) Guidelines constituted the first non-statutory attempt at mainstreaming equality in Northern Ireland in January 1994. The aim of the PAFT Guidelines was to ensure that issues of equality and equity informed policy making and activity in all spheres and at all levels of government.

PAFT has now been superseded by Section 75 of the Northern Ireland Act 1998.

Policy

The formal and informal decisions a public authority makes in relation to carrying out its duties. Defined in the New Oxford English Dictionary as ‘a course or principle of action adopted or proposed by a government party, business or individual’. In the context of Section 75 the term **policies** covers all the ways in which a public authority carries out or proposes to carry out its functions relating to Northern Ireland. Policies include unwritten as well as written policies.

Qualitative Data

Qualitative data refers to the experiences of individuals from their perspective, most often with less emphasis on numbers or statistical analysis. Consultations are more likely to yield qualitative than quantitative data.

Quantitative Data

Quantitative data refers to numbers, typically derived from either a population in general or samples of that population. This information is often analysed by either using descriptive statistics, which consider general profiles, distributions and trends in the data, or inferential statistics, which are used to determine ‘significance’ either in relationships or differences in the data.

SACHR

The Standing Advisory Commission on Human Rights (SACHR) has now been replaced by the Northern Ireland Human Rights Commission. SACHR, as part of their review of mechanisms in place to promote employment equality and reduce the unemployment differential, recommended that the PAFT Guidelines should be made a statutory requirement.

Screening

The procedure for identifying which policies will be subject to a full equality impact assessment, and how these impact assessments will be prioritised. The purpose of screening is to identify the policies which are likely to have a significant impact on equality of opportunity

so that greatest resources can be devoted to improving these policies. Screening requires a systematic review of existing and proposed policies.

Schedule 9

Schedule 9 of the Northern Ireland Act 1998 sets out detailed provisions for the enforcement of the Section 75 duties, including an outline of what should be included in an equality scheme.

Section 75

Section 75 of the Northern Ireland Act provides that each public authority is required, in carrying out its functions relating to Northern Ireland, 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 and sexual orientation;
- men and women generally;
- persons with a disability and persons without; and
- persons with dependants and persons without.

Without prejudice to these obligations each public authority in carrying out its functions relating to Northern Ireland must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Section 75 Investigation

An investigation carried out by the Equality Commission, under Schedule 9 of the NI Act 1998, arising from the failure of a public authority to comply with the commitments set out in its approved equality scheme.

There are two types of Commission investigation, these are as follows:

1. An investigation of a complaint by an individual who claims to have been directly affected by the failure of a public authority to comply with its approved equality scheme.
2. An investigation initiated by the Commission, where it believes that a public authority may have failed to comply with its approved equality scheme.

Appendix C: Progress Report Template 1 April 2004 – 31 March 2005

EQUALITY COMMISSION FOR NORTHERN IRELAND

Public Authority Progress Report 2004 - 2005

Template to assist 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 be based on the period from **1 April 2004 to 31 March 2005**. Please ensure that it is submitted to the Commission by **31 August 2005**, 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 template builds upon earlier guidance, for purposes of consistency and comparison. It is important that the authority reports on what it views as being relevant in terms of progress made on the implementation of the statutory duties from April 2004 to March 2005. However, if no further progress has been made under a particular heading you may state 'Progress previously reported' indicating the year e.g. 2002/03, and provide the information from the relevant earlier progress report.

Please enter information at the end of each Section in the template.

Name of public authority (Enter details below)

Equality Officer name and contact details (Enter details below)

Section 1: Executive Summary

Please provide information about the impact of the implementation of Section 75 from April 2004 to the end of March 2005. This could include existing policies changed to better deliver equality of opportunity, information on the impact of new policies, or better provision and access to services.

Information should be provided in relation to:

1a) outcomes which have impacted on the authority in terms of efficiency or effectiveness.

(Enter text below)

1b) outcomes for people in the nine equality categories.

(Enter text below)

1c) policy considerations and decisions which took account of equality implications in relation to major policy issues – in particular, please provide information in relation to:-

- employment policy;
- public procurement including PPP/PFI projects and programmes;
- accessibility to public services across the nine categories, and particularly in relation to migrant workers and Irish Travellers;
- early consideration of the Review of Public Administration; and
- any other significant policy areas relevant to your authority's work.

(Enter text below)

1d) Outline problems encountered and solutions developed in terms of achieving better equality outcomes.

(Enter text below)

Section 2: Strategic Implementation of the Section 75 Duties

Note: Please enter specific progress on implementation of the good relations duty under section 11 of this template.

- Outline evidence of progress made in developing equality and good relations objectives, performance indicators and targets for inclusion in corporate and annual operating plans during 2004-05. Your response should include any targets for 2005-06.
- Outline what additional strategic areas the Board and/or Senior Management Team identified for action by the authority during the year.
- Outline steps taken to work with other public authorities in progressing the duties.
- Outline any details of partnership work developed or further progressed with the voluntary and/or community sector as a consequence of Section 75 work.
- Please provide details of the **direct** resourcing of Section 75 work during 2004–05. This should include staff appointed/directed (*not names*) and details of any budget allocation, to specifically deliver equality scheme commitments.

(Enter text below)

Section 3: Screening & Equality Impact Assessment (EQIA)

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.

(Enter text below)

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: -

- i) those policies that were subject to EQIA during 2004-05;
- ii) new/proposed/revised policies screened during 2004-05;
- iii) ongoing EQIA monitoring activities during 2004-05; and

iv) timetable for Equality Impact Assessments in 2005-06.

Section 4: Training

- Indicate your organisation's progress on the delivery of Section 75 related training and development during 2004-05. Please state if the training is provided within a 5-year Training Plan.
 - Outline details of staff and Management Board/Committee training 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 and Consultation) and who this training was provided for.
 - Provide details of training on awareness raising for new staff and refresher training for existing staff.
 - 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 arrangements to review training needs as a result of staff recruitment, promotion or reorganisation.

(Enter text below)

Section 5: Communication

- Provide details of internal and external communication of the authority's commitment to the statutory duties.
- ? Provide details of how the authority communicates progress on delivery of the statutory duties.
- ? Provide details of any review of communication activities to ensure effective communication on progressing the statutory duties.

(Enter text below)

Section 6: Data Collection & Analysis

- Describe any 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 any systems established to monitor the future adverse impact of policies that have been equality impact assessed.
- Detail any research undertaken/commissioned to obtain data/information relating to the nine equality categories.
- Detail the Section 75 equality categories which were covered in any surveys which the authority commissioned/used during the year.

(Enter text below)

Section 7: Information Provision, Access to Information and Services

- Outline what action has been taken to review and develop arrangements for the provision of information in accessible formats.
- Detail any initiatives/steps taken to improve access to services.
- Describe any arrangements to develop monitoring systems regarding access to information and services to ensure equality of opportunity.

(Enter text below)

Section 8: Complaints

- Identify, during 2004-05, the number of Section 75 complaints:
 - received by the authority;
 - resolved by the authority;
 - which were not resolved to the satisfaction of the complainant; and
 - which were referred to the Equality Commission.

(Enter text below)

Section 9: Scheme Timetable

- Provide an update of your equality scheme implementation timetable (covering all the scheme commitments), identifying any changes since your previous report. Please detail any planned actions outstanding.

(Enter text below)

Section 10: Consultation, Participation and Engagement

- Provide details of organisational arrangements for managing Section 75 consultation exercises e.g. processes, methods and communication channels used.
- Provide details of processes adopted to engage with representative groups during 2004-05.
- Please indicate how effective your engagement was with Section 75 representative groups.
- Outline measures taken to enhance the level of engagement that were successful and unsuccessful.

(Enter text below)

Section 11: The Good Relations Duty

Provide details of steps taken to implement or progress the good relations duty during the year. Examples of such steps might include: undertaking a good relations audit; developing a strategy or adopting a framework; providing training; and/or any targeted work done to promote or achieve better relations with or between one or more relevant group (e.g. Irish Travellers; groups dealing with political opinion issues etc). Please indicate any findings or expected outcomes from this work.

(Enter text below)

Section 12: Additional Comments on Mainstreaming

The main aim of the statutory duties is to mainstream equality of opportunity and good relations considerations into the functions of the authority, leading to better policies and service delivery. Many of the questions in the previous sections of this template relate to equality scheme commitments. Please provide any additional information/comments you think may be relevant including:

- any factors that enhanced or impeded equality scheme implementation during 2004-05;
- benefits for the authority resulting from mainstreaming; and
- ideas for future effective mainstreaming of the duties.

(Enter text below)

Section 13: Concluding Questions

This short questionnaire is included in the template to enable you to provide an overall view of the effectiveness of the statutory duties for your authority (Question A) and for the Section 75 categories (Questions B & C).

QUESTION A

Does the authority believe its work to date on implementing the statutory duties has produced positive benefits for the organisation? (Please tick) YES _____ NO _____

If you answered yes to QUESTION A, please tick appropriate boxes below as to what extent the duties have:

	Very noticeably	Noticeably	No real change
Increased awareness of equality issues in policy making			
Increased ability to ensure policies are designed and targeted to reflect equal opportunities objectives			
Increased awareness of good relations issues in policy making			
Increased ability to ensure policies are designed and targeted to reflect good relations objectives			
Increased awareness of equality issues in service delivery			
Increased ability to ensure services are designed and targeted to reflect Section 75 requirements			

QUESTION B

Does the authority believe its work to date on implementing the statutory duties has produced positive benefits for groups within the Section 75 categories? (Please tick) YES ___ NO ___

If you answered yes to the above QUESTION B, please tick appropriate boxes below as to what extent the authority's implementation of the statutory duties has increased equality of opportunity for:

	Very noticeably	Noticeably	No real change
Persons of different religious belief			
Persons of different political opinion			
Persons of different racial groups			
Persons of different age			
Persons with different marital status			
Persons of different sexual orientation			
Men and women generally			
Persons with and without a disability			
Persons with and without dependants			

QUESTION C

If you answered yes to QUESTION B, for each of the categories where a noticeable or very noticeable change has occurred, please give examples of those changes to policies or practices which have resulted in positive change. If the change was a result of an EQIA please tick the appropriate box in column 3:

	Policy or Practice	Column 3: Result of EQIA
Persons of different religious belief	•	
Persons of different political opinion	•	
Persons of different racial groups	•	
Persons of different age	•	
Persons with different marital status	•	
Persons of different sexual orientation	•	
Men and women generally	•	
Persons with and without a disability	•	
Persons with and without dependants	•	

Appendix A

Screening & EQIA Update

Please enter details relating to the authority's progress using the following matrices.

i) EQIA Timetable – 2004-05

Title of policy EQIA underway during April 2004- March 2005	Stage (as per Steps 1-7 of EQIA Process) As at end March 2005	If joint-EQIA please state partner authorities	Outline any adjustments to policy intended to benefit individuals from the nine equality categories and outline the relevant categories affected.	Were adjustments to policy a result of <u>Assessment of adverse impact/</u> <u>feedback from Consultation, or</u> <u>Both</u> <i>Please enter A, C or Both</i>	If EQIA decision making stage completed, is amended policy being implemented? <u>Yes/No</u>
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

ii) Ongoing Screening Activities 2004-05

Title of policy subject to screening during April 2004- March 2005	If joint policy please state partner authorities	Was initial screening decision changed following consultation? <u>Yes/No</u>	If Screening completed is policy being subject to EQIA? <u>Yes/No</u>	If EQIA planned indicate year for assessment
1.				
2.				
3.				
4.				
5.				

iii) Ongoing EQIA Monitoring Activities 2004-05

Title of EQIA subject to Stage 7 monitoring during April 2004- March 2005	If joint policy please state partner authorities	Indicate if differential impacts previously identified have reduced or increased	Indicate if adverse impacts previously identified have reduced or increased
1.			
2.			
3.			
4.			
5.			

iv) 2005-06 EQIA Time-table

Title of EQIAs due to be commenced during April 2005 – March 2006	Existing or New policy? Please enter E or N below.	If joint-EQIA please state partner authorities	Please indicate expected date of completion of EQIA Stage 6 i.e Decision making stage
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			