



# **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 2003 - 31 March 2004**



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## **Accuracy of information contained in this report**

The views expressed in sections 1.27 to 1.29 of this report represent those expressed by voluntary and community organisations who attended a roundtable convened by the Commission during November 2004. Section 2 of this report is based only on information included in public authority annual progress reports. It has not been possible for the Equality Commission to confirm the accuracy of such information.



## Foreword

Section 75 is a big concept, with the power to transform and enrich the way the state relates to its citizens and vice versa. It is one of the most advanced mainstreaming processes in existence, benefiting not only service users, but also the policy-makers who can be sure that policies which have been assessed and planned in advance are less likely to cause problems of discrimination when they are implemented.

The challenge of ensuring that equality thinking is second nature in the development of policy, and in the way that policy is implemented in practice, was never going to be easy. But this third report on progress in implementing the Section 75 statutory duties shows that there has been a genuinely positive commitment to making the process work during 2003-2004. The report includes a wealth of information on the broad developments in the implementation of the statutory duties, some problems which still have to be tackled and many examples of good practice.

I would like to thank the public authorities for the information they have provided, enabling the Commission to compile this report. It is for the Commission not only a record of how Section 75 is being implemented, though that is valuable in itself, it is also a resource which helps us work together with the designated bodies, the people affected by those bodies, and organisations with an interest in good public policy-making, to mainstream equality into public policy and services.

I would also 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**



# **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. The duties have the potential to make a real difference to the lives of people in Northern Ireland, since those affected by policy decisions must be consulted and their interests taken into account by decision makers. This provides an opportunity for the community to participate in public policy-making right from the start of the process.

## **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. Public authorities must also assess the equality impact of their policies and publish the outcome of such assessments.

## **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 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 body to submit an annual report of its progress to the Commission, setting out the steps it has taken to promote equality of opportunity and good relations. To help public authorities prepare their reports, the Commission has provided a template for them to follow (see Appendix 3); it is there to increase the consistency and comparability of reporting.
- 1.9 The Commission uses the information gathered from the 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.

## **Progress to Date**

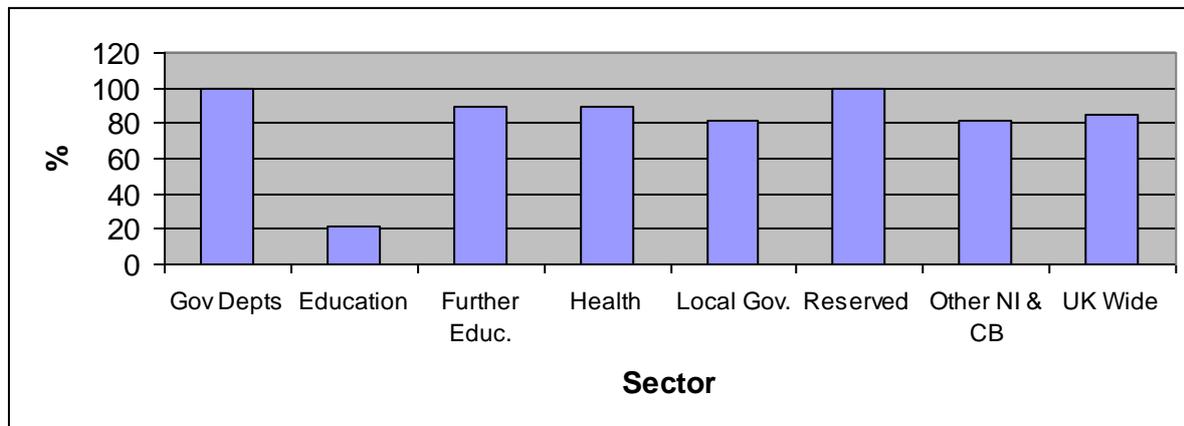
- 1.10 The Commission has published two previous reports of progress on the implementation of the duties, the first covering January 2000 – March 2002, and the second covering 2002 - 2003. These reports are available on the Commission's website at [www.equalityni.org](http://www.equalityni.org). Each public authority's progress report is a public document and is available from that authority.
- 1.11 The 2003-2004 report includes information provided by 167 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: Late submission of Progress Reports

<b>Public Authority</b>
North/South Language Body
Department of Education
Antrim Borough Council
Ards Borough Council
Banbridge District Council
Limavady Borough Council
Magherafelt District Council
Moyle District Council
Fire Authority for Northern Ireland
Southern Health and Social Services Council
Belfast City Hospital Trust
NI Regional Medical Physics Agency
Special EU Programmes Body
Coleraine Harbour Commissioners
Trustees of the National Heritage Memorial Fund
Omagh College of Further Education
Queen's University Belfast

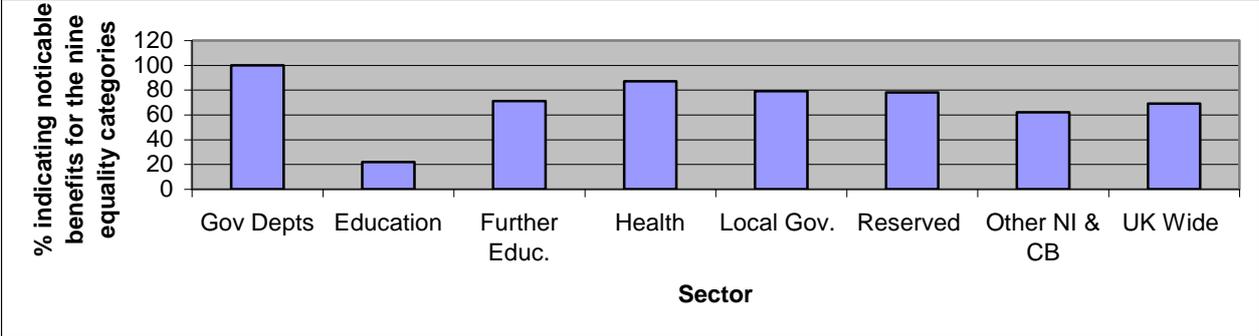
- 1.12 The 2003-2004 progress reporting template included questions on public bodies' views of the effectiveness of the statutory duties for their authority and for the Section 75 categories.
- 1.13 Of the 167 public bodies that submitted progress reports, over four-fifths (83%) indicated they believed their work to date on implementing the statutory duties had produced positive benefits for the organisation. Within sections of the public sector there is some variance (see Figure 1: Perception of positive benefits from implementing Section 75 for public authorities). Government departments and public bodies dealing with reserved and excepted matters were much more likely to report positive benefits for their organisations than local government or education bodies.

Figure 1: Perception of positive benefits from implementing Section 75 for public authorities



- 1.14 Respondents were asked to specify the benefit on a scale of very noticeable, noticeable and no real change. Almost four-fifths (37%) of those that reported positive benefits said that awareness of equality issues in policy making increased very noticeably and almost a third (31%) reported that awareness of equality issues in service delivery had increased very noticeably. A quarter (25%) of respondents stated that the ability to ensure that policies were designed and targeted to reflect equal opportunities objectives had increased very noticeably. A similar proportion (24%) of respondents acknowledged that the ability to ensure services that were designed and targeted to reflect Section 75 requirements had increased very noticeably.
- 1.15 However, less than a tenth (9%) of those reporting positive benefits stated that awareness of good relations issues in policy making increased very noticeably. And only 6% indicated that their ability to ensure that policies were designed and targeted to reflect good relations objectives had very noticeably changed.
- 1.16 Over seventy percent (72.5%) of the public bodies indicated that they believed their work to date on implementing the statutory duties had produced positive benefits for individuals from various equality categories covered by Section 75 (see Figure 2: Perception of positive benefits for equality categories across the public sector). Government departments and health bodies were much more likely to report positive benefits for the nine equality groups than other Northern Ireland/Cross Border organisations or education bodies.

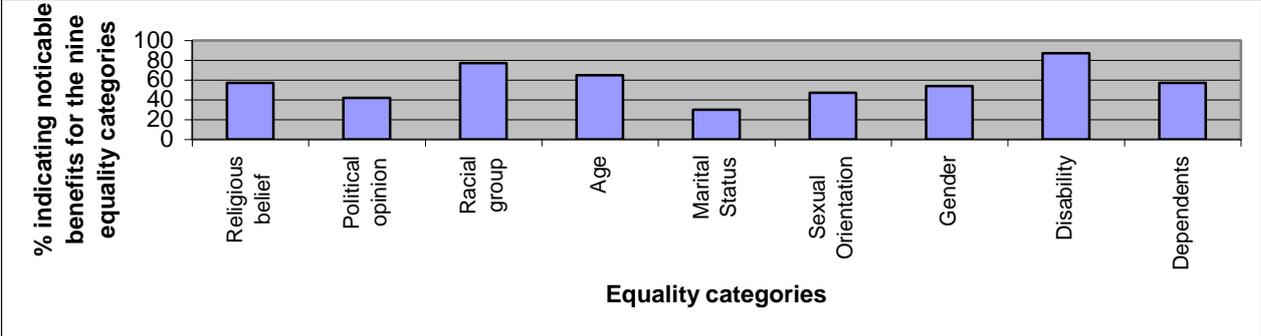
Figure 2: Perception of positive benefits for equality categories across the public sector



1.17 Again, respondents were asked to specify the benefits on a scale of very noticeable, noticeable and no real change. Compared to the significant levels of very noticeable positive benefits for organizations, reporting of very noticeable increases in equality of opportunity was much lower. Nevertheless the majority of bodies report benefits for most of the nine equality categories when those reporting ‘very noticeable’ and ‘noticeable’ responses are combined.

1.18 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 almost nine-tenths (87%) of respondents indicated that implementation of the statutory duties had increased equality of opportunity for people with a disability, with over three-quarters (77%) indicating increased equality of opportunity for people of different racial groups, and 65% for people of different ages. Over half (57%) reported increased equality of opportunity for people of different religious belief and for people with and without dependents. However, under half (47%) reported increased equality of opportunity for people of different sexual orientation, 42% for people of different political opinion and 30% for people of different marital status.

Figure 3: Public sector perception of change in equality of opportunity for the nine equality categories



1.19 This report includes some of the concerns raised by authorities, including queries about the Commission’s advice and guidance – we do register these concerns and consider them when we are developing advice giving and guidance materials. The statutory duties will only achieve their aim, that of improving public policy-making, if public bodies, the people affected by their policies and services, and the Commission, work together.

1.20 The Commission remains committed to doing all in its power to make Section 75 work effectively. To this end we progressed a range of activities during 2003-04. These included consultation on revised guidance on the duties and the equality impact assessment process. Comments were considered by the Commission and the guidance was redrafted and further developed. As a result the revised guidance is based on learning by all involved in the Section 75 process and supported by good practice from public bodies.

1.21 In order to build capacity and highlight the operation of Section 75 regarding the promotion of equality of opportunity for people with disabilities, we undertook a project based on an analysis of progress reports to identify examples of positive impacts and benefits for people with disabilities arising as a result of Section 75. A series of workshops were held throughout Northern Ireland with input from public authority staff involved in equality scheme implementation, Commission staff, and disability sector representative groups as well as affected individuals.

1.22 During the year the Commission worked to finalise a strategy on good relations and progressed the development of Section 75

information management and monitoring guidance for use by public authorities. We took a number of opportunities that arose in 2003-2004 to work with Northern Ireland government departments and the Information Commissioner's Office on the development of advice and guidance on information management and monitoring guidance. Following meetings of working and advisory groups established by the Commission to assist with the development of this guidance, we initiated a research process to audit monitoring and identify implementation practices which will inform guidance.

- 1.23 In addition to responding to equality impact assessments (EQIAs) the Commission delivered training to public bodies on EQIA good practice. Staff also provided ongoing advice to public bodies, as well as holding annual progress meetings and a series of network events for smaller and UK- wide public authorities. Many of the discussions and advice were about the work that public bodies reported in their progress reports.
- 1.24 The Commission places great importance on annual reporting as a mechanism to continue dialogue on mainstreaming. It also allows the Commission, public bodies and representative organisations to identify learning and development opportunities. The information and analysis set out in the following sections is both a commentary on past progress and an insight into future opportunities. Individuals can only benefit from equality scheme implementation if public authorities review their activities and continue to identify opportunities to better promote equality of opportunity. The following sections include a range of information, analysis and implementation practice. Further examples can be found on our website ([www.equalityni.org](http://www.equalityni.org)).

### **A Voluntary & Community Sector Perspective**

- 1.25 The Commission convened a roundtable discussion during November 2004 to gather views from the voluntary and community sector on their experience of how public authorities were implementing the statutory duties. The sector has an essential role to play in the consultation process which is key to the effectiveness of Section 75. Many of the organisations involved in the roundtable discussion campaigned to have the duties included in the Northern Ireland Act, and subsequently entered wholeheartedly into the process of making them work.

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 roundtable event.

1.27 Amongst the examples of initiatives which the participants welcomed were:

- The Local Government Staff Commission (LGSC) had established a series of partner consultee meetings, involving all Section 75 groups, with the Chief Executive Officer in attendance. The LGSC offered mentoring, training (including access to subsidised courses) and advised on routes by which council services may be accessed.
- The Police Service for Northern Ireland (PSNI) established an Equality and Diversity Advisory Group, and an Advisory Group on Older People. Consultation meetings between older people and the police had taken place in Ballymena, Belfast, Coleraine and Cookstown with between 40 and 50 people attending each event.
- The Department of Health, Social Services and Public Safety (DHSSPS) had established a Working Group on Older People. Meetings took place in Newry, Belfast, Cookstown, Strabane and Coleraine.
- The establishment of the Age Positive campaign by the Department of Enterprise, Trade and Investment (DETI) was welcomed.
- The work of OFMDFM's Equality & Social Needs Research and Information Group (ESNRIG) was seen as helpful. Research on equality indicators to measure change over time taking into account labour market access, educational attainment and social capital was a welcome development. This work could go some way to answering the perceived problem of public authorities' use of out-of-date statistics.

1.28 Among the enablers and impediments to progress raised by participants were:

- Some policy makers were genuinely interested in equality issues while others were believed to “just go through the motions”, following the letter rather than the spirit of Section 75. It was suggested that having government inspectorates and the NI Audit Office involved in monitoring the implementation of the duties would lead to better implementation.

- The high turnover of individual civil servants responsible for delivering Section 75 was leading to loss of both staff skills and leadership on equality, and to difficulties in continuity. There was a need to arrange refresher training for policy staff plus initial training for newly appointed staff.
- There was still inconsistency between the actions of different but related public authorities. One participant offered the example of a library in Belfast having been designated for closure, even though the area was designated for urban renewal.
- Direct Rule had a negative impact on the implementation of Section 75 by government departments. Participants were unhappy about the extent to which policies and legislation originating in UK Departments were “read across” to Northern Ireland, for example in the treatment of asylum-seekers. It was also felt that budget priorities were sometimes given greater importance than equality issues.
- The annual progress report should have a greater focus on outcomes, and include the extent to which the views of the voluntary and community sectors had been taken into account.
- Non Departmental Public Bodies (NDPBs) were more successful in implementing the duties than government departments.
- Community Safety Partnerships and Local Strategic Partnerships should be considered for designation.

1.29 Among the areas of concern which participants raised were:

### **Screening**

- The sector was particularly concerned about screening out policies on the grounds that they were too high level and strategic. Concern was also expressed over the exclusion of policies from screening by calling them “procedures”, or by claiming that changes concerned the implementation of a policy rather than the policy itself.
- It was believed that some public authorities had not consulted before taking decisions to screen out policies, even though they must consult with groups to find out if there was any evidence of higher or lower uptake of services by Section 75 categories. In some instances, screening consultation had taken place on broad areas but “not on EQIA specific policies”.

## EQIA

- Where public authorities claimed there had been no information available relating to particular Section 75 categories for the purposes of an EQIA, the extent to which they had attempted to find such information was questioned. Also where some public authorities had concluded that there was “no evidence” available this was taken to mean there was no adverse impact arising from a policy. This practice was considered to be “not good enough”.
- Many EQIA documents were considered to be too flimsy with little evidence of engagement in terms of the points raised by consultees. Furthermore, although public authorities are now more likely than before to identify adverse impact, this did not always lead to consideration of alternative policies and mitigation measures.
- The use of consultants by public authorities was considered to militate against both efficiency and effectiveness. The quality of consultant-led EQIAs had often been poor.

## Consultation

- The voluntary and community organisations recognised the benefits of a more strategic approach in responding to consultations, so as to take account of the sector’s limited resources. Participants also acknowledged that it is important that consultation events are used to get across positive ideas for improving policy-making and service delivery, rather than being seen as “moaning sessions”. Policy “owners” need to be involved in events, not just equality officers.
- The promised Guidance on Consultation, being co-ordinated by OFMDFM, was keenly awaited. It was stressed that involving *groups* in consultation should not be considered to substitute for involving *people directly affected*. There was not enough evidence of public authorities consulting with those directly affected, although this is a *requirement* of the implementation of Section 75.
- It was suggested that public authorities should consult all relevant groups and not rely on umbrella groups as gate-keepers so as to avoid a reliance on “the usual suspects”. The organisations also believed that most public authorities do not give enough feedback to consultee responses.

- Some umbrella voluntary and community organisations had not consulted with their constituencies because of lack of time and resources.
- Some public authorities had been paying voluntary and community groups to “manage” consultation. Voluntary and community groups were happy to facilitate consultation processes but considered the management of these to be the responsibility of the public authorities.
- The majority of public authorities had not undertaken pre-consultation and too often used out-of-date statistics. Qualitative consultation approaches were often ignored, even though they could often compensate for a lack of statistics.

### **Complaints**

- The view was expressed that public authorities should respond to complaints openly and responsively rather than – as appears to be the case - too slowly, with too much legal jargon.
- Several groups questioned whether the Section 75 complaints system could be legally defined as such, given that it did not provide redress.
- Suggestions for improvement included: simplifying the paragraph 10 element of the complaints system since it does not allow for representation of individuals; Commission staff should be able to provide “reasonable advices” to potential complainants; there should be training for NGOs in the complaints procedures; and the Commission should routinely publicise the outcome of Section 75 complaints and investigations.
- It was pointed out that on a number of occasions during the year legislation had been rushed through Westminster within a shorter timescale than expected. It was proposed that the legislation should be amended so that power to stay policy decisions pending the completion of the complaints process was available to the Commission.
- The Commission needed to display even handedness and ensure a level playing field (“equality of aims”) between affected groups and public authorities.

### **Good Relations**

- With respect to the good relations duty, participants felt that there were lessons from the workplace for improving good relations. It was pointed out that the introduction of strong fair

employment legislation with provisions for affirmative actions had led to largely integrated workplaces.

## **2. Summary of Progress Made By Public Authorities**

- 2.1 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 2003 – 31 March 2004 (details of all designated public authorities are given in Appendix B). To help public authorities to 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, Northern Ireland government departments, public authorities from the education, further and higher education, health and local government sectors, bodies 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.
- 2.2 This chapter summarises (a) the public authorities' own assessment of the impacts and outcomes of their work and (b) the Equality Commission's assessment of the main areas where progress has been made, and areas where further improvement is needed.

### **Government Departments**

- 2.3 This sector 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 Admissions Criteria to the College of Agriculture Food and Rural Enterprise (CAFRE) led to improvements in accessibility of venues and information, and exploration of the scope to expand development for rural women. An audit of

accessibility showed that there had been significant improvement in women's participation rates.

- DEL's EQIA on the Worktrack Programme illustrated major areas of weakness concerning awareness raising and marketing of the programme. Measures taken to encourage participation by under-represented groups included the development of Lead Provider guidelines and requirement that programme providers proactively engage with all Section 75 groups.
- DOE found that greater involvement of Section 75 groups in the Planning Service Community Consultation process has led to Section 75 issues being mainstreamed throughout the Development Plan teams and, that as a result, better policies and proposals have emerged.
- DRD's EQIA on Regional Transport Strategy (RTS) led to action to ensure that research on the transport needs of disabled people should be part of the Accessible Transport Strategy in the RTS.

### **Areas of progress**

- Screening of existing policies has been supplemented by screening of new/proposed policies; both of these exercises have produced EQIA timetables to be delivered by the bodies.
- Many departments have incorporated the seven EQIA steps into policy development processes to assist mainstreaming and better public policy making.
- Awareness/ training strategies and mechanisms have been introduced to increase understanding of the Section 75 duties by staff and service users. Section 75 awareness has been incorporated into staff induction programmes, and specialist training in screening and equality impact assessment has been provided for key managerial staff.
- There has been a real increase in meaningful engagement with the Section 75 groups, including the use of pre-consultation and targeted consultation. The consultation on "A Shared Future" was extensive and effective.
- In response to the growing number of reports during the year of racist attacks and abuse against black and minority ethnic staff in the health service, including staff recruited from overseas, the DHSSPS initiated work in partnership with the staff side organisations (UNISON, the Royal College of Nursing and NIPSA).

### **Areas for further improvement noted by the Commission**

- The Programme for Government is the key overall public policy document for Northern Ireland. While further attempts were made to mainstream equality considerations into the Programme for Government, this is an area for further and ongoing development.
- Some departments reported that the use of external consultants serves to impede strategic implementation of the equality duty. Experience has indicated that the level of relevant expertise held by the consultants is limited. One department reported that In order to mainstream equality considerations effectively, should consultants need to be engaged, they should be used only in a supporting role, working alongside the department's policy staff.
- In relation to development of monitoring and information, the administrative collection of Section 75 data across all nine groups continued to pose problems.

## **Education**

- 2.4 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 NI Council for the Curriculum, Examinations and Assessment (CCEA) and the Youth Council for Northern Ireland.

### **Impacts and Outcomes**

- In addition to progressing the equality agenda, the Staff Commission and ELBs believe that mainstreaming equality considerations has resulted in an increased awareness of the needs of service users and has led to improvements in services.
- There has been a positive experience of partnership working with other education authorities, voluntary and community sector organisations and trade unions.
- The EQIA of the Code of Employment and Promotion and Internal Trawl Procedures led to the removal of the internal trawl procedure to better promote equality of opportunity.
- The Policy and Code of Practice on the Employment of People with Disabilities included a positive action programme.
- The EQIA of Electronic Libraries led to the introduction of training programmes to develop the IT skills of older people.
- Following reconsideration of the upper age limit for School Crossing Patrol persons it was recommended that job criteria

should be based on health requirements with no specification regarding age.

- CCEA reported that the new statutory curriculum, which has been developed and agreed after five years of research, monitoring and consultation, will further equality of opportunity for those affected by it.

### **Areas of Progress**

- The Staff Commission, ELBs, CCMS and the Youth Council were involved in an Anti-Discrimination and Diversity project developed by the European Jewish Information Centre (CEJI) and the Northern Ireland Council for Ethnic Minorities (NICEM).
- The Staff Commission and ELBs sought to promote the equality duties in their 'Annual Equality Update', a newsletter which outlined the key areas of equality work carried out by the Commission and Boards.
- The Staff Commission and ELBs developed an employment monitoring system to collect quantitative data across the nine Section 75 categories.
- The Staff Commission and ELBs developed Equality Consultation Guidelines to provide practical advice to Board staff on how to engage in consultation and/or make information available to members of the public.
- The Staff Commission and ELBs took forward a number of initiatives aimed at promoting good relations between persons of different religious belief, political opinion and racial group including the Youth Education Social Inclusion Partnership, a Traveller Community Outreach project and the Joined in Equity, Diversity and Interdependence (JEDI) initiative.

### **Areas for further improvement noted by the Commission**

- There was some slippage on education authorities' EQIA timetables.
- There was a need for clarification of ownership of policies in terms of which are the responsibility of the department, and which are the responsibility of other education authorities.
- Some of the education bodies did not outline any measures taken to progress the good relations duty during 2003-04.

## **Further and Higher Education**

2.5 The Further and Higher Education sector comprises the sixteen Institutes/Colleges of Further and Higher Education and the five Universities. Most of the colleges state that it is too early for them to assess the impact and outcomes of Section 75 as they have only been implementing the duties for a short period. They do however outline some improvements and outcomes.

### **Impacts and Outcomes**

- The process of policy development within colleges fundamentally changed. Policy development followed the guidelines set out in the Equality Commission's 7-step EQIA procedure; hence policies were equality-proofed at the policy development stage.
- There was greater engagement with Section 75 groups and other stakeholders due to the consultation requirements of Section 75. This led to greater transparency and more informed policy decisions.
- Information within the colleges was provided in a variety of formats on request.
- The use of internal trawls ceased; all posts being externally advertised to ensure equal access.
- The Physical Activity Policy which facilitates students with disabilities was amended following consultation.
- A new Flexible Working Policy was developed to facilitate those with dependants.
- The accessibility of the colleges' buildings was vastly improved due to both the amended Disability Discrimination Act and an EQIA of the colleges' access policies.
- Staff awareness of equality issues, and potential barriers faced by certain groups when trying to access the colleges' services, was raised.
- The University of Ulster, when developing its new Car Park Management Scheme, considered equality implications and changed the policy to mitigate potential adverse impacts.

### **Areas of Progress**

- The colleges and the universities continued to have a strategic and joint approach to the implementation of the equality duties. The Association of Northern Ireland Colleges (ANIC) continued to play a co-ordinating role in the joined up approach taken by the

colleges, as did the Higher Education Equality Consortium for the universities.

- The colleges carried out seven EQIAs and Policy Working Groups were set up to carry out screening and EQIAs on a further 12 policies (both new and existing).
- Equality awareness training was delivered to staff of the colleges and the universities, and to members of the governing bodies of the colleges. Training delivered in the colleges is evaluated using a range of techniques, including face-to-face feedback and questionnaires.
- ANIC issued two editions of a newsletter, 'Equality News', which highlighted the progress made by the colleges on the equality duties. In addition, some colleges produced their own newsletters, in which they reported on local equality issues and progress.
- The college's Learning Support Co-ordinators' Forum discussed ways of improving access to information and services. The Forum also looked at the implications of the incoming SENDA legislation.
- The colleges and universities commenced a project, commissioned by the Department of Employment and Learning, to assess the support requirements of students with disabilities. The study will highlight good practice, identify gaps in provision and recommend key actions which should be taken to meet the needs of learners with disabilities.
- The ANIC Equality Unit managed all sectoral consultations relating to Section 75. This involved organising internal consultations with trade unions and negotiating committees. The colleges managed their own local consultations.
- The colleges were involved in a number of cultural diversity pilot projects, funded by DEL, which aimed to promote good relations in the further education sector.
- The University of Ulster established a Civic Leadership Project Steering Group to conduct an audit of good relations policies and practices in the University and to carry out a pilot training programme.

### **Areas for further improvement noted by the Commission**

- Progress by the universities on EQIA timetables was urgently needed.

## Health

2.6 The Health and Social Services sector (HSS 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 bodies.

### Impacts and Outcomes

- Skewed resource allocation to HSS Boards based on need (using a capitation formula relating directly to age and gender dimensions).
- Raised awareness among staff of the equality duties and the responsibility which this places on them.
- Engagement of Section 75 groups through improved consultation.
- The development of cross sectoral working with other public authorities and the voluntary and community sector to share good practice.

### Areas of progress

- A collaborative approach to the implementation of the statutory duties was evident. The DHSSPS was proactive in leading and guiding the sector.
- Evidence of cross-sectoral working and the development of partnerships between HSS public authorities and public authorities from other sectors to share information and best practice in the implementation of the duties.
- The sector showed willingness to engage with, and facilitate participation by, affected groups.
- Recommendations from Good Practice Reviews were being implemented and rolled out across the HSS sector in line with departmental guidance.
- The department took a structured approach to the collection and analysis of data at a regional level to address the equality information needs of the HSS sector.
- Training provision has expanded to include training on a wide range of equality issues with evidence of the involvement of affected Section 75 groups in the development and delivery of training.

### **Areas for further improvement noted by the Commission**

- An inconsistent approach to the policy screening process was taken by the HSS sector.
- There was also inconsistency in the way bodies reported on their progress in implementing the duties.
- There was limited reporting on the establishment of systems to monitor the future impacts of policies which have been impact assessed.
- There should be further development of monitoring systems to ascertain equality of opportunity in access to information and services.

## **Local Government**

2.7 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**

- The Code of Conduct for Local Government Employees was amended as a result of the LGSC's EQIA concerning the need to declare any perceived conflict of interest, to better promote equality of opportunity.
- Ballymena Borough Council indicated outcomes which included:- flags reduced, bonfire event replaced with Fun Event, a requirement on recipients of Council funding to sign a Section 75 declaration.
- Belfast City Council reported that Section 75 resulted in a range of improvements. The Council's report listed 10 areas where Section 75 has resulted in a better, more effective service.
- Craigavon Borough Council's Corporate Pricing Policy EQIA led to a number of direct improvements for carers, older people and people with a disability.

### **Areas of progress**

- Just over half of the local government authorities had developed clear objectives relating to equality and good relations. These were variously included in corporate, business or service plans.
- Some local authorities identified a dedicated budget or corporate cost centre relating to Section 75.

- Wider training programmes were developed which included Section 75 and equality, good relations, anti-harassment and human rights awareness training. In addition many authorities provided specialist training for relevant staff in screening, equality impact assessment and consultation.
- There was significant reporting of internal and external communications.
- Bodies which had embarked on an audit of data sources were further developing them. Other councils, which had not previously gathered data, began to do so.
- The majority of councils reported implementing the good relations duty through their community relations programmes.

### **Areas for further improvement noted by the Commission**

- This sector remained one of the least developed in implementing Section 75, across most of the requirements.
- A number of councils acknowledged that they had fallen behind in their timetables, especially in undertaking EQIAs.
- There remained little evidence of councils engaging with Section 75 groups.
- Most local authorities screened and/or consulted on new policies during the year; however some undertook no work on any new policies which is a matter of concern.
- Many progress reports indicated no follow up assessment of the general effectiveness of communication mechanisms used.
- Some local government bodies remained of the view that they would complete their 5 year timetable. However, there was a prevalence of re-screening EQIA programmes, reportedly to identify additional policies for EQIA.
- More collaborative working across the sector would have helped effective implementation of the duties.
- Some local government bodies stated that no consultations were undertaken during 2003-2004. Given the importance of effective consultation in implementing the duties, this shortcoming will need to be addressed.
- Some Councils had still not commenced data collection to inform the implementation of the duties.
- Local government bodies needed to show more evidence of tangible changes and outcomes resulting from equality scheme work. While various councils reported policies changing as the result of EQIAs little detail was given of the equality categories affected.

## **Reserved & Excepted Matters**

2.8 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 Northern Ireland Court Service (NICtS) reported increased awareness of the eight main religious groups amongst policy makers as a result of its Diversity Awareness Pack and an annual staff update of religious festivals.
- The Electoral Office for Northern Ireland (EONI) abolished the upper age limit for temporary staff enabling it to continue to benefit from time to time from the invaluable expertise of some retired senior permanent and short term contract staff and, at election time, from the local knowledge of older temporary staff who have assisted at previous elections.
- The Northern Ireland Office (NIO) Criminal Justice and Police Division expanded the remit of planned legislation on hate crime to include crimes motivated by hatred towards disabled people as well as those from ethnic minorities.
- NICtS attempted to attract staff from minority ethnic backgrounds, sending copies of recruitment advertisements to community groups and advertising student work placements in schools with the highest proportions of students from minority ethnic backgrounds.
- NICtS's Accommodation Strategy EQIA recognised equality issues for women in the proposed closure of one of the courthouses and the strategy was subsequently amended. NICtS's provision of facilities for children and babies became a feature of customer service upgrades.
- Extended paid paternity leave and flexible working policies were introduced to ensure people with dependants had more choice in their employment with the Court Service.
- EONI highlighted outcomes emerging during the EQIA of the Polling Station Scheme. Data collected from the November 2003 Assembly election indicated access problems for older people and wheelchair users at some polling places.

- There was some focus on specific outcomes for individuals from the nine equality categories. However, a number of bodies, including the NIO and the Northern Ireland Human Rights Commission (NIHRC), highlighted difficulties in measuring the impact of interventions because equality was largely mainstreamed and taken into account during development of a new policy or practice. As a result they found it difficult to give specific examples of where a change has been made on account of the Section 75 duties.

### **Areas of progress**

- Some public authorities developed plans for communicating progress on implementing the statutory duties.
- Most public authorities focused on using internal organisational data and external networks to develop monitoring systems.
- Most public authorities improved arrangements for the provision of information in accessible formats.
- Joined-up consultation exercises, intended to benefit organisations as well as representative groups, are increasing.
- There was more focus on developing specific outcomes for individuals from the nine equality categories.

### **Areas for further improvement noted by the Commission**

- Some authorities still needed to provide evidence of progress in developing/meeting equality objectives, performance indicators and targets and include of these in corporate and annual operating plans.
- There was a need for greater focus on giving information to people in the affected groups, especially feedback to consultees, and on reviewing activities to identify specific outcomes for Section 75 groups.
- Some authorities stated that extraordinary work pressures or delays in recruiting new staff and the pressure of taking forward other statutory responsibilities were impacting on progress. It is important that authorities implement effective interim arrangements in such circumstances.
- Few public authorities provided evidence of training evaluation. This is a key issue in ensuring training is effective and will support future scheme implementation.
- Although most bodies reported that arrangements for data collection were in place, reports needed to make it clear data was being collected and analysed by Section 75 category.

- Although several authorities pointed to outcomes which have benefited the organisations, there was less reporting of outcomes for people in the nine equality categories and what was reported could have been clearer.

## **Other Northern Ireland and Cross Border Public Bodies**

2.9 Thirty-four 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**

- Outcomes reported by various ‘other’ public authorities could be grouped in terms of awareness raising and greater accessibility of information, organisational benefits from mainstreaming equality of opportunity into all activities, and most importantly better policy-making and service provision offering enhanced benefits to individuals from the nine equality categories.
- The Northern Ireland Fishery Harbour Authority (NIHFA) indicated compliance with the equality duty was a pre-requisite to receiving any European Funding from the Northern Ireland Programme for Building Sustainable Prosperity. Therefore it was essential that the Section 75 duties were mainstreamed throughout the authority.
- The Rural Development Council (RDC) highlighted the annual screening process as the most tangible aspect of change in the mainstreaming of equality into policy development and implementation. It noted that the screening process had formalised equality proofing into the annual work cycle.
- The Northern Ireland Tourist Board (NITB) reported benefits to the organisation from consultation and closer relations with representative groups. Analysis of monitoring data had led to immediate practical changes to programmes such as the events strategy.
- The Northern Ireland Housing Executive (NIHE) reported that following an EQIA of its grants policy, it extended the provision of the Grants Care and Repair service to include people with caring

responsibilities, in addition to people with disabilities and older people.

- The Sports Council highlighted changes following the Exchequer Challenge Fund EQIA which opened up the fund to a range of non sports governing bodies such as Disability Sport.
- The NIHFA reported changes to its traffic management systems. Equality considerations led to amendments to harbour facilities for disabled parking and wheelchair access during a resurfacing project at Ardglass Harbour.
- The Fishery Conservancy Board (FCB) reported the EQIA of Rod Licences led to the introduction of a uniform concessionary licence fee for all people aged 60 years or over.

### **Areas of progress**

- Progress was facilitated through increased collaboration between smaller public authorities and with sponsoring departments.
- The number of 'other' public authorities that had not initiated/ finalised any equality impact assessments during the period under review reduced from the previous year.
- Various initiatives were undertaken with sponsoring departments and other non-departmental public bodies on the development of systems to supplement available statistical and qualitative data.
- Most authorities said they were on course to fulfill their equality scheme timetable.
- A small but growing number of bodies had developed a formal strategy and/or provided training and undertaken good relations audits, facilitated staff discussion on relevant issues or developed existing policies to include good relations.

### **Areas for further improvement noted by the Commission**

- Very few new or revised policies were subject to screening during the year or scheduled for inclusion in EQIA programmes.
- The level of input from affected groups into training programmes continued to be disappointing.
- Many of the smaller 'other' bodies should focus on links with their sponsor department to improve information provision and access to services. There was a lack of mechanisms in some areas to coordinate, raise shared issues and circulate materials.
- A number of public authorities in this section did not undertake any consultations during the reporting period. It is important that authorities recognise that consultation is a requirement, not an

option. There needs to be greater reporting of changes to policies to better promote good relations.

- Despite overall progress the Commission has identified room for improvement in developing/meeting equality objectives, performance indicators and targets, and inclusion of these in corporate and annual operating plans.

## **UK Wide Public Authorities**

2.10 Twenty-four 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 Qualifications & Curriculum Authority (QCA) reported particular emphasis on promoting inclusion in learning which it is hoped will ensure that equality and diversity are not seen merely as a human resources issue, or indeed a Northern Ireland issue.
- The British Council developed a draft diversity assessment tool linked to its performance scorecard. Equality monitoring was also extended to sickness absence, Board and Advisory Committee members.
- The New Opportunities Fund highlighted its "compact" with NICVA which resulted in bi-annual meetings between the organisations to discuss major developments.
- The Heritage Lottery Fund noted significant improvements to the process of recruiting committee members which was to be formally adopted by the authority later in 2004. Staff evaluation of equality training indicated an increased awareness and confidence of staff in handling equality issues.
- The Community Fund reported on monitoring of its EQIA Awards for All (NI). Results indicated an increase in the level of applications from BME communities following planned mitigation outreach work.
- The Community Fund also indicated that its new policy on using plain language in external materials helped several Section 75 equality categories including disabled people, young people and people from BME communities. Feedback from a leading

disability organisation supported the new policy to promote accessibility.

- The New Opportunities Fund (NOF) modified its working time/work life balance policies to take account of EQIA findings, and flexi-time arrangements were introduced on top of their work-life balance policies to assist those with life limiting illnesses or caring responsibilities.
- The British Council annual monitoring of staff found an increase in the overall number of minority ethnic staff and progress in relation to gender and minority ethnic staff targets at many levels. However, a lack of progress on minority ethnic and disability targets was noted at some grades.
- The Department of Trade and Industry (DTI) EQIA of the National Minimum Wage (NMW), completed in December 2003 identified a disadvantage for people aged 16 and 17, who did not receive the NMW and from October 2004 workers below 18 will receive it.
- The Information Commissioner policy on retirement was amended to benefit older people.

### **Areas of progress**

- All UK authorities that undertook EQIAs indicated changes had occurred as a result of assessment and consultation.
- Some UK authorities noted that national policies implemented in Northern Ireland had changed as a result of Section 75 and race relations legislation in GB.
- Several bodies were developing programmes to involve affected groups, particularly in the development and/or delivery of equality training covering age, disability and dependants.
- Various monitoring systems were extended to include secondments, committee membership, promotions, sickness and appraisals.
- While the level of request for materials in alternative formats and languages was generally low there was evidence that focusing on key 'help' publications had allowed some UK authorities strike a better balance between supply and demand for such materials.
- There was even more focus on addressing impacts and outcomes that will benefit individuals from various equality categories.

### **Areas for further improvement noted by the Commission**

- UK authorities' progress on completing screening of existing policies was slower than expected. Also a number of UK

authorities that had previously screened policies and finalised their EQIA programmes revisited their screening programmes as a result of organisational developments, including mergers.

- Resourcing underwent unprecedented change in the context of the Gershon Review into efficiency in the civil service and the Lyons Review on the relocation of Government posts to the regions. It is anticipated this may have an impact on the strategic implementation of Section 75 duties by holding progress up unduly.
- Despite general progress on improving communication, a number of strategic initiatives were not progressed as planned.
- Some reports highlighted low responses to both consultations and advertisements in Belfast newspapers, with some planned events cancelled as a result of low responses. There is a need to consider the appropriateness of communication methods and advertising.

### **3. Conclusions & Equality Commission Next Steps**

- 3.1 The 2003-2004 report includes material from 167 public authorities, encompassing the whole range of public services provided to the 1.6 million people who make up 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.
- 3.2 Given this great variety, it is not easy to draw simple conclusions from the totality of the detailed annual progress reports provided by authorities. The previous summary chapter does to an extent, sector by sector, identify particular areas where authorities need to make improvements. This section tries to identify the topics which are most significant in terms of implementing the duties, which showed up most frequently; and which cross the various sectors. In many cases, there was good practice and positive conclusions were drawn; however, there was also evidence of poor practice within and across the sectors.
- 3.3 Some of the points listed below as requiring attention are in fact no more than basic requirements of Section 75.

#### **General points on strategic implementation**

- 3.4 The statutory duties were increasingly being incorporated into the structures of the public authorities i.e. they were now (a) part of the general strategic and business planning cycle and (b) routinely on the agenda of meetings at the highest levels. However, some authorities still need to ensure ongoing top-level commitment to implementing their scheme, and to take steps to build on progress and reinforce the necessary culture change.
- 3.5 Authorities must ensure that they have effective systems for implementing their scheme. If there are structural changes or re-organisations, these systems must not be lost or weakened. In some sectors, there is evidence that organisational restructuring and other sectoral reorganisations have delayed or compromised scheme related programmes. While it is inevitable that these sorts of changes will happen, it is important that bodies in this situation consult with the Commission on how to ensure that equality issues are considered during a time of change. It is also important that consultees are kept informed of changes and their implications.

- 3.6 Public authorities were getting better at describing the impact and outcomes of their Section 75 work. Nonetheless, the Commission will continue to encourage and press for progress reports to focus on these, rather than being merely a descriptive account of activities.
- 3.7 There was more evidence of public authorities working together, as recommended by the Commission, usually within a particular sector, to avoid duplication of effort and resources.

### **Screening and EQIA**

- 3.8 One of the most commonly reported problems concerned setting and adhering to a planned schedule of EQIAs. This was notable in all parts of the public sector. The main reasons seem to be the discovery that an effective EQIA took longer than had been originally anticipated, and delays in appointing dedicated staff, or changes in staffing. The Commission has made it clear that proper implementation of Section 75 requires allocation of sufficient resources. A commitment to allocating those resources was included in every public authority's equality scheme. It is clear that some public authorities, including some of the smaller bodies, have recognised the importance of this and have reported dedicated budgets and monitoring systems. There is an argument that this development has been as significant as appointing additional staff to greatly help with implementation.
- 3.9 The Commission has produced a raft of guidance on the definition of policy, to ensure that equality dimensions can be identified and addressed. There was some evidence that policies are being screened out inappropriately. Arguably, the higher the level and hence the more significant a policy is, the more appropriate it is that it be impact assessed. The Programme for Government, for example, and the introduction of Public Private Partnerships, have very wide equality implications, and the Commission has urged that they be more fully analysed to assess their impact on the nine equality categories.
- 3.10 At the other end of the spectrum, some authorities have suggested that a broad definition of "policy" is leading to disproportionate effort going to lower-level policies. However, these too may have a considerable impact on those affected, and so need to be included.

3.11 The argument has also been advanced that it is difficult to assess impact before a strategy is turned into an operational plan. However, the reality is that lack of attention to equality considerations at the high level development stage can lead to difficulties when separate elements of the policy are being operationalised.

## **Training**

3.12 Public authorities reported an increase in scheme related training on a variety of fronts: awareness-raising; induction; EQIA skills and knowledge; training on issues relating to the nine equality categories for staff and public appointees on Boards/Councils/Committees etc. Training is critical to developing a culture in which “equality thinking” is second nature.

3.13 There are two points of particular interest to the Commission. The first is that representatives of the affected groups should be included in the development and delivery of training. They have the direct experience of issues, knowledge of policy development needs and using services. That experience and knowledge cannot but enhance the training. The second is that some public authorities, as the Commission pointed out in last year’s report, are still not properly evaluating training. Evaluation is the only way to ensure that training is effective. Evaluations of training objectives need to be undertaken, and action taken to revise or extend the training to staff as required.

## **Communication**

3.14 Newsletters, websites, annual reports were all been employed to communicate public authorities’ message about progress on Section 75, both internally and externally. A few authorities had a communication strategy or plan, and staff dedicated to ensuring Section 75 activities and the commitment of the organisation were communicated. The Commission would like to see more evaluation of how effective communications processes have been to develop practices.

## **Data collection and analysis**

3.15 The Commission believes that it is virtually impossible to build equality into policy making if a public authority does not have accurate information: on the demography of user/client groups; on the take-up of services; and on the needs and opinions of

representative groups with regard to the impact policies are having. The work of NISRA and ESNRIG were cited as helpful by many authorities in developing basic data resources which would help identify any weaknesses in policy development or service delivery.

- 3.16 There were still many gaps in data collection and monitoring, although new systems had been set up and existing ones extended. Authorities must expand the number of equality categories they include in data collection exercises including administrative data and surveys or research.
- 3.17 The two areas which still caused significant concern were political opinion and sexual orientation, because of the sensitivities around asking or expecting people to reveal this information. It was therefore unsurprising that in the authorities' assessment of the impact of the duties on the different categories, as described in the Introduction, fewer than half felt their Section 75 implementation had increased equality of opportunity for these two categories. In the Commission's Guidance on Section 75, published in February 2005, the Commission advised that public authorities must take steps to collect information relating to these two equality categories.

### **Information provision, access to information and services**

- 3.18 The Section 75 requirements under this heading complement others, most obviously Freedom of Information legislation but also disability legislation. As well as making material and events more accessible to disabled people and people for whom English is not the first language, there were reports of significant changes to the built environment in many progress reports.
- 3.19 Authorities must monitor public access to information and services. Some authorities reported very little take-up of documentation in other languages and formats while a number highlighted the development of key 'helper' publications in various formats. Public authorities must ensure that potential readers are made aware of existence of systems to provide material in various formats. This is also an area in which careful targeting of information provision would be helpful. Authorities should consider developing and promoting "welcome packs" in various formats, to widen access to their services.

## **Complaints**

3.20 There were a relatively small numbers of complaints reported during 2003 - 2004, though they are increasing year on year. Although public authorities were encouraged to report on whether complaints had led to policy changes or re-assessment of policies, they mostly reported on the new numbers. Progress reports would benefit if bodies indicated they had received complaints or indeed referred to 'concerns raised' and elaborated on the informal/formal resolution of these complaints/concerns, as the voluntary/community sectors suggest.

## **Timetable**

3.21 Most authorities dealt with timetabling in the context of their EQIA programme only, although that issue is also covered in the EQIA sections. Progress reports should cover all aspects and the Commission will be looking in future years for reporting from all public authorities on how the overall five year scheme timetable is being progressed.

## **Consultation**

3.22 In many sectors, there were examples of public authorities trying to streamline the consultation process by bringing consultees together, setting up groups with names such as "Consultative Forum", "Advisory Panel", or "Joint Consultative Forum". With fewer references by public authorities this year to "consultation fatigue" or "overload", some of the various attempts at increasing the effectiveness of consultations appear to be having a positive impact from the public sector's point of view.

3.23 Nevertheless the Commission recognises the dangers of what NGO participants at the November 2004 roundtable (described in the summary chapter) as relying on "the usual suspects". Some of the categories do not have identifiable representative bodies. Indeed a range of equality issues may not be on the current agendas of established NGOs or sectoral groupings. Securing the representative views of all clients/users of services is a real challenge, but it is necessary for full implementation of the duties.

- 3.24 Many authorities reported that they were eagerly awaiting OFMDFM's guide to consultation; some had established their own guidelines. The Commission believes that progress on a variety of initiatives, particularly focusing on consulting young people, will strengthen the overall support available to public bodies.
- 3.25 Some authorities reported they had carried out no consultations at all during 2003 - 2004, which suggests a serious lack of commitment to engaging with service users. The Commission will be assessing the development by public authorities of methods of engagement with the voluntary and community sector in the coming period.

### **Good relations**

- 3.26 This was the first year in which the reporting template included a section of questions about the good relations duty and a range of strategy initiatives were reported by public authorities. However, this is still an underdeveloped part of implementation and it should be noted the good relations duty has other aspects. The Commission's latest Guide to the Statutory Duties (section 3 (a) ii) recommends that any policy with an impact on good relations *should* be screened in; the screening process is not just about identifying adverse impact, it is an opportunity to identify how to better promote equality and good relations.
- 3.27 Many reports described general "diversity" training under this heading. 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.

### **The Commission's Next Steps**

In addition to ongoing advice giving in connection with the Section 75 duties, the following summarises the Commission work to assist public authorities deliver the Section 75 statutory duties. We intend to:

- Respond to EQIAs in accordance with policy priorities, ensuring compliance with Commission Guidance.
- Produce 04-05 annual report on progress which focuses more on impacts and outcomes.

- Publish monitoring guidance further to ESNRIG research work.
- Complete consultation on the possible designation of schools for the purpose of Section 75.
- Publish draft guidance for consultation with children and young people.
- Programme for Government: achieve agreement on Section 75 requirements with OFMDFM and EPU.
- Public service reform: ensure Section 75 advice is followed by the Review of Public Administration Team.
- Implement the ECNI strategy on good relations including establishment of Good Relations Forum.
- Develop guidance for public authorities on the 5 Year Review of approved Equality Schemes.
- Develop guidance on equality considerations in Public Private Partnerships.
- Keep under review the steps taken by public authorities to address the conclusions and recommendations from Commission reports on Section 75 implementation.



## 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 – List of Public Authorities designated for the purposes of Section 75**

<b>Department of Agriculture and Rural Development</b>	<b>Date designated</b>
Department of Agriculture and Rural Development	1 January 2000
Agricultural Research Institute for Northern Ireland	1 January 2000
Livestock and Meat Commission for Northern Ireland	1 January 2000
Loughs Agency	1 January 2000
Northern Ireland Fishery Harbour Authority	1 January 2000
Rural Development Council	1 January 2000
<b>Department of Culture, Arts and Leisure</b>	
Department of Culture, Arts and Leisure	1 January 2000
Arts Council for Northern Ireland	1 January 2000
Board of Trustees of National Museums and Galleries	1 January 2000
Fisheries Conservancy Board	1 January 2000
Northern Ireland Film Commission	5 April 2001
Northern Ireland Museums Council	1 January 2000
North-South Language Body	1 January 2000
Sports Council for Northern Ireland	1 January 2000
Waterways Ireland	1 January 2000
<b>Department of Education</b>	
Department of Education	1 January 2000
Belfast Education and Library Board	1 January 2000
Council for Catholic Maintained Schools	1 January 2000
North Eastern Education and Library Board	1 January 2000
Northern Ireland Council for Curriculum, Examinations and Assessment	1 January 2000
South Eastern Education and Library Board	1 January 2000
Southern Education and Library Board	1 January 2000
Staff Commission for Education and Library Boards	1 January 2000
Western Education and Library Board	1 January 2000
Youth Council for Northern Ireland	1 January 2000
<b>Department for Employment and Learning</b>	
Department for Employment and Learning	1 January 2000
Construction Industry Training Board	1 January 2000
Enterprise Ulster	1 January 2000
Governing body of the Armagh College of Further Education	5 April 2001
Governing body of the Belfast Institute of Further and	5 April 2001

Higher Education	
Governing body of the Castlereagh College of Further and Higher Education	5 April 2001
Governing body of the Causeway Institute of Further and Higher Education	5 April 2001
Governing body of the East Antrim Institute of Further and Higher Education	5 April 2001
Governing body of the East Down Institute of Further and Higher Education	5 April 2001
Governing body of the East Tyrone Institute of Further and Higher Education	5 April 2001
Governing body of the Fermanagh College of Further and Higher Education	5 April 2001
Governing body of the Limavady College of Further and Higher Education	5 April 2001
Governing body of the Lisburn Institute of Further and Higher Education	5 April 2001
Governing body of the Newry and Kilkeel Institute of Further and Higher Education	5 April 2001
Governing body of the North Down and Ards Institute of Further and Higher Education	5 April 2001
Governing body of the North East Institute of Further and Higher Education	5 April 2001
Governing body of the North West Institute of Further and Higher Education	5 April 2001
Governing body of the Omagh College	5 April 2001
Governing body of the Queen's University of Belfast	5 April 2001
Governing body of the St Mary's University College, a College of the Queen's University of Belfast	5 April 2001
Governing body of the Stranmillis College, a College of the Queen's University of Belfast	5 April 2001
Governing body of the University of Ulster	5 April 2001
Governing body of the Upper Bann Institute of Further and Higher Education	5 April 2001
Labour Relations Agency	1 January 2000
Office of the Certification Officer for Northern Ireland	1 January 2000
Ulster Supported Employment Limited	1 January 2000
<b>Department of Enterprise, Trade and Investment</b>	
Department of Enterprise, Trade and Investment	1 January 2000
General Consumer Council for Northern Ireland	1 January 2000
Health and Safety Executive for Northern Ireland	1 January 2000
InterTradeIreland	1 January 2000
Invest NI	8 April 2002
Northern Ireland Tourist Board	1 January 2000

Office of Director General of Electricity Supply for Northern Ireland	1 January 2000
Office of Director General of Gas for Northern Ireland	1 January 2000
<b>Department of the Environment</b>	
Department of the Environment	1 January 2000
Antrim Borough Council	1 January 2000
Ards Borough Council	1 January 2000
Armagh City and District Council	1 January 2000
Ballymena Borough Council	1 January 2000
Ballymoney Borough Council	1 January 2000
Banbridge District Council	1 January 2000
Belfast City Council	1 January 2000
Carrickfergus Borough Council	1 January 2000
Castlereagh Borough Council	1 January 2000
Coleraine Borough Council	1 January 2000
Cookstown District Council	1 January 2000
Craigavon Borough Council	1 January 2000
Derry City Council	1 January 2000
Down District Council	1 January 2000
Dungannon and South Tyrone Borough Council (Dungannon District Council)	1 January 2000
Fermanagh District Council	1 January 2000
Larne Borough Council	1 January 2000
Limavady Borough Council	1 January 2000
Lisburn City Council	1 January 2000
Local Government Officers Superannuation Committee	1 January 2000
Local Government Staff Commission for Northern Ireland	1 January 2000
Magherafelt District Council	1 January 2000
Moyle District Council	1 January 2000
Newry and Mourne District Council	1 January 2000
Newtownabbey Borough Council	1 January 2000
North Down Borough Council	1 January 2000
Omagh District Council	1 January 2000
Strabane District Council	1 January 2000
<b>Department of Finance and Personnel</b>	
Department of Finance and Personnel	1 January 2000
Special EU Programmes Body	1 January 2000
Strategic Investment Board	30 October 2003

<b>Department of Health, Social Services and Public Safety</b>	
Department of Health, Social Services and Public Safety	1 January 2000
Altnagelvin Hospitals HSS Trust	1 January 2000
Armagh and Dungannon HSS Trust	1 January 2000
Belfast City Hospital HSS Trust	1 January 2000
Causeway HSS Trust	1 January 2000
Craigavon and Banbridge Community HSS Trust	1 January 2000
Craigavon Area Hospital Group HSS Trust	1 January 2000
Down Lisburn HSS Trust	1 January 2000
Eastern Health and Social Services Board	1 January 2000
Eastern Health and Social Services Council	1 January 2000
Fire Authority for Northern Ireland	1 January 2000
Food Safety Promotion Board	1 January 2000
Foyle HSS Trust	1 January 2000
Green Park HSS Trust	1 January 2000
Homefirst Community HSS Trust	1 January 2000
Mater Infirmorum Hospital HSS Trust	1 January 2000
Mental Health Commission for Northern Ireland	1 January 2000
Northern Ireland Practice And Education Council For Nursing And Midwifery	7 October 2002
Newry and Mourne HSS Trust	1 January 2000
North and West Belfast HSS Trust	1 January 2000
Northern Health and Social Services Board	1 January 2000
Northern Health and Social Services Council	1 January 2000
Northern Ireland Ambulance Service HSS Trust	1 January 2000
Northern Ireland Blood Transfusion Service Agency	1 January 2000
Northern Ireland Central Services Agency for Health and Social Services	1 January 2000
Northern Ireland Medical and Dental Training Agency	1 April 2004
Northern Ireland Guardian Ad. Litem Agency	1 January 2000
Northern Ireland Health Promotion Agency	1 January 2000
Northern Ireland Regional Medical Physics Agency	1 January 2000
Northern Ireland Social Care Council	18 December 2001
Royal Group of Hospitals and Dental Hospitals	1 January 2000
South and East Belfast HSS Trust	1 January 2000

Southern Health and Social Services Board	1 January 2000
Southern Health and Social Services Council	1 January 2000
Sperrin Lakeland HSS Trust	1 January 2000
Ulster Community and Hospitals HSS Trust	1 January 2000
United Hospitals HSS Trust	1 January 2000
Western Health and Social Services Board	1 January 2000
Western Health and Social Services Council	1 January 2000
<b>Department for Regional Development</b>	
Department for Regional Development	1 January 2000
Belfast Harbour Commissioners	1 January 2000
Carlingford Lough Commissioners	1 January 2000
Coleraine Harbour Commissioners	1 January 2000
Londonderry Port and Harbour Commissioners	1 January 2000
Warrenpoint Harbour Authority	1 January 2000
<b>Department for Social Development</b>	
Department for Social Development	1 January 2000
Laganside Corporation	1 January 2000
Northern Ireland Housing Executive	1 January 2000
<b>Office of the First Minister and Deputy First Minister</b>	
Office of the First Minister and Deputy First Minister	1 January 2000
Northern Ireland Community Relations Council	1 January 2000
Northern Ireland Commissioner for Children and Young People	27 February 2003
<b>Northern Ireland Office</b>	
Northern Ireland Office	7 July 2000
Chief Electoral Officer for Northern Ireland	5 April 2001
Civil Service Commissioners for Northern Ireland	1 January 2000
Northern Ireland Human Rights Commission	7 July 2000
Northern Ireland Policing Board	3 December 2001
Office of the Independent Assessor of Military Complaints Procedures	5 April 2001
Police Ombudsman for Northern Ireland	3 December 2001
Police Service of Northern Ireland	3 December 2001
Probation Board for Northern Ireland	7 July 2000

<b>Northern Ireland Assembly Commission</b>	
Northern Ireland Assembly Commission	15 January 2003
<b>Northern Ireland Audit Office</b>	
Northern Ireland Audit Office	15 January 2003
<b>Northern Ireland Court Service</b>	
Northern Ireland Court Service	7 July 2000
<b>Department for Culture, Media and Sport (UK)</b>	
Department for Culture, Media and Sport	7 July 2000
British Library Board	7 July 2000
Community Fund <sup>1</sup>	7 July 2000
National Endowment for Science, Technology and the Arts	5 April 2001
New Opportunities Fund <sup>1</sup>	7 July 2000
Trustees of the National Heritage Memorial	7 July 2000
<b>Department of Education and Employment (UK)</b>	
Governing body of the Open University	5 April 2001
Qualifications and Curriculum Authority	5 April 2001
<b>Department for Environment Food and Rural Affairs</b>	
Food from Britain	5 April 2001
Home Grown Cereals Authority	5 April 2001
Wine Standards Board of the Vintners' Company	5 April 2001
Wool Marketing Board	5 April 2001
<b>Department of Health (UK)</b>	
National Biological Standards Board	15 January 2003
UK Transplant	5 April 2001
United Kingdom Xenotransplantation Interim Regulatory Authority	5 April 2001
Unrelated Live Transplant Regulatory Authority	5 April 2001
<b>Department of Trade and Industry (UK)</b>	
Department of Trade and Industry	7 July 2000
Consumer Council for Postal Services	15 January 2003
Exports Credits Guarantee Department	7 July 2000
Postal Services Commission	15 January 2003

<sup>1</sup> From June 2004 'Big Lottery Fund' is the joint operating name of Community Fund and New Opportunities Fund; until legislation in 2006, they will retain separate duties under Section 75.

<b>Foreign and Commonwealth Office (UK)</b>	
British Council	7 July 2000
<b>HM Customs and Excise</b>	
HM Customs and Excise	7 July 2000
<b>Home Office (UK)</b>	
Information Commissioner's Office	7 July 2000
<b>Inland Revenue</b>	
Inland Revenue	7 July 2000

## **Appendix C: 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 D - Progress Report Template 1 April 2003-31 March 2004**

### **EQUALITY COMMISSION FOR NORTHERN IRELAND Public Authority Progress Report 2003 - 2004**

#### **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 2003 to 31 March 2004**. Please ensure that it is submitted to the Commission by **31 August 2004**, 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.**

Please report on progress by entering information at the end of each Section in the template. Prompts are included under each Section to help you to assess the extent to which progress has been made within each area. Please note that these prompts are neither prescriptive nor inclusive. It is important that the authority reports on what it views as being relevant in terms of progress being made on implementation of the statutory duties.

Name of public authority (Enter details below)

--

Equality Officer name and contact details (Enter details below)

--

#### **Section 1: Strategic Implementation of the Section 75 Duties**

Please enter specific progress on implementation of the good relations duty under section 10 of this template.

- Outline evidence of progress made in developing/meeting equality and good relations objectives, performance indicators and targets and inclusion of these in corporate and annual operating plans. Your response should include any targets for 2004-2005.
- 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.
- Indicate if Section 75 is a standard agenda item for Board and/or Senior Management Team on a quarterly basis.
- Please provide details of the **direct** resourcing of Section 75 work during 2003 –4. This should include staff appointed/directed (*not names*) to specifically advance work on equality scheme delivery, and details of any budget allocation to specifically deliver equality scheme commitments.
- Outline any factors that enhanced or impeded the process of Strategic Implementation during the period.

**Prompt:**

*Have the Board and Senior Officers reviewed the authority's progress report?*

*Has responsibility for equality been agreed and designated within the authority?*

*Has a clearly defined organisational structure with resources for implementation of the duties and assessment of policies been established?*

*Are equality objectives built into the job descriptions and performance targets of relevant staff, and are these reflected in the appraisal process?*

**(Enter text below)**

## **Section 2: Screening & Equality Impact Assessment (EQIA)**

2a)

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.

2b)

• If a Screening Report and EQIA Timetable has previously been submitted to the Commission please provide information on the following, in relation to new/proposed/revised policies during 2003-4:

Please list new/proposed/revised policies screened in or out during the period.

• Outline any factors that enhanced or impeded the process of policy screening or EQIA.

We have already requested (9 January 2004) that an update on progress regarding EQIAs is forwarded to the Commission. If your authority has not yet forwarded this information (deadline date was 29 February 2004) please do so as a matter of urgency.

**(Enter text below)**

### **Section 3: Training**

- Indicate your organisation's progress on delivery of Section 75 related training and development during the period. 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.
- Please 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.
- Outline any factors that enhanced or impeded the processes of Section 75 training during the period.

**Prompt:**

*Does the authority monitor attainment of the training objectives contained within its equality scheme?*

*Has Section 75 training involved input from representatives of the nine categories? If so please state how this happened and if it proved useful? Has Section 75 training been evaluated? If so, how has this happened and what are the lessons learned?*

**(Enter text below)**

#### **Section 4: 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.

**Prompt:**

*Do the Board and/or Senior Officers promote the authority's equality objectives in public statements, interviews and external events such as conferences?*

*Does the authority have a plan for communication of progress on implementation of the statutory duties?*

#### **Section 5: 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.
- Outline any factors that enhanced or impeded the process of data collection and analysis during the period.

**Prompt:**

*Has an audit of data sources been undertaken?*

*Are the results of awareness or satisfaction surveys used to inform the development and review of policies?*

*Is relevant external data (for example Census, workforce profiles, customer surveys, and focus groups) used to inform policy development?*

*Have new information systems been linked to arrangements for screening policies?*

**(Enter text below)**

## **Section 6: 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 steps taken to audit/improve arrangements to make affected groups more aware of information disseminated by the authority and the services it provides.
- Describe any arrangements to develop monitoring systems regarding access to information and services to ensure equality of opportunity.
- Outline any factors that enhanced or impeded the process of information provision and ensuring/improving access to services during the period.

### **Prompt:**

*Are alternative formats provided where appropriate to enable people from across the nine Section 75 categories to have access to all services?  
Does the authority monitor uptake of services as a standard procedure?*

**(Enter text below)**

## **Section 7: Complaints**

- Identify the number of formal Section 75 complaints received by the authority during the period.
- Identify the number of these Section 75 complaints which were resolved during the period.
- Identify the number of these Section 75 complaints which are in the process of being resolved.
- Identify the number of these Section 75 complaints which were not resolved to the satisfaction of the complainant.

### **Prompt:**

*Does the authority have in place a Section 75 complaints procedure?  
Does the authority monitor Section 75 complaints and the issues arising?  
Have complaints led to policy changes or an undertaking of an Equality Impact Assessment of a policy relating to a complaint?*

**(Enter text below)**

## **Section 8: Timetable**

- Provide an update of your equality scheme implementation timetable, identifying any changes since your previous report. Please detail planned actions undertaken during the year and planned actions outstanding.

**Prompt:**

*Is the authority on course to complete the commitments in its 5-year timetable? If not what action is being taken to ensure completion of timetable commitments?*

*Do Board and Senior Officers review the implementation timetable on a regular basis?*

(Enter text below)

## **Section 9: Consultation, participation and engagement**

Provide details of organisational arrangements for managing Section 75 consultation exercises and processes e.g. system, processes, methods and communication channels used.

Provide details of processes adopted to participate/engage with affected groups.

**Prompt:**

*Describe the system put in place by the authority to plan and manage consultation exercises.*

*What are the main consultation methods that you have used?*

*Have consultation exercises involved consulting on equality/good relations in conjunction with other policy development/review areas e.g. best value, good practice reviews?*

*Has the authority used the existing communication channels of groups or consortia within the voluntary/community sector? If so please give examples and comment on the usefulness of using such mechanisms.*

*Have consultation exercises been 'joined-up', in relation to consulting on similar policies at the same time or in relation to joint consultation exercises with other public authorities?*

*Has the authority developed an overall strategy, plans or processes to engage directly with representatives of affected groups? If so what mechanisms have been used and have benefits been realised?*

*Has consultation/participation been evaluated and improved during the period? Has evaluation led to better approaches to engagement with affected groups?*

## **Section 10: The Good Relations duty**

Provide details of steps to progress the good relations duty, such as undertaking a good relations audit, developing a strategy or providing training.

**Prompt:**

*What steps has the authority undertaken to promote the good relations duty?*

*Has the authority developed a strategy for implementing good relations? If so please provide details of the key elements of this.*

*Has the authority undertaken an audit of its policies that impact on good relations?*

*What models or approaches to good relations has the authority adopted?*

*Has the authority worked in partnership with other public authorities or other bodies to develop its approach to promotion of good relations?*

*Have any policies been changed to better address the promotion of good relations? If so please provide some detail on these.*

**(Enter text below)**

## **Section 11: Impacts and outcomes**

Please provide relevant information about the impact of implementation of Section 75 to end of March 2004. Information provided should be in relation to outputs and outcomes being achieved. Also clarify the outcomes which have impacted on the authority, in terms of efficiency or effectiveness, and outcomes for people in the nine categories.

This could include: details of existing policies changed to better deliver equality of opportunity; incorporation of the EQIA process into policy development; information about impact of new policy (better service provision, alternative service provision, accessibility to services, information gathering on users/non-users of services, satisfaction survey information); information on improved policy/services for the nine categories.

**Prompt:**

*How is policy formulation being managed to take account of the need to mainstream the Section 75 duties?*

*Are all new or revised policies equality proofed by the authority? If so what processes are used? Is the 7 step EQIA process mainstreamed into policy processes?*

*Is there any evidence of how newly formulated policies, or existing policies changed as a result of impact assessment, are better delivering equality and/or good relations?*

*Has EQIA led to better policy making and service delivery? Please provide specific examples. These should indicate which Section 75 groups have benefited from policy changes and how.*

*What, at this stage, do you perceive to be the main outcomes from implementation of the statutory duties?*

**(Enter text below)**

## **Section 12: Additional comments on Mainstreaming**

**The main aim of the statutory duties is to help to mainstream equality of opportunity and good relations considerations into the functions of the authority, leading to better policies and service delivery.**

**Whilst many of the questions in the previous sections of this template relate to actions on mainstreaming of Section 75 duties we would be grateful if you could provide any additional information/comment which you think may be relevant to your report. You may wish to report here on your view of the:**

- **extent of mainstreaming of the duties within the authority**
- **benefits for the authority resulting from mainstreaming**
- **factors which have impeded mainstreaming**
- **plans 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 and for the Section 75 categories.

#### 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 to what extent the duties have:

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

## 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 QUESTION B, please tick appropriate boxes below on 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 dependents			

Many thanks, in advance, for reporting to the Commission on your implementation of the duties during 2003 – 4. Please ensure that your completed progress report is forwarded to the Commission by 31 August 2004. This will enable us to produce and publish the overall progress report for the period in a timely way.

If a final signed off version of your report is not submitted by the closing date please ensure that the Commission receives a 'draft' report by that date.

Information in progress reports that do not meet the deadline date for submission will not be considered in the overall progress report for the year.

Equality Commission for Northern Ireland  
Equality House  
7-9 Shaftesbury Square  
BELFAST BT2 7DP

Tel: 028 90500600  
Fax: 028 90331544  
Textphone: 028 90500589  
Email: [jmcalister@equalityni.org](mailto:jmcalister@equalityni.org)  
Web-site: [www.equalityni.org](http://www.equalityni.org)

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