



Section 75, Northern Ireland Act 1998

Guidance on conducting a 5 year review of an equality scheme

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Equality Commission for Northern Ireland

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SECTION 75, NORTHERN IRELAND ACT 1998

GUIDANCE ON CONDUCTING A 5 YEAR REVIEW OF AN EQUALITY SCHEME

1. INTRODUCTION

- 1.1 Public authorities who have *Section 75 equality schemes* are obliged to review those schemes periodically-

“A public authority shall, before the end of the period of five years beginning with the submission of its current scheme, or the latest review of that scheme under this sub-paragraph, whichever is later, review that scheme and inform the [Equality] Commission of the outcome of the review.”¹

- 1.2 This means that-

- the first review must be done within 5 years of a public authority's current equality scheme being submitted to the Commission for approval,²
- further reviews must be done periodically after that, with a later review being done within 5 years of a previous review, and
- the Commission must be informed about the outcome of each review.

2. REVIEWING THE OPERATION OF AN EQUALITY SCHEME

- 2.1 An equality scheme describes certain arrangements that a public authority has set-up and which it is obliged to apply and follow as a means of fulfilling the duties imposed on it by Section 75(1) and (2). i.e. the duties to have-

- due regard to the need to promote equality of opportunity, and
- regard to the desirability of promoting good relations.³

- 2.2 This includes arrangements for (a) training staff, (b) assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity, and (c) monitoring any adverse impact of those policies that have been adopted.

- 2.3 The purpose of a 5 year review is to examine how those arrangements have been applied and to assess how effective they have been in assisting public authorities to comply with the Section 75 duties.

¹ ‘[Northern Ireland Act 1998, Schedule 9, paragraph 8\(3\)](#)’

² For this purpose, we will deem the submission date to be the date on which the final version of the equality scheme is submitted to the Equality Commission before approval.

³ See ‘[Section 75\(1\) and \(2\), Northern Ireland Act 1998](#)’ respectively.

- 2.4 A review should be based on evidence. A list of the kinds of evidence that reviewers might consider is set out below:
- evidence that senior staff are complying with their scheme commitments and providing appropriate leadership
 - evidence that decision-makers are aware of their obligations
 - *Section 75 annual progress reports* that the public authority has completed
 - good practice measures that the public authority itself has undertaken
 - good practice measures undertaken by similar public authorities
 - feedback received in relation to the *screening reports* that the public authority has published
 - feedback from consultees including external stakeholders, regarding implementation of the scheme and the public authority's compliance with the two duties
 - evidence that the views of external stakeholders have been considered within the context of the scheme and its implementation
 - examples of collaborative working in relation to scheme development, screening, impact assessment, consultation and monitoring
 - complaints received under an equality scheme's complaints procedure
 - any investigations that the Equality Commission has conducted in relation to any such complaints and any resulting recommendations that the Commission has made
 - evaluations received from the public authority's officers or employees about its Section 75 related training programmes or awareness-raising materials (e.g. do they understand what it is expected of them; do they find the instructions on its "screening template" to be clear?)
 - the reviewer's own opinions of these matters based on their own practical experience of implementing these arrangements
 - any research literature issued by the Commission or others about compliance with the Section 75 duties
- 2.5 Much of this evidence is likely to be readily available. To obtain some others, it may be worthwhile surveying or speaking to the public authority's officers and employees to obtain their views about their experiences.

3. MAKING CHANGES TO AN EQUALITY SCHEME

- 3.1 Public authorities are not obliged to make changes to their equality schemes following their reviews, but they may consider if it is appropriate to do so.
- 3.2 Equality schemes may need to be amended to ensure that they are up to date to reflect any changes that have been made to a public authority's organisational structure, functions or contact details. Such changes should be communicated to consultees however these changes would not require that a new scheme be developed for Commission approval.
- 3.3 If the proposed changes are more substantive, relating to the public authority's arrangements regarding consultation, assessment, monitoring or publishing the impact of policies, staff training, or ensuring access to information and services, then this would be treated as a wholly new equality scheme with a requirement to consult on it and to submit it to the Commission for approval.⁴
- 3.4 The form and content of an equality scheme, including a revised scheme, must conform to guidelines issued by the Commission. Our current guidelines on this topic were issued in 2010.⁵

4. LESSONS LEARNED

- 4.1 The review process offers each public authority the opportunity to learn from their own experience in terms of promoting good practice and dealing with challenges. As a result, it will be important to ensure that any information emerging from scheme reviews, in terms of good practice or areas for improvement are incorporated in the future application of the authority's scheme.
- 4.2 However, the Commission also encourages authorities to share this information with other authorities to assist them both in overcoming similar challenges and adopting similar good practice measures.
- 4.3 Likewise, authorities may wish to consider referencing their good practice work when informing the Commission of the outcome of their review.

5. REVIEWING AN EQUALITY ACTION PLAN

- 5.1 Many of the measures outlined in action plans may be time-bound, with their implementation period passed or approaching. With the review of the equality scheme it is, therefore, timely to review audits of inequalities and action plans.

⁴ 'Northern Ireland Act 1998, Schedule 9, paragraphs 5 and 8(2)'

⁵ See '[Section 75: A Guide for Public Authorities](#)' at Chapters 5, 6 and 7

5.2 Our separate guidance on how to do such reviews is as follows-

- Chapter 8 of our main [Section 75 Guide for Public Authorities \(2010\)](#), and
- [Advice to Public Authorities: Approaching an Audit of Inequalities \(2012\)](#)

6. INFORMING THE COMMISSION ABOUT A REVIEW'S OUTCOME

6.1 The law requires that public authorities inform the Commission about the outcome of their review.

6.2 The Commission wishes to emphasise that we are not seeking the actual review report but rather a summary of the main findings of this report. This should focus on:

- how the scheme's implementation has benefitted individuals within the Section 75 groups
- how leaders within the authority are engaged in the scheme's implementation
- challenges and how they have been overcome
- lessons learned, and
- good practice.

Further information and advice

For further information and advice on the statutory equality and good relations duties please contact us at:

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