

**SECTION 75 OF THE NORTHERN IRELAND ACT**

**ADVICE TO PUBLIC AUTHORITIES:**

**APPROACHING AN ‘AUDIT OF INEQUALITIES’**

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**Purpose**

The Equality Commission’s revised Section 75 Guide for Public Authorities*[[1]](#footnote-1)* (The Guide) makes a number of recommendations to public authorities including:

* *Audit of Inequalities*: a recommendation to public authorities to undertake an audit of inequalities to identify inequalities, across the 9 Section 75 categories, relevant to a public authority’s functions in Northern Ireland and in order to inform the development of an action plan to promote equality of opportunity and good relations.

The audit of inequalities is intended to produce a more strategic picture of inequalities that a public authority may be in a position to influence, rather than examining inequalities on a policy by policy basis, undertaken as part of any screening[[2]](#footnote-2) and equality impact assessment (EQIA)[[3]](#footnote-3) processes.

* *Action Plan*: a recommendation to public authorities to use this audit information to develop and implement an action plan[[4]](#footnote-4) to address inequalities relative to its functions.

This action plan would be additional and complementary to the development of an equality scheme[[5]](#footnote-5) , through which a public authority could effectively demonstrate that the authority has paid both due regard to the equality of opportunity duty and regard to the good relations duty.

This advice note is intended to provide supplementary information and advice to the guidance already provided within the Guide; in particular on approaching an audit of inequalities*.*

**Background**

The Section 75 statutory duties of the Northern Ireland Act 1998 are placed upon approximately two hundred designated[[6]](#footnote-6) public authorities, including Government Departments and local councils. This includes cross border bodies and UK wide bodies which have functions relating to Northern Ireland. Designated public authorities are required to develop an equality scheme which details how they propose to fulfil the duties imposed by Section 75, in relation to each of their functions.

The Guide sets out the nature of the two Section 75 equality of opportunity and good relations duties[[7]](#footnote-7). However it is important to set them out briefly in this advice note as the context for undertaking an audit of inequalities.

The *equality of opportunity* duty entails more than the elimination of unlawful discrimination. It requires proactive measures to have due regard to the need to promote equality of opportunity between:

1. persons of different religious belief, political opinion, racial group, marital status, age or sexual orientation;
2. between men and women generally;
3. between persons with a disability and persons without; and
4. between persons with dependants and persons without.

Section 75 also requires a public authority, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. The *good relations* duty extends beyond the traditional religious / political dimension of ‘community relations’. This duty also requires a proactive approach.

The equality of opportunity and good relations duties should be considered as part of normal (core) business rather than being seen as a parallel process.

**Why undertake an Audit of Inequalities?**

Both Section 75 duties are positive and anticipatory and should assist a public authority to take specific actions to address, in particular, persistent inequalities identified through an audit of inequalities. Securing equality of opportunity is not simply a process of treating everyone the same but may involve taking action to treat some people more favourably than others.

Any actions developed to implement the two duties should be relevant to the authority’s functions and be developed based upon any audit undertaken.

In order to facilitate sufficient lead in time for a public authority to undertake its first audit of inequalities, the Commission provides an additional three months advance notice of its intent to request a new / revised equality scheme. This time is in addition to the statutory six month period for the authority to produce and submit its equality scheme to the Commission for approval, following the Commission’s formal notification request.

It is important to note that the Commission is not prescriptive about the format of an audit of inequalities as long as it provides an *evidence base* for the development of appropriate action measures in the public authority’s action plan***.***

However, we have recommended below a structured approach to undertaking an audit of inequalities which may be applied proportionately by a public authority depending on the scale, size and functions of the particular organisation.

**What is an Audit of Inequalities?**

The process of undertaking a systematic audit of inequalities and using this as a basis to develop actions measures / plans to address inequalities, is essentially *evidence based policy making* i.e. having evidence to support decision making and prioritising particular actions.

One definition of evidence based policy making is:

*‘a process of structuring choices for decision-makers, using robust methods and the best available knowledge, to respond to matters of social concern’. (Louise Shaxson, Delta Partnership.)*

The audit of inequalities therefore should be similar to other approaches undertaken by organisations to review and evaluate their performance, to make decisions about the way forward and to prioritise actions over time, within available resources.

The audit is intended to provide a more strategic picture of inequalities, rather than examining inequalities on a policy by policy basis, through screening[[8]](#footnote-8) or equality impact assessment[[9]](#footnote-9), for example.

An audit therefore is a systematic review and evaluation of existing reliable and verifiable data, both qualitative and quantitative, for each of the section 75 equality and good relations categories.

Other public authorities may also be facing the same task and there should be opportunities to share information and take a sectoral, collaborative approach to make best use of resources.

**Stages of an Audit of Inequalities[[10]](#footnote-10)**

The following stages are recommended to assist public authorities in deciding how they might proceed.

**Stage 1: Gather information** **as an evidence base to inform the audit**.

To conduct an audit of inequalities, public authorities should first gather and record information as an evidence base to inform their audit. As a minimum approach, public authorities should begin to gather and collate existing information and data, using both internal and external data sources, relevant to its functions.

Many public authorities will have a lot of information and data available, not only from its work on Section 75 and the Disability Duties[[11]](#footnote-11), but also from its business and service planning and performance management regime. Examples of information that might already be available to an authority:

* Key inequalities identified in a public authority’s own workforce and public life positions.
* Information from public authority’s actions to promote positive attitudes towards disabled employees through their disability action plans.
* Information from public authority’s actions to address gender inequalities through a gender equality plan.
* Information gathered from public authorities who have already undertaken good relations audits and / or gender audits with resultant action plans.
* Collated data as part of undertaking screening and equality impact assessments.

Gathering this information should involve all those directly responsible for each of the authority’s functions, such as Departmental / Divisional Heads, Directors and Managers as well as those with research expertise and involving stakeholders who may have information not available internally to the organisation.

All of this information should be gathered and assessed to assist the strategic perspective on inequalities that may exist. An overall analysis should illustrate where some of the *persistent inequalities* remain and how they might be relevant to the public authority’s functions.

The audit of inequalities therefore should be based on evidence such as relevant data, research and consultations with stakeholders; both qualitative and / or quantitative.

However, there may be new public authorities who do not have historic data to rely upon. In these circumstances they should use data and information which is available to them, and consider actions which will enable them to monitor and capture data relevant to each of the Section 75 equality and good relations categories. Qualitative data / information may be particularly important in such circumstances. Some examples of both internal and external evidence / data sources are listed below.

Examples ofinformation and data sources on key inequalities in the context of **service delivery** and the **carrying out of public functions** can come from a wide variety of sources, including:-

* Large scale surveys, including population surveys, such as the Northern Ireland Census of Population , Labour Force Surveys, Continuous Household Survey or Family Resources Survey;
* Equality data collected by the public authority, including user or exit surveys, such as a customer satisfaction surveys, which include equality and good relations questions; good relations audits and data in a public authority’s equality impact assessment and screening reports;
* Section 75 monitoring data on uptake of services by Section 75 groups;
* Responses to consultations on issues relating to equality and good relations;
* Research reports on equality and good relations relevant to the public authority’s functions;
* Service complaints relating to equality and good relations information –including any county court proceedings;
* Information relevant to promotion of equality of opportunity between disabled and non-disabled people generally, collected in the development of a Disability Action Plan;
* Equality impact assessments and screening reports;
* Annual progress reports to the Equality Commission on Section75 and Disability Duties[[12]](#footnote-12) .

Examples of information and data on key inequalities in a public authority’s **own workforce** and **public life positions** may be available from a range of sources including:-

* Article 55 reviews under the Fair Employment and Treatment legislation: data collated by the public authority on the grounds of community background and gender;
* Feedback from staff satisfaction surveys across the Section 75 groups, internal equality working groups or forums, trade unions;
* Staff complaints (including Industrial Tribunal applications) relating to equality and good relations; including complaints relating to harassment, equal pay, flexible working, pregnancy and maternity, reasonable adjustments, sectarianism and racism;
* A review of staff monitoring information in terms of the profile of staff across the Section 75 groups;
* Monitoring data on the uptake and availability of flexible working, rates of return of women on maternity, etc;
* Data on the composition, by Section 75 group, of board members or other public life positions for which the public authority has responsibility;
* Employment Equality Action Plans (voluntarily entered into with the Equality Commission);
* Equal Pay Review findings under the Sex Discrimination legislation.

Other examples of **external** information sources to consider:

***Equality Commission for Northern Ireland***

Following the Review of the Effectiveness[[13]](#footnote-13) of the Section 75 duties, and to mark European Year of Equal Opportunities For All 2007, the Equality Commission published the *Statement On Key Inequalities In Northern Ireland**[[14]](#footnote-14)*. This statement set out the Commission’s view of the range and breadth of the equality agenda in Northern Ireland and set out some of the inequalities which remain to be addressed.

In this document the Commission considered six broad areas which it believes should be addressed if we are to progress towards realising equality of opportunity and good relations in Northern Ireland, as follows:

* Education
* Employment
* Health and social care
* Housing
* Participation in civic and public life
* Prejudice

The aim of the Commission in publishing this was to identify some of the most persistent inequalities which need to be addressed and to encourage others to act to address them. This document is a useful starting point for public authorities in identifying inequalities relevant to their functions.

Some other Commission information is listed below:

* Every Child an Equal Child: An Equality Commission Statement on Key Inequalities in Education and a Strategy for Intervention. ECNI (2008) Every Child and Equal Child ;
* The Commission has published a range of *Formal Investigation* reports and the findings of Formal Investigations highlighting inequalities across a number of Section 75 groups e.g. Recruitment Agencies and Migrant Workers: Formal Investigations;
* The Commission has published a range of research reports and findings of investigations highlighting inequalities across a number of section 75 groups which are available from its website Equality Commission Research Reports (see also sources of information listed in this section below);
* The Commission’s *Monitoring Guide for Use by Public Authorities (2007),* provides detailed Section 75 monitoring advice. This may assist in identifying new monitoring arrangements that are required as a result of undertaking an audit of inequalities and identifying gaps in data / information. Equality Commission Section 75 Monitoring Guide.

See also *Appendix1* of this advice note which prompts for areas where the Commission considers there to be inequalities remaining and information on how these might relate to functions of an authority.

***Other public and voluntary organisations***

The development of the audit of inequalities may also be assisted by utilising information in particular from the Northern Ireland Research and Statistics Agency (NISRA).

There are also a wide range of other research reports and statistics produced by central Government Departments as well as organisations representing Section 75 groups. In addition, there may be reports, audits or inspections by independent inspectorates, etc on a public authority’s work on equality and good relations.

Some of these sources of information are listed below:

* Data sources and research identified by the Northern Ireland Research and Statistics Agency (NISRA)[[15]](#footnote-15) [www.equality.nisra.gov.uk](http://www.equality.nisra.gov.uk);
* Office of the First Minister and deputy First Minister (OFMdFM) guidance on monitoring racial equality [Guidance for Monitoring Racial Equality](http://www.ofmdfmni.gov.uk/guidance_for_monitoring_racial_equality_v2.pdf);
* Programme for Government, Public Service Agreement (PSA – government targets): [Northern Ireland Executive Programme for Government and Budget](http://www.northernireland.gov.uk/index/programme-for-government-and-budget-v1.htm);
* National Equality Panel website (UK); <http://www.equalities.gov.uk/national_equality_panel/publications.aspx>
* Data held by other designated public authorities e.g. an audit or information held by a government department that sponsors your organisation; International Conventions and reports of monitoring Committees on international conventions, e.g. Convention on the Elimination of all forms of discrimination against Women (CEDAW), Committee on the Elimination of Racial Discrimination (CERD), United Nations Convention on the Rights of Persons with Disabilities (UNCRPD); United Nations Convention on the Rights of the Child (UNCRC); Framework Convention for the Protection of National Minorities (FCNM), United Nations Covenant on Economic, Social & Cultural  Rights. See Appendix 1 of this advice note for further information;
* Independent reports, audits / inspections or research on public authority’s work on equality and good relations;
* Research by organisations representing Section 75 groups;
* Promoting Social Inclusion (PSI) working group reports (e.g. Office of the First Minister and deputy First Minister (OFMdFM) PSI disability working group report);
* Good relations audits undertaken by other public authorities.

Data collection should be viewed as an ongoing process and used to update the audit over the lifespan of the action plan and in the development of the authority’s future action plans. Gaps in data identified should be addressed through for example, setting new monitoring arrangements in place as an action measure in the plan (see stages 3 and 8 below).

**Stage 2: Engage with key Section 75 groups in the voluntary, community and trades union sectors.**

The Commission’s Section 75 Guide recommends that public authorities consult on their action plans prior to their submission. The Commission also recommends that public authorities should engage with key voluntary, community and trades union groups at the gathering information stage of undertaking an audit of inequalities.

Such engagement with these sectors is a useful part of a public authority’s approach, as in doing so, this may result in a greater evidence base and clearer prioritisation of actions based on this information and save time later in the process when consulting with the sector on the action plan. It may also identify other sources of data unknown to the authority.

This engagement may also provide some indications or indeed evidence of inequalities that particular section 75 groups are experiencing, in relation to the organisation’s functions and identify opportunities to better promote equality of opportunity and good relations and to ensure that the authority gets its audit right. It may also ensure all inequalities, relevant to the authority’s functions, are identified.

**Stage 3: Identify gaps in available data and consider actions to fill these.**

In conducting an audit of inequalities, data collated should reflect all of the Section 75 categories. However realistically there are likely to be gaps in available information identified, both internal and external. A useful analogy is of a jigsaw. The first audit may have pieces of information missing; however the picture is still apparent.

An audit of inequalities is therefore an iterative process, aiming to achieve a complete picture of the inequalities that a public authority has the potential to influence and address over time, through their functional areas of responsibility.

Where an authority thinks that there are gaps in information / data the authority could address these gaps over time by undertaking one or more of the following actions:

* Strategically analyse and confirm the gaps, which would assist in determining what information could be gathered for use in any future audit of inequalities;
* Establish additional internal monitoring mechanisms to gather data and inform future audit reviews and action plans;
* Commission research, possibly in partnership with voluntary, community and trades union sectors and / or other authorities in the sector. Qualitative data/ information may be of particular use in identifying possible areas for further research.

These action measures to address the particular information gaps could be included in the authority’s action plan. For example, there may be no information available to an organisation on whether there are any gender pay inequalities. A commitment to carry out an equal pay audit and develop an equal pay action plan aimed at identifying and eliminating any potential gender pay discrimination identified could be included as an action measure in a public authority’s action plan.

**Stage 4: Collate and analyse information disaggregated by Section 75 categories.**

The next stage of approaching an audit of inequalities is to analyse the collated information / data and disaggregate it (break it up into its constituent parts) according to the 9 section 75 categories.

We recommend that the collated data is used to assess:-

* whether there is evidence of higher or lower participation or uptake of services by different Section 75 groups. For example, if participation or uptake of services is less than expected, this may be an indication that a particular Section 75 group is experiencing barriers in accessing the service or that the public authority is not meeting the needs of the Section 75 group.

* whether the outcomes from a policy, programme or process differ within or across the Section 75 categories. As made clear in the Equality Commission’s *Monitoring guidance for Public Authorities[[16]](#footnote-16)*, as regards the analysis of outcomes, the focus should be on success rates or positive outcome rates; for example, whether disabled people are more or less likely to be recruited into employment or the quality of service experienced by service users.

When approaching this assessment, consider the following:-

* Public authorities should consider the participation or uptake rates by different Section 75 groups as regards a service or in employment, as well as considering the quality of the experience and the outcomes for that group.
* Although it is important to look at information gathered in light of the distinct needs of the 9 separate section 75 groups it is also important to consider inequalities, that could be addressed by the public authority’s policies and functions, arising from individuals’ *multiple identities*. For example, there may be specific barriers to employment experienced by Minority Ethnic women or young Protestant men.
* When analysing data it is often useful to involve policy, research and equality staff, in order to ensure the best analysis and identification of the inequalities that a public authority is in a position to address.
* It may also be useful to seek views of external researchers as well as voluntary and community organisations representing Section 75 groups. Some organisations have forged links with relevant academic researchers, associated with the universities’ networks that specialise in particular fields.

* In addition each Government Department in Northern Ireland also has a research function that may be of assistance to some public authorities with gathering relevant data and identifying gaps in data. These may be helpful contacts when considering and analysing the data collated.

The result of the analysis of all the data gathered should be the identification of inequalities relative to a public authority’s functions, experienced by service users, employees and others affected by the public authority’s policies. A public authority should identify and set out what their findings are.

**Stage 5: Set goals (intended impacts) and outcomes**

Once areas of inequality have been identified, public authorities should set goals (intended impacts) and outcomes to be achieved which will address or ameliorate these inequalities and promote good relations.

The outcome measures should be expressed as measurable reductions in inequalities experienced by Section 75 groups or clear steps on the way to achieving such reductions and clear steps which will contribute to improving good relations.

These goals and outcomes should inform the setting of action measures to promote equality of opportunity and good relations, for each of the section 75 categories.

There are a number of sources of information to assist this part of the approach, within a public authority’s own sector, as well as the following sources:

* The Commission has produced an advice note on setting outcome measures in the context of the Section 75 duties: *‘Realising outcomes from the Section 75 Equality Duties: Advice to Public Authorities’* ECNI, (March 2011).[[17]](#footnote-17)
* The Office of the First Minister and Deputy First Minister (OFMDFM) has produced good relations and gender indicators, *Good Relations Indicators Update 2009* (January 2010, updated January 2011)[[18]](#footnote-18) and *Gender Equality Strategy: A Baseline Picture* (May 2008)[[19]](#footnote-19) which should also be considered.

**Stage 6: Use the audit of inequalities as a basis to develop an action plan.**

The outcome of the audit of inequalities and setting of goals and outcomes therefore should not only be to identify the priority focus on inequalities to address but also to inform key strategic actions within the public authority’s Section 75 equality and good relations action plan.

Having carried out their audit of inequalities, public authorities should consider addressing these inequalities in light of what a public authority is already doing. An authority should look at what they are already doing ‘*through the lens of’* or in the context of the audit information and decide on whether new actions are required to address the inequalities identified and / or whether building upon or amending existing organisational actions is required. These actions or amended actions should be listed in the authority’s action plan.

In particular, a public authority should prioritise actions that need to be taken to address persistent inequalities. These actions are intended to work in parallel with the equality and good relations mainstreaming measures of screening and EQIA[[20]](#footnote-20). Any actions developed should be specific, measurable, linked to outcomes, realistic and time bound. Public authorities should also consider, at this stage, how they will measure or monitor what they are seeking to achieve.

The specific inequalities identified and resulting action measures prioritised may span a range of functional areas, for example, employment, service delivery, public appointments or other public life positions, good relations, as well as relate to a number of, if not all, Section 75 groups. For further information on the functional areas a public authority may consider, see *Appendix 1* of this advice note.

As a matter of good practice, to assist openness and transparency, a public authority may wish to document, as part of the information issued for consultation on its action plan, the different stages of the audit process and any decisions taken including the rationale for any action taken, so that consultees may see a structured evidence based approach to prioritising actions.

Using the audit of inequalities findings demonstrates that the public authority is taking practical action to address key inequalities relevant to carrying out their functions and provides an ‘*evidence trail’* for the prioritisation of certain actions.

Further information on developing a Section 75 action plan is set out in:

* Chapter 8 of the Commission’s revised Guide for public authorities[[21]](#footnote-21) and
* Commission’s advice note on setting outcome measures in the context of the Section 75 duties: *‘Realising outcomes from the Section 75 Equality Duties: Advice to Public Authorities’* ECNI, (March 2011).[[22]](#footnote-22)

**Stage 7: Include the audit of inequalities information in the consultation on the action plan.**

The Commission recommends in the Guide that public authorities consult on their action plans prior to submission to the Commission. In order to ensure clarity and transparency for consultees, the Commission further recommends that the audit information, or a summary of it, are contained in any consultation documentation.

For the purposes of accessibility a public authority may wish to only include a summary of the audit information instead of all the information gathered and assessed. This can be a useful approach as long as the information released clearly demonstrates how the inequalities were identified, what the inequalities are, which inequalities have been prioritised and which inequalities are linked to each action measure in the action plan.

Although a public authority may have engaged with relevant stakeholders at the gathering information stage, to assist in identifying the inequalities; the release of this information will provide a clear evidence trail to all consultees as to how the actions were prioritised and on what basis.

**Stage 8: Review the Audit of Inequalities**

As with the review and monitoring of an action plan[[23]](#footnote-23) it is important to regularly review the information captured in any audit of inequalities. The review of an audit of inequalities is an opportunity to assess whether current actions aimed at addressing existing inequalities already identified need revised. It is also an opportunity for a public authority to assess whether there are additional / new inequalities that need addressed and whether further action can be taken in order to address those inequalities.

A public authority may have, as part of its Section 75 action plan, been undertaking research or further Section 75 monitoring to address gaps in information. Any review of audit information should include any new data / information gathered.

Any review of the audit information will also enable a public authority to assess its own progress on the implementation of the Section 75 duties, by establishing baseline data on existing inequalities, relevant to the public authority’s functions.

This overall process should also enable a public authority to identify potential functional areas for further or better discharge of its Section 75 duties, inform strategic actions and thus support well informed public policy decision making.

It is recommended good practice to review and update the audit and / or action plan as new information / data becomes available, thus giving the public authority a reliable, verifiable and up to date evidence base to evaluate its action plan against.

As a minimum the Commission recommends that audit information is reviewed and updated as part of the preparation for revising the action plan towards the end of the lifespan of the current action plan, (which is recommended to align with the public authority’s corporate planning cycle) or within the context of the review of its equality scheme. The completion of a public authority’s annual progress report to the Commission is also a timely opportunity to undertake an annual review of audit information and actions.

The Commission recognises that the overall aim of reducing inequalities through the identification and implementation of key strategic actions is a developing process and that public authorities should focus on prioritising key actions with the aim of outcomes improving over time.

**Further Information**

Help and advice on conducting an audit of inequalities and developing an action plan is available from the Equality Commission (contact details on Page 28 of this advice note).

There is also a dedicated page of information for public authorities on the Commissions’ website: Equality Commission Northern Ireland - Public authority advice

This page includes:

1. Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (2010).
2. Section 75 of the Northern Ireland Act 1998 – An Outline Guide.
3. Model equality scheme.

**Appendix 1.**

**Functional Areas to consider for an Audit of Inequalities**

This appendix of the advice note provides some further information on functional areas that a public authority should consider when gathering and analysing data, as part of an audit of inequalities.

We recommend that in carrying out an audit, public authorities consider the following key functional areas of their organisations:-

* **employment;**
* **service delivery and exercise of public functions;**
* **procurement;**
* **promoting good relations and tackling prejudice;**
* **participation in public life.**

The particular features of inequalities experienced, as considered by the Equality Commission, are outlined in turn below.

**Employment**

We recommend that public authorities, as part of their audit of inequalities, consider inequalities in **employment**.

The Commission’s *Statement on Key Inequalities in Northern Ireland*14 highlights the key inequalities which persist in employment across a range of Section 75 grounds. It outlines the barriers that Section 75 groups face both in terms of accessing employment and in employment. These include the following issues:-

* **Religion** - for example, under-representation of Protestants / Roman Catholics in an employer’s workforce, sectarian harassment in the workplace.
* **Gender** -for example, occupational segregation, difficulties in accessing affordable good quality child care, the gender pay gap, the impact of caring responsibilities and lack of flexible working.
* **Disability** - for example, barriers in terms of accessing employment (such as education, attitudes and access to transport) or as regards remaining in employment.
* **Age** - for example, negative attitudes towards older workers about capacity and barriers to young people accessing employment, including stereotypical assumptions about experience.
* **Carers**- for example, difficulties in accessing employment.
* **Race** - for example, racial harassment in the workplace, exploitation / abuse of migrant workers, barriers facing black minority ethnic groups (including Travellers) in accessing employment.
* **Sexual Orientation** - for example, homophobic harassment in the workplace.

Research by the Equality Commission in 2010[[24]](#footnote-24) has also highlighted the impact of the economic downturn in Northern Ireland on the employment status and prospects across Section 75 groups.

In addition to considering how they can address employment inequalities through the exercise of their public functions or the provision of services, it is important that public authorities consider the range of key inequalities which exist in relation to their **own workforce**.

The Commission’s *Unified Guide to Promoting Equality Opportunities in Employment*[[25]](#footnote-25)highlights a number of practical steps that employers can take to promote equality of opportunity across all of the statutory equality grounds.

For example, it makes it clear that a useful way of planning and taking practical action to promoting equality of opportunity in employment is for employers to develop an **Employment Equality Plan** or a **Diversity Plan**.

The Equality Commission is already working with a range of public sector employers on developing and implementing Employment Equality Plans. These plans are designed to help employers identify, prioritise and plan employment equality work across their organisation across the equality grounds. An example of an Employment Equality Plan[[26]](#footnote-26) is available on the Commission’s website.

**Service Delivery**

We recommend that a public authority’s audit considers inequalities which arise in relation to the **provision of services** or the **exercise of public functions** (such as tax collection, planning control or law enforcement) by a public authority.

The Commission’s*Statement on Key Inequalities in Northern Ireland*14 outlines a range of key inequalities which exist in the relation to education, health and social care and housing and communities. These include the following:-

* **Education**

The Commission’s*Statement on Key Inequalities in Education[[27]](#footnote-27)* highlights inequalities experienced by children and young people; including Irish Travellers, disabled children, children living in or a risk of poverty, Protestant working class boys, looked after children and young people, children from minority ethnic backgrounds and of new residents, boys and girls, young carers and Lesbian Gay Bisexual children[[28]](#footnote-28).

For further information on education inequalities see the Commission’s research**:** Equality Commission Northern Ireland - Research publications.

* **Health & Social Care**

Barriers to accessing health & social care services are experienced by a wide range of Section 75 groups, including Black Minority Ethnic (BME) people (including Irish Travellers), migrant workers and new residents, disabled people, older people, women and men and carers[[29]](#footnote-29).

* **Housing and Communities**

The Commission’s *Statement on Key Inequalities in Northern Ireland*14 highlights inequalities in housing and communities arising out of the existence of segregated housing communities, lack of suitable housing for disabled people, the exploitation and discrimination in housing experienced by BME communities, as well as the impact of homelessness, particularly for men[[30]](#footnote-30).

* **Other areas**

Inequalities can exist in other areas, such as crime and justice and living standards. For example, certain Section 75 groups may be disproportionately affected by physical, sexual crime (including domestic violence[[31]](#footnote-31) and human trafficking[[32]](#footnote-32) or hate crime[[33]](#footnote-33)) or experience barriers in terms of access to justice. In addition, particular Section 75 groups may be at a greater risk of poverty.[[34]](#footnote-34)

* **Procurement**

It is important to bear in mind that a public authority’s functions include its **procurement** functions. It is therefore recommended that public authorities consider as part of their audit, the degree to which they promote equality of opportunity and good relations through their procurement practices.

The Equality Commission has made a series of recommendations outlining practical steps that public authorities can take to promote equality of opportunity and good relations in their procurement practice in its Guide *Equality of Opportunity and Sustainable Development in Public Sector Procurement*, [[35]](#footnote-35)as well as highlighting examples and case-studies of good practice.

**Promoting good relations and tackling prejudice**

The Commission has made it clear in its *Statement on Key Inequalities in Northern Ireland* that working to counter prejudice and to promote good relations between people and groups is intrinsic to reducing inequality.14 Equality of opportunity and good relations are inextricably linked and independent and both must be addressed by public authorities. A failure to achieve one impacts on the ability to achieve the other.

Further, the Commission’s revised Section 75 Guide recommends that action plans include specific measures to promote equality of opportunity and good relations for the relevant equality and good relations categories.

The good relations duty on public authorities under Section 75(2) of the Northern Ireland Act 1998 relates to relations between persons of different **religious belief, political opinion or racial group**.

Pursuant to this duty, we recommend that public authorities consider as part of their audit, the existing state of relationships internally, or with customers and stakeholders.

The audit should therefore consider the degree to which **sectarianism** and **racism** exists within its workforce, and within the communities it services and determine the key areas with the **greatest potential** for promoting good relations.

A number of public authorities have already conducted internal / external audits of good relations, as well as developing good relations strategies and action plans. Examples of some public authorities who conducted good relations audits, as well as examples of actions taken to promote good relations, can be found in the Equality Commission’s *Promoting Good Relations: A Guide for Public Authorities[[36]](#footnote-36).*

The Equality Commission’s *Statement on Key Inequalities* makes it clear that, in addition to prejudicial attitudes against people of different religions and racism, other forms of prejudice exist both within the workplace, in local communities and in schools; for example, prejudice against Lesbian, Gays, Bisexual people and disabled people.

We recommend that a public authority’s audit considers inequalities associated with prejudice across **all** Section 75 groups, both within the workplace and in the context of service delivery and the carrying out of public functions.

**Participation in public life**

We recommend that public authorities as part of their audit consider inequalities in relation to the **participation of public life** of Section 75 groups.

Public life can include Government public appointments, the House of Lords, local strategic partnerships, community associations or forums, community police liaison committees, neighbourhood watch committees, citizens panels, public bodies, focus or working groups, school Boards of Governors, school councils, youth councils, user groups for a service provided by a public life.

The Equality Commission’s *Statement on Key Inequalities in Northern Ireland* highlights inequalities associated with participation in public life; for example, the persistent under-representation of women and disabled people in public, political and civic life.

As part of its audit, a public authority should consider the public life positions for which it has responsibility, the way in which it engages with Section 75 groups and the mechanisms by which these groups contribute to or, are involved in the public authority’s public policy decisions making processes.

It should assess whether certain Section 75 groups (e.g. disabled people, women, BME groups) are under-represented in these public life positions and in turn whether action is required to remove barriers aimed at increasing their participation in public life.

**Meeting international obligations**

The UK Government has a range of international commitments under UN Conventions relevant to the Section 75 groups; for example, the Convention on the Elimination of Discrimination Against Women (CEDAW), the Convention on the Elimination of Racial Discrimination (CERD), the UN Convention on the Rights of the Child (UNCRC) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

UN monitoring bodies which have been established to monitor the implementation of the various Conventions in the UK and other Member States, have highlighted a range of specific key inequalities which they recommend the UK addresses.

We recommend that public authorities, in carrying out their audit, consider the key inequalities identified by UN monitoring bodies and in relation to which they recommend the UK take steps to address.

In addition, we recommend that public authorities consider whether **further action** can be taken in order to meet the obligations set out in the relevant Conventions.

As regards the UNCRPD, the Equality Commission, along with the Northern Ireland Human Rights Commission, has been designated as the independent mechanism tasked with promoting, protecting and monitoring implementation of the UNCRPD in Northern Ireland.

The UNCRPD describes the steps which the UK Government must take to sure that disabled people enjoy their human rights in a wide range of areas; such as equality before the law without discrimination; freedom from exploitation, violence and abuse; an inclusive education; a decent standard of living; support to participate in society and live in the community; and accessible physical environments and information.

We recommend that public authorities consider inequalities that exist for disabled people across their functions and assess whether further steps are required to ensure that the obligations placed on the UK Government under the UNCRPD are complied with.[[37]](#footnote-37)

**Contact Details**

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1. Equality Commission for Northern Ireland (ECNI), Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities, April 2010 (The Guide), Chapter 8, Page 49. [↑](#footnote-ref-1)
2. ECNI, The Guide, Chapter 7, Page 40. [↑](#footnote-ref-2)
3. ECNI, The Guide, Chapter 7, Page 41. [↑](#footnote-ref-3)
4. ECNI, The Guide, Chapter 8, Pages 46 & 47. [↑](#footnote-ref-4)
5. ECNI, The Guide, Chapter 6, Page 32. [↑](#footnote-ref-5)
6. ECNI, The Guide, Chapter 5, Page 28. [↑](#footnote-ref-6)
7. ECNI, The Guide, Chapter 1, Page 7. [↑](#footnote-ref-7)
8. ECNI, The Guide, Annex 1, Page 51. [↑](#footnote-ref-8)
9. ECNI, The Guide, Chapter 7, Page 41. [↑](#footnote-ref-9)
10. This section should be read in conjunction with ECNI, The Guide, Chapter 8, Page 49. [↑](#footnote-ref-10)
11. Section 49A and 49B of the Disability Discrimination Act 1995 (as amended by Article 5 of the Disability Discrimination (Northern Ireland) Order 2006), requires designated public authorities to produce ‘*disability action plans* ‘ showing how they propose to fulfil the duties (to have due regard to the need to 1. Promote positive attitudes towards disabled people and 2. Encourage participation by disabled people in public life), in relation to their functions. [↑](#footnote-ref-11)
12. ECNI, The Guide, Chapter 2, Pages 15 & 16. [↑](#footnote-ref-12)
13. ECNI, Section 75 Keeping it Effective – Reviewing the Effectiveness of Section 75 of the Northern Ireland Act 1998, (2008). [↑](#footnote-ref-13)
14. ECNI, Statement on Key Inequalities in Northern Ireland, (October 2007). [↑](#footnote-ref-14)
15. NISRA, Audit of Inequalities – An Overview of the Statistics, the Sources and Current Social Trends, An Introductory Guidance Document, (October 2010). [↑](#footnote-ref-15)
16. ECNI, Monitoring Guidance for Use by Public Authorities, (2007) [↑](#footnote-ref-16)
17. ECNI*, Realising outcomes from the Section 75 Equality Duties: Advice to Public Authorities’,* (March 2011). [Realising Outcomes (S75 Equality Duties)](http://www.equalityni.org/sections/default.asp?secid=8&cms=Publications_Statutory+duty&cmsid=7_43&id=43) [↑](#footnote-ref-17)
18. <http://www.ofmdfmni.gov.uk/good_relations_indicators_-_2009_update.pdf> [↑](#footnote-ref-18)
19. <http://www.ofmdfmni.gov.uk/gender_equality_strategy_a_baseline_picture-5.pdf> [↑](#footnote-ref-19)
20. Mainstreaming of the Section 75 statutory duties is through the evaluation of all policies at all levels and at all stages, for their likely impact on the promotion of equality of opportunity and good relations, using the tried and tested tools of *screening and equality impact assessment.* ECNI, The Guide, Appendix 4, Page 84. [↑](#footnote-ref-20)
21. ECNI, The Guide, Chapter 8, Page 48. [↑](#footnote-ref-21)
22. ECNI*, Realising outcomes from the Section 75 Equality Duties: Advice to Public Authorities’*, (March 2011). Realising Outcomes (S75 Equality Duties) [↑](#footnote-ref-22)
23. ECNI, The Guide, Chapter 8, Page 50. [↑](#footnote-ref-23)
24. Employment Research Institute, commissioned by ECNI, *Employment Inequalities in an Economic Downturn*, (Sept 2010). [↑](#footnote-ref-24)
25. Unified Guide to Promoting Equal Opportunities in Employment [↑](#footnote-ref-25)
26. See our ‘Example Equality Employment Plan‘ [↑](#footnote-ref-26)
27. ECNI, Every Child an Equal Child: An Equality Commission Statement on Key Inequalities in Education and a Strategy for Intervention (2008). ISBN978-1-906414-14-6 [↑](#footnote-ref-27)
28. For further information on general trends on educational achievement, see Audit of Inequalities – An Overview of the Statistics, the Sources and Current Social Trends – An introductory Document, OFMDFM. (2010)(Pages 14/15). [↑](#footnote-ref-28)
29. For further information on general trends on life expectancy and mortality rates, see Audit of Inequalities – An Overview of the Statistics, the Sources and Current Social Trends – An introductory Document, OFMDFM. (2010)(Pages 14/15). [↑](#footnote-ref-29)
30. For further information on general trends on housing, see Audit of Inequalities – An Overview iof the Statistics, the Sources and Current Social Trends – An introductory Document, OFMDFM. (2010)(page16). [↑](#footnote-ref-30)
31. <http://www.ofmdfmni.gov.uk/genderequalitystrategy2006-2016.pdf> [↑](#footnote-ref-31)
32. <http://www.equalityni.org/archive/pdf/ECNIHRCTraffickingReport.pdf> [↑](#footnote-ref-32)
33. <http://www.ofmdfmni.gov.uk/good_relations_indicators_-_2009_update.pdf> [↑](#footnote-ref-33)
34. For further information on general trends on poverty & deprivation, see Audit of Inequalities – An Overview of the Statistics, the Sources and Current Social Trends – An introductory Document, OFMDFM. [↑](#footnote-ref-34)
35. Department for Finance and Personnel / ECNI, Guide *Equality of Opportunity and Sustainable Development in Public Sector Procurement*, (2008). [↑](#footnote-ref-35)
36. Promoting Good Relations – A Guide for Public Authorities [↑](#footnote-ref-36)
37. The Equality Commission in partnership with the Northern Ireland Human Rights Commission has published a range of information on the UNCRPD which is available on its website. [↑](#footnote-ref-37)