

Section 75

Demonstrating Effective Leadership in Local Government



Endorsed by:

 Northern Ireland Civil Service

 solace

 nilga
northern ireland
local government association

 Equality & Diversity
in Local Councils



I welcome the opportunity to endorse this guidance on *Section 75 - Demonstrating Effective Leadership* to those in senior roles in the NICS and the wider public sector.

It is the duty of all of us in leadership positions to make clear our ownership of the statutory equality and good relations duties in our organisations; they are a vital part of our legal framework in Northern Ireland under the Northern Ireland Act 1998.

Fulfilling the requirements of the Section 75 duties assists all of us to demonstrate openly that, in taking decisions, we are giving the appropriate level of consideration to the equality and good relations implications of these.

I trust that this guidance will be used by senior leaders and management teams; it aims to support the effective implementation of the duties. It should also help to improve decision making and engagement with those potentially affected by the development of public policy and service delivery.

Demonstrating and implementing this checklist provides a real opportunity to reaffirm our leadership commitment to the Section 75 duties, for the benefit of everyone in Northern Ireland.

David Sterling, Head of the Northern Ireland Civil Service



SOLACE recognises the pivotal role senior leadership has in ensuring the successful implementation of the Section 75 duties to pay due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across the Local Government sector. SOLACE is committed to prioritising and re-energising our commitment to effectively implementing these important duties. As Council Chief Executives we will encourage and support all staff and councillors to use the Section 75 tools, to meaningfully assess the equality and good relations implications of policies and decisions we take.

The Section 75 – Demonstrating Effective Leadership guidance provides us with a helpful checklist, against which we can assess how we are doing and how we could improve. Through our role and functions in Councils, we want to ensure that our Section 75 practices demonstrate good governance and encourage a focus on action to address inequalities and benefit people's lives. We look forward to working with the Equality Commission to raise awareness of and re-energise our commitment to the letter and the spirit of the legislation.

**David Jackson MBE, SOLACE Chair, Chief Executive,
Causeway Coast and Glens Borough Council**



The Northern Ireland Local Government Association (NILGA) is the council led policy development & representative body for local authorities in NI. The Association is supported by political parties, independent members with NILGA representation drawn from each of the 11 councils.

NILGA promotes, develops and champions local government by developing regional and specific approaches to key issues affecting the sector. This includes elected investing in councils, member development, collective lobbying, policy formulation, best practice events & campaigns - aimed at improving democracy & public services.

NILGA supports and welcomes the publication of the *Section 75 – Demonstrating Effective Leadership* guidance and will promote it across local government, through our work with councils / councillors, to raise awareness of the importance of Section 75 duties and specific and practical responsibilities.

Leadership and commitment of councillors as well as senior council officers is critical to ensuring meaningful and effective implementation of the Section 75 duties across all councils.

Derek McCallan, Chief Executive, NILGA



Equality & Diversity
in Local Councils



The role of the Equality & Diversity Group of the Local Government Staff Commission is to prioritise and influence equality, good relations and diversity initiatives and share good practice across local government. The Group has representatives from across local government, as well as from the community and voluntary sectors, trade unions, the Equality Commission and others. We report progress regularly to the LGSC Board, NILGA and SOLACE. The Group’s ‘Diversity Champions’, elected members and officers in each Council, play a key role in promoting this group’s initiatives.

I am delighted to endorse the *Section 75 – Demonstrating Effective Leadership* guidance. As a Disability Champion for Local Government, I feel it is important to use my leadership role to promote the statutory duties. The Guidance provides a checklist of action for all Councils to effectively implement Section 75. It will also help local government implement our own ‘*Equality and Diversity Framework*’, which details every Council’s statement of intent and approach to demonstrate our compliance with our equality and diversity obligations. I look forward to working with the Equality Commission and our *Diversity Champions*, to ensure a renewed focus on Section 75 to inform our work through, in particular, undertaking meaningful equality assessments.

Anne Donaghy, Chair Equality and Diversity Group and Chief Executive of Mid and East Antrim Borough Council



Leadership and commitment provided at the highest levels in a public authority, by the Minister and Permanent Secretary or the Chair and Chief Executive, are critical to the successful implementation and achievement of the intended outcomes of the Section 75 duties. The roles of Management Boards and Senior Management Teams are also essential in ensuring that a meaningful and effective approach to implementing the Section 75 duties is adopted across the organisation.

Leaders should ensure that consideration of the Section 75 duties is integrated throughout all the public authority's functions. In addition to ensuring that its legal requirements are met, this should complement its outcomes based accountability approach, assisting it to focus on improving the outcomes for its service users and employees.

A public authority must openly demonstrate its compliance with all of the commitments in its equality scheme and that it is paying the appropriate level of regard to the need to promote equality of opportunity and the desirability of promoting good relations. Demonstration of such commitments by a public authority and individual decision-makers may be required in instances where individuals complain that the authority has failed to comply with its equality scheme, where the Equality Commission is conducting an investigation, or indeed, in the circumstances of a Judicial Review.

Leaders, senior managers and decision-makers will wish to ensure that their Section 75 practices demonstrate good governance, meaningful equality assessments, actions to address persistent inequalities, and good communication and engagement.

The checklist of action points in this document aims to remind leaders, senior managers and decision-makers of what is required to ensure the effective implementation of the Section 75 duties. These duties are however much more than a checklist of action points, they are statutory duties which must be complied with and, if used appropriately, can bring real benefits to people's lives.

This checklist is supported by further web advice at www.equalityni.org/S75duties

I trust you find this guidance helpful.

A handwritten signature in black ink, which appears to read 'Evelyn Collins'. The signature is written in a cursive style and is positioned above a horizontal line.

Dr Evelyn Collins CBE
Equality Commission Chief Executive

Demonstrating Effective Leadership Checklist

Equality Commission

FOR NORTHERN IRELAND

Good Governance



1. Ensure that an effective equality scheme is in place and its requirements are understood by all officers with Section 75 responsibilities i.e. senior managers, policymakers, those taking policy decisions and equality officers.

Those occupying the most senior roles within a public authority i.e. Chief Executive and Chairperson or equivalent sign off equality schemes and therefore they must be fully aware of and understand the implications of all of the commitments contained in their equality schemes, and apply the arrangements positively and continuously.

Leaders should also seek assurances to ensure that other officers with Section 75 responsibilities do so too.

For further information see [What is an Equality Scheme?](#)

2. Ensure that key responsibilities and resources for Section 75 are allocated.

Leaders must ensure that key Section 75 responsibilities and resources are allocated. This may include designating primary responsibility to a specific senior Board or staff member to ensure accountability for reporting on the delivery of the Section 75 statutory duties.

Leaders should support equality staff in their role of providing expert advice and enable them to provide an internal challenge function to policymakers, at all levels in the organisation.

Download our [Model Equality Scheme](#) (word doc)

3. Ensure that the Section 75 duties are integrated into core business activities including business plans, staff objectives and risk registers.

Strong leadership is necessary within public authorities to ensure that the Section 75 statutory duties are integrated into core business activities of the public authority and put into effective and visible practice.

For example, Section 75 objectives should be built into corporate and business plans, staff objectives, progress reports to senior managers and risk registers.

'The Commission's model equality scheme and most approved schemes have the following commitments:'

- *'Objectives and targets relating to the statutory duties will be integrated into our strategic and operational business plans.'*
- *'Employees' job descriptions and performance plans reflect their contributions to the discharge of the Section 75 statutory duties and implementation of the equality scheme, where relevant. The personal performance plans are subject to appraisal in the annual performance review.'*

It is also important that leaders ensure Section 75 is considered as part of a public authorities' risk management systems and appropriate action taken, to ensure the statutory duties are implemented effectively.

Download our [Model Equality Scheme](#) (word doc)

4. Ensure that equality scheme training commitments are implemented, including appropriate mandatory training e.g. for policymakers who will be undertaking screening/EQIA.

The role of leaders is to ensure that both they and their staff are capable of attentively and continuously using the Section 75 tools in accordance with the commitments made in their equality scheme.

Leaders need to ensure that equality scheme Section 75 training commitments are implemented and evaluated in a thorough and ongoing basis. With movement of staff and changes to roles and responsibilities, there will be a need for ongoing and refresher training for staff with Section 75 responsibilities e.g. policymakers, in order that they have the capacity to do their jobs.

Section 75 awareness training should also form part of organisational induction training. In addition, it is important that if training is commissioned from and delivered by a third party, that leadership of an organisation is satisfied that their equality scheme commitments are being met.

For further information on Section 75 training commitments, review the organisation's equality scheme and see Chapter 5 of our [Model Equality Scheme](#) (word doc)

5. Ensure that Section 75 data / evidence is gathered and policies are developed based on this evidence. Post implementation, the Section 75 equality impacts of policies must also be monitored.

Leaders should ensure that systems are in place to enable the public authority to fulfil its equality scheme monitoring commitments, ensuring that actions are identified and measures taken to close, as best as possible, any gaps in data.

Section 75 monitoring mechanisms should be in place to gather data and evidence (qualitative and quantitative) which can be used to:

- Assess the potential impacts of policies, both positive and negative, before decisions are taken. This evidence and data should be considered as part of the decision-making process, not afterwards, and with rigour and an open-mind to achieve the statutory equality and good relations goals.
- Monitor the equality impacts of policies being implemented by the public authority to ensure that any actions being taken arising from an equality assessment (screening and EQIA) have the desired effect.

Before signing off completed screening templates, decision makers should ensure that screening exercises include clear and specific proposed Section 75 monitoring mechanisms to monitor that policy. For further information on Section 75 monitoring, see our [Section 75 Monitoring Guide](#) (pdf)

6. Ensure that the implementation of the Section 75 commitments is reviewed regularly e.g. review quarterly screening reports.

Senior leaders should ensure they are regularly updated on the implementation of all equality scheme arrangements, for example:

- **Quarterly screening reports:** reviewing the quality of screening reports as a standing agenda item at senior management meetings, to ensure compliance with the Section 75 duties and putting in place any required actions to ensure screening reports are proportionate and cover all functions.
- **Section 75 annual progress reports:** ensuring the public authority's Section 75 annual progress report is considered internally before being signed off. This is an opportunity for a public authority to monitor and review its own compliance with the Section 75 duties and assess how well the organisation is performing in that regard.

For further information see our [Short Guide on S75 Annual Progress Reports](#) (pdf)

Meaningful Equality Assessments



7. Ensure that screening and equality impact assessments are undertaken for each policy, as defined in the equality scheme. If equality assessments are not provided, then decision makers should ask for them.

Leaders should promote equality assessments i.e. screening and/or equality impact assessments (EQIA) as necessary policy development tools to assist decision-makers to consider the equality and good relations implications of proposed policies; thereby enabling better decision making.

Leaders should expect meaningful screening and EQIA assessments to be presented with each new or revised policy decision, including 'high level' or strategic policies. The level of scrutiny will be dependent on the relevance of the policy to equality and may include scrutiny by a Board, Senior Management Team, or Division. If meaningful equality assessment information is not provided, then decision-makers should ask for it.

The equality assessments should be considered along with the policy proposals, so that decision-makers take the assessments into consideration at the point of decision making i.e. before a decision is taken.

Further information about screening:

- [Annex 1 of the Commission's Section 75 Guide for Public Authorities \(pdf\)](#)
- [Short Guide to Screening and EQIA \(pdf\)](#)
- [Screening: Frequently Asked Questions](#)

For further information see our [Guidance on Undertaking an EQIA](#)

8. Ensure screening and equality impact assessments are timely, of good quality, coherent, evidence based and proportionate.

Senior managers and leaders should have systems in place to ensure they are satisfied with the quality and coherence of equality assessments (screening and/or equality impact assessments (EQIA)) undertaken, ensuring that the assessments are not simply a 'tick-box' exercise.

When making decisions based on such equality assessments, decision makers should ensure that they consider:

- **Sufficient evidence:** Decision makers need to have sufficient information to satisfy the statutory requirement to pay the appropriate level of due regard/regard. It is important that if various aspects of screening or EQIA, like assessment of data and evidence (qualitative and quantitative), are delegated to less senior staff that decision-makers are then provided with this information to enable them to make the policy decisions. If this information is not provided, then decision-makers should ask for it.
- **Promoting equality and good relations:** Equality assessments are not only about checking that the proposed policy does not have adverse impacts; they also enable policymakers to identify and seek out ways to promote equality and good relations, for the Section 75 groups.
- Whether the overall **equality assessment is proportionate** in its scope and depth and is relevant to the importance of the proposed policy in question.
- Whether the equality assessment considered **alternative policies** or **mitigation** in order to address any potential impact or to promote equality of opportunity or good relations for any of the Section 75 groups.
- Whether the policymaker **consulted with Section 75 groups**/individuals in line with equality scheme commitments.
- Whether the proposals in the screening template/EQIA report for **Section 75 monitoring** of the policy are sufficient and address any data gaps.

For further information on screening go to:

- [Annex 1 of the Commission's Section 75 Guide for Public Authorities \(pdf\)](#)
- [Short Guide to Screening and EQIA \(pdf\)](#)
- [Screening: Frequently Asked Questions](#)

For further information see our [Guidance on Undertaking an EQIA](#)

9. Ensure that screening and equality impact assessments have an appropriate focus on equality and good relations.

Public authorities must follow their equality scheme commitments in considering both duties and ensure that the equality and good relations duties are given the appropriate level of regard.

If a policymaker perceives, in certain circumstances, a tension between the two duties, it is important to note that both duties have to be discharged in all circumstances.

What the Section 75 statutory duties provide is that the discharge of the good relations duty cannot be an alternative to or cannot set aside the equality of opportunity duty.

For further information on equality and good relations and the interrelationship of the two duties, download our [Short Guide to Screening and EQIA \(pdf\)](#)



Communication and Engagement

10. Ensuring that the importance of the Section 75 duties is regularly communicated, both internally and externally.

Leaders should regularly and publicly communicate, with all stakeholders, the public authority's commitment to the Section 75 goals of equality of opportunity and good relations, the benefits of the Section 75 duties in supporting good policy development and the potential positive impacts on people's lives.

Leaders should regularly communicate within the public authority the importance of all aspects of the implementation of the Section 75 duties including the gathering and use of Section 75 monitoring data, the undertaking of equality assessments (screening and Equality Impact Assessments (EQIA)) and as appropriate the undertaking of consultation exercises.

11. Ensure that an effective internal challenge function to policymakers is in place, to engage all functions of the organisation and leaders actively support the role of the 'equality function'.

Leaders should ensure that all policymakers, across all the functions of a public authority, engage effectively with the Section 75 duties. Leaders should review quarterly screening reports and draft annual reports and consider the adequacy of these, ensuring that practices are challenged, as appropriate.

The 'equality function' of the organisation, whether that is a dedicated equality officer or part of another officer's role, should be actively supported by leadership of the public authority. It is important that equality officers are enabled to provide an advice role to policymakers, a quality assurance role and an internal challenge function, where assessments may not be adequate.

12. The organisation works with other public authorities to implement the duties, for example where they also have a role in developing/implementing a policy.

There may be circumstances whereby a number of public authorities have responsibility for a policy or one has responsibility for developing the policy proposal and the other has a role in the implementation of that policy. Both organisations may have responsibilities to equality assess that policy under Section 75.

Public authorities should share information and work collaboratively with other public authorities that may have some responsibility with regard to the policy being developed or implemented.

For further information see our [Short Guide to Screening and EQIA](#) (pdf)

13. There is effective consultation on the equality impacts of proposed policies, with those affected by policies, as policies are being developed.

A public authority's equality scheme sets out its commitments in regard to consultation on equality assessments (Screening and Equality Impact Assessments EQIA). Leaders should ensure these commitments are understood and adhered to by all policymakers within the organisation.

Where consultation is appropriate, as per scheme commitments it is important that:

- Effective consultation with affected individuals and representative groups should begin as early as possible.
- Information should be made available to ensure meaningful consultation, including detailed information on the policy proposal being consulted upon and any relevant quantitative and qualitative data.
- Where equality screening identifies gaps in information, measures should be taken to obtain appropriate information, which may include effective engagement and consultation with those affected, on the equality impacts of proposed policies.
- Leaders should encourage a culture of open and meaningful consultation and ensure that consultee feedback is appropriately considered as part of the decision-making process. Clear feedback should be provided to consultees in published equality assessment documents and these documents should set out what changes have been made to the policy, as a result of the assessment.

For further information on consultation and Section 75 – see Chapter 7 of our [Section 75 Guide for Public Authorities](#) (pdf)

14. There is transparency of decision-making and equality considerations, evidenced by the timely recording and communication of equality assessments, to demonstrate that the appropriate level of regard has been paid and equality scheme commitments complied with.

Senior leaders should ensure that there is transparency of the public authority's equality considerations of proposed policies and that its equality scheme commitments are continuously fulfilled, in this regard.

This involves the timely publishing of screening and EQIA exercises, screening reports and monitoring information. All of this information should be published in an open, timely and transparent manner, as per scheme commitments. This timely recording of this information, will assist a public authority to demonstrate that it has paid the appropriate level of regard, when making decisions.

Address Persistent Inequalities



15. Ensuring that a current Section 75 action plan is in place based on a robust audit of inequalities.

Leaders should ensure that their Section 75 action plans include action measures which:

- Are based on robust, current and appropriate data (qualitative and quantitative) which is set out in an 'audit of inequalities' document.
- Focus on impacts and outcomes on the promotion of equality of opportunity and good relations.
- Are effectively monitored at all stages of implementation to allow for measurement and evaluation of progress on their delivery.

For further information see our [Audit of Inequalities advice note](#) (Word doc) and our [Section 75 Guide for Public Authorities](#) pdf (Chapter 8, 'S75 Action Measures')

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Equality Commission

FOR NORTHERN IRELAND