



REALISING OUTCOMES FROM THE SECTION 75 EQUALITY DUTIES: ADVICE TO PUBLIC AUTHORITIES

Purpose

The purpose of this advice note is to provide guidance for public authorities on setting outcome measures in the context of the application of the Section 75 equality duties and as referred to in the Commission's *Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities*¹.

Background

Schedule 9 of the Northern Ireland Act 1998 places a duty² on the Equality Commission to offer advice to public authorities in connection with the Section 75 duties. This provision is at once an obligation and an entitlement.

The Schedule also requires the Commission to keep under review the effectiveness of the duties. As part of its response to this obligation, the Commission undertook a formal and comprehensive review and published a report on this in 2008³. That Review urged a greater focus on the outcomes of the duties than had been evidenced previously, when the focus was more on the process of their implementation. That, in turn, was reflected in the revised Guide to the statutory duties which was published last year⁴.

¹ Equality Commission for Northern Ireland (April 2010): *Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities*, Chapter 8: 'Action Measures'.

² Schedule 9 (1) (b), Northern Ireland Act 1998.

³ Equality Commission for Northern Ireland (November 2008): *Section 75: Keeping it Effective, reviewing the Effectiveness of Section 75 of the Northern Ireland Act 1998*, ,

⁴ Equality Commission for Northern Ireland (April 2010), Op Cit.

As increasing numbers of public authorities prepare new equality schemes, to reflect the new guidance, they will consider how best to ensure that their observance of the Section 75 duties has real and tangible outcomes for those affected by the discharge of their functions.

It was to give meaning to the shift in the centre of gravity from process to outcome that the Commission decided to recommend that public authorities develop action plans – precisely so that they and those they serve can see the results of the statutory duties in action. A plan is not enough, in itself, and it is necessary to set clear objectives, to identify measures and to evaluate performance and results.

That is even more vital in economic circumstances such as face us now and for some years to come. Equality is not a fair weather friend. The needs of those for whom equality of opportunity is still not realised will be even greater in these difficult times. The Section 75 duties have ever greater relevance when resources are challenged. Equality of opportunity and good relations are not marginal in a downturn; they are central to all public policy development and implementation.

It is with these reflections in mind that the Equality Commission has decided to prepare and to issue advice under Schedule 9 on the setting of outcome measures in the context of observing the Section 75 duties. It is designed to assist public authorities in setting their focus firmly on outcomes; to facilitate reporting on the effectiveness of their approach to the statutory duties; to avoid administrative burden; and to ensure that the exigencies of budgetary pressure do not displace the enduring responsibility to implement the spirit and letter of the law.

Advice⁵

Recognising that every public authority will wish to use its resources to the best possible effect for those whom it serves; that public authorities are of varying size and have varying spans of functional responsibilities; and that it is necessary to appreciate the levels of inequality that exist in order fully to evaluate how effectively equality of opportunity is being promoted, the Commission recommends that each public authority takes the following steps:

1. identify and set out a number of specific inequalities it is intending to address.
 - identify a focussed number of areas most critical to equality of opportunity and good relations in respect of its functions, and the outcomes/impacts sought in respect of these areas.
 - those priority areas should be determined by: where the greatest inequality exists; or the greatest impact can be made (i.e. through numerically greatest numbers affected, or the greatest intensity of effect).
2. 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.
3. set out the steps towards achieving these goals, and what the authority hopes to achieve.
 - these should be expressed as actions that are meaningful and coherent with the authority's business processes and incorporate relevant resource considerations where appropriate.

⁵ To be read alongside Chapter 8 Action Measures, of *Section 75 of the Northern Ireland Act 1998: A Guide for Public Authorities*, April 2010.

4. indicate how it will measure or monitor what it is seeking to achieve.
5. determine the extent to which change has occurred (the outcomes and impacts) and therefore what has been achieved, and report on this and against the actions taken.
6. set out what modifications to policies, plans or resource allocations are needed to address any shortfall between what has been achieved and what was expected.

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Further Information

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