



EQUALITY COMMISSION FOR NORTHERN IRELAND

Investigation Report under Schedule 9 of the Northern Ireland Act 1998

Department for Communities: the application of Equality Scheme commitments for funding decisions on the Líofo Gaeltacht Bursary Scheme for 2017 and the Community Halls Pilot Programme

May 2018

1. Introduction

- 1.1. Section 75 of the Northern Ireland Act 1998 (the Act) places a statutory duty on public authorities to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations between various categories of persons. Designated public authorities are required by Schedule 9(2) to submit an Equality Scheme to the Equality Commission for Northern Ireland (the Commission) for approval. Such Equality Schemes are both a statement of the public authority's commitment to fulfilling the Section 75 duties and a plan for their performance¹.
- 1.2. The Equality Commission has the power to undertake an investigation under Paragraph 11 of Schedule 9 of the Northern Ireland Act 1998, where it forms the belief that a public authority may have failed to comply with its approved Equality Scheme commitments.
- 1.3. On 26 April 2017, the Commission authorised a Paragraph 11 investigation (the Investigation) into potential failures by the Department for Communities (DfC) to comply "*with Equality Scheme commitments relating to screening and equality impact assessment (paras 4.2 to 4.5 of its Scheme) relating to these funding decisions*". [the Líofo Gaeltacht Bursary Scheme for 2017; and the Community Halls Pilot Programme].

¹ Section 75 of the Northern Ireland Act 1998: A Guide for Public Authorities (April 2010)

1.4. The former Department for Social Development was renamed, by virtue of the Departments Act (Northern Ireland) 2016, as the Department for Communities. The renamed Department for Communities acquired functions from a number of preceding Departments, including functions from the former Department of Culture, Arts and Leisure, which are the functions relevant to this investigation. The Department for Culture, Arts and Leisure was dissolved.²

1.5. The Commission wrote to all Permanent Secretaries in advance of the commencement of the Act, to advise on their Department's Equality Scheme and to ensure the continuing fulfilment of the statutory equality and good relations duties for when the Department would be renamed³. The letter advised:

"As your Department is being renamed, there is no legislative requirement to prepare and submit a revised Equality Scheme to the Commission for approval; the arrangements in your current approved scheme can continue."

1.6. The Equality Scheme for the Department of Social Development was approved by the Commission on 13 December 2013. The Department for Communities published an "Interim Equality Scheme", dated May 2016. The name of the Department has changed, as well as its description of "*who we are and what we do*" to refer to the functions brought together in the Department from previous Departments⁴. It also reflects the Commission's advice that "*a statement of commitment is signed by the Minister and Permanent Secretary in the case of Government Departments*⁵". The arrangements contained in the Interim Equality Scheme are not altered from those approved in December 2013 and the Department has confirmed that the "*interim Equality Scheme will remain in place until it is signed off by a Minister*". It is the approved Equality Scheme.

1.7. Schedule 9, paragraph 11 of the Northern Ireland Act sets out the circumstances in which the Commission can investigate. It refers specifically to "where it believes that a public authority may have failed to comply with a scheme approved or made under paragraph 6 or 7".

² Article 1.(7) and 1.(8) of the Departments Act (Northern Ireland) 2016

³ This letter was issued to the appointed Permanent Secretary for the Department for Communities on 11 March 2016.

⁴ "*Interim Equality Scheme for Department for Communities*", 2016, paragraphs 1.7-1.10 refers to functions of the former Department for Social Development, Department of Culture, Arts and Leisure, Department of Employment and Learning, Department of the Environment, Office of the First and Deputy First Minister, and Department of Enterprise, Trade and Investment.

⁵ Section 75 – Guide For Public Authorities, 2010, page 35

References in this report are to the Department's approved Equality Scheme, to reflect this statutory requirement.

- 1.8. The Commission has carried out the Investigation with the full co-operation of the Department. The Commission acknowledges the assistance of DfC in this regard.

2. Background and the matters of concern

- 2.1. In May 2016, the Department for Communities assumed responsibility for a number of functions previously the responsibility of the former Department of Culture, Arts and Leisure (DCAL), amongst others, following the restructuring of Departments.

The Líofo Gaeltacht Bursary Scheme (Líofo Bursary Scheme)

- 2.2. The "Líofo 2015 Programme" was set up by the Culture Division of the former Department of Culture Arts and Leisure (DCAL) in 2011. It was subject to equality screening; a screening template was completed at this time. The screening template includes a section about the policy under consideration and in the section entitled: "*What is it trying to achieve?*", the form says: "*The Líofo 2015 initiative aims to have 1000 people become fluent in Irish by 2015*"⁶.
- 2.3. In 2012, it was proposed that the aim of the Líofo 2015 Programme could be further progressed through a Gaeltacht Bursary Scheme (originally called the Gaeltacht Scholarship Pilot Scheme). The aim of the bursary was described by DfC in 2016 as: "*to help adults and young people from disadvantaged backgrounds across communities to access summer courses in the Irish language that they could not otherwise afford to attend*" (DfC Submission paper to the Minister, 13 December 2016)
- 2.4. While the Department has confirmed that no recurrent budget was set for this bursary scheme (hereafter referred to as the Líofo Bursary Scheme), the Commission understands that funding was made available annually for it in each of the four years from 2012 to 2016. Following the renaming of Departments in May 2016 and transfer of language functions from DCAL to DfC, the Minister decided, in December 2016, **not to** fund the Líofo Bursary Scheme for the 2017 business year.

⁶ Equality and Human Rights Screening Form (2011) Department of Culture, Arts and Leisure

The Community Halls Pilot Programme (Programme)

- 2.5. This Pilot Programme was launched by DfC on 19 October 2016. “*The Community Halls Programme was developed to provide capital support to voluntary and community sector stakeholders that would enable them to deliver their services in an environment that was fit for purpose and compliant with health and safety regulations*” (from DfC letter to the Commission dated 24 March 2017).
- 2.6. “*The Pilot Programme was designed with the following key objectives:*
- *Invest in community halls and prioritise those in the worst condition...*
 - *Reach low capacity organisations who have not attracted previous public funding and organisations who do not wish to attract Lottery funds, and*
 - *Gather evidence of need for investment in the sector to inform future funding criteria and allocations*” (from DfC letter to the Commission dated 24 March 2017)
- 2.7. An original budget of £500,000 was identified for the Programme. However, in January 2017 the Minister announced a list of community halls which would receive grants amounting to a total cost of £1.9 million.

3. Belief of potential failure to comply with the approved Equality Scheme

- 3.1. The Commission was concerned that funding decisions may have been taken without fulfilling the commitment to screen and, where appropriate, equality impact assess, as set out in DfC’s Equality Scheme.
- 3.2. The Commission also received a range of representations regarding DfC’s application of its Equality Scheme commitments to fulfil its statutory equality and good relations duties under Section 75 in relation to these matters⁷.

Approved Equality Scheme

- 3.3. As noted in paragraph 1.6 above, the Department for Communities’ “*interim Equality Scheme*”, dated May 2016 is its approved Equality Scheme, as it contains the continuing arrangements as approved in December 2013.
- 3.4. This approved Equality Scheme was in place in December 2016 at the time of the decisions identified for this investigation.

⁷ Correspondence was received from an individual, two NGOs and one political party when the funding decisions were reported on in the media.

3.5. The Equality Scheme sets out DfC's arrangements to show how it "proposes to fulfil the duties imposed by Section 75 in relation to the relevant functions"⁸.

Scope of investigation

3.6. Paragraphs 4.2 to 4.5 of DfC's approved Equality Scheme are relevant to this investigation (see paragraph 1.3). These paragraphs set out DfC's arrangements for assessing the likely impact of policies (whether they are proposed to be adopted, or adopted) on the promotion of equality of opportunity, as required by Schedule 9. These paragraphs state [**emphasis added**]:

"4.2. In making any decision with respect to a policy adopted or proposed to be adopted, we will take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9 9. (2) of the Northern Ireland Act 1998.

4.3. The Department will use the tools of screening and equality impact assessment to assess the likely impact of a policy on the promotion of equality of opportunity and good relations. In carrying out these assessments the Department will relate them to the intended outcomes of the policy in question and will also follow Equality Commission guidance:

the guidance on screening, including the screening template, as detailed in the Commission's guidance 'Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)'; and

on undertaking an equality impact assessment as detailed in the Commission's guidance 'Practical guidance on equality impact assessment (February 2005)'.

Screening

4.4. The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations.

4.5. Screening is completed at the earliest opportunity in the policy development/review process. Policies which we propose to adopt will be subject to screening prior to implementation. For more detailed strategies or policies that are to be put in place through a series of stages, we will screen at appropriate stages during implementation."

⁸ Northern Ireland Act 1998, Schedule 9, paragraph 4. (1)

3.7. The Commission's Statutory Duty Investigations Committee satisfied itself that it would be appropriate for the Commission to form the required belief that failure to comply with the approved Equality Scheme may have occurred and recommended an investigation. On 26 April 2017, the Commission authorised an investigation, under Paragraph 11 (1) (b) of Schedule 9 of the Northern Ireland Act 1998, into potential failures by DfC to comply "*with Equality Scheme commitments relating to screening and equality impact assessment (paras 4.2 to 4.5 of its Scheme) relating to these funding decisions*" [the Líofo Gaeltacht Bursary Scheme for 2017; and the Community Halls Pilot Programme prior to its launch].

4. The Department for Communities' initial response

4.1. The Commission, in accordance with its Investigation Procedures, had raised the potential failure with DfC in a letter dated 10 February 2017. The public authority is given a reasonable opportunity to respond. In the response received from DfC, dated 24 March 2017, a number of points were made which provide relevant evidence for the Investigation.

4.2. For the Líofo Bursary Scheme, the following points are taken from the evidence presented in the letter from DfC of 24 March 2017.

- The Líofo Bursary Scheme was "*in the context of the Department's responsibility for supporting the Irish Language*", and some details were given for three distinct funding streams within the overall Líofo Programme or "*initiative*", one of which was the Líofo Bursary Scheme.
- The letter provided an explanation of the introduction of the Líofo Bursary Scheme in 2012 and its objectives in providing practical support to Líofo participants.
- "*Officials provided a submission to the Minister in December 2016 seeking a decision on whether to run a further Bursary Scheme in 2017 ...*"
- "***It was not considered necessary to screen the options to the Minister in December 2016 as this advice was not considered to be a policy. The overall Líofo initiative was the policy – i.e. to increase the number of people learning and becoming fluent in Irish. ...***" [emphasis added].

4.3. For the **Community Halls Pilot Programme**, the following points are taken from the evidence presented in the letter from DfC of 24 March 2017.

- "*An equality screening exercise was not carried out before the pilot community halls scheme was launched. An equality screening exercise has now ben [sic] completed. Equality screening of the programme*

*began in December 2016 and was formally signed off on 2nd February. This screening process **was carried out in parallel with the application assessment process** and concluded that an EQIA of the Community Halls Programme was not required. Since completion of the screening process DfC has received a request to review the screening process and this is currently being undertaken”.*

5. Initial evidence to Investigation

- 5.1. The Commission wrote with a number of questions for DfC on commencement of the Investigation in a letter dated 23 May 2017. The response received from DfC, dated 1 August 2017, provided evidence consisting of a range of papers and a commentary on the questions raised by the Commission.
- 5.2. For the **Líofa Bursary Scheme**, the following points from the evidence are relevant.
- An account of DfC’s functional and policy responsibility for regional and minority languages. Also the statutory framework within which DfC has powers to defray or contribute towards expenses.
 - DfC’s contention that Equality Scheme procedures were followed due to an “*Equality Screening exercise conducted in April 2011 on the Líofa Programme*” (by DCAL).
 - The original objectives and timescales for the initiative refer to a website and an initial target of 1000 people to sign up to become fluent by 2015.
 - The commentary provided notes that the Líofa Bursary Scheme was added in 2012, and that “*as the Líofa programme developed, the target was revised a number of times*”
 - The commentary refers to the funding arrangements for the programme overall and the year on year allocations to all the elements within the Programme, not just the Líofa Bursary Scheme.
 - The screening template is provided, dated April 2011, for the “Líofa 2015 Initiative”. The screening decision recorded at section 3.1 of the template is:

“At this stage it is felt that it is appropriate to screen out the Líofa 2015 initiative. The initiative is inclusive of all areas of society and has been deliberately designed to be accessible to all groups within society, including those under the s75 category.

As the breadth and scope of Líofo 2015 expands it may be appropriate to undertake a further screening exercise [emphasis added].

- This screening template also includes the statement: *“The Líofo 2015 Initiative is not a policy in the true sense of the word...”* [emphasis added].
 - The screening template sets out details of *“needs/experiences/priorities”* and **against age records the potentially “lower uptake of internet services”**, and sets out mitigation for this through postal sign up; also *“a lower knowledge of Irish amongst those over 60”* [emphasis added].
 - The evidence provided includes a submission to the Minister of 28 May 2012, seeking consideration and approval by the then DCAL Minister on the introduction of a Gaeltacht Scholarship Pilot Scheme (GSPS). The submission paper refers to the overall aims of the Líofo programme – *“in order to reach the challenging target of fluency by 2015, participation in Gaeltacht Immersion courses are an essential part of fulfilling this challenge”*. It is targeted specifically to younger people.
- 5.3. There is no reference in the 2012 submission to the Minister to DCAL’s Section 75 duties, the Equality Scheme arrangements, nor any reference to the targeting of different age groups and any changes to the equality assessment previously undertaken. The submission contains proposals for the evaluation of the Líofo Bursary Scheme, it is noted that there is no reference to equality monitoring.
- 5.4. It is also observed that the terms “Programme”, “Initiative” and “Scheme” are used at various points in the evidence provided, and have been used interchangeably.
- 5.5. DfC also provided the paper that was the submission to the Minister on 13 December 2016, setting out the options in relation to funding (or not) a Líofo Bursary Scheme for 2017. It is noted that this is the first submission on the matter following the reorganisation of Departments and transfer of functions, also following the 2016 Assembly election and Ministerial appointments.
- Page one of the submission sets out: *“Equality implications: [N/A]”*.
 - The submission provides a brief evaluation of the Líofo Bursary Scheme in terms of *“adults and young people from disadvantaged backgrounds across communities to access...”* – which identifies groups covered by Section 75.
 - Three options are presented. It is noted that there is no specific advice provided on equality matters to inform consideration and decision making. The options are: *“... Do nothing – i.e. no scheme; ... Introduce a limited scheme; Continue with a full 100 place scheme.”*

- In its conclusion, the submission sets out the advantages of the Líofo Bursary Scheme, identifying children, parents and teachers. It identifies the Department's interest in the draft Programme for Government indicator to "*improve cultural participation*" and goes on to refer to outcomes such as "*we give our children and young people the best start in life*". It is noted that it does not set out any of these matters in relation to equality scheme commitments or the Section 75 statutory duties.
- The recommendation made in the submission to the Minister is "*that you indicate your preferred option....*"

5.6. For the **Community Halls Pilot Programme**, the following points from the evidence are relevant.

- "*The Community Halls Pilot Programme is one of a number of delivery mechanisms within the Department's functional and policy responsibility working to make life better for people and to give those at risk of exclusion, life changes and opportunities. This includes significant long term strategic investment in physical infrastructure*". The statutory provisions are set out providing vires for investment.
- "***The Department acknowledges that Equality screening was not carried out before the programme was launched in October 2016 and has already acknowledged to the Commission and the media that this was an administrative error. The Department accepts that screening should have occurred prior to the Programme's launch. However, once officials recognised that screening was required, the Department commenced an equality screening exercise on 15th December 2016***".
- "*That screening was completed and published on 2nd February 2017 and determined that the policy would have no adverse impact on any Section 75 category. A copy is attached at Annex F.*"
- "*...Any impact was expected to be positive in that the funding would help improve access to the facilities in community halls across Northern Ireland.*"
- The commentary also refers to information gathered from the applicants and states to "*The programme eligibility/assessment criteria incorporated a number of checks including governance and equality requirements.*"
- In response to the question: "*when was the budget for the Programme set?*" the commentary says: "*An initial capital allocation of £500,000 was made at the October monitoring round in 2016/17.... The Department subsequently increased the allocations to the Community Halls*"

programme, with the agreement of the Minister by redeploying capital monies not required elsewhere. ... bringing its full year budget to £1.9 million”.

5.7. The first completed screening template, as approved on 2 February 2017, states:

- On the front page, the name of the policy or policy area is: Community Halls Pilot Programme. In answer to whether this is “*an existing, revised or new policy/policy area?*”, the form indicates “*Existing*”.
- The Brief Description section includes: *The support, limited to a maximum award of £25k per application, is designed to help improve access to the facilities in community halls across NI to include the provision of replacement boilers, glazing, electrics, plumbing, kitchens , toilets, disability compliance works etc.”*
- Against the intended aims and outcomes: “*This programme has been designed to provide investment in community halls across all of NI. It intends to invest in those halls and clubs that are in the worst condition i.e. lack basic amenities and therefore do not meet reasonable standards for community use*”.
- For the “*Available Evidence*” section, reference is made to: “*the ...Programme was developed as a response to requests from voluntary and community sector stakeholders for capital support that would enable them to deliver their services in an environment that was fit for purpose...*”
- It also provides evidence from other Departments to support this Programme, particularly “*Department of Finance has advised that there are c1.500 community halls in Northern Ireland*”.
- The remainder of the evidence presented in this section is drawn from the applications received (860), as providing evidence of an unmet need. It further notes that “*A number of applications requesting assistance (50% requests from a 10% sample of applications) relate to disability access/DDA compliance and improvement to toilets etc. This would indicate that the current standard of facilities could be a barrier to usage/participation by a significant number of citizens in our society.*”
- In answer to the screening question: “*What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 grounds?*”, DfC’s assessment states: “*It is hoped that the outworkings of the programme will have a positive impact overall.... Measures to improve accessibility are likely to have a greater impact on people with disabilities, older people and those with dependents*”. **The level of impact then given is “None”.**

- The screening decision says: “*It is envisaged that **this policy will have no adverse impact on an Section 75 category**. Any impact is expected to be positive in that the funding will help improve access to the facilities in community halls across NI*”. [emphasis added]

5.8. DfC also supplied a screening template that updated the February template, and was approved on 28 March 2017. DfC said that this template was completed following a request from a third party to review its original screening decision on the matter. The March 2017 template contains more details from the monitoring data collected from the application process which is relevant to the Investigation. It records the same screening decision as February 2017.

- In the “*Brief Description*” section, expanded from the February version, it restates the purpose of funding is for community halls in disrepair. It adds information about the launch of the Programme: “*by the Department for Communities Minister on 19th October 2016 at Salterstown Orange Hall. The launch of the programme was advertised on the Department’s website. A press release issued....It was also understood that information regarding the programme was widely circulated by the Ulster Council GAA to its associated clubs via e-mail, ...*”
- The assessment of “*Needs, experiences and priorities*”, states: “*Faith based organisations, such as Churches, Scouts & Guides, Masonic/Orange Orders account for 54% of funding applications received. The Lottery Awards for All Programme is a key source of funding support for organisations to undertake minor repairs to the fabric of building. However, many faith based groups in Northern Ireland do not wish to apply for Lottery funds as this is regarded as benefiting from gambling therefore the DfC Community Halls Pilot Programme was possibly their only opportunity to secure funding for hall improvements*”.
- In answer to the screening question “*What is the likely impact on equality of opportunity for those affected by this policy*” the revised screening document states in relation to “*Religious Belief*”: “*Of the 861 funding applications received 453 (53%) w[h]ere from perceived Protestant organisations. The high uptake by perceived protestant organisations can be explained by their previous inability to draw down lottery funding due to their religious beliefs regarding benefiting from gambling*”.
- In the “*Main stakeholders affected*” section on page 5, “*service users (citizens)*” are identified and reference made to the impact on them resulting from halls which would be “*compliant with health and safety legislation*”.

- Page 5 further states “*this policy will be impacted upon by other policy considerations such as procurement, health and safety and disability access legislation.*” The analysis presented includes information about the type of organisations applying, the type of premises, an assessment of the issues raised in the funding sought – in particular access issues, as well as updating facilities.
- The screening decision in the revised screening document was for the policy “***not to be subject to an EQIA (with no mitigating measures required)***”. [emphasis added]
- The reasoning for the decision includes: “***It is envisaged that this policy will have no adverse impact on any Section 75 category. Any impact is expected to be positive in that the funding will help improve access to facilities in community halls across NI.***” [emphasis added]
- *As a condition of grant all awardees have submitted an approved Equality Statement which confirms that each organisation is committed to affording equity, equal and fair treatment to all irrespective of disability, race, sexual orientation, religious belief, political opinion, age, marital status and people with dependents.*”

6. Further evidence to Investigation

- 6.1. The Commission sought a meeting with DfC to discuss the evidence which it had forwarded on 1 August 2017, to clarify points in the evidence and ask further questions. The meeting was held with Departmental officials on 10 November 2017, with a letter to follow up on the points discussed issued by the Commission on 7 December 2017, and response from DfC received by the Commission on 9 January 2018.
- 6.2. For the **Líofa Bursary Scheme**, the following points from the evidence are relevant.
- DfC confirmed “*screening was carried out in 2011. ... “No other form of equality assessment was completed to inform the options presented to the Minister in December 2016.”*”
 - In seeking clarification about monitoring “*the implementation of the Scheme in relation to equality groups...*” DfC’s letter sets out: “*Progress towards the 20,000 target was monitored consistently. The stated objectives of Líofa, that is, to encourage people to learn and become fluent in Irish was monitored through the Líofa surveys. The 2016 Líofa survey carried out by NISRA [Northern Ireland Statistics and Research Agency] for Líofa did examine the percentage of Líofa*

participants with disabilities, those with dependents, those from deprived backgrounds ...”

- Clarification was sought regarding the information related to departmental advice to the Minister on fulfilling the statutory duties in Section 75 in his capacity as decision maker. DfC confirmed: *“the rules and procedure for the exercise of the duties and responsibilities of Ministers and junior Ministers of the Northern Ireland Assembly area set out in the Ministerial Code.”*
- The Commission asked for confirmation of the meaning of “[N/A] in the Ministerial submission of 13 December 2016”. DfC replied: *“The Not Applicable referred to the fact that the author believed that no equality screening/assessment was required as the Bursary Scheme was not a policy.”*
- The Commission also asked for DfC to confirm whether there is reference to the consideration of equality matters in guidance on the management of public money or the development of business cases. DfC responded that it is not aware of any explicit references to equality matters in relevant guidance, nor is there any explicit reference to considering equality matters in guidance on the development of business cases.

6.3. For the **Community Halls Pilot Programme**, the following points from the evidence are relevant.

- In response to the request for a detailed account of how the “oversight”, also termed an “administrative error” arose, DfC responded: *“The oversight occurred at a time of staff changes within the Branch which resulted in the timely completion of a screening exercise being overlooked. This was identified in December 2016 at which point a screening exercise was commenced. All staff within the branch have now undertaken Equality Screening training”*.
- The Commission asked for any additional evidence of other stages in the development process where an equality assessment of the proposals had occurred; whether in the development of the objectives, business case or the setting of the award criteria. DfC provided nothing further.
- DfC also stated in the letter received by the Commission on 9/1/18: *“No assessment of hall type was provided by DoF – only a figure for the number of community halls across NI”*. Also, that the *“Lottery did not provide any evidence”* [of those less likely to have applied for their funding].

7. The legislation, guidance and case law

- 7.1. The Commission has issued a body of guidance to assist public authorities to act in conformity with their Section 75 duties when carrying out their particular functions. This guidance flows from legislative imperatives and is also derived from interpretive assistance provided by relevant case law.
- 7.2. The Commission in its guidance refers to case law from the courts in Great Britain that relates to the public sector duties on public authorities in Section 149 of the Equality Act 2010. In Northern Ireland, public authorities, in planning for compliance with their duties under Section 75 of the Northern Ireland Act 1998, may find the case law helpful.

Scope of Section 75 and the functions under investigation

- 7.3. Section 75 states: *“a public authority shall **in carrying out its functions** relating to Northern Ireland have due regard to the need to promote equality of opportunity....”* Schedule 9, paragraph 4. (1) says *“A scheme shall show how the public authority proposes to fulfil the duties imposed by Section 75 in relation to the relevant functions.”*
- 7.4. The Commission’s Guide for Public Authorities (2010) is clear that the word “functions” in Section 75 embraces a wide range of activity.⁹
- 7.5. The Commission’s guidance provides the following advice on budget related functions and Equality Scheme arrangements, the principle being that these functions should be considered relevant for the purposes of the duties:
- 7.6. *“6. Decisions to change, reduce or withdraw services, particularly in times of budget reduction, whether on a temporary, **interim or pilot basis** should be treated as “policies” for the purposes of equality scheme commitments. **Applying the scheme arrangements for assessments to the full range of decisions will ensure transparent and evidence-based decisions which demonstrate that due regard/regard has been given.** The assessment for temporary decisions needs to be appropriate in the circumstances. The temporary arrangements could be used to gather evidence of likely impacts to inform permanent decisions; also impacts in the short term may be of a lesser scale than those which are permanent. These considerations will inform the scale of the assessment.”¹⁰*
- 7.7. This guidance also includes the following relevant reference to caselaw from England: *“Mr Justice Blake said: ‘Even where the context of decision making is financial resources in a tight budget, that does not excuse compliance*

⁹ Section 75 – A Guide for Public Authorities, ECNI 2010, page 29

¹⁰ Budgets and Section 75: a short guide, ECNI June 2015, page 4

with the PSEDs [11] and indeed there is much to be said for the proposition that even in the straightened times the need for clear, well-informed decision making when assessing the impacts on less advantaged members of society is as great, if not greater.’ R (Rahman) –v- Birmingham City Council [2011] EWHC 944 (Admin), paragraph 46.”

The requirement to have “due regard”

- 7.8. The Commission’s guidance also sets out the principles established in case law for what is required by a public authority to have “(due) regard” for the purposes of statutory equality and good relations duties.
- 7.9. Courts in Great Britain take into account the principles (commonly known as the Brown principles from the case of R (Brown) v Secretary of State for Work & Pensions & others (2008 EWHC 3158 (Admin)) when assessing compliance with the public sector duties. These indicate that:
- the decision-maker must be aware that he/she is obliged to comply with the public sector duties;
 - the duties must be fulfilled before and at the time that a particular decision is being considered, and not afterwards;
 - the duties must be exercised in substance, with rigour and an open mind, and not as a ‘tick boxing’ exercise;
 - the duties are non-delegable, meaning that it is the actual decision-maker who must comply with the duties, and not some other person;
 - the duties are continuing ones;
 - it is good practice to keep adequate records that will show that the statutory goals have actually been considered and pondered and to promote transparency and discipline in the decision-making process.
- 7.10. Complying with the arrangements outlined in its equality scheme will considerably help a public authority to comply with, and importantly to demonstrate that it has complied with, the “due regard” duty of Section 75(1), and indeed with the Brown principles.

The application of Equality Scheme arrangements to functions

- 7.11. Schedule 9, paragraph 4. (1) refers to the Equality Scheme which “*shall show how the public authority proposes to fulfil the duties imposed by Section 75 in relation to the relevant functions*”. The arrangements required in paragraph 4. (2) refers to “policies”.

¹¹ Public Sector Equality Duties as set out in Section 149 of the Equality Act 2010 and as it applies to public authorities in England, Scotland and Wales.

7.12. The Commission's guidance defines policies as: "*any strategy, policy (proposed/amended/existing) or practice and/or decision, whether written or unwritten*".¹²

The role and requirements on the decision maker

7.13. The Commission provides the following advice in its guidance that relates to decision making:

*"Those with responsibility for public policy should remember the reality of inequality, **to have it in mind in the decisions they take**, and to adjust or modify those decisions so that they can reduce its consequences on the lives of people¹³" [emphasis added] and*

"In terms of 'due regard', it is established that the consideration must be given in advance of a final decision being made, not afterwards, and it must be done with an open-mind to achieve the goals set out in statute."¹⁴

7.14. The role of a Minister as decision maker has been considered in caselaw. One example is found in the challenges to the Department for Work and Pensions in Britain, under Section 149 of the Equality Act 2010 - which sets out similar statutory duties on public authorities in that they must pay "due regard" to specific equality and good relations goals. In the judicial comments on the Court of Appeal case challenging the Minister's decision to close the Independent Living Fund – providing financial support for disabled people – the following points were made in drawing conclusions on the Minister's role in complying with the public sector equality duties:

"A vague awareness that she owed legal duties to the disabled would not suffice; nor in my view was it enough simply to alert her to the obligation to have regard to the matters identified in the EIA and the IA. They did not identify her legal obligations. For example, there is no evidence that she had her attention drawn to the positive obligation to advance equality of opportunity..."

"...a submission that the court should assume that the Minister for Disabled People must be taken to be fully aware of her legal duties and to have complied with them. Whilst it may be reasonable to assume that she would be well briefed on the purpose and operation of the fund, it is in my opinion far from obvious that she would have had a clear understanding of her legal duties under the Equality Act."¹⁵

¹² [A Guide for Public Authorities](#) (ECNI, 2010), page 30.

¹³ Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities (April 2010), page 10

¹⁴ Section 75, Northern Ireland Act 1998 and Section 49A, Disability Discrimination Act 1995 – A Short Guide, ECNI, June 2015

¹⁵ [2013] EWCA Civ 1345 (Bracking and others), paragraphs 77 & 78

Implementing Equality Scheme arrangements.

7.15. The Commission provides the following advice in guidance on screening:

- *“The purpose of screening is to identify those policies that are **likely to have an impact on equality of opportunity and/or good relations**. Screening enables a public authority to **identify those policies which are more relevant to the Section 75 statutory duties** and on that account be considered for an equality impact assessment. It also helps to identify policies which **offer better opportunities for the discharge of the Section 75 statutory duties** for people in any of the equality or good relations categories.”¹⁶ [emphasis added];*
- *“Screening will help improve a public authority’s service provision through a systematic review of all services, policies, procedures, practices and/or decisions. **It should be completed at the earliest opportunity in the policy development process.**”¹⁷ [emphasis added], and*
- *“Complying with the arrangements outlined in its equality scheme will considerably help a public authority to comply with, and to demonstrate that it has complied with, the “due regard” duty of Section 75(1), and indeed with the Brown principles. Issues of relevancy and proportionality come into this too, which is why, for example, the Commission’s advice on methodology makes provision for two levels of review, which are known as “screening” and “Equality Impact Assessment”, in determining whether a policy is relevant to one or both duties and then enabling an appropriate assessment to inform final policy options and decisions.”¹⁸*

7.16. The duties in Section 75 are continuing duties and, for the circumstances in this investigation, the following is helpful. In caselaw in Britain, the continuing nature of the duties has been considered. The case of R (Griffiths & Coll) –v- Secretary of State for Justice [2013]¹⁹ concerned the provision of “*approved premises*” in England and Wales for the accommodation of women prisoners who had been released on licence (such premises were previously known as “probation hostels”), and “*historically there had been little coordinated development of approved premises, which instead had grown by an organic process*”.

¹⁶ Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities (April 2010), page 40

¹⁷ Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities (April 2010), page 51

¹⁸ Section 75, Northern Ireland Act 1998 and Section 49A, Disability Discrimination Act 1995 – A Short Guide, ECNI, June 2015, page 6

¹⁹ [2013] EWHC 4077 (Admin)

7.17. The court was satisfied that the Secretary of State was in breach of the sex equality element of the public sector equality duty that now applies in England and Wales (i.e. Section 149, Equality Act 2010), noting at paragraphs 64 and 65:

- *“The equality duty applies not only with discrete decision-making, but also with situations which develop organically...Moreover, the case-law makes clear that it is a continuing duty and requires ongoing review and assessment.*
- *Thus there is no evidence that the Secretary of State has fulfilled his equality duty, at least not since 2008. What is required is that he address possible impacts, assessing whether there is a disadvantage, how significant it is, and what steps might be taken to mitigate it. In the context of advancing equality of opportunity – one aspect of the duty – that means taking the opportunity to see whether more might be done for women, having regard to their particular circumstances. Nothing even approaching this has been done. The equality duty is not outcome orientated...Nor does it demand a minutely detailed examination of all possible equality impacts. However...it is an important standard for public decision-making. In this case the Secretary of State has not met the standard.”*

Adequacy of an assessment to enable a public authority to fulfil its Section 75 duties

7.18. The Commission provides the following advice in guidance on screening and equality impact assessments, which covers points about data and monitoring:

“The public authority should ensure that any screening decision is informed by relevant data. This may be either quantitative or qualitative or both and should help indicate whether or not there are likely equality of opportunity and/or good relations impacts associated with a policy. The absence of evidence does not indicate that there is no likely impact.”²⁰

“An effective monitoring system will indicate the actual impact of policies; whether and on whom there is any adverse impact; help to identify ways to mitigate or relieve such impact; and provide pointers to alternative policy approaches that might more effectively promote equality of opportunity.”²¹

²⁰ Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities (April 2010), page 52

²¹ Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities (April 2010), page 42

8. Analysis

Relevant functions

- 8.1. The Commission provides clear advice and guidance on the application of Equality Scheme commitments in circumstances of decisions on budgetary matters and financial decision making.
- 8.2. The evidence from DfC is clear that DCAL considered the overall Líofo Programme and the Líofo Bursary Scheme within this to be relevant to the Section 75 duties. It is also clear that DfC considered the Community Halls Pilot Programme relevant to the Section 75 duties. The duties under Section 75 are continuing duties; the Equality Scheme sets out how the public authority proposes to fulfil the duties.
- 8.3. The Commission is clear that the **functions** DfC is carrying out when deciding on financial allocations for **both** a Bursary Scheme under the Líofo Programme and the Community Halls Pilot Programme are **within the scope** of the Section 75 duties.

Implementing Equality Scheme arrangements – Líofo Bursary Scheme

- 8.4. Paragraph 4.1 of DfC's approved Equality Scheme defines policy for the purpose of the Equality Scheme processes. *"it covers the ways in which we carry out or propose to carry out our functions..."*
- 8.5. For the **Líofo Bursary Scheme**, this Investigation considered whether the processes of screening, as set out at paragraph 4.3, should have been applied when options were presented, in the submission to the Minister on 13 December 2016, so that the Minister could to *"take into account any assessment"* (paragraph 4.2 of the approved Equality Scheme) in the decision taken to allocate funds for a Bursary Scheme for 2017.
- 8.6. DfC's contention is that **the Scheme did not constitute a policy**; that it was the Líofo programme itself that was the "policy" for screening purposes. The Commission notes that the screening template, supplied by DfC, from DCAL in 2011 for the Líofo Programme (which is also referred to as "Initiative" in the template), includes text stating: *"The Líofo 2015 Initiative is not a policy in the true sense of the word, but rather a monitoring initiative to track individuals who have undertaken a challenge to become fluent in Irish by 2015"*, albeit the screening template was completed.
- 8.7. There is no evidence provided of DCAL, prior to May 2016, nor DfC after May 2016 taking any further action through the development, monitoring of and/or changes to the Líofo Programme to apply its Equality Scheme processes, or in the case of any of the constituent elements contributing to the delivery of the Programme. DfC states that the aims/objectives of the

overarching programme did not change, that the Bursary Scheme was not a policy and therefore it considered that no further action in relation to the application of Equality Scheme arrangements was required.

- 8.8. However, in DCAL's 2011 screening document, the aim of the Líofo Programme is supported by text outlining the main provisions of the programme: a website; details of classes and materials. From this, the screening identifies a number of potential effects/implications for specific equality groups, in particular under "*categories expected to benefit from the policy*" it notes: "*All surveys have shown a very strong relationship between the religious affiliation of respondents and their ability to speak Irish*". It continues with "*the initiative has the potential to benefit all s75 categories by encouraging them to increase their fluency in Irish*". It states how resources will be available "*in neutral areas such as FE Colleges*", and concludes: "*This will ensure accessibility to all s75 groups.*" Further, in the evidence section there is data presented for access to the internet and how this is affected by age. The section providing details of "*needs/experience/priorities*" sets out that "*there is a lower update of internet services amongst some older individuals, it has been agreed that a postal sign up ... will be made available*", and "*There is a lower knowledge of Irish amongst those over 60*".
- 8.9. The Commission received a copy of the submission to the then DCAL Minister from 2012 when a pilot Bursary Scheme was proposed to further the Programme's aims/goal/objectives. There is no evidence presented for this Investigation to show that the DCAL Minister at that time was presented with any information relating to any further equality assessments. There is nothing in the summary information referring to "Equality" or "equality implications".
- 8.10. The Ministerial submission sets out the arrangements for the Líofo Bursary Scheme. It identifies the target audience to be "*children whose parent (s)/ guardian (s) are on Income Support...*"
- 8.11. Considering the DCAL screening template from 2011 on the equality ground of age, and the new element of the Líofo Bursary Scheme in 2012, the latter was clearly presented with a different purpose and a different target audience, albeit both were "*to increase the number of people learning and becoming fluent in Irish*" (from the Department's letter of 24 March 2017). The potential equality impacts on age related to older people accessing the internet in 2011, compared to young people accessing a bursary scheme to facilitate attendance at language courses in the Gaeltacht areas in 2012.
- 8.12. There was no evidence presented to the Commission to suggest that any of the potential **equality impacts** of the Líofo Programme were subsequently monitored, or taken into account in any subsequent schemes or funding to

achieve the Programme's goals, albeit the survey of participants²² collects data on some of the equality grounds.

- 8.13. DfC's Equality Scheme states: "4.5 screening is completed at the earliest opportunity..... at appropriate stages during implementation".
- 8.14. The Commission notes that in the letter from DfC of 24 March 2017, it states that the "original business case for the scheme covered 4 years and this ended in 2015". While it has been confirmed that there is no explicit reference to the consideration of equality matters in the development of a business case, the Commission's view is that this seems to have been a missed opportunity, given there appears to have been no prompt to undertake any further equality assessment.
- 8.15. The definition of "policy" at paragraph 4.1 of DfC's Equality Scheme is very broad. It is related to the carrying out of functions, as described in Section 75. DfC asserts that the year to year funding of the Bursary Scheme is not a "policy". However, there are clear policy objectives for having the Bursary Scheme, it is part of a continuing function that DfC fulfils, and decisions are taken annually on monies to be made available for it, or not. The decision in December 2016 was taken based on a Ministerial Submission document that set out the objectives and purpose of the Bursary Scheme, along with a number of options for its funding (or not) for 2017.
- 8.16. The Investigation considered the application of screening and equality impact assessment (as required) to funding decisions. From the Commission's guidance and caselaw, the role of the decision maker is clear, as well as the information that must be available in order for the decision maker to be able to fulfil the statutory duties in Section 75. The screening/EQIA information is central to this and there has been no evidence provided by DfC to show that the Minister, on this occasion, was furnished with any information on the need to promote equality of opportunity.

Implementing Equality Scheme arrangements – Community Halls Pilot Programme

- 8.17. In the case of the **Community Halls Pilot Programme**, DfC has stated that it was an "administrative error" that the Programme was not subject to an equality screening prior to its launch in October 2016. **The "Programme" is considered by DfC a policy** for the purposes of applying its Equality Scheme arrangements to fulfil its duties.

²² "Líofa Survey of Participants", DfC/NISRA, 2016

Timing of equality screening - both for the Scheme and the Programme

- 8.18. The Equality Scheme commitment at paragraph 4.2 is clear: “In making any decision with respect to a policy adopted or proposed to be adopted, we will take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9 9.(2) of the Northern Ireland Act 1998.”
- 8.19. This provides arrangements that enable a public authority to fulfil the duties “before and at the time that a particular decision is being considered, and not afterwards”, also “the duties must be exercised in substance, with rigour and an open mind; and not as a “tick boxing” exercise; ”²³
- 8.20. The Commission has received no evidence that DfC took any action on screening after May 2016 for the purposes of the Líofo Bursary Scheme, nor is there any evidence that what was presented in DCAL’s 2011 screening was brought to the attention of the Minister in December 2016 to inform the decision he was asked to take on the Líofo Bursary Scheme at that time.
- 8.21. DfC has acknowledged that it failed to undertake a screening exercise of the Programme prior to its launch in October 2016.
- 8.22. DfC submitted two screening forms completed following the award of funding under the Programme. These present useful data for the continued monitoring of the Programme, and there is an extensive section on monitoring in the screening form signed off in March 2017. However, for the purposes of fulfilling the duties, an equality assessment, by way of screening and EQIA if necessary, should have been provided **to inform the decision making process.**

Adequacy of the equality assessment – Community Halls Pilot Programme

- 8.23. DfC undertook a screening exercise that was approved in February 2017 and updated the information and analysis in March 2017.
- 8.24. For both the February and March screening templates provided, the evidence and information presented in the screening document relates mainly to the data collected from applicants and applications to the process.
- 8.25. All of this information was collected after the decision was taken to fund the Programme.
- 8.26. In setting out “*needs, experiences and priorities*” of the Section 75 categories, the form does note “needs” of disabled people in relation to access, facilities and proximate parking facilities. However, there is **no evidence to suggest that the identification of this potential impact led to any consideration** of mitigation or opportunities to better promote equality of opportunity. The Commission notes this could have been

²³ A short guide to the public sector equality and disability duties, ECNI 2014 (Brown principles)

achieved at the time of developing the business case, Programme objectives or award criteria, and considers this was a missed opportunity in the absence of any screening exercise being carried out in advance of decision making process

- 8.27. The Commission acknowledges that the Application Criteria set out types of work to be funded, with general work to meet health and safety standards including the examples of “*CCTV and alarm systems, security equipment, disability access.*”

9. Investigation findings

- 9.1. The Commission concludes that, **in both cases** of the funding decisions under consideration, DfC was fulfilling functions that are relevant to the Section 75 duties.
- 9.2. There is commonality in policy development between the Líofo Bursary Scheme and Community Halls Pilot Programme. Both were developed and agreed by the Minister concerned, as decision maker; both concern the distribution of public money; both have set criteria for award; both have an application and award process; and both have systems to monitor the awards. One has been called a “Scheme”, one has been called a “Programme”; both are policies for the purpose of section 75 policies.
- 9.3. The Commission notes that the Programme is entitled “Pilot”, and treated as a policy for screening, in accordance with paragraph 4.1 of the approved Equality Scheme.
- 9.4. **For the Líofo Bursary Scheme**, the Commission concludes that in 2012, when the proposal for “*implementation of a Gaeltacht Scholarship Pilot Scheme*” was submitted to the then Minister for Culture, Arts and Leisure, it should also have been supported by an equality assessment. The proposal anticipated an annual Scheme throughout the life-span of the Líofo Programme, and was supported by a business case and objectives.
- 9.5. While the Líofo Bursary Scheme sought to contribute to achieve the overall aim of the Líofo Programme, it is clear that it would specifically affect a different group of people than identified in the 2011 screening template, and therefore it should have been considered a policy in 2012 and the **Equality Scheme arrangements should have been applied.**
- 9.6. Having responsibility for the function relevant to the duties, and given the duties are continuing, DfC **should also have** treated the Gaeltacht Bursary Scheme (GBS) – as titled in December 2016 – as a policy for the purposes of its Equality Scheme arrangements.

- 9.7. Appropriate equality assessment information should have been included in the submission to the Minister in December 2016.
- 9.8. The Commission finds that DfC failed to comply with its approved Equality Scheme as it did not “*take into account any assessment [and consultation] carried out in relation to the policy ...*” (Equality Scheme paragraph 4.2). There is no evidence that the Minister was provided with any assessment, including the one undertaken in 2011.
- 9.9. The Commission also finds that DfC failed to comply with its approved Equality Scheme as it did not use “*the tools of screening.... to assess the likely impact of [the Líofo Bursary Scheme] on the promotion of equality of opportunity...*”. It also did not “*relate an assessment to the intended outcomes of the policy in question...*” (Equality Scheme paragraph 4.3). DfC has relied on the screening template completed in DCAL in 2011 for the Líofo Programme, without reviewing it, amending it, or undertaking further assessments to reflect any changes to elements of the Programme.
- 9.10. The Commission finds that DfC failed to comply with its approved Equality Scheme as it did not use screening to identify whether the policy was *likely to have an impact* (Equality Scheme paragraph 4.4) and also did not screen *at the earliest opportunity* (Equality Scheme paragraph 4.5). This finding reflects DfC’s reliance on DCAL’s screening template from 2011 and the Commission’s conclusion that the Líofo Bursary Scheme should have been treated as a policy.
- 9.11. **For the Community Halls Pilot Programme**, the Commission finds that DfC failed to comply with its approved Equality Scheme as it did not “*take into account any assessment [and consultation] carried out in relation to the policy ...*” for making the funding decision (Equality Scheme paragraph 4.2). The assessment was made after the decision to allocate funds to the programme.
- 9.12. The Commission also finds that DfC failed to comply with its approved Equality Scheme as it did not use the tools of screening “*... to assess the likely impact of [the Community Halls Pilot Programme] on the promotion of equality of opportunity*”, and did not relate an assessment “*to the intended outcomes of the policy in question*” (Equality Scheme paragraph 4.3). The assessments carried out in February and March 2017 presented, in the main, the data from applications received and awards made.
- 9.13. The Commission finds that DfC failed to comply with its approved Equality Scheme as it did not use screening to identify whether the policy was “*likely to have an impact*” (Equality Scheme paragraph 4.4) and also did not screen “*at the earliest opportunity... and prior to implementation*” (Equality Scheme paragraph 4.5).

- 9.14. In terms of the timing of equality considerations, the Commission also concludes more generally that consideration should be given to equality matters at the time of, or in the development of a business case, where there are objectives set for the spending of public money. Explicit reference to the statutory equality and good relations duties and what they require could be prompted when preparing a business case. This applies to both the Líofo Bursary Scheme and the Community Halls Pilot Programme.
- 9.15. For both the Líofo Bursary Scheme and the Community Halls Pilot Programme, the funding decisions taken by the Minister **should have been informed by an equality assessment against the objectives for the spend**. There is no evidence to suggest this occurred in either case. For the Líofo Bursary Scheme, through this investigation, there has been a review of evidence of practices over a long period of time. In the context of the development of a high level programme and a range of methods of meeting the aims of the programme, the investigation has highlighted the importance of addressing an equality assessment to the objectives set, and at an early stage. It also highlights the importance of subsequent/continuing assessments and monitoring in the context of the continuing nature of the duties.
- 9.16. The Commission welcomes an assurance from DfC that a recently implemented training programme, rolled out to all Departmental staff, addresses this matter directly, as well as addressing the issue of policy identification for the purposes of applying Equality Scheme arrangements.
- 9.17. Given the findings of this investigation, and their applicability to the practices of other Departments in the development of funding schemes, the Commission will seek to engage with the Department of Finance. Specifically the Commission will offer advice on the development of business case objectives, funding criteria or programme objectives to ensure that equality assessment is part of the developmental stage, in accordance with Equality Scheme arrangements.

10. Recommendations

- 10.1. In light of the findings above, the Commission makes the following recommendations.
- 10.2. DfC **should take a consistent approach to the identification of “policies” for the purposes of its Equality Scheme arrangements. A “policy” should be identifiable through the setting of objectives** for a business case, funding criteria, or specific objectives relating to the target

audience/beneficiaries of any funding programme/scheme. For example, in the Liofa Bursary Scheme, the initial Programme focuses on communication methods to encourage sign up, with the potential equality impacts on older people identified. The Scheme then sought to target young people and adults from disadvantaged backgrounds. In the identification of either of these target groups, the policy developer should be prompted to look at the equality implications at that point, so that the information compiled for decision making allows for consideration of the need to promote equality of opportunity in the circumstances.

- 10.3. DfC should ensure that **any decision maker**, and in this case the Minister, **is presented with appropriate information on the equality implications of the matters under consideration**, in order to make a decision that is in compliance with fulfilling the statutory duties in Section 75.
- 10.4. DfC must address the “administrative error” of missing the need to undertake equality assessments to inform decision making, to prevent recurrence.
- 10.5. For circumstances where the Community Halls Pilot Programme is continued beyond its “pilot” phase, and continues from the same business case as prepared for the “Pilot”, DfC should undertake an equality assessment (screening and EQIA, as required) against the aims/objectives/criteria of the Programme. DfC should also ensure its evaluation and future actions also meet the monitoring commitments set out in its Equality Scheme.
- 10.6. The DfC should prepare an equality assessment (screening and EQIA, as necessary) of the Liofa Bursary Scheme to inform any future submissions to the Minister to seek approval for an annual funding allocation. This should assist DfC in fulfilling its duties under Section 75, which are continuing duties. The Liofa Programme is subject to detailed evaluation and monitoring, the Commission was provided with a copy of the “*Liofa Survey of Participants*” (2016). This survey could be extended in future, or current data further analysed, to inform an equality assessment of the Liofa Bursary Scheme against its stated objectives, and to provide monitoring data in accordance with DfC’s Equality Scheme commitments.
- 10.7. While appreciating the latter two recommendations are specific and subject to decisions of Ministers, the former relate to wider practices for the Department. The Department should report to the Commission on the implementation of the recommendations within six months of the date of issue of the Investigation Report.