

EQUALITY COMMISSION FOR NORTHERN IRELAND

Final Report of Commission Investigation under Paragraph 10 of Schedule 9 of the N. Ireland Act 1998

JOHN ALLEN

FIRE AUTHORITY FOR NORTHERN IRELAND

FILE No: SDI/17/04

SUBJECT OF INVESTIGATION

The Fire Authority for Northern Ireland's (hereafter referred to as the FANI) alleged failure to subject a policy relating to the "standby/call-out areas for flexible duty officers" to screening. This was a "new" policy in that it was introduced subsequent to the Commission's approval of the FANI's equality scheme, and was not specified in said scheme. Paragraph 7.2 of the FANI's approved equality scheme stipulates:

"Other new policies may be developed during the five year period of the programme of impact assessments which cannot yet be specified. Any new policies will be screened for fuller impact assessment using the criteria identified in paragraphs 5.2 and 5.4."

INVESTIGATION FINDINGS

The FANI had stated, in response to Mr Allen's original complaint to it, that it had in fact screened the policy in question in the context of its screening of a policy on fire cover/risk assessment.

The Investigations Officer met with the FANI on 24 June 2004. During the course of this interview, it became apparent that, at the time of the alleged screening referred to by the FANI, the policy relating to the standby/call-out arrangements was not screened.

The Committee therefore considers that a failure to comply with the approved Equality Scheme has been established in this instance. It notes that the judgment in judicial review proceedings, *In the Matter of an Application by John Allen to Apply for Judicial Review*, 30 June 2004, reached the same conclusion.

RECOMMENDATIONS

The Committee **recommends** that the FANI takes the following action:

1) The policy entitled “Northern Ireland Fire Brigade: Standby/Call-out Areas for Flexible Duty Officers” based at Brigade Headquarters of 7 May 2002 should be subject to immediate screening. The purpose of this screening exercise will be to identify whether the policy in question is likely to have a significant impact on equality of opportunity.

2) In conducting such screening, the FANI will apply the screening criteria set out in the Equality Commission’s Guide to the Statutory Duties and engage in consultation about the likely impact (on the promotion of equality of opportunity) of this policy.

TIMESCALE

The FANI is required to complete the actions necessary to abide by the recommendations set out above **by Monday 7 March 2005** and to report to the Commission that the recommendations have been fulfilled.