

# EQUALITY COMMISSION FOR NORTHERN IRELAND

## Report of Commission investigation under Paragraph 10 of Schedule 9 of the Northern Ireland Act 1998

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### SUBJECT OF INVESTIGATION

This investigation relates to an alleged failure by the Department for Regional Development to comply with paragraph 3.11 of its approved equality scheme.

This paragraph provides:

*“In making any decision on a current or proposed policy, the Department will take into account [and bring to the minister’s attention] any relevant equality impact assessment and the outcome of associated consultation”.*

The complaint relates to the conduct of an Equality Impact Assessment by the Department on its policy on concessionary fares. During the formal consultation exercise on this assessment, at least two organisations (North & West Belfast Senior Citizen’s Forum and the Equality Commission for Northern Ireland) had pointed out a potential adverse impact on women in the 60/64 age group arising from the current policy. The Department did not accept that the policy created such adverse impact, and therefore did not alter or mitigate the policy when it reached its decision.

### INVESTIGATION FINDINGS

In respect of the North & West Belfast Senior Citizen’s Forum’s consultation submission that free travel should be extended to women aged 60 – 64, the Department met with this consultee on 24/07/04 to discuss the submission, and subsequently detailed its reasons for not agreeing to this request in the final Equality Impact Assessment document as follows:

*“Northern Ireland Concessionary Fares Scheme is available to all those aged 65 and over.*

*The same qualifying age must be set for both men and women in order to comply with the Sex Discrimination (NI) Order 1976. When the Scheme was introduced the*

*Department set the qualifying age at 65 having taken advice from the then Department for Health and Social Services. Although women are currently eligible for the state pension at age 60 and men at age 65, the Government is committed, on equality grounds, to harmonising the state pension age at 65 for both men and women by 2020.*

*There are no plans to lower the qualifying age from 65.”*

In respect of the Equality Commission for Northern Ireland’s consultation submission that free travel should be extended to all persons aged 60 – 64, the Department’s final EQIA document simply records again that:

*“There are no plans to lower the qualifying age from 65.”*

This might suggest that this submission was not properly taken into account by the Department in reaching its decision. However, the Investigation pointed to the following matters which rebut that suggestion:

Departmental officials met with the author of the Equality Commission’s consultation on 3 October 2004 to explain its reasons for not agreeing to this request.

An earlier draft of the final Equality Impact Assessment document explains that it is the Minister’s view that any additional resources should, in the first instance, be used to improve public transport for all.

## **CONCLUSIONS**

The evidence supporting the complaint is the fact that the submissions did not lead to an alternative policy or mitigation, and the fact that the final Equality Impact Assessment did not properly address the submission made by the Equality Commission. This does not necessarily mean that the submissions were not considered. The facts established by the Investigation suggest that the consultation submissions were considered by the Department when it made its Equality Impact Assessment decision.

The Commission therefore considers that a failure to comply with approved Equality Scheme has not been established.