



Section 75 of The Northern Ireland Act 1998 Equality Commission revised Guide and how it can be used to effect change

The Equality Commission for Northern Ireland has produced, a [Section 75 revised Guide for Public Authorities - April 2010](#) which provides detailed guidance for public authorities on the effective implementation of the Section 75 duties including guidance on *equality schemes*.

The Commission has also produced a new publication which is a summary of the key issues outlined in the Guide [Section 75 Outline Guide March 2012](#).

This outline guide will be of interest to senior or policy staff within community and voluntary sector organisations, who may wish to use Section 75 as a tool for influencing change in public policy.

Section 75 duties – what’s new?

Section 75 of the Northern Ireland Act 1998 (the Act) requires public authorities to comply with two statutory duties.

The first duty is the *Equality of Opportunity* duty, which requires public authorities in carrying out their work to have ‘*due regard*’ to promote equality of opportunity between the nine equality categories of persons of different:

- religious belief,
- political opinion,
- racial group,
- age,
- marital status or
- sexual orientation;
- men and women generally;
- persons with a disability and persons without; and

- persons with dependants and persons without.

The second duty, the *Good Relations* duty, requires that public authorities in carrying out their work to have '*regard*' to promoting good relations between persons of:

- different religious belief,
- political opinion and
- racial group.

A public authority must produce a written *equality scheme* of how they propose to meet these duties. In producing new schemes most public authorities have committed to undertaking an *audit of inequalities* i.e. a systematic review of their functions in order to identify inequalities that their work has the potential to positively affect and to develop an *action plan* in order to address these inequalities.

Another key change is promoting direct *consultation* with individuals as well as representative organisations and consulting for an extended period of 12 weeks.

The Commission continues to recommend the tried and tested tools of *screening* (with revised questions) and *Equality Impact Assessment* (EQIA – a more thorough assessment of the equality implications of a policy) as the tools for public authorities to assess their policies for equality impacts.

How can organisations and individuals use Section 75 to influence public policy and effect change?

1. *Audit of inequalities* – proactively provide public authorities with information or data about inequalities that they have the potential to influence.
2. *Action Plans* – suggest action to public authorities that they could take to address these inequalities.
3. *Complaints* – Tell people they can take what are called Paragraph 10 complaints where a public authority has failed to do what they said they would do in their 'Equality Scheme'. The individual must write to the authority first within 12 months from the incident referred to and give the authority a reasonable time to respond. The Equality Commission can

advise individuals and organisations on how to take a complaint.

4. *Responding to consultations* – respond to consultations on policies, equality impact assessments, audits of inequalities and action plans.
5. *Screening* – Most public authorities have committed in their new schemes to sending consultees a ‘screening report’ of all policies assessed in that period. Review these and respond to those of interest or concern.
6. *Consultation lists* – ask to be put on public authorities consultation lists of interest to you and to be sent quarterly screening reports.

Hard copies of the outline guide or for any other information on Section 75 may be requested by contacting Steve Gray: sgray@equalityni.org or telephone 90 500 600.