



Office of the

**First Minister and
Deputy First Minister**

www.ofmdfmini.gov.uk

Disability Action Plan

2008-2011

Published - July 2008

1st revision carried out April 2009

INDEX

	PAGE
INTRODUCTION	4
STATEMENT OF COMMITMENT	5
FUNCTIONS.....	7
PUBLIC LIFE POSITIONS.....	10
PROMOTING POSITIVE ATTITUDES TOWARDS DISABLED PEOPLE	11
Section 75 Duty.....	11
Equal Opportunities Policy	12
Recruitment Policy and procedures	12
Training	12
Workforce monitoring	13
Procurement	13
Access to buildings	13
Consultation	13
Promoting Social Inclusion Working Group on Disability (PSI Disability)	14
Public Appointments Policy	14
Best Practice	16
Publications	18
Mailing list.....	19
All Aboard.....	19
Training	20
Website	20
UN Convention on Disability Rights	21
Legislation.....	21
ACTION MEASURES	24

**Document located in OFMDFM RECORDS MANAGEMENT SYSTEM
TRIM – HR/Managing Staff/ Equality and Diversity/Disability Action
Plan/Disability Action plan**

Liz Elliott

Head of Personnel

OFMDFM

INTRODUCTION


1. Under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by Article 5 of the Disability Discrimination (Northern Ireland) Order 2006), the Office of the First Minister and deputy First Minister (OFMDFM) is required when carrying out its functions to have due regard to the need to:
 - a) promote positive attitudes towards disabled people; and
 - b) encourage participation by disabled people in public life ('the disability duties').

2. Under Section 49B of the DDA 1995, the Office of the First Minister and deputy First Minister is also required to submit to the Equality Commission a disability action plan showing how it proposes to fulfill these duties in relation to its functions.


STATEMENT OF COMMITMENT

3. The Office of the First Minister and deputy First Minister is committed to effectively implementing the disability duties. We will allocate all necessary resources (in terms of people, time and money) in order to effectively implement this plan and build objectives and targets relating to the disability duties into corporate and annual operating plans.
4. We will also put internal monitoring arrangements in place to ensure that the disability duties are complied with and this disability action plan is effectively implemented. We will ensure the effective communication of the plan to staff and we will provide training and guidance for all staff on the disability duties and the implementation of the plan. We will work with disabled people to ensure the effective implementation and reviewing of our plans.


Signed



FIRST MINISTER



DEPUTY FIRST MINISTER



PERMANENT SECRETARY

September 2009

5. Responsibility for reviewing this action plan and the point of contact within the Office of the First Minister and deputy First Minister will be:-

Liz Elliott

Head of Personnel

Room E4.12 Castle Buildings

Telephone number: 02890 522119

Textphone number: 07712 937128

Fax number: 02890 522339

Email: liz.elliott@ofmdfmni.gov.uk

If you require this plan in an alternative format (such as in large print, in Braille, on audio cassette, easy read or on computer disc) and/or language, please contact the above person to discuss your requirements.

6. We confirm our commitment to submitting an annual progress report on the implementation of this plan to the Equality Commission and carrying out a three year review of this plan, or plans submitted to the Equality Commission over the three year review period.

7. A copy of this plan, our annual progress report to the Equality Commission and our three year review of this plan will be made available on our web site at www.ofmdfmni.gov.uk

FUNCTIONS

8. Outlined below are the range of functions of the Office of the First Minister and deputy First Minister.
- a) Coordinating the Executive's policies and monitoring the effectiveness of public spending in achieving the administration's goals.
 - b) Setting targets and coordinating government action plans.
 - c) Setting priorities for improving investment in infrastructure.
 - d) Building equality, good relations, social cohesion and eliminating poverty and social exclusion.
 - e) Promoting and monitoring implementation of cross-cutting policy and strategy in key areas including:
 - I. equality of opportunity;
 - II. good relations;
 - III. tackling poverty and social exclusion;
 - IV. children and young people;
 - V. victims and survivors;
 - VI. sustainable development;
 - VII. economic policy and
 - VIII. European policy
 - f) Taking forward work on the key future strategic challenges.
 - g) Providing an effective external and internal communication service to Ministers and Departments, co-ordination of corporate communication messages and centralised management of Government advertising.
 - h) Management of the Integrated Development Fund.
 - i) In partnership with the Department of Finance and Personnel providing advice and guidance to the Northern Ireland Civil

Service on governance issues.

- j) Working with Ministers and officials in Departments to draft Northern Ireland Bills and adapt Westminster Bills extending to here.
- k) Providing advice and guidance to Ministers and officials on constitutional matters.
- l) Providing the services of the Statutory Publications Office.
- m) Coordinating the implementation of Review of Public Administration cross cutting themes.
- n) Developing the Programme for Government.
- o) Providing advice and guidance to Ministers and secretariat functions to ensure effective operation of the Executive and the North South Ministerial Council.
- p) Co-ordination of the NI contribution to British Irish Council and the British Irish Inter-Governmental Conference.
- q) Supporting Ministers on the work of Assembly and Westminster committees.
- r) Providing advice and guidance to the Northern Ireland Civil Service on Parliamentary/Assembly procedures, questions and committees.
- s) Providing advice and guidance to the Northern Ireland Civil Service on maximising the benefits the European Union and from international relationships.
- t) Improving the policy making capacity of the Northern Ireland Civil Service.
- u) Monitoring the type and level of threat to Northern Ireland, advising on appropriate response measures and putting suitable structures in place to facilitate action as required.
- v) Undertaking a range of central functions and providing advice and

support to Departments on a range of issues including Freedom of Information, Public Appointments and Honours.

- w) In partnership with the Department of Finance and Personnel, arbitrating and deciding on competing funding demands.
- x) Working with other government departments to implement the Reform Programme to improve the effectiveness and efficiency of the Northern Ireland Civil Service.
- y) Providing a range of corporate services to staff in OFMDFM.

PUBLIC LIFE POSITIONS

9. The following public appointments are regulated by the Commissioner for Public Appointments NI and appointed by the First Minister and deputy First Minister:

- a) Commissioner for Children and Young People;
- b) Strategic Investment Board;
- c) Commission for Victims and Survivors;
- d) Economic Research Institute for Northern Ireland; and
- e) Ilex Urban Regeneration Company Ltd.

10. The following public appointments by OFMDFM will, as far as practicable, be conducted in accordance with the principles set out in the OCPA NI Code of Practice on Public Appointments:

- a) Planning and Water Appeals Commissions; and
- b) Statute Law Committee.

11. The First Minister and deputy First Minister also appoint:

- a) Commissioner for Public Appointments for Northern Ireland.

PROMOTING POSITIVE ATTITUDES TOWARDS DISABLED PEOPLE

12. As part of the Northern Ireland Civil Service, OFMDFM is committed to promoting positive attitudes towards disabled people through:

Section 75 Duty

13. Section 75 of the Northern Ireland Act 1998 places a statutory obligation on all designated public authorities to ensure that they carry out their various functions relating to Northern Ireland having due regard to the need to promote equality of opportunity across nine social categories, including:

- a) persons of different religious belief;
- b) political opinion;
- c) racial group;
- d) age;
- e) marital status;
- f) sexual orientation;
- g) men and women generally;
- h) persons with dependants and persons without; and
- i) persons with a disability and persons without.

14. OFMDFM is specifically responsible for the provision of strategic advice, support and challenge to policy makers in all NICS departments including OFMDFM. The Equality Directorate has oversight responsibility for the Department's statutory equality duties under Section 75 of the NI Act. Its role extends to the review

of ECNI codes of practice, guidance, policies and procedures. As one of nine social categories, disability warrants the same consideration as the other eight social categories.

Equal Opportunities Policy

15. The Northern Ireland Civil Service Equal Opportunities Policy, developed centrally through the Department of Finance and Personnel, applies to all aspects of working life and is fully implemented within OFMDFM. Further information, including details of any actions taken or planned centrally in respect of the disability duties, is contained in the DFP Disability Action Plan.

Recruitment Policy and procedures

16. Recruitment policy for OFMDFM is undertaken centrally by the Department of Finance and Personnel. Further information, including details of any actions taken or planned centrally in respect of the disability duties, is contained in the DFP Disability Action Plan.

Training

17. Equal Opportunities training for Northern Ireland Civil Servants is provided by the Centre for Applied Learning. Further information, including details of proposed training in relation to the disability duties is contained in the Department of Finance and Personnel's Disability Action Plan.

Workforce monitoring

18. Statistical information on disability within the NICS workforce is collated centrally by the Department of Finance and Personnel. Further information is contained in the DFP Disability Action Plan.

Procurement

19. Procurement of goods and services for the Northern Ireland Civil Service is undertaken centrally. Further information, including details of any actions taken or planned centrally in respect of the disability duties, is contained in the DFP Disability Action Plan.

Access to buildings

20. Buildings and property within the Northern Ireland Civil Service Estate are managed by Properties Division within the Department of Finance and Personnel. Further information, including details of any actions taken or planned centrally in respect of the disability duties, is contained in the DFP Disability Action Plan.

Consultation

21. All public consultation papers issued by OFMDFM are made available in alternative formats and disabled people are encouraged to attend consultation events.
22. As part of the Northern Ireland Civil Service, OFMDFM is committed to encouraging the participation of disabled people in public life.

Promoting Social Inclusion Working Group on Disability (PSI Disability)

23. The aim of the PSI Disability Working Group is to examine the barriers to participation experienced by people with disabilities which contribute to their relative poverty, disadvantage and social exclusion. This work has identified a number of issues and the Group will be making recommendations on the following themes:

- Early Years and Family Support;
- Transitions to Adulthood;
- Independent Living;
- Choice and Control;
- Employment and Employability;
- Information and Communication; and
- Bringing About Change.

It is our intention to submit the report to Ministers by Autumn 2009. The recommendations will help inform an action plan to be taken forward by the relevant departments.

Public Appointments Policy

24. It is government policy that appointments to the Boards of public bodies in Northern Ireland (public appointments) will be made on merit and, as far as practicable, in accordance with the **Code of Practice for Ministerial Appointments to Public Bodies** published by the Office of the Commissioner for Public Appointments for Northern Ireland (OCPA NI).

25. The Commissioner for Public Appointments for Northern Ireland is a statutory office holder who is operationally independent of

Government. The Commissioner is responsible for regulating and monitoring departments to ensure they comply with her Code of Practice on Public Appointments.

26. At present the Commissioner's statutory remit extends only to Executive Non Departmental Public Bodies (ENDPBs) and Health and Personal Social Services (HPSS) bodies and as such the Commissioner is responsible for regulating public appointments to the Boards of these organisations. Departments have agreed, as far as is practicable, to apply the Commissioner's Code of Practice when making public appointments outside the Commissioner's statutory remit.

27. The Code of Practice on Public Appointments requires that equality principles inform the public appointments process and stipulates that all public appointments must be made in accordance with the seven underpinning principles of:

- Ministerial Responsibility;
- Merit;
- Independent Scrutiny;
- Equal Opportunities;
- Probity;
- Openness and Transparency; and
- Proportionality.

28. The procedures drawn up by the Commissioner and set out in her Code of Practice lay considerable emphasis on the need for all public appointments to be governed by the over-riding principle of

selection based on merit; the inclusion of an independent element in this selection process; the need for openness and transparency in the appointments process; and for information to be published about any appointments made. In particular, the guidance emphasises the need for all candidates for public appointments to have access to a job description and a summary of the key qualities sought (a person specification), and the need for a wide field of candidates to be obtained by making use, where appropriate, of public advertising.

29. The Code of Practice makes it clear that “the principles of equal opportunity and diversity must be inherent within the appointments process” (paragraph 2.8). That “Departments must also take care not to unlawfully discriminate against any group” (paragraph 2.9) and “Departments should take appropriate action, whenever possible, to attract suitable candidates from all sections of society, and this in turn, should lead to wider representation on public bodies. Those involved in the appointments process must, however, ensure that any initiative or action they take to encourage or achieve wider representation is within the law” (paragraph 2.10).

30. Within OFMDFM, sponsor branches responsible for making appointments to public bodies are encouraged to have due regard for the recommendations contained in the report published in 2005 by the Short Term working Group on Diversity in Public Appointments when planning their appointment processes.

Best Practice Guide

31. The Central Appointments Unit in OFMDFM has central policy

responsibility for public appointments in Northern Ireland. To complement the OCPA NI Code of Practice, the Central Appointments Unit has produced and maintains **Making Public Appointments – A Best Practice Guide for Departments in Northern Ireland**. The Guide recommends that “Departments should offer arrangements for disabled candidates (at the application stage as well as at formal interview) such as providing Braille and audio taped information packs and application forms. The provision of these or other adjustments for candidates with disabilities must be conveyed to candidates”. This is a duty under the Disability Discrimination Act.

32. The Guide also recommends that when advertising public appointments in the press, a general equal opportunities welcoming statement along the lines of the following should be included in the advertisement; “*The Department is committed to the principles of public appointments based on merit with independent assessment, openness and transparency of process. The Department is committed to providing equality of opportunity and welcomes applications regardless of gender, age, marital status, disability, religion, ethnic origin, political opinion, sexual orientation or whether or not you have dependants*”.

33. In addition to criteria based application forms, public appointment applicants are also asked to complete an equal opportunities monitoring form, which records information in relation to gender, age, ethnic origin, community background and disability. This information is collected for monitoring purposes only and forms no

part of the selection process.

34. Equal opportunities monitoring data, including information on disability, is collated within each Department and forwarded once each year to the Central Appointments Unit for inclusion in the Public Appointments Annual Report. In line with normal practice this monitoring data is presented anonymously.

Publications

35. The Central Appointments Unit has produced **Make Your Mark – A Guide to Public Appointments in Northern Ireland**. The purpose of the Guide is to raise awareness and has been designed to provide much of the information needed to understand what it means to be a member of the Board of a public body. It also seeks to explain the type of bodies currently in existence and how the process of appointing people to these bodies works in process.
36. The Guide was widely distributed when first published and copies are still available to Departments and the general public from the Central Appointments Unit.
37. The Central Appointments Unit also produces the **Public Appointments Annual Report**, which sets out details of the number of applications received and appointments made in any given financial year. All of Northern Ireland's eleven Government Departments contribute to the Report, which also includes statistical information on the number of disabled people who applied for positions and the number appointed.

Mailing list

38. The Central Appointments Unit maintains a mailing list of individuals and organisations interested in public appointments in Northern Ireland. Anyone can join the mailing list, which currently contains the names of over 1600 individuals and 200 organisations including community/voluntary groups, political parties, pressure groups and disability organisations.
39. Everyone on the mailing list receives a copy of **All Aboard** – the news sheet and vacancy list published by the Central Appointments Unit approximately every six months.

All Aboard

40. As indicated above **All Aboard** is published roughly every six months and fulfils two functions, firstly it provides information about public appointment policy and public bodies in Northern Ireland, and secondly, it provides details of forthcoming public appointment vacancies.
41. Each edition of **All Aboard** contains a list of vacancies and the purpose of including this information is to provide early warning to those on the mailing list of the public appointments that Northern Ireland's eleven Government Departments intend to fill. The vacancy list provides an opportunity to see what vacancies will be coming up in the near future, to register an interest and find out more information about the vacancy from the designated official or contact point.

42. Being in receipt of **All Aboard** does not convey any unfair advantage. All appointments are made on merit following an open and transparent process and recipients of **All Aboard** are expected to apply and compete alongside all other applicants.

Training

43. **Get on Board** is a short, innovative and collaborative training course aimed at people interested in contributing to public life or serving on the Board of a public body. The course aims to improve accessibility to public appointments by explaining what Board members actually do and how the appointment process works in practice.
44. Although the course is run by Belfast Metropolitan College both the Central Appointments Unit and the Department for Employment and Learning have assisted with funding to develop **Get on Board** and continue to support its delivery. Everyone attending the course receives a copy of the OFMDFM publication **Make Your Mark – A Guide to Public Appointments in Northern Ireland** and unless they indicate otherwise they are added to the mailing list.

Website

45. The Office of the First Minister and deputy First Minister maintains a public appointments page on its website www.ofmdfmni.gov.uk. Copies of the Annual Report, **Make Your Mark – A Guide to Public Appointments in Northern Ireland** and the latest edition of **All Aboard** are available on the website. The website is also

used to publicise any public appointment vacancies that come to our attention in between the twice yearly publication of **All Aboard**.

UN Convention on the Rights of Persons with Disabilities

46. The UK, as the UN Member State, signed the UN Convention on the Rights of Persons with Disabilities in March 2007 and OFMDFM has worked with The Office of Disability Issues (ODI) on the ratification of this Convention. The UK ratified the Convention on 8th June 2009. Under Article 33 (2) of the Convention, States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework to promote, protect and monitor implementation of the Convention. The Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission will have joint responsibility for monitoring the Convention in Northern Ireland.. A Memorandum of Understanding will be drawn up between the two Commissions. OFMDFM will work with the two monitoring Commissions to raise awareness about rights contained within the Convention.

Legislation

47. The Equality Directorate in OFMDFM has responsibility for providing and updating legislation that tackles unfair discrimination, including legislation on disability. We have in the last few years introduced a range of equality legislation aimed at improving the lives of disabled people; this legislative work has extended the protections offered by our existing framework of equality legislation and work will continue to develop and enhance that framework

where the need arises.

48. The disability legislation OFMDFM has introduced includes the following:

- the Disability Discrimination (2006 Order) (Commencement No.3) Order (Northern Ireland) 2007 which brought into operation Article 18 of the Disability Discrimination (NI) Order 2006 which carried amendments to the definition of “disability” in the Disability Discrimination Act 1995;
- the Disability Discrimination (2006 Order) (Commencement No.4) Order (Northern Ireland) 2007 which brought into operation most of the remaining provisions of the Disability Discrimination (NI) Order 2006;
- the Disability Discrimination (Premises) Regulations (Northern Ireland) 2007; these Regulations make provision about discrimination in relation to the disposal of premises
- the Disability Discrimination (Service Providers and Public Authorities Carrying Out Functions) Regulations (Northern Ireland) 2007; these Regulations revoke and replace a number of existing regulations relating to Services and Premises and partially consolidate provisions in relation to Providers of Services. In addition, they make provision in relation to public authorities, which arises out of new duties introduced into the Disability Discrimination Act 1995 by the Disability Discrimination (NI) Order 2006.
- the Disability Discrimination (Questions and Replies) Order (Northern Ireland) 2007; this Order prescribes forms for questions and replies for cases falling within Part III of the

Disability Discrimination Act 1995;

- the Disability Discrimination (Private Clubs, etc) Regulations (Northern Ireland) 2008; these Regulations modify the duties imposed on private clubs and other associations and impose a duty on them to make adjustments;
- the Disability Discrimination (Guidance on the Definition of Disability) (Revocation) Order (NI) 2008, this Order revokes previous guidance used to determine the definition of “disability”;
- the Disability Discrimination (Guidance on the Definition of Disability) (Appointed Day) Order (NI) 2008, this Order brings into operation new guidance for the purposes of defining disability; and
- the Disability Discrimination Act 1995 (Commencement No.10) Order (Northern Ireland) 2008 which brought into section 49 of the Disability Discrimination Act 1995 to the extent that it relates to provisions in the 1995 Act about the carriage of guide dogs and assistance dogs in taxis and private hire vehicles.

49. OFMDFM will be introducing further disability legislation to strengthen the protections available for disabled people including:

- the Disability Discrimination (Transport Vehicles) Regulations (Northern Ireland), which will remove the exemption for the operators of transport services from Part III of the Disability Discrimination Act 1995; and
- the Blind and Partially Sighted Persons Regulations which will provide for certain persons to be deemed to have a disability and hence to be disabled persons for the purposes of the Disability Discrimination Act 1995.

ACTION MEASURES

Outlined below are the measures which we propose to take over the period 1 April 2008 to March 2011 of this disability action plan, together with performance indicators or targets.

Measures to promote positive attitudes towards disabled people and encourage the participation of disabled people in public life.

Measures	Timescale	Performance Indicators/target	Allocated to	Review at 1 April 2009
1. OFMDFM will carry out annual staff attitude survey to encourage all staff to declare disability if appropriate and to suggest further ways of promoting positive attitudes towards disabled people.	Initial survey by March 2009; annually thereafter.	Findings of survey to provide baseline data and to inform future OFMDFM local action plans.	Liz Elliott Personnel	Initial survey carried out November 2008. OFMDFM Disability Focus Group established January 2009. Disability awareness leaflet issued April 2009. Disability Contact Officer network established April 2009
2. In line with NICS practice, OFMDFM's website will be	Mar 2009	Website more accessible for all	Executive Information	From September 2008, all new content is

Measures	Timescale	Performance Indicators/target	Allocated to	Review at 1 April 2009
'single A' compliant and strive to meet 'AA' standards. Alternative formats can be made available where necessary.				compliant with current standards.
3. OFMDFM will review and reissue guidance on accessible venues for departmental events.	Dec 2008	Guidance re-issued; unsuitable venues to be advised of reason for not booking Service	Gerry Mulligan Director, Equality & Social Needs OFMDFM	Completed - guidance reviewed and reissued by Head of Civil Service on 5 January 2009
4. OFMDFM will continue to expand the public appointments mailing list with a view to increasing the readership of "All Aboard" magazine.	Dec 2008	"All Aboard" reaches a wider and more diverse range of people	Michael Ferguson Central Management Unit, OFMDFM	Additional names added to the mailing list during 2008; more to be added in 2009
5. OFMDFM will carry out an attitude survey to encourage all public appointees to declare a disability where appropriate	Mar 2009	Findings to provide baseline information and to inform OFMDFM action	Michael Ferguson Central Management	Survey forms issued to all public appointees in March 2009 with return date of 30 April 2009

Measures	Timescale	Performance Indicators/target	Allocated to	Review at 1 April 2009
and to suggest further ways of promoting positive attitudes towards disabled people.		plan.	Unit, OFMDFM	
6. OFMDFM (Equality, Rights and Social Needs Division is responsible for monitoring (cross-cutting) PSA7 “Making People’s Lives Better”. Objective 2: “Take forward co-ordinated strategic action to promote social inclusion for people with a physical/sensory disability”.	CSR07 (Apr 2008 to Mar 2011)	Indicator 5 - Work across government to remove barriers to participation and achieve a measurable improvement in specified aspects of the lives of people with disabilities by 2012. The perspectives to be monitored have yet to be specified. Once specified it may be necessary to establish new monitoring systems. This may delay the identification of	Michael Pollock (Central Anti-Poverty Unit, OFMDFM)	A report from the Promoting Social Inclusion (PSI) working group on people with disabilities is being finalised with a view to presenting to Ministers by Autumn 2009.

Measures	Timescale	Performance Indicators/target	Allocated to	Review at 1 April 2009
		indicators.		
7. Delivery of Report and Action Plan to OFMDFM Executive Committee	now estimated to be Summer 2009	Promoting Social Inclusion Report and Action Plan is produced in time for submission to OFMDFM Executive Committee to consider by end of financial year.	Michael Pollock (Central Anti-Poverty Unit, OFMDFM)	Behind schedule – see above.
8. To introduce disability legislation	2009	The Disability Discrimination (Transport Vehicles) Regulations (Northern Ireland) 2009, which will remove the exemption for the operators of transport services from Part III of the Disability Discrimination Act	David McGowan Equality Legislation 2	Public consultation exercise closed on 13 March 2009. The responses are currently being considered.

Measures	Timescale	Performance Indicators/target	Allocated to	Review at 1 April 2009
		1995.		
	TBA	The Blind and Partially Sighted Persons Regulations	David McGowan Equality Legislation 2	Policy issues still under consideration.
9. UN Convention on Disability Rights	Dec 2008	Agree monitoring arrangements and ratify convention.		ECNI and NIHRC will be the joint monitoring bodies for Northern Ireland. The UK Government ratified the Convention on 8 th June 2009. OFMDFM will work with the two Commissions to raise awareness of the rights contained within the Convention.