

**Section 75 of the
Northern Ireland Act 1998**

OFMDFM

**Five Year Review of
Equality Scheme**

**Report to the
Equality Commission**

March 2006

Executive Summary

Section 75 of the Northern Ireland Act 1998 has provided a formal, rigorous and structured approach to how we promote equality of opportunity in the development of our policies, through its formal processes of screening and Equality Impact Assessment (EQIA). Its emphasis on evidence based policy-making, consultation, inclusiveness and openness complements our current thinking and good practice guidance about policy-making that have arisen in the NICS as a result of the development and promulgation of our Practical Guide to Policy Making in Northern Ireland. Section 75 provides another basis on which to ground certain aspects of our policy-making process.

The review of our Equality Scheme has given us an opportunity to take stock and look at what has and has not worked. But we need to await any recommendations that may arise out of the fuller review of the effectiveness of Section 75 to see whether any changes are to be made to how we implement the statutory duties right across all of the public authorities.

There needs to be a strategic focus and proactivity right across the organisation – it's not just about compliance with the scheme.

Key lessons learnt over the past five years

We have developed our levels of expertise and understanding of Section 75 and its associated processes considerably over the past five years, as have the voluntary and community sector and those with whom we engage in consultations. Significant learning and improvements in our implementation of the processes are now evident, as are levels of engagement with key stakeholders and advisory fora.

Key lessons:

- the importance of a strategic focus;
- open top level commitment is important, as is spreading this message throughout the Department;
- having a centre of expertise in the Department;
- allowing “learning time” is also important, to allow the duties to bed in;
- the importance of our ongoing relationship with consultees;
- an increased focus on “smart” or targeted consultation;
- the importance of collaborative working;
- the importance of reporting progress, as a means of self-assessment and also of letting consultees and interested parties know of progress;
- sharing knowledge and expertise, using internal networks for support (such as the Equality Practitioners Group, Equality and Social Need Steering Group, etc.);
- we were a newly created Department when our Equality Scheme was put into place – a lot has changed and evolved over the lifetime of the scheme. This has had an effect on the EQIA timetable and associated timescales;
- with hindsight we feel that the initial projected five year timetable of EQIAs was too long – there has been too much change over such a protracted period. A shorter period of, perhaps, two to three years might have been more meaningful;
- the Review of Public Administration and Priorities and Budget are examples of two high level strategies where we have been working with the Equality Commission to develop thinking about how to mainstream equality considerations into high level strategies; and
- experience outlined in Section 2(d) below indicates the extent to which our experience over the last five years has enabled us to develop a sophisticated understanding of the potential of consultation within Section 75 processes.

What more needs to be done to achieve outcomes?

- Raising levels of policy literacy, in central government as well as among consultees in the voluntary and community sector; and
- having a strategic focus – linked to targeted actions, such as the Promoting Social Inclusion priorities.

1. Senior Management involvement

The Department's Departmental Board and senior management show strong commitment to Section 75 and equality scheme compliance. This commitment is reflected in:

- all departmental business planning activities from the development of Public Service Agreement (PSA) targets to individual personal performance agreements (which can, where appropriate, contain equality targets);
- the resourcing of a dedicated unit in the Department to drive forward the implementation of the statutory duties within the Department and across the NICS;
- the Board discussing and agreeing quarterly progress reports on implementing the statutory duties and the annual progress report to the ECNI;
- the forwarding of these reports to the Minister, for information;
- the direct input of the (Grade 3) Director of Equality and senior managers within Divisions to the implementation of Section 75 in the development of policy and legislation;
- senior management taking the opportunity to provide key note speeches at high level events, including launching the revised guidance on Section 75 at ECNI in February 2005 and in the Senior Civil Service Masterclass in July 2005; and
- the Director of Equality chairing the quarterly Equality and Social Needs Steering Group, at which equality is a key driver – we report on cross-cutting issues and developments in relation to equality, including monitoring of enforcement issues and complaints. This report is then communicated to the

Departmental Board and the Head of the Civil Service (HOCS) for action, if appropriate. In addition, staff from the Equality Commission are often invited to attend these meetings to discuss and brief Departmental colleagues on relevant equality and enforcement issues.

What further steps could be taken?

We have used the review to establish a policy-makers forum in the Department. The purpose of the forum is to discuss key aspects of the scheme's implementation and to ensure that colleagues are afforded the opportunity to share good practice and input into the further development, refinement and training needs of the equality processes.

Lessons learnt

We currently monitor scheme implementation and report to the Board on a quarterly basis. Often we find that there is not necessarily much change evident on a quarterly basis, compared to six monthly intervals.

1b) Annual expenditure of resources

There is no separate budget for equality scheme delivery. All equality and good relations related processes are embedded into departmental and decision-making processes, integrated into objectives and targets and built into project budgets. Consequently, it is not possible to disaggregate these indirect elements of costs.

Year	Full Time Equivalent Staff	£'s
2003/04	3.0	106,725
2004/05	3.6	133,426
2005/06	3.6	134,047

FTE figures and costs relate to dedicated staffing of the Equality & Human Rights Unit only (previously known as the Statutory Duty Unit). We are unable to provide figures for 2001/02 and

2002/03 as data on average salaries are used for forward financial and business planning purposes and only kept as they are needed or for the year(s) ahead.

In terms of direct resourcing of Section 75, a dedicated Equality & Human Rights Unit (previously called the Statutory Duty Unit) has been established in the Department to drive forward and monitor the implementation of the equality scheme and Section 75. The Unit also provides advice and guidance to Departmental colleagues and advice, support and challenge to colleagues across the NICS.

The Equality and Human Rights Unit is currently staffed with 1 Principal, 2 Deputy Principals, 1 Staff Officer and 1 Executive Officer II. The Grade 5 over the Division has direct involvement in aspects of equality scheme delivery, as has the Director of Equality (Grade 3) and the Senior Management Team.

External consultants are not engaged in this Department in equality scheme delivery.

There is no separate training budget for equality. Training is organised in response to demand and resourced out of central training funds. This need is variable, on a year-to-year basis, depending on staffing changes within and across branches, divisions and departments. In addition, staff in the Equality and Human Rights Unit are involved in delivering equality training within the Department, on induction programmes for new staff and in specific SCS Masterclasses. We also provide cross-departmental training on Section 75 and equality, for example, on the Graduate Entrant Staff Officer Corporate induction programme and on the subordinate legislation course.

Enablers to monitoring resources

We have comprehensive budgetary procedures for monitoring use and value for money of resources.

Impediments to monitoring resources

In terms of resourcing, the more staff/resource we have the more proactive and “hands on” we can be. At present our role is tailored to work within the existing resource constraints.

Being asked to supply monitoring information on resourcing retrospectively is difficult. This information is collected for financial forward and business planning purposes. The information is generally not retained after the financial year in question, hence we are unable to supply information relating to 01/02 and 02/03. If the Commission would like us to collect this information for future years it would be good to set out the information likely to be required now so that we can proactively and routinely collect it from this point onwards.

2. Assessing compliance and consulting

In Chapter 3 of our Equality Scheme we said that we would assess compliance with the duties by:

- EQIAing policies contained in our EQIA timetable – we have completed some of these EQIAs and are continuing this programme of work. We update this timetable throughout the business year, adding new EQIAs as they come on-stream. We have made some amendments to this timetable over its life-span, removing some policies (some of which we subsequently decided were not actual policies, or they were policies for which we did not have responsibility) and adding other new policies as they emerged, thereby ensuring that the timetable is as complete and up-to-date as possible;
- conducting an annual review of progress on implementing the statutory duties and submitting a report to the Equality Commission to assist it in compiling its own annual report on progress – we do this annually, but in addition to this we monitor the implementation of the scheme quarterly and report to the Departmental Board on progress;

- making this annual report publicly available – we place our Annual Report on the departmental website after submission to the Commission. It is available upon request;
- monitoring complaints regarding fulfillment of our statutory obligations and seeking to resolve such complaints bilaterally – we have not received any complaints to date;
- liaising with Departments, North/South Implementation Bodies and other public authorities in promoting the implementation of the statutory obligations through the Equality Units within the NICS – we do this through quarterly meeting of the Equality & Social Need Steering Group, and quarterly meetings of the inter-departmental Equality Practitioners Group. We do this less with other public authorities or N/S bodies, but we maintain good contact with the Public Authorities Network and keep abreast of how Departments’ Equality Officers keep in contact with their own networks; and
- conducting a comprehensive review of the Equality Scheme within 5 years of its submission to the Equality Commission – this review fulfills this commitment.

2a) Impacts and outcomes

The ECNI guidance and our Equality Scheme did not require us to specify equality outcomes per se – the focus was on process. Part of the reason for this focus was because we were all starting out with this new statutory obligation and the onus was on making sure that everyone understood the processes, what it was about and that everyone got it right.

In terms of impacts and outcomes, we have striven to mainstream equality considerations into all levels of decision-making and as a result we have developed considerable experience and expertise over the past 5 years. Through the Section 75 processes we have made the promotion of equality of opportunity and good relations in policy-making processes more transparent. We consult more and earlier and have made equality a central plank in decision-making.

As a result we believe we have made better, and more responsive, policies. For example:

- the Policylink website emphasises the role of equality and good relations in good policy-making;
- we have a list of consultees which is updated regularly;
- we issue bi-annually consultation letters and updates;
- we make extensive use of advisory fora in developing our thinking and our strategies eg the Racial Equality Forum and the Children and Young People’s forum;
- we listen to consultees’ views and we incorporate these views into decision-making – for example, we amended the Children and Young People’s Strategy in response to views given, and we listened closely to consultees’ views in the Review of Public Administration (RPA);
- the RPA has developed a good practice model of incremental approach to mainstreaming equality into decision-making, planning data collection to inform decision-making from the outset;
- A Shared Future involved extensive consultations, receiving over 10,000 responses;
- we have developed and improved the integration of equality considerations into high level priorities and budgets; and
- we have established a working group to look at mainstreaming equality and social considerations into Public and Private Partnership (PPP) processes.

Critical review of reports

Our Annual Report is critically reviewed before submission to the ECNI by the Director, the Senior Management Team and the Departmental Board. On receipt of ECNI’s annual report on progress we critically review the report and look for “lessons learnt” for the Department and the NICS generally, and share these with the Senior Management Team and Departmental Board in an effort to further

refine our thinking and processes. These processes together form a continuous improvement model.

Under-reporting is inherent in the EQIA model (at early stages) – we should try to capture examples of this, perhaps in our new Policy Makers forum in the Department.

Examples of good practice

We discuss and share good practice with our own departmental policy colleagues, and also with our Equality Practitioners Group colleagues, with a view to improving good practice within and across the NICS. During 2005 we organised a two-day event for our departmental equality colleagues to discuss and share good practice in relation to our processes and Equality Scheme delivery. As part of this we have:

- reviewed our internal and external communication and consultation;
- made changes to our processes around screening, consulting much more rigorously on screening decisions; and
- made changes to how we communicate with stakeholders, notifying them of forthcoming consultations.

As a result, we now embed procedures with a view to producing better outcomes.

In addition to this, we have worked with RPA and Rating Policy Division to develop a continuous evaluation model to promote equality of opportunity at the earliest possible stage of policy-making. We now champion this as a model of good practice across the NICS. Other examples of good practice include the cross-departmental approach looking at PPPs, including drafting guidance to public authorities.

In terms of sharing good practice, ECNI should consider hosting a seminar at which public authorities could discuss and share examples of good practice. Such an event was organised in the past, but it focused only to the Departments providing feedback on our collective practice.

2b) Equality scheme related consultation exercises

We have undertaken the following equality related consultations since the Act came into force in January 2000. These have all been formal consultations. Where a policy is screened out, our current practice is to target engagement using informal consultation. These have included:

- Gender equality strategy
- Promoting equality of opportunity: Implementing EU Equality Obligations in Northern Ireland (including race, religion, disability, sexual orientation and equal pay)
- New TSN/Anti-poverty strategy
- Review of Public Administration
- Older People's strategy
- Improving Civil Rights for Disabled People: Northern Ireland Executive response to the Disability Rights Task Force
- Disability Discrimination (Northern Ireland) Order 2006
- Promoting Social Inclusion Working Group report on Travellers
- Racial Equality Strategy
- A Shared Future
- Draft Strategy for Children and Young People
- Review of Government Advertising
- Proposal for a Single Equality Bill
- Age Regulations Prohibiting Discrimination in Employment and Training
- Strategy for the support of Victims and Survivors

Most consultations undertaken in the Department, in relation to Section 75, involve drafting a written consultation document which is then notified specifically to the Department's Equality Scheme consultation list. This is regularly updated and placed on the Central Consultation website for public access. In addition to this we engage with key stakeholders on a face-to-face basis and with interested

individuals and groups upon request. These take the form of individual meetings, focus groups discussions, specific fora (eg Gender Advisory Panel, Sexual Orientation Forum, Racial Equality Forum, Children and Young People's Panel) and round table discussions with groups of key stakeholders (for example the Equality Coalition). The consultation strategy differs from policy to policy. We use our experience, current best practice, to develop a consultation plan for the policy based on an analysis of how best to engage with the different stakeholders.

We are aware from our experiences to date that certain methods of consultation are more appropriate to meet the needs of particular groups, at particular points in time. None are better or worse than the other. It depends on the circumstance in which they are used. Consequently we use a variety of methods of engaging with consultees to try and meet these diverse needs. We use these methods in combination rather than relying on just one method in order to accommodate people's needs or preferred means of engaging.

For example, we discovered in taking forward the Gender Equality Strategy that in consulting with grass roots groups, greater clarity and use of plain English was required. We recognised also the need to engage with "hard to reach" men and women and therefore planned ways to engage effectively with these individuals. To this end we trained a network of facilitators with knowledge of local issues, including those skilled in working with "hard to reach" groups and individuals and they cascaded the consultation outwards on our behalf. This proved to be a very positive, well-received and effective consultation mechanism.

The revised ECNI guidance emphasises the need to target. In response we are becoming more sophisticated in how we go about engaging our key stakeholders. We have responded to, and await the outcome of, research being undertaken by a joint team from QUB, Maynooth and Letterkenny IT on e-consultation. We are interested to see whether there are any lessons we can take from this in terms of using e-technology to improve our consultations.

Improvements in how we have conducted our consultations have included:

- producing shorter, more focused consultation documents with executive summaries;
- placing consultation documents on the website for open access from interested individuals, as well as groups;
- trying to notify consultees about forthcoming or current consultations, rather than sending them the full document automatically;
- advertising selected/high profile consultations in the press, as well as on the central consultation website;
- enabling people to respond to consultations in a format of their choosing, including hard copy, the website or via email;
- better targeting of key stakeholders, interested parties or people/groups likely to be affected by the policy;
- roundtable discussions on key policy issues;
- engaging with key stakeholder fora on a regular basis;
- seeking expressions of interest relating to particular policies, and allowing consultees to self-select those consultations in which they have a particular interest;
- coordinating consultations using key voluntary and community sector organisations or engaging facilitators from the sector to cascade consultations to ensure that directly affected individuals are involved in the consultations and have an opportunity to have their say;
- organising culturally specific facilitated workshops with members of particular Section 75 categories, to cascade the consultation outwards amongst those most likely to be affected by it;
- being available and responding to requests for face-to-face meetings with political parties, individuals or groups;
- meeting stakeholders at a time of their choosing, including after normal working hours;
- holding pre-consultation seminars with key stakeholders; and
- follow-up letters and phone calls as a reminder, to ensure consultees have had an opportunity to consider and share their views.

2c) Developing the level of engagement and consultation

Our consultation list is dynamic and is continually being updated in response to requests from individuals and groups, to be included or removed from the list. A large scale updating exercise was undertaken during the Summer of 2004. We asked people whether they wished to remain on the list, whether they wished to receive an alert about forthcoming consultations or whether they wished to receive consultation documents in electronic format or in hard copy.

We did encounter some problems with non-response. For these groups and individuals who did not respond we made the decision to continue sending them documents as before and in accordance with commitments made in our Equality Scheme. Of those that did respond, most wished to remain on the list and indicated that they still wished to receive the consultation documents in full in hard copy rather than electronically. We intend to repeat the exercise in Summer 2006. Any adhoc request to be included or removed from our consultation list is actioned immediately and in accordance with the consultee's request.

With an increasing emphasis on targeting consultation, we are constantly looking for ways in which to balance the desire to target consultations effectively and yet remain inclusive. This is a delicate balance. We still engage in formal consultation during the EQIA process, looking for opportunities to target the consultation to key stakeholders, where possible and appropriate. We have formal consultation exercises with our entire Section 75 consultation list for the purposes of EQIA. The consultation is also placed on the Central Consultation Register and is accessible to anyone who wishes to respond. We are moving increasingly towards consultation planning to try and use the most appropriate means of engagement. We are looking at developing and using special forums, using focus groups, the need for training, and better engagement with the voluntary and community sector.

During the screening process we have targeted engagements with key stakeholders, usually through face-to-face meetings or in round table discussions. To ensure we don't miss anything, Departmental best practice is to use the technique of "snowballing" whereby we ask

consultees if there are any individuals or other groups whom they think we should engage with in making the screening decision – if they suggest anyone then we follow this up with a request to meet. We then consult more widely (twice a year) with those on the full Section 75 consultation list on our screening decisions taken over the previous six months. We offer them the opportunity to scrutinise these decisions and talk to officials about them.

Developing the level of engagement and consultation

Standing panels and fora

In particular policy areas we have developed specific fora, involving expert commentators, organisations from the voluntary and community sector and other government departments, to inform or to oversee areas of work. Recent examples have included, inter alia, the Racial Equality Forum to oversee the implementation of the Racial Equality Strategy Action Plan; the Panel of Experts for taking forward work on the proposals for a Single Equality Bill for Northern Ireland; the Gender Advisory Panel to assist in the development of the Gender Equality Strategy and Action Plans for women and men; the Sexual Orientation Forum to advise on sensitive issues around tackling inequalities based on sexual orientation; the Young People's Advisory Panel who were involved in taking forward work on the draft Children and Young People's Strategy. The latter is split into two: the Voluntary and Community Panel and the Young People's Group.

Joint working

Working in partnership with the other Northern Ireland Departments, we recently held a joint targeted engagement with key stakeholders on the review of equality schemes. We found it to be a very useful vehicle for consulting in a targeted fashion. It was also well received by the groups and individuals involved. This is something we would like to explore again because of its value and utility.

New techniques

We are also looking with interest at issues of e-consultation to see whether and how we could use e-technology to run our consultations or whether chat forums (where all consultees can see others' responses and engage in a dialogue with them on points of opinion) would be of use. All the Northern Ireland Departments and NIO have participated in a cross-border research project being led by Dr David Newman from QUB on this issue, and await the findings and recommendations with interest. In addition, the Gender Equality Unit and the Single Equality Bill Team have purchased licenses for software called "Quickplace" for members of their respective advisory fora to enable them to share documents and their views on them online.

2d) Consulting with directly affected individuals

We value the expertise and views of umbrella groups/representative organisations from the voluntary and community sector. It is usually these groups whom we consult or, through whom we sometimes, cascade consultation exercises. Our Section 75 consultation list contains individuals as well as groups or organisations. Members of the public or interested parties are able to respond to our consultations as they are placed on our website and are available on request. We work to ensure that views sought to our consultations are representative of the Section 75 categories. We cascade views and information upwards and outwards as appropriate.

We are awaiting the ECNI guidance on consulting with children and young people to help guide us in establishing good practice in this area.

The Advertising Review Group sought the views of any interested individual or group through the consultation process. Specific arrangements were made to consult with Section 75 groups for whom no research data was available during the consultation period.

A focus group was held with the Northern Ireland Youth Forum, a telephone interview took place with MENCAP and face to face

meetings held with Royal National Institute for the Blind and the Chinese Welfare Association.

Consultations with directly affected individuals

- 1 We commissioned Playboard and Youth Action NI to carry out consultations with children and young people on proposals for the Single Equality Bill. NICEM were commissioned to facilitate an event for minority ethnic communities.
- 2 During the phase 2 consultation of the development of the Anti-poverty strategy we met with teenagers from the Londonderry area to explain to them how Government intended to tackle issues of poverty and social exclusion.
- 3 During the development of the Anti-Poverty strategy, we worked collaboratively with the Northern Ireland Anti-Poverty Network and met with those directly experiencing poverty and social exclusion.
- 4 The consultation on Northern Ireland's response to the Disabled Rights Taskforce was made available in an easy read version for people with a learning disability.
- 5 We organised an inter-generational event to consider and discuss Single Equality Bill issues - facilitated by Age Concern - and brought together for the first time a group of older people and young people (students from two grammar schools in Belfast) to discuss issues.
- 6 For the establishment of the Northern Ireland Commissioner for Children and Young People, we produced special versions of the consultation paper for children and young people, and created a dedicated website. A facilitators' version of the paper was produced specially for teachers and youth leaders and versions were made available in Irish for Irish Medium schools.
- 7 In developing the draft Strategy for Children and Young People, we held a number of focus group events with children and young people with disabilities, from minority ethnic communities and with other hard to reach groups such as young offenders, care leavers and younger children.

- 8 We organised and commissioned seminars (some of which were facilitated by minority ethnic voluntary organisations) with members of various minority ethnic communities to elicit their views on the draft Racial Equality Strategy.
- 9 In developing the Gender Equality Strategy, we involved local women's groups in leading and facilitating workshops across urban and rural areas of Northern Ireland. We used a highly participative approach to enable them to contribute to and influence the development of their strategy.
- 10 We met directly with people with disabilities as part of a series of focused meetings on the preparations of the draft Disability Order in Council. Feedback to ECNI on these meetings from directly affected individuals was very positive.
- 11 Taking best advice from key representative organisations, we used specially trained expert facilitators to consult directly with Travellers in taking forward the work on the PSI Working Group report on Travellers.
- 12 We organised a number of culturally specific facilitated workshops with members of members of minority ethnic communities in bringing forward the Racial Equality Strategy.

Feedback

In terms of feedback to consultees, in line with the revised ECNI guidance, colleagues are asked to compile consultation feedback tables, indicating how they have addressed the comments provided by consultees, and to indicate how these comments have been factored into the decision-making. This information is placed on the website, in tabular or text form. It is often accompanied by the full consultation responses to enable public scrutiny and is notified to consultees.

Enablers:

- having specific fora such as described earlier, where groups, individuals and representative bodies are involved in decision making, implementation plans at early stages;
- having a number of key organisations or individuals in specific sectors that provide comprehensive advice and views on policies that will impact on them or their constituents;
- having key stakeholder fora or networks of key Section 75 interests with whom to engage;
- early engagement ;
- better targeting;
- partnership working; and
- having representative groups and individuals with a strong grassroots base.

Impediments:

- trying to explain complex policy or legislative concepts to children and young people – our attempts met with mixed success, even when suitably qualified and trained staff facilitated the event;
- difficulties targeting particular groups or individuals, depending on the focus of the consultation;
- resourcing difficulties in terms of time and money;
- creating alternative formats can take additional time and lengthen the consultation period. It can also be costly to produce;
- tensions about consulting with directly affected individuals versus umbrella organisations - guidance from ECNI on this issue would be most helpful;
- problems of remaining inclusive whilst trying to target – striking the balance can be difficult;
- tight timescales;
- consultation apathy/poor response; and
- unrealistic expectations about what people can influence in the consultation, even when the parameters of influence are outlined.

3. Assessing and consulting on the impact of policies

Policies screened out in last 5 years
The Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 (re-screening exercise as a result of Civil Partnership Act 2004)
The Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulations (Northern Ireland) 2003
The Disability Discrimination (Questions and Replies) Order (Northern Ireland) 2004
The Disability Discrimination (Employment Field) (Leasehold Premises) Regulations (Northern Ireland) 2004
Employment Equality (Sex Discrimination) Regulations (Northern Ireland) 2005

Policies screened in during last 5 years (all on basis of equality considerations)
Prohibiting Age Discrimination in Employment and Training: Legislation for Northern Ireland
Strategy for the support of victims and survivors
Proposals for A Shared Future
Proposals for a Single Equality Bill
Draft Strategy for Children and Young People
Sexual Orientation Action Plan
Older People's strategy
Gender Equality strategy
Racial Equality Strategy/PSI Working Group report on Travellers
New TSN/Anti-poverty strategy
Disability Discrimination (Northern Ireland) Order 2005
Review of Government Advertising
Review of Public Administration

Promoting Equality of Opportunity: Implementing EU Equality Obligations in NI. Including:

- Race Relations (Amendment) regulations (Northern Ireland) 2003
- Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003
- Fair Employment and Treatment Order (Amendment) Regulations (Northern Ireland) 2003
- Equal Pay Act 1970 (amendment) Regulations (Northern Ireland) 2004
- Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2004
- Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004

Enablers and impediments to screening

Enablers:

- better practice, experience and understanding of screening now exists within the Department and elsewhere, so the process is being implemented more rigorously;
- better data now exists (although its not complete) to help with screening thanks to the extensive work in this area by Northern Ireland Statistics and Research Agency (NISRA) colleagues across Departments;
- having a good working relationship with key stakeholders to inform the informal consultation on screening;
- vetting of the screening decision by Equality Unit staff to ensure consistency and correct application of the process; and
- use of a screening proforma, to ensure consistency of approach across Departments.

Impediments:

- lack of data on particular areas to evidence screening decision, namely political opinion and sexual orientation. Or lack of data on the specific policy area itself;
- lack of resources (time and money) with which to commission research or information to plug gaps identified;
- overlap in existing screening criteria/questions too similar
- questions not easy to answer;
- difficulties with definition of policy still evident; and
- we need guidance on prioritisation of screening – we would suggest (1) importance (2) capacity for change (3) no potential negative impacts.

We did experience a number of problems at the outset in identifying policies for which the Department had responsibility, partly because we were a newly formed Department when our Equality Scheme was put into place. There were a number of “policies” which the Department had originally identified for EQIA in the initial screening that took place after the Act came into force, which we then withdrew from our timetable. Some of these we did not actually have responsibility for altering and some were not policies at all (for further details see Q9a).

To date we have not had any group or individual challenge our screening decisions.

What more could we do in the future?

- with the other Departments we are currently developing a screening proforma for all the NICS to use. This will mean that there is one common format for all the Departments to use;
- we intend to carry out a Training Needs Analysis in the Department to ascertain current training needs, including needs relating to screening;
- identify and share examples of good screening practice across the NICS, to promote learning;

- we have already implemented a system whereby colleagues discuss and share their screening document with us, we provide detailed comment and assistance to ensure a rigorous application of the screening process; and
- we ensure that colleagues send us their completed screening proforma for our records, and ask that the process is signed off at Grade 7 level or higher.

3c) Screening on revised policies/legislation

The Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 were amended to take account of the Civil Partnership Act 2004. This was re-screened and screened out following consultation with key stakeholders. All of the EQIAs undertaken by the Department were as a result of initial screening of a policy. Only one policy resulted in re-screening, but this was subsequently screened out.

The aim of Section 75 is to mainstream equality considerations into decision-making and we strive to do this as soon in the policy development cycle as possible. As a result of this we are tending to see fewer potential negative impacts in screening because equality has been central to considerations from the outset and key stakeholder fora have been engaged very early on in decisions.

Changes have been made to the screening process as a result of the new ECNI guidance issued in February 2005. One of the key changes has been ensuring that informal consultation with targeted key stakeholders takes place to inform the screening decision. The other change is that bi-annually we inform our consultees of screening exercises undertaken in the Department in the previous 6 months and provide them with the opportunity to consider the decisions taken.

3d) All those that reached Stage 6:

- Older People's Strategy
- A Shared Future
- Racial Equality Strategy
- Review of Public Administration
- Review of Government Advertising
- Race Relations (Amendment) regulations (Northern Ireland) 2003
- Fair Employment and Treatment Order (Amendment) Regulations (Northern Ireland) 2003
- Equal Pay Act 1970 (amendment) Regulations (Northern Ireland) 2004 and Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2004
- Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004
- Prohibiting Age Discrimination in Employment and Training: Legislation for Northern Ireland
- Disability Discrimination (Northern Ireland) Order 2005

All those that reached Stage 7:

- Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003

The Department has become more experienced and adept at progressing EQIAs – this is due to several factors. First, there is more experience and expertise now available within the Department upon which to draw; second, there is more data available to inform the process (from the equality statistics website); third, key stakeholders also have much more experience and expertise about the processes; fourth, EQIAs take differing lengths of time to complete due to the nature of the policy and the data requirements of each. No two are alike.

Slippage has occurred in our original EQIA timetable due to a number of factors, including unforeseen circumstances. One of the key factors was that the timetable was an initial projection of three years into the future and as such was a “best guess”. The timetable was refined over time, including the removal of policies that should not

have been there, the inclusion of new policies as they arose and giving a clearer indication of actual timescales rather than projected.

We did not routinely go out to all our consultees to inform them of all slippage in our timetable. However key stakeholders involved in fora with the Department are kept informed of timescale slippage and the reasons for this (egs include gender, race and SEB), and we notify the Equality Commission and explain the reasons for slippage.

Our current bi-annual letter to consultees could be also be used to explain slippage in the EQIA timetable since the last letter, if it is felt by consultees that this would be useful.

4 Monitoring adverse impacts

4a) Data collection and monitoring

The Department's Research Branch provides the secretariat to the Equality and Social Need Research and Information Group (ESNRIG), a sub-group to the cross-Departmental Equality and Social Need Steering Group which includes a representative from ECNI . The Branch commissions and manages a range of Equality and Social Need research annually, both on behalf of ESNRIG and Departments. The Branch ensures that Section 75 concerns are reflected, where appropriate, in research work commissioned. In turn, the Branch plays an important role in highlighting Section 75 concerns into broader developments within NISRA, including mapping all the existing data and placing it onto the NISRA equality statistics website for all Departments, and consultees, to access.

On behalf of ESNRIG, the Research Branch commissioned research on Section 75 monitoring – this was carried out over the course of 2004/05 and is now complete. The work examined definitions, examples of best practice in a range of organisational settings, data availability, use of proxy information, and costs and benefits.

The work will be of particular benefit to ECNI who will use the findings and recommendations of this research to inform their work on developing guidance on monitoring.

Research commissioned into indicators of equality and diversity across the Section 75 categories and beyond will also prove to be an immensely valuable project to assist and facilitate informed policy debate and in assisting public authorities to fulfil their statutory responsibilities.

In addition, Departmental-funded research commissioned into Labour Market Dynamics in respect of gender, religion and disability has proved of immense value.

In terms of collecting data across the Section 75 categories, NISRA colleagues in all the Northern Ireland Departments are working to expand the categories which are currently monitored (which often exclude political opinion and sexual orientation because of the sensitivities around asking for this information) to facilitate analysis and to inform the work of policy colleagues who are undertaking screening and EQIA. ECNI's forthcoming guidance on monitoring will be of benefit and will inform this work.

Enablers:

- new research commissioned by our Research Branch;
- the work of Departmental statisticians on developing/continually updating the equality statistics website and helping to fill gaps in the evidence base; and
- support from Section 75 stakeholders for monitoring.

Impediments:

- the guidance on monitoring from ECNI has been long awaited;
- even though the voluntary and community sector are keen that public authorities monitor all categories, getting information from people on the ground is much more difficult – there is a range of issues regarding confidentiality and sensitivities around asking

for and imparting this information, what it will be used for and by whom; and

- there is a lack of consensus on what way to ask the questions around these issues as yet, hence the ECNI guidance will be very valuable in this regard, and ensure that everyone approaches the issue with consistency.

5. Publishing the results of EQIAs and monitoring

It is common practice in the Department to publish the results of the EQIA, which includes a summary of the consultation responses, along with the final decision.

In general we provide all reports in alternative formats upon request, usually the executive summary. However where the issue is particularly pertinent to that group or Section 75 category we consider providing the entire document in the alternative format on request.

To date we have received two requests for reports in Braille and Digital Daisy formats and we have responded positively to these requests.

5a) Reports published

EQIA reports published in the last 5 years
Race Relations (Amendment) regulations (Northern Ireland) 2003
Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 (note this was subsequently rescreened following implementation of the Civil Partnership Act 2004)
Fair Employment and Treatment Order (Amendment) Regulations (Northern Ireland) 2003
Equal Pay Act 1970 (amendment) Regulations (Northern Ireland) 2004 and Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2004
Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004
Older People's Strategy

Racial Equality Strategy
Prohibiting Age Discrimination in Employment and Training: Legislation for Northern Ireland
A Shared Future
Disability Discrimination (Northern Ireland) Order 2005
Review of Public Administration
Review of Government advertising

Stage 7 monitoring

Stage 7 monitoring for future adverse impacts was only reached in the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003, which identified the need to monitor any adverse impacts on the provisions on an exception for organised religions. In the first instance the Gender Equality Unit will monitor the impact of the sexual orientation regulations, and particularly any potential negative impacts, through consultation with ECNI and sexual orientation groups and by monitoring any complaints made to the Equality Commission. There have been no complaints to date.

6. Taking account of EQIAs and consultation

The consultation on the development of the Gender Equality Strategy (a high level strategy for which an “equality assessment” not a full EQIA was carried out) caused a change in the policy direction. During the consultation women expressed the view that the proposed gender action plan would not adequately address their needs or inequalities. In response to this we now have a women’s action plan and a separate men’s action plan.

Consultations on the draft Racial Equality Strategy raised a number of issues that the Race Equality Forum viewed as priority areas for action. They also stressed the importance of multiple identity and that the strategy need to take account of this. As a result of these consultation responses, the strategy was revised to more fully reflect these issues.

7. Training staff

The Equality Scheme outlines the Department's commitment to training in relation to Section 75. The Scheme states that: "OFMDFM will ensure that all staff receive a programme of relevant communication and training on the Section 75 obligations, the requirements of this Equality Scheme and the arrangements for equality impact assessments, appropriate to their grade and responsibilities."

Initially, when the Act came into force in January 2000, everyone in the Department received Section 75 awareness training to ensure that existing staff were aware of their new responsibilities. Subsequently, the Department's approach to training throughout the lifetime of the Scheme has been to provide general awareness training to all staff new to the Department through a variety of programmes, including Corporate Induction and direct entrant Staff Officer induction. As such, the training programme has been consistently applied, and is now fully embedded in all induction training. This includes equality scheme awareness training.

In addition to general awareness training, more in depth, focused training on screening, consultation and EQIAing is available on request through the Training and Development Unit. This training is provided by external training providers from the "call off" contract negotiated by Central Procurement Division (CPD) in DFP (then the Government Purchasing Agency) on behalf of the Departments.

Over the lifetime of the scheme, Equality and Human Rights Unit has been involved in a number of specifically tailored training events for senior managers and equality practitioners throughout the NICS and the wider public sector, such as last year's Senior Civil Service Masterclasses (in July 2005 and December 2005). We also provide detailed input into the centrally organised specialist course on drafting subordinate legislation, ensuring that an awareness that equality is a central consideration when bringing forward legislation in Northern Ireland.

Through its work on gender, disability, age, sexual orientation, race and children and young people, departmental officials work in

partnership with groups and organisations from these sectors. Through this work significant awareness and appreciation of the issues that affect the various equality groups has been developed and we use this network of relationships to provide input into training needs when they arise. Examples of how this has been applied successfully are evidenced in the Department's Annual Reports to the Equality Commission.

Plans for the future include working more closely with colleagues in other departments to co-ordinate joint departmental training in specialist areas such as screening, EQIAing and consultation since individual departments may not have sufficient numbers to mount a course for themselves.

All staff new to the Department receive general Section 75 awareness training in their induction programme.

Enablers:

- ongoing commitment of staff to learning about Section 75 and the Department's responsibilities;
- the assistance of the Equality Commission and other key stakeholders in running training and development sessions with the NICS;
- working with the other Departments to self-train and develop and share best practice – this enables us to effectively cascade this best practice in our own departments through the training that we deliver in-house; and
- in-house expertise of EHRU staff who deliver training.

Impediments:

- an initial impediment to training and communication was the need to develop an adequate level of in-house knowledge and expertise of the procedures involved. However, this expertise has been built up over the lifetime of the scheme and is now an enabler.

At this stage we feel we now need to take stock and carry out a Training Needs Analysis across the department to assess the knowledge base and take a look at current training needs or requirements. Our next task will be to identify how we meet these needs. Part of this latter task will involve the revision of the “call off” contract which is now up for renewal. This will be the responsibility of CPD who will arrange providers on behalf of the NICS as a whole. We will work closely with CPD on this task.

8. Public access to information

From the inception of the Scheme, the Department has taken seriously its responsibility to communicate effectively with the public. This is evidenced by the development of the online services provided by the Department to ensure quick and easy access to information, including a list of contact telephone numbers. To make online information even more accessible the Department has undertaken a website redevelopment programme to comply with the WAI (World Wide Web Consortium Accessibility Initiative) AA standard. Information continues to be made available in traditional formats for those members of the public who either do not have access to a computer, or do not wish to use one.

Since the Department’s last report to the Equality Commission, a fundamental review of government advertising has been undertaken. This review was prompted by the need to ensure that government advertising delivers the most effective and efficient connection between the administration and the public in terms of access to and understanding of government information and services. Recent developments in the local newspaper market, the growth in local broadcasting and the increasing opportunities presented by the internet are also important drivers for change.

The Department has a unit dedicated to providing information to the public (Executive Information Service) and it continues to produce publications, manage events and arrange preparation of information in alternative formats as they are requested. Resource implications mean that the Department is only able to provide alternative formats on request. This has to date included Braille print, Digital Daisy,

audio production, both British Sign Language and Irish Sign Language signers, speedtext operators and translations.

When developing communications campaigns, the Department and any supporting service providers (e.g. advertising agencies) take account of the requirements of Section 75 and all other relevant legislation aimed at ensuring equality of opportunity and fair treatment.

From the inception of the Scheme, the Department has taken its responsibility to communicate effectively with the public very seriously. This is evidenced by the development of the online services provided by the Department to ensure quick and easy access to information, including a list of contact telephone numbers. We have a commitment in our Equality Scheme to publish the results of EQIAs after completion, which we do. We use the website increasingly to publish documents. This allows immediate ease of access to interested parties and enables people to download the documents as required.

As reported in the Department's last report to the Equality Commission, in response to feedback and responses to studies commissioned by the Department, a wide review of the accessibility of information online is currently taking place. Information is also available in traditional formats for those members of the public who either do not have access to a computer, or do not wish to use one.

Enablers:

- using the website to disseminate reports aids ease and speed of access; and
- only providing documents in alternative formats on requests is more economical.

Impediments:

- not every individual or group has access to/wishes to use a computer. Consequently we still need to make documents available in hard copy format;
- not all EQIA documents are accessible in the same place on the website. This can be confusing for people who can't find what they are looking for; and
- requests for alternative formats take time to obtain, hence this need to be factored into consultation timescales and affected groups or individuals give additional time.

9. Timetable for measures proposed in the scheme.

Table 9a – original list of proposed EQIAs (as published in our approved Equality Scheme)

Title of policy	Action/progress
Mainstreaming community relations within the public sector and other institutions	All these were listed as separate EIQA but related to the overarching policy on A Shared Future and were subsequently merged together, resulting in the Policy and Strategic Framework for Good Relations in Northern Ireland, which was launched on 21 March 2005
EU support for community relations and reconciliation initiatives	
Review of support for the Community Relations Council	
Support for voluntary sector community relations initiatives	
Cultural diversity	
Strategic report on Travellers (executive's response to PSI report on travellers)	Government response (including an Equality statement) published 25 February 2003
Equal Pay	Regulations have been made following consultation document

	'Promoting Equality of Opportunity' (which included Equal Pay legislation)
Strategic plan for victim policy issues including relations with voluntary sector victims	Published April 2002
Disability Task Force Report – proposals for consequent amendments to disability discrimination	EQIAs were taken forward separately as individual recommendations were implemented
Single Equality Bill	Work on an EQIA will commence whenever the specific policy direction for SEB is established
Strategic Framework for delivering government services electronically	Removed from EQIA timetable as we decided subsequently that we did not have policy responsibility for some areas, some were not actual policies. ECNI was informed at the time of their removal.
Promote the implementation within the devolved administration of obligations arising under the Human Rights Act	
Develop policy regarding ECHR and other international instruments within the administration	
PSI review on access to information by disadvantaged people	
Improving performance in NI public sector (previously local customer service programme)	

Policy for modernising government	
Support for Equality Commission	
Policy on Honours	
Dissemination of information	
Strategic plan for gender policy issues including relations with voluntary sector women's and men's organisations	Finalised strategy to be published in March 2006
Strategic plan to tackle racial inequality including targeted support for minority ethnic groups (Race Strategy)	Racial Equality Strategy published in 2005. A consultation on the agreed action plan is planned for March/April 2006
Policy on publication of adverts etc.	This was removed from the original timetable, but a wide ranging review of advertising was subsequently undertaken and a full EQIA completed.

The question of knowledge transfer following potential reconstitution will be very relevant to authorities likely to be reconstituted as a result of RPA. The reconstitution of this Department is assessed as a very low risk, and therefore no detailed scenario planning has been carried out. The key measure would be capture and recording of experience and expertise and this could easily be undertaken if the need arose. To allow institutional knowledge to transfer we are currently working on a good practice guide for the NICS, and this would assist us with this task if required.

10. Publishing the scheme

In our scheme we said that we would make it available on our website in print form and in alternative formats. This was done. When the scheme was approved by the Commission we said that we would issue a press statement and advertise the fact, and send a copy of the scheme to all consultees listed at Annex 5 of the Scheme (our Section 75 consultation list). This was done.

11. Dealing with complaints

We have not received any complaints.

12. Views on reviewing the scheme

- There needed to be a longer lead in time at the start of the process for consulting on the guidance issued to public authorities.
- We were told initially that the review would focus on four key areas (screening, EQIA, consultation and training), yet the template questions are very detailed and focus on the twelve areas of the original scheme. The rationale for this is not clear.
- The review has been a useful exercise in itself for taking stock, but a lot of unnecessary detail is asked for in the template that is of no real value to us in taking stock of what we do and how we do it, and how we will do it better in the future. The utility of some of the information is questionable, including how it will be analysed across all public authorities.
- We need to ensure for the future that information gathering requirements are made well in advance to allow systems of monitoring to be put in place.
- Even if we identify lessons learnt, we are not yet in a position to make any changes to how we implement our schemes given that the Commission wishes to look at scheme reviews across public authorities and to look at the bigger picture.

- We need to be more outcome focused, and need to articulate more how we measure impacts – this is an issue for the review of effectiveness. Also there are data capture issues regarding early change in policies because equality of opportunity has been mainstreamed at the outset, hence public authorities may not see any adverse impacts at screening or EQIA stages. This needs to be recognised.
- Unlike the other Departments, OFMDFM has an additional function of providing advice, support and challenge across departments. There is no particular place in the annual reporting template to include this information, but below are examples of some of the policies where we have exercised these functions across Departments:
 - Priorities and Budget
 - Rating reform
 - Water reform
 - Review of Public Administration
 - PPPs
 - Civil Service Pensions
 - e Human Resources policy
 - Workplace 2010
 - Neighbourhood Renewal Strategy
 - Belfast Metropolitan Transport Plan
 - Reinvestment and Reform Initiative, including Maze and ILEX
 - Sustainable Development Strategy
 - Rural Strategy
 - Tourism Strategy
 - Review of Charities Legislation
 - Review of Licensing laws