

Equality Scheme for the Northern Ireland Human Rights Commission

Foreword

The Northern Ireland Human Rights Commission (the Commission) is a statutory body established under Section 68 of the Northern Ireland Act 1998. It is listed in Schedule 2 to the Parliamentary Commissioner Act 1967. As such it has been designated by the Secretary of State for Northern Ireland under Section 75(3) (a) of the Northern Ireland Act 1998 as a 'public authority.

As such the Commission is required, in carrying out its functions relation to Northern Ireland to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined in the Act.¹

The purpose of this Equality Scheme is to set out how the Commission proposes to fulfil the Section 75 statutory duties in relation to all of its functions, power and duties in Northern Ireland.

The Commission will also commit the necessary resources in terms of people, time and money to ensure that the Section 75 statutory duties are complied with and that the Equality Scheme is implemented effectively and on time.

The Commission is fully committed to ensuring that effective internal arrangements are in place for ensuring its effective compliance with the Section 75 statutory duties and for monitoring and reviewing its progress.

The Commission will develop and deliver a programme of communication and training to ensure that its staff and Board members are made fully aware of the content of its Equality the Scheme and understand the commitments and obligations within it. We will also develop a programme of awareness training for our consultees on the Section 75 statutory duties and our commitments in our Equality Scheme.

We, the Chief Commissioner and the Director of the Northern Ireland Human Rights Commission, are fully committed to effectively fulfilling our Section 75 statutory duties across all our functions (including service provision, employment and procurement) through effective implementation of the Equality Scheme.

The Commission realises the important role that the community and voluntary sector and the general public have to play to ensure the Section 75 statutory duties are effectively implemented. Its Equality Scheme demonstrates how determined we are to ensure there are opportunities for people affected by our work to positively influence how we carry out our functions in line with our Section 75 statutory duties. It also offers the means whereby persons directly affected by what they consider to be a failure, on our part, to comply with our Equality Scheme, can make complaints.

On behalf of the Northern Ireland Human Rights Commission and its staff we are pleased to support and endorse this Equality Scheme which has been drawn up in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998 and the Equality Commission guidelines.

Interim Chair

Director

¹ See Section 1.1 of the Commission's Equality Scheme

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Chapter 1 Introduction

Section 75 of the Northern Ireland Act 1998

1.1 Section 75 of the Northern Ireland Act 1998 (the Act) requires the Northern Ireland Human Rights Commission to comply with two statutory duties:

Section 75 (1)

In carrying out its functions relating to Northern Ireland the omission id required to have due regard to the need to promote equality of opportunity of opportunity between

- 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
- persons with dependents and persons without

Section 75 (2)

Without prejudice to the obligations above, in carrying out its functions in relation to Northern Ireland, the Commission is required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion of racial group.

‘Functions’ include the ‘powers and duties’ of a public authority. This includes our employment and procurement functions. Please see below under ‘Who we are and what we do’ for a detailed explanation of our functions.²

How we propose to fulfil the Section 75 duties in relation to the relevant functions of the Northern Ireland Human Rights Commission.

1.2 Schedule 9.4 (1) of the Act requires the Northern Ireland Human Rights Commission as a designated public authority to set out in its Equality Scheme how it proposes to fulfil the duties imposed by Section 75 in relation to its relevant functions. This Equality Scheme is intended to fulfil that statutory requirement. It is both a statement of the Commission’s arrangements for fulfilling the Section 75 statutory duties and its plan for their implementation.

1.3 The Commission is committed to the discharge of its Section 75 obligations in all parts of its organisation and will commit the necessary available resources in terms of people, time and money to ensure that the Section 75 statutory duties are complied with and that it’s Equality Scheme can be implemented effectively.

Who we are and what we do

1.4 Functions covered by the Equality Scheme

The functions in relation to which this Equality Scheme is to operate are all the functions of the NIHRC. For the avoidance of doubt, the functions covered include those listed in sections 69 and 70 of the Northern Ireland Act 1998, the NIHRC’s employment functions, its commissioning functions and its procurement function. The NIHRC’s functions and powers listed in sections 69 and 70 of the Northern Ireland Act 1998 and the Justice and Security (NI) Act 2007 (sections 14-20) can be summarised in simpler language as follows:

² Section 98 (1) of the Northern Ireland Act 1998

Functions:

- to keep Northern Ireland's law under review in order to make sure it properly protects human rights;
- to advise the Secretary of State on what should be contained in a Bill of Rights for Northern Ireland;
- to advise the Secretary of State and the Executive Committee of the Assembly about what additional steps should be taken to protect human rights in Northern Ireland;
- to advise the Northern Ireland Assembly whether new Bills are compatible with human rights;
- to promote an awareness of the importance of human rights in Northern Ireland through education and research;
- to do all that it can to establish a Joint Committee with the Republic of Ireland's Human Rights Committee;
- to report to the Secretary of State by March 2001 on the Commission's effectiveness and on the adequacy and effectiveness of (i) the functions conferred on the Commission and (ii) the provisions relating to it in Part V11 of the Northern Ireland Act 1998.

Powers:

- to assist individuals to bring cases on human rights issues to court;
- to bring cases on human rights issues to court itself;
- to investigate matters when it consider this to be appropriate including access to places of detention.
- to publish its advice and findings.

1.5 No other body is involved in the exercise of the Commission's duties and powers. The Commission is an independent statutory corporation which is not obliged to take direction from any source. Paragraph 4 of Schedule 7 of the Northern Ireland Act 1998 requires the approval of the Secretary of State for the Commission's staffing arrangements, but the Commission will independently assess any conditions concerning staffing arrangements imposed by the Secretary of State to ensure that they fully comply with the Commission's Section 75 statutory duties.

1.6 In drawing up Memoranda of Understanding with other bodies which have functions that overlap with those of the Commission, the Commission will ensure that these Memoranda do not interfere with its Section 75 statutory duties.

Chapter 2 Our arrangements for assessing our compliance with the Section 75 duties (Schedule 9 4. (2) (a))

2.1 Some of our arrangements for assessing our compliance with the Section 75 statutory duties are outlined in other relevant parts of this Equality Scheme.

In addition we have the following arrangements in place for assessing compliance:

Responsibilities and reporting

2.2 We are committed to the fulfilment of our Section 75 obligations in all parts of our work.

2.3 Responsibility for the effective implementation of the Commission's Equality Scheme lies with the Director. The Director is accountable to the Northern Ireland Human Rights Commission for the development, implementation, maintenance and review of the Equality Scheme in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998, including any good practice or guidance that has been or may be issued by the Equality Commission.

2.4 If you have any questions or comments regarding the Commission's Equality Scheme, please contact in the first instance the Deputy Director at the address given below and we will respond to you as soon as possible.

Northern Ireland Human Rights Commission, Temple Court, 39 North Street, Belfast, BT1 1NA Tel: +44 (0) 28 9024 3987; Fax: +44 (0) 28 9024 7844; Text phone: +44 (0) 28 9024 9066; SMS Text: +44 (0) 7786 202075; email: information@nihrc.org

2.5 Objectives and targets relating to the statutory duties will be integrated into the Commission's strategic and operational business plans.

2.6 Where relevant, employees' job descriptions and performance plans reflect their contributions to the discharge of the Section 75 statutory duties and implementation of the Equality Scheme. The personal performance plans are subject to appraisal in the annual performance review.

2.7 The Commission prepares an annual report on the progress it has made on implementing the arrangements set out in this Equality Scheme to discharge its Section 75 statutory duties (Section 75 Annual Progress Report).

The Section 75 Annual Progress report will be sent to the Equality Commission by 31 August each year and will follow any guidance on annual reporting issued by the Equality Commission.

Progress on the delivery of Section 75 statutory duties will also be included in the Commission's Annual Report.

2.8 The latest Section 75 Annual Progress Report is available on our website: www.nihrc.org or by contacting Lorraine Hamill, Finance and Administration Manager, Northern Ireland Human Rights Commission, Temple Court, 39 North Street, Belfast, BT1 1NA Tel: +44 (0) 28 9024 3987; Fax: +44 (0) 28 9024 7844; Text phone: +44 (0) 28 9024 9066; SMS Text: +44 (0) 7786 202075; email: information@nihrc.org

2.9 The Commission liaises closely with the Equality Commission to ensure that progress on the implementation of our Equality Scheme is maintained.

2.10 The Commission has very recently inducted a new Chief Commissioner and entirely new board who seek to drive forward on equality focus. Following the submission of an efficiency plan to the Northern Ireland Office at the end of December. The Commission developed an Action Plan.

Action Plan/action measures

2.11 The Commission has developed an Action Plan to promote equality of opportunity.

2.12 The action measures that will make up the Action Plan will be relevant to our functions. They will be developed and prioritised on the basis of an audit of inequalities. The audit of inequalities will gather and analyse information across the Section 75 categories³ to identify the inequalities that exist for our service users and those affected by our policies.⁴

2.13 Action measures will be specific, measurable, linked to achievable outcomes, realistic and time bound. Action measures will include performance indicators and timescales for their achievement.

2.14 The Commission will develop any action plans for a period of between one and three years in order to align them with our corporate and business planning cycles. Implementation of the action measures will be incorporated into the Commission's business planning process.

2.15 We will seek input from our stakeholders and consult on our Action Plan before we send it to the Equality Commission and thereafter when reviewing the plan as per 2.16 below.

2.16 We will monitor our progress on the delivery of our action measures annually and update the Action Plan as necessary to ensure that it remains effective and relevant to the Commission's functions and work.

2.17 The Northern Ireland Human Rights Commission will inform the Equality Commission of any changes or amendments to its Action Plan and will also include this information in its Section 75 Annual Progress Report to the Commission. Our Section 75 Annual Progress Report will incorporate information on progress the Commission has made in implementing its Action Plan and action measures.

2.18 The Action Plan has been provided.

If you require an alternative format please contact:

Lorraine Hamill, Finance and Administration Manager, Northern Ireland Human Rights Commission, Temple Court, 39 North Street, Belfast, BT1 1NA. Tel: +44 (0) 28 9024 3987; Fax: +44 (0) 28 9024 7844; Text phone: +44 (0) 28 9024 9066; SMS Text: +44 (0) 7786 202075; Email: information@nihrc.org

³ See Section 1.1 of this Equality Scheme for a list of these categories.

⁴ See Section 4.1 of this Equality Scheme for a definition of policies.

Chapter 3 Our arrangements for consulting

(Schedule 9 4.) (2) (a) – on matters to which a duty (S75 (1) of (2) is likely to be relevant (including details of the person to be consulted.))

(Schedule 9 4.) (2) (b) on the likely impact of policies adopted or proposed to be adopted by the Commission on the promotion of equality of opportunity).

3.1 The Commission recognises the importance of consultation in all aspects of the implementation of our statutory equality duties. We will consult on our Equality Scheme, action measures, equality impact assessments and other matters relevant to the Section 75 statutory duties. The Commission intends its consultation to be proactive, open and inclusive and long enough to give consultees adequate time to respond. It will also take the advice of groups with specialist knowledge as to how best consult with people who have special needs.

3.2 We are committed to carrying out consultation in accordance with the following principles (as contained in the Equality Commission’s guidance ‘Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)’).

3.2.1 All consultations will seek the views of those directly affected by the matter/policy, the Equality Commission, representative groups of the Section 75 categories, other public authorities, voluntary and community groups, our staff and their trades union(s) and other such groups who have a legitimate interest in the matter, whether or not they have a direct economic or personal interest.

Initially all consultees (see Appendix 3, as a matter of course, will be notified (by email or post) of the matter/policy being consulted upon to ensure they are aware of all consultations. Thereafter, to ensure the most effective use of our and our consultees’ resources, we will take a targeted approach to consultation for those consultees that may have a particular interest in the matter/policy being consulted upon and to whom the matter/policy is of particular relevance. This may include, for example, regional or local consultations, sectoral or thematic consultations etc.

3.2.2 Consultation with all stakeholders will begin as early as possible. The Commission will engage with affected individuals and representative groups to identify how best to consult or engage with them. We will ask our consultees what their preferred consultation methods are and will give consideration to these. Methods of consultation may include:

- Face-to-face meetings
- Focus groups
- Written documents with the opportunity to comment in writing
- Questionnaires
- Information/notification by email with an opportunity to opt in/opt out of the consultation
- Internet discussions or
- Telephone consultations.

This list is not exhaustive and we may develop other additional methods of consultation more appropriate to key stakeholders and the matter being consulted upon.

3.2.3 We will consider the accessibility and format of every method of consultation we use in order to remove barriers to the consultation process. Specific consideration will be given as to how best to communicate with children and young people, people with disabilities (in particular people with learning disabilities) and minority ethnic communities. We will take account of existing and

developing good practice, including the Equality Commission's guidance Let's Talk Let's Listen – Guidance for public authorities on consulting and involving children and young people (2008).

As part of the Joint Monitoring Mechanism with the Equality Commission for Northern Ireland (ECNI) for the Convention of Persons with a Disability (CRPD), the Commission will continue to further develop with the ECNI methods of consultation, building successful engagements to date. Information will be made available, on request, in alternative formats⁵, in a timely manner, usually within 1 month.

3.2.4 Specific training is provided to those facilitating consultations to ensure that they have the necessary skills to communicate effectively with consultees.

3.2.5 To ensure effective consultation with consultees⁶ on Section 75 matters, we will develop a programme of awareness raising on the Section 75 statutory duties and the commitments in our Equality Scheme. For example- follow up awareness training with an expert advisor, has been tabled into Business Plan Learning and Development. All our Schemes are available on our website which is promoted in monthly community engagements across Northern Ireland and in our legal clinics and public and statutory training.

3.2.6 The consultation period lasts for a minimum of twelve weeks to allow adequate time for groups to consult amongst themselves as part of the process of forming a view. However, in exceptional circumstances when this timescale is not feasible, (for example implementing EU Directives of UK-wide legislation, meeting Health and Safety Requirements, addressing urgent public health matters of complying with Court judgements), we may shorten timescales to eight weeks or less before the policy is implemented. We may continue consultation thereafter and will review the policy as part of our monitoring commitments⁷

Where, under these exceptional circumstances, we must implement a policy immediately, as it is beyond our authority's control, we may consult after implementation of the policy, in order to ensure that any impact of the policy are considered.

3.2.7 If a consultation exercise is to take place over a period when consultees are less able to respond, for example, over the summer or Christmas break, or if the policy under consideration is particularly complex, we will give consideration to the feasibility of allowing a longer period for the consultation.

3.2.8 We are conscious of the fact that affected individuals and representative groups may have different needs. We will take appropriate measures to ensure full participation in any meetings that are held. We will consider, for example, the time of day, the appropriateness of the venue, in particular whether it can be accessed by those with disabilities, how the meeting is to be conducted, the use of appropriate language, whether a signer and or/interpreter is necessary, and whether the provision of childcare and support for carers is required.

3.2.9 We will make all relevant information available to consultees in appropriate formats to ensure meaningful consultation. This includes detailed information on the policy proposal being consulted upon and any relevant quantitative and qualitative data.

⁵ See Chapter 6 of our Equality Scheme for further information on alternative formats of information we provide.

⁶ Please see Appendix 3 for a list of our consultees.

⁷ Please see below at 4.27 to 4.31 for details on monitoring.

3.2.10 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy.

3.2.11 We will provide feedback to consultees in a timely manner. A feedback report will be prepared which includes summary information on the policy consulted upon, a summary of the consultees' comments and a summary of our consideration of and response to consultees' input. The feedback will be provided in formats suitable to consultees. (Please see also 6.3)

3.3 A list of the Commission's consultees is included in this Equality Scheme at Appendix 3. It can also be obtained from our website at www.nihrc.org or by contacting

Northern Ireland Human Rights Commission, Temple Court, 39 North Street, Belfast, BT1 1NA Tel: +44 (0) 28 9024 3987; Fax: +44 (0) 28 9024 7844; Text phone: +44 (0) 28 9024 9066; SMS Text: +44 (0) 7786 202075; email: information@nihrc.org

3.4 Our consultation list is not exhaustive and is reviewed on an annual basis to ensure it remains relevant to the Commission's functions and policies.

We welcome enquiries from any person/s or organisations wishing to be added to the list of consultees. Please contact Lorraine Hamill, Finance and Administration Manager, Northern Ireland Human Rights Commission, Temple Court, 39 North Street, Belfast, BT1 1NA Tel: +44 (0) 28 9024 3987; Fax: +44 (0) 28 9024 7844; Text phone: +44 (0) 28 9024 9066; SMS Text: +44 (0) 7786 202075; email: information@nihrc.org to provide your contact details and have your areas of interest noted or have your name/details removed or amended. Please also inform the Commission at this stage if you would like information sent to you in a particular language or format.

Chapter 4 Our arrangements for assessing, monitoring and publishing the impact of policies
(Schedule 9 4. (2)(b); Schedule 9 4. (2) (c);Schedule 9 4.(2) (d); Schedule 9 9. (1);
Schedule 9 9. (2))

Our arrangements for assessing the likely impact of policies adopted or proposed to be adopted on the promotion of equality of opportunity
Schedule 9 49. (2) (b)

4.1 In the context of Section 75, ‘policy’ is very broadly defined and it covers all the ways in which the Commission carries out or proposed to carry out its functions in relation to Northern Ireland. In respect of this Equality Scheme the term policy is used for any proposed/amended/existing strategy, policy initiative or practice and/or decision, whether written or unwritten and irrespective of the label given to it, e.g. ‘draft’, pilot’ high level’, or’ sectoral’.

4.2 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy as required by Schedule 9 9 (2) of the Northern Ireland Act 1998

4.3 The Commission uses the tools of **screening** and **equality impact assessment** to assess the likely impact of a policy on the promotion of equality of opportunity and good relations. In carrying out these assessments we will relate then to the intended outcomes of the policy in question and will also follow Equality Commission guidance:

- The guidance on screening, including the screening template as detailed in the Commission’s guidance ‘*Section 75 of the Northern Ireland Act 1978 – A Guide for Public Authorities (April 2010)*’ and
- On undertaking an equality impact assessment as detailed in the Commission’s guidance ‘*Practical Guidance on equality impact assessment (February 2005)*’.

Screening

4.4 The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations.

4.5 Screening is completed at the earliest opportunity in the policy development/review process. Policies which we propose to adopt will be subject to screening prior to implementation. For more detailed strategies or policies that are to be put in place through a series of stages, we will screen at various stages during implementation.

4.6 The lead role responsibility for the screening of a policy is taken by the Director. However, screening will also involve other relevant team members, for example those who implement the policy and staff members from other relevant work areas. Where possible we will include key stakeholders in the screening process.

4.7 The following questions are applied to all our policies as part of the screening process:

- What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (major/minor/none)
- Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

- To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group? (minor/major/none)
- Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?

4.8 In order to answer the screening questions, we gather all the relevant information and data, both qualitative and quantitative. In taking this evidence into account we consider the different needs, experiences and priorities for each of the Section 75 equality categories. Any screening decision will be informed by this evidence.

4.9 Completion of screening, taking into account our consideration of the answers to all four screening questions set out in 4.7 above, will lead to one of the following three outcomes:

1. the policy has been 'screened in' for equality impact assessment
2. the policy has been 'screened out' with mitigation⁸ or an alternative policy proposed to be adopted
3. the policy has been 'screened out' without mitigation or an alternative policy proposed to be adopted.

4.10 If our screening concludes that the likely impact of a policy is 'minor' in respect of one, or more of the equality of opportunity or good relations categories, we may on occasion decide to proceed with an equality impact assessment, depending on the policy. If an EQIA is not to be conducted we will nonetheless consider measures that might mitigate the policy impact as well as alternative policies that might better achieve the promotion of equality of opportunity and good relations.

Where we mitigate we will outline in our screening template the reasons to support this decision together with the proposed changes, amendments or alternative policy.

4.11 If our screening concludes that the likely impact of a policy is 'major' in respect of one, or more, of the equality of opportunity and/or good relations categories, we will normally subject the policy to an equality impact assessment. This screening decision will be 'signed off' by the appropriate policy lead within the Commission.

4.12 If our screening concludes that the likely impact of a policy is 'none' in respect of all the equality of opportunity and/or good relations categories, we may decide to screen the policy out. If a policy is 'screened' out as having no relevance to equality of opportunity or good relations, we will give details of the reasons for the decision taken. This screening decision will be 'signed off' by the appropriate policy lead within the Commission.

⁸ Mitigation – where an assessment (screening in this case) reveals that a particular policy has an adverse impact on equality of opportunity and/or good relations, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant Section 75 categories.

4.13 As soon as possible following the completion of the screening process, the screening template, signed off and approved by the senior manager responsible for the policy, will be made available on our website - www.nihrc.org

And on request from Lorraine Hamill, Finance and Administration Manager, Northern Ireland Human Rights Commission, Temple Court, 39 North Street, Belfast, BT1 1NA Tel: +44 (0) 28 9024 3987; Fax: +44 (0) 28 9024 7844; Text phone: +44 (0) 28 9024 9066; SMS Text: +44 (0) 7786 202075; email: information@nihrc.org

4.14 If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, we will review the screening decision.

4.15 The Commission's screening reports will be published quarterly. See below at 4.20 – 4.22 and 4.23 for details.

Equality impact assessment

4.16 An equality impact assessment (EQIA) is a thorough and systematic analysis of a policy, whether the policy is formal or informal, and irrespective of the scope of that policy. The primary function of an EQIA is to determine the extent of any impact of a policy upon the Section 75 categories and to determine if the impact is an adverse one. It is also an opportunity to demonstrate the likely positive outcomes of a policy and to seek ways to more effectively promote equality of opportunity and good relations.

4.17 Once a policy is screened and screening has identified that an equality impact assessment is necessary, we will carry out the EQIA in accordance with Equality Commission guidance. The equality impact assessment will be carried out as part of the policy development process, before the policy is implemented.

4.18 Any equality impact assessment will be subject to consultation at the appropriate stage(s). (For details see above Chapter 3 'Our arrangements for consulting).

Our arrangements for publishing the results of the likely impact of policies we have adopted or propose to adopt on the promotion of equality of opportunity.
(schedule 9 9. (1))

4.19 We make publicly available the results of our assessments (screening and EQIA) of the likely impact of our policies on promotion of equality of opportunity and good relations.

What we publish

4.20 Screening Reports

These are published electronically quarterly. Screening reports detail:

- All policies screened by the Commission over a 3 month period
- A statement of the aim(s) of the policy/policies to which the assessment relates
- Consideration given to measures which might mitigate any adverse impact
- Consideration given to alternative policies which might better achieve the promotion of equality of opportunity;
- Screening decisions, i.e.:
 - a) Whether the policy has been 'screened in' for equality impact assessment.

- b) Whether the policy has been ‘screened out’ with mitigation or an alternative policy proposed to be adopted.
- c) Whether the policy has been ‘screened out’ without mitigation or an alternative policy proposed to be adopted.
- Where applicable, a timetable for conducting equality impact assessments
- A link to the completed screening template(s) on our website.

4.21 Screening templates

For details on the availability of our screening templates please refer to 4.13.

4.22 Equality impact assessments

EQIA reports are published once the impact assessment has been completed. These reports include:

- A statement of the aim of the policy assessed
- Information and data collected
- Details of the assessments of impact(s)
- Consideration given to measures which might mitigate any adverse impact
- Consideration given to alternative policies which might better achieve the promotion of equality of opportunity
- Consultation responses
- The decisions taken
- Future monitoring plans.

How we publish the information

4.23 All information we publish is accessible and can be made available in alternative formats on request. Please see 6.3 below.

Where we publish the information

4.24 The results of our assessments (screening reports and completed templates, the results of equality impact assessments) are available on our website

www.nihrc.org

and by contacting Lorraine Hamill, Finance and Administration Manager, Northern Ireland Human Rights Commission, Temple Court, 39 North Street, Belfast, BT1 1NA Tel: +44 (0) 28 9024 3987; Fax: +44 (0) 28 9024 7844; Text phone: +44 (0) 28 9024 9066; SMS Text: +44 (0) 7786 202075; email: information@nihrc.org

4.25 In addition to the above, screening reports (electronic link or hard copy on request if more suitable for recipients) which include all policies screened over a 3 month period are also sent directly to all consultees on a quarterly basis.

4.26 We will inform the general public about the availability of this material through communications such as press releases where appropriate.

Our arrangements for monitoring any adverse impact of policies we have adopted on equality of opportunity

(Schedule 9 4. (2) (c))

4.27 Monitoring can assist us to deliver better public services and continuous improvements. Monitoring Section 75 information involves the processing of sensitive personal data (data relating to the racial or ethnic origin of individuals, sexual orientation, political opinion, religious belief etc.) In order to carry out monitoring in a confidential and effective manner, the Commission follows guidance from the Office of the Information Commissioner and the equality Commission.

4.28 We monitor any adverse impact on the promotion of equality of opportunity policies we have adopted. We are also committed to monitoring more broadly to identify opportunities to better promote equality of opportunity and good relations in line with Equality Commission guidance.

4.29 The systems we have established to monitor the impact of policies and identify opportunities to better promote equality of opportunity and good relations are:

- The collection, collation and analysis of existing relevant primary quantitative and qualitative data across all nine equality categories on an ongoing basis
- The collection, collation and analysis of existing relevant secondary sources of quantitative and qualitative data across all nine equality categories on an ongoing basis
- An audit of existing information systems within one year of approval of this Equality Scheme, to identify the extent of current monitoring and take action to address any gaps in order to have the necessary information on which to base decisions.
- Undertaking or commissioning new data if necessary.

4.30 If over a two year period monitoring and evaluation show that a policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, we will ensure that the policy is revised to achieve better outcomes for relevant equality groups.

4.31 We will review our EQIA monitoring information annually. Other monitoring information is reviewed annually.

Our arrangements for publishing the results of our monitoring

Schedule 9 4 (2) (d))

4.32 Schedule 9 4 (2) (d) requires us to publish the results of the monitoring of adverse impact of policies we have adopted. The results of our policy monitoring are published as follows:

4.33 EQIA monitoring information is published as part of our Section 75 Annual Progress Report (see 2.7)

4.34 All information published is accessible and can be made available in alternative formats on request. Please see below at 6.3 for details.

Chapter 5 Staff Training (Schedule 9 4. (2) (e))

Commitment to staff training

5.1 We recognise that awareness raising and training play a crucial role in the effective implementation of our Section 75 duties.

5.2 The Director wishes to positively communicate the commitment of the Human Right Commission to the Section 75 statutory duties, both internally and externally.

To this end we have introduced an effective communication and training programme for all staff and will ensure that our commitment to the Section 75 statutory duties is made clear in all relevant publications.

Training objectives

5.3 The Commission will draw up a detailed training plan for its staff and Commissioners (where appropriate) which will aim to achieve the following objectives:

- to raise awareness of the provisions of Section 75 of the Northern Ireland Act 1998, our Equality Scheme commitments and the particular issues likely to affect people across the range of Section 75 categories, to ensure that our staff and Commissioners fully understand their role in implementing the Scheme
- to provide those staff involved in the assessment of policies (screening and EQIA) with the necessary skills and knowledge to do this work effectively
- to provide those staff who deal with complaints in relation to compliance with our Equality Scheme with the necessary skills and knowledge to investigate and monitor complaints effectively
- to provide those staff involved in consultation processes with the necessary skills and knowledge to do this work effectively
- to provide those staff involved in the implementation and monitoring of the effective implementation of the Commission's Equality Scheme with the necessary skills and knowledge to do this work effectively.

Awareness raising and training arrangements

5.4 The following arrangements are in place to ensure all our staff and Commissioners are aware of and understand the Commission's equality obligations.

- This Equality Scheme will be made available to staff.
- We will ensure that any queries or questions of clarification from staff are addressed effectively.
- Staff in the Commission will receive a briefing on this Equality Scheme as soon as possible after approval of the Scheme,
- The Section 75 duties form part of induction training for new staff.
- Focused training is provided for key staff within the Commission who are directly engaged in taking forward the implementation of our Equality Scheme commitments and we are currently working with an external advisor on the development on further training.
- Where appropriate and on an ongoing basis, arrangements will be made to ensure staff and Commissioners are kept up to date with Section 75 developments.

In order to share resources and expertise, the Commission will, where possible, work closely with other bodies and agencies in the development and delivery on training.

Monitoring and evaluation

5.5 Our training programme is subject to the following monitoring and evaluation arrangements:

- We evaluate the extent to which all participants in this training programme have acquired the necessary skills and knowledge to achieve each of the above objectives.
- The extent to which training objectives have been met will be reported on as part of the Section 75 Annual Progress report, which will be sent to the Equality Commission.

Chapter 6 Our arrangements for ensuring and assessing public access to information and services we provide
(Schedule 9 4.(2) (f))

6.1 The Commission is committed to ensuring that the information it disseminates and the services it provides are fully accessible to all parts of the community in Northern Ireland. We keep our arrangements under review to ensure that this remains the case.

6.2 We are aware that some groups will not have the same access to information as others.

In particular:

- People with sensory, learning, communication and mobility disabilities may require printed information in other formats.
- Members of ethnic minority groups, whose first language is not English, may have difficulties with information provided only in English.
- Children and young people may not be able to full access or understand information.

Access to information

6.3 To ensure equality of opportunity in accessing information, we provide information in alternative formats on request, where reasonably practicable. Where the exact request cannot be met we will ensure a reasonable alternative is provided.

Alternative formats may include large print or minority languages to meet the needs of those for whom English is not their first language. The Commission liaises with representatives of young people, and disability and minority ethnic organisations and takes account of existing and developing good practice.

We will respond to requests for information in alternative formats in a timely manner, usually 1 week.

6.4 In disseminating information through the media we will seek to advertise in the press where appropriate and through other bodies and agencies as well as our own publications.

Assessing public access to information and services

6.5 We monitor annually across all our functions, in relation to access to information and services, to ensure equality of opportunity and good relations are promoted.

Access to Services

6.6 We the Northern Ireland Human Rights Commission are committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories. The Northern Ireland Human Rights Commission also adheres to the relevant provisions of current anti-discrimination legislation.

6.7 In addition to provision of publically accessible offices in Belfast, the Commission provides legal, training and advice services outside Belfast in monthly community engagements and additional legal clinics including Derry/Londonderry specifically. The Commission's website has been improved to make more accessible and social media opportunities have also been developed in the public interest.

Chapter 7 Timetables for measures we propose in this equality scheme
(Schedule 9 4. (3) (b))

7.1 Appendix 4 outlines our timetable for all measures proposed within this equality scheme. The measures outlined in this timetable will be incorporated into our business planning processes.

7.2 This timetable is different from and in addition to our commitment to developing action plans/action measures to specifically address inequalities and further promote equality of opportunity and good relations. We have included in our equality scheme a commitment to develop an action plan. Accordingly, this commitment it is listed in the timetable of measures at Appendix 4. For information on these action measures please see above at 2.11 – 2.18.

Chapter 8 Our Complaints Procedure (Schedule 9 10.)

8.1 The Commission is committed to ensuring that its complaints procedure relating to its Equality Scheme is made fully accessible. We will endeavour to resolve all complaints made to us.

8.2 Schedule 9 paragraph 10 of the Act refers to complaints. A person can make a complaint to a public authority if the complainant believes he or she may have been directly affected by an alleged failure to comply with its approved Equality Scheme.

If the complaint has not been resolved within a reasonable timescale, the complaint can be brought to the Equality Commission.

8.3 A person wishing to make a complaint that the Commission has failed to comply with its approved Equality Scheme should contact Virginia McVea, Director, Northern Ireland Human Rights Commission, Temple Court, 39 North Street, Belfast, BT1 1NA Tel: +44 (0) 28 9024 3987; Fax: +44 (0) 28 9024 7844; Text phone: +44 (0) 28 9024 9066; SMS Text: +44 (0) 7786 202075; email: information@nihrc.org

8.4 The Commission will in the first instance acknowledge receipt of the complaint within one week.

8.5 The Commission will carry out an internal investigation of the complaint and will respond substantively to the complainant within 1 month of the date receiving the letter of complaint. Under certain circumstances, if the complexity of the matter requires a longer period, the period for response to the complainant may be extended to two months. In those circumstances the complainant will be advised of the extended period within one month of making the complaint.

8.6 During this process the complainant will be kept fully informed of the progress of the investigation into the complaint and of any outcomes.

8.7 In any subsequent investigation by the Equality Commission, the Human Rights Commission will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require.

Similarly the Human Rights Commission will co-operate fully with any investigation by the Equality Commission under sub-paragraph 11 (1) (b) of Schedule 9 to the Northern Ireland Act 1998.

8.8 The Human Rights Commission will make all efforts to implement promptly and in full any recommendations arising out of any Equality Commission investigation.

Chapter 9 Publication of our Equality Scheme

9.1 The Commission's Equality Scheme is available free of charge in print format and alternative formats from:

Northern Ireland Human Rights Commission, Temple Court, 39 North Street, Belfast, BT1 1NA Tel: +44 (0) 28 9024 3987; Fax: +44 (0) 28 9024 7844; Text phone: +44 (0) 28 9024 9066; SMS Text: +44 (0) 7786 202075; email: information@nihrc.org

9.2 Our Equality Scheme is also available on our website at www.nihrc.org

9.3 The following arrangements are in place for the publication in a timely manner of our Equality Scheme to ensure equality of access:

- We will make every effort to communicate widely the existence and content of our Equality Scheme. This may include press releases, prominent advertisements in the press, the internet and direct mail shots to groups representing the various categories in Section 75.
- We will email a link to our approved Equality Scheme to our consultees on our consultation lists. Other consultees without email will be notified by letter that the Scheme is available on request. We will respond to requests for the Equality Scheme in alternative formats in a timely manner, usually within 3 weeks.
- Our equality scheme is available on request in alternative formats such as Easy Read, Braille, large print, audio formats (CD, mp3, DAISY) and in minority languages to meet the needs of those not fluent in English.
- Our Equality Scheme is available on request in alternative formats such as easy read, larger print or through meetings with those with impairments, young people or people with disabilities.

9.4 For a list of our stakeholders and consultees please see Appendix 4 of the Equality Scheme, visit our website at www.nihrc.org or contact Lorraine Hamill, Finance and Administration Manager, Northern Ireland Human Rights Commission, Temple Court, 39 North Street, Belfast, BT1 1NA Tel: +44 (0) 28 9024 3987; Fax: +44 (0) 28 9024 7844; Text phone: +44 (0) 28 9024 9066; SMS Text: +44 (0) 7786 202075; email: information@nihrc.org

Chapter 10 Review of our Equality Scheme
(Schedule 9 8. (3))

10.1 As required by Schedule 9, paragraph 8 (3) of the Northern Ireland Act 1998 we will conduct a thorough review of this Equality Scheme. This review will take place within 5 years of submission of this Equality Scheme to the Equality Commission or within a shorter timescale to allow alignment with the review of other planning cycles.

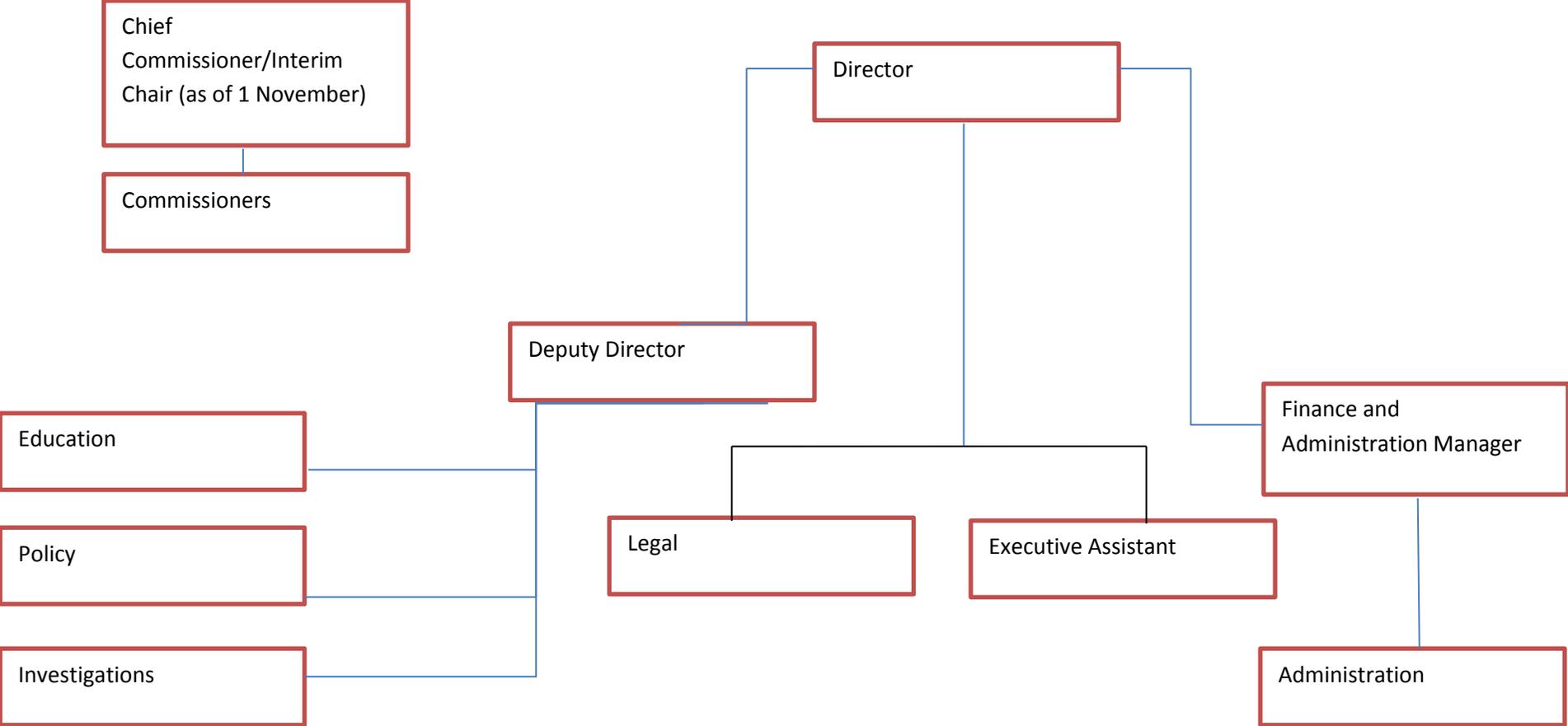
The review will evaluate the effectiveness of our Scheme in relation to the implementation of the Section 75 statutory duties relevant to our functions in Northern Ireland.

10.2 In undertaking this review we will follow guidance issues by the Equality Commission. A report of this Review will be made public and sent to the Equality Commission.

Appendices

- Appendix 1** **Organisational Chart**
- Appendix 2** **Sections 69 and 70 of the Northern Ireland Act 1998**
- Appendix 3** **Example groups relevant to the Section 75 categories for Northern Ireland**
- Appendix 4** **List of Consultees
(Schedule 9 4. (2) (a))**
- Appendix 5** **Timetable for measures proposed (Schedule 9 4.(3) (b))**
- Appendix 6** **Glossary**

Appendix 1 – Organisational Chart



Appendix 2 Sections 69 and 70 of the Northern Ireland Act 1998

69 The Commission's functions.

(1)The Commission shall keep under review the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights.

(2)The Commission shall, before the end of the period of two years beginning with the commencement of this section, make to the Secretary of State such recommendations as it thinks fit for improving—

(a) Its effectiveness;

(b) The adequacy and effectiveness of the functions conferred on it by this Part; and

(c) The adequacy and effectiveness of the provisions of this Part relating to it.

(3)The Commission shall advise the Secretary of State and the Executive Committee of the Assembly of legislative and other measures which ought to be taken to protect human rights—

(a) as soon as reasonably practicable after receipt of a general or specific request for advice; and

(b) On such other occasions as the Commission thinks appropriate.

(4)The Commission shall advise the Assembly whether a Bill is compatible with human rights—

(a) as soon as reasonably practicable after receipt of a request for advice; and

(b) On such other occasions as the Commission thinks appropriate.

(5)The Commission may—

(a) Give assistance to individuals in accordance with section 70; and

(b) Bring proceedings involving law or practice relating to the protection of human rights.

(6)The Commission shall promote understanding and awareness of the importance of human rights in Northern Ireland; and for this purpose it may undertake, commission or provide financial or other assistance for—

(a) Research; and

(b) Educational activities.

(7)The Secretary of State shall request the Commission to provide advice of the kind referred to in paragraph 4 of the Human Rights section of the Belfast Agreement.

[⁹8A) The Commission shall publish a report of its findings on an investigation.]

⁹ 69(8A) inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 18(1), 53; S.I. 2007/2045, art. 2(2) (3) (j) (with art. 3)

(8) For the purpose of exercising its functions under this section the Commission may conduct such investigations as it considers necessary or expedient.

(9) The Commission may decide to publish its advice and the outcome of its research¹⁰

(10) The Commission shall do all that it can to ensure the establishment of the committee referred to in paragraph 10 of that section of that Agreement.

(11) In this section—

(a) A reference to the Assembly includes a reference to a committee of the Assembly;

(b) “Human rights” includes the Convention rights.

70 Assistance by Commission.

(1) This section applies to—

(a) proceedings involving law or practice relating to the protection of human rights which a person in Northern Ireland has commenced, or wishes to commence; or

(b) Proceedings in the course of which such a person relies, or wishes to rely, on such law or practice.

(2) Where the person applies to the Northern Ireland Human Rights Commission for assistance in relation to proceedings to which this section applies, the Commission may grant the application on any of the following grounds—

(a) That the case raises a question of principle;

(b) That it would be unreasonable to expect the person to deal with the case without assistance because of its complexity, or because of the person’s position in relation to another person involved, or for some other reason;

(c) That there are other special circumstances which make it appropriate for the Commission to provide assistance.

(3) Where the Commission grants an application under subsection (2) it may—

(a) Provide, or arrange for the provision of, legal advice;

(b) Arrange for the provision of legal representation;

(c) Provide any other assistance which it thinks appropriate.

(4) Arrangements made by the Commission for the provision of assistance to a person may include provision for recovery of expenses from the person in certain circumstances.

¹⁰ Words ins omitted (1.8.2007) and repealed (props.) by virtue of Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 18(2), 50, 53, Sch. 7; S.I. 2007/2045, art. 2(2) (3) (j) (with art. 3)

Appendix 3 Example groups relevant to the Section 75 categories for Northern Ireland

Please note, this list is for illustration purposes only, it is not exhaustive.

Category	Example groups
Religious belief	Buddhist; Catholic; Hindu; Jewish; Muslims, people of no religious belief; Protestants; Sikh; other faiths. For the purposes of Section 75, the term “religious belief” is the same definition as that used in the <i>Fair Employment & Treatment (NI) Order</i> ¹¹ . Therefore, “religious belief” also includes any <i>perceived</i> religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “ <i>similar philosophical belief</i> ”.
Political opinion ¹²	Nationalist generally; Unionists generally; members/supporters of other political parties.
Racial group	Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; Travellers; White people.
Men and women generally	Men (including boys); Trans-gendered people; Transsexual people; women (including girls).
Marital status	Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.
Age	Children and young people; older people.
Persons with a disability	Persons with disabilities as defined by the Disability Discrimination Act 1995.
Persons with dependants	Persons with personal responsibility for the care of a child; for the care of a person with a disability; or the care of a dependant older person.
Sexual orientation	Bisexual people; heterosexual people; gay or lesbian people.

¹¹ See Section 98 of the Northern Ireland Act 1998, which states: “*In this Act... “political opinion” and “religious belief” shall be construed in accordance with Article 2(3) and (4) of the Fair Employment & Treatment (NI) Order 1998.*”

¹² *ibid*

Appendix 4

List of Consultees (Schedule 9 4. (2) (a))

This list of Consultees is indicative, non-exhaustive and subject to annual review. The Commission Stakeholder database holds several thousand contacts.

Irish Human Rights Commission
Action on Medical Negligence
Age NI
Alliance Party
Amnesty International (NI Region)
An Munia Tober
Archdiocese of Armagh
Association of Baptist Churches in Ireland
Atlantic Philanthropies (NI) Ltd
Bar Council's Human Rights Committee
Bar Library
Belfast Islamic Centre
Belfast Media Group
British & Irish Ombudsman Association
British Council
British Institute of Human Rights
British Irish Intergovernmental Conference
British Irish Rights Watch
CAJ
Carers NI
Children's Law Centre
Chinese Welfare Association
Church of Ireland
Civil Law Reform Division
Coiste na n-Iarchimi
Commission for Victims and Survivors
Committee for the Office of the First Minister and deputy First Minister
Commonwealth Secretariat
Community Development & Health Network
Community Relations Council
Conservative Party
Coroners Service for Northern Ireland
Criminal Justice Inspection Northern Ireland
Department for Employment and Learning (DELNI)
Department for Regional Development (DRDNI)
Department for Social Development (DSDNI)
Department of Agriculture and Rural Development (DARDNI)
Department of Enterprise, Trade and Investment (DETINI)
Department of the Environment (DOENI)
Department of Finance & Personnel (DFPNI)

Department of Health, Social Services & Public Safety (DHSSPS)
Disability Action
DUP
Equality and Human Rights Commission
Equality Commission for Northern Ireland
Evangelical Alliance
Free Presbyterian Church
Healing through Remembering
HM Prisons Inspectorate
House of Lords
ICTU - NI
Independent Monitoring Board Secretariat (IMB)
Information Commissioner's Office NI
Institute of Public Health in Ireland
Law Centre (NI)
Methodist Church in Ireland
Ministry of Equality, Integration and Human Rights
National Deaf Children's Society NI
NI Courts and Tribunals Service
NI Housing Executive (NIHE)
NI Legal Services Commission
NI Policing Board
NIACRO
NICCY
NICEM
NIO - Rights, Elections and Legacy Division
NI Deaf Youth
NI Rural Women's Network (NIRWN)
OFMDFM
OFMDFM
Omagh Support & Self Help Group
Parades Commission
Pat Finucane Centre
Planning Service
Police Ombudsman for Northern Ireland
Presbyterian Church in Ireland
Prisoner Ombudsman for Northern Ireland
Probation Board for Northern Ireland (PBNI)
Public Prosecution Service
Relatives for Justice
RNIB
Royal Courts of Justice
Scottish Human Rights Commission
Shankill Alternatives Programme
Social Security Agency
South Tyrone Empowerment Programme (STEP)
The Irish News Ltd.
The Labour Party

The Strategic Review of Parading
Ulster Human Rights Watch
US Consulate
UUP
Victim Support
WAVE Trauma Centre
Women's Aid Federation
Youth Justice Agency
Youthnet
Queen's University Belfast - School of Medicine and Dentistry
NIO
Age Sector Platform
Mental Health Review Tribunal

Appendix 5 Timetable for measures proposed (Schedule 9 4.(3) (b))

The following table lists some examples for illustration purposes

Measure (example)	Lead responsibility (example)	Timetable (example)
<i>Section 75 Annual Progress Report [2.7]</i>	<i>Director</i>	<i>Annually</i>
<i>Action plan</i>		
<i>Consultation on draft action plan [2.15]</i>	<i>Director / Finance & Administration Manager</i>	<i>January – March 2013</i>
<i>Finalised action plan published [2.18]</i>	<i>Director</i>	<i>April 2013</i>
<i>Arrangements for monitoring progress in place [2.16]</i>	<i>Director</i>	<i>Annually</i>
<i>Consultation list reviewed and updated [3.4]</i>	<i>Director / Finance & Administration Manager</i>	<i>Annually</i>
<i>Screening timetable [4.4]</i>		
<i>Screening Reports [4.15]</i>	<i>Director</i>	<i>Quarterly</i>
<i>EQIA timetable [4.16]</i>	<i>Director</i>	<i>As required</i>
<i>Monitoring</i>		
<i>Review of monitoring information [4.31]</i>	<i>Director / Finance & Administration Manager</i>	<i>Annually</i>
<i>Publication of monitoring information [4.33;4.34]</i>	<i>Director / Finance & Administration Manager</i>	<i>Annually</i>
<i>Training</i>		
<i>Development of summary scheme</i>	<i>Director</i>	<i>Within 6 months of approval</i>

<i>[5.4] Development of overall training programme</i>	<i>Director</i>	<i>Within 6 months of approval</i>
<i>[5.5] Focussed training</i>	<i>Director</i>	<i>Ongoing</i>
<i>[5.4] Update training</i>	<i>Director</i>	<i>As required</i>
<i>[5.4] Evaluation of training [5.6]</i>	<i>Director</i>	<i>As required</i>
<i>Assessing access to information and services [6.9]</i>	<i>Director</i>	<i>Annually</i>
<i>Communication of equality scheme [9.3]</i>	<i>Director / Finance & Administration Manager</i>	<i>Within 3 months of Scheme approval</i>
<i>Notification of consultees [9.3]</i>	<i>Director / Finance & Administration Manager</i>	<i>As above</i>
<i>Review of equality scheme [10.1]</i>		<i>Within 5 years of submission</i>
<i>Any other measures proposed in equality scheme</i>		

Appendix 6 Glossary of terms

Action plan

A plan which sets out actions a public authority will take to implement its Section 75 statutory duties. It is a mechanism for the realisation of measures to achieve equality outcomes for the Section 75 equality and good relations categories.

Action measures and outcomes

Specific measures to promote equality and good relations for the relevant Section 75 and good relations categories, linked to achievable outcomes, which should be realistic and timely.

Adverse impact

Where a Section 75 category has been affected differently by a policy and the effect is less favourable, it is known as adverse impact. If a policy has an adverse impact on a Section 75 category, a public authority must consider whether or not the adverse impact is unlawfully discriminatory. In either case a public authority must take measures to redress the adverse impact, by considering mitigating measures and/or alternative ways of delivering the policy.

Affirmative action

In general terms, affirmative action can be defined as being anything consistent with the legislation which is necessary to bring about positive change. It is a phrase used in the Fair Employment and Treatment Order (NI) 1998 to describe lawful action that is aimed at promoting equality of opportunity and fair participation in employment between members of the Protestant and Roman Catholic communities in Northern Ireland.

Article 55 Review

Under the Fair Employment and Treatment (NI) Order 1998, all registered employers must conduct periodic reviews of the composition of their workforces and of their employment practices for the purposes of determining whether members of the Protestant and Roman Catholic communities are enjoying, and are likely to continue to enjoy, fair participation in employment in each employer's concern.

These reviews, which are commonly known as Article 55 Reviews, must be conducted at least once every three years.

Audit of inequalities

An audit of inequalities is a systematic review and analysis of inequalities which exist for service users and those affected by a public authority's policies. An audit can be used by a public authority to inform its work in relation to the Section 75 equality and good relations duties. It can also enable public authorities to assess progress on the implementation of the Section 75 statutory duties, as it provides baseline information on existing inequalities relevant to a public authority's functions.

Consultation

In the context of Section 75, consultation is the process of asking those affected by a policy (ie, service users, staff, the general public) for their views on how the policy could be implemented more effectively to promote equality of opportunity across the 9 categories. Different circumstances will call for different types of consultation. Consultations could, for example, include meetings, focus groups, surveys and questionnaires.

Council of Europe

The Council of Europe, based in Strasbourg, covers virtually the entire European continent, with its 47 member countries. Founded on 5 May 1949 by 10 countries, the Council of Europe seeks to develop throughout Europe common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals.

Desk audit

An audit of a draft equality scheme to ensure that the scheme conforms with the requirements on form and content as detailed in the Commission's Guidelines (the Guide).

Differential impact

Differential impact occurs where a Section 75 group has been affected differently by a policy. This effect could either be positive, neutral or negative. A public authority must make a judgement as to whether a policy has a differential impact and then it must determine whether the impact is adverse, based on a systematic appraisal of the accumulated information.

Discrimination

The anti-discrimination laws prohibit the following forms of discrimination:

- Direct discrimination
- Indirect Discrimination
- Disability Discrimination
- Victimisation
- Harassment

Brief descriptions of these above terms follow:

Direct discrimination

This generally occurs where a public authority treats a person less favourably than it treats (or, would treat) another person, in the same or similar circumstances, on one or more of the statutory non-discrimination grounds. A decision or action that is directly discriminatory will normally be unlawful unless: (a) in an age discrimination case, the decision can be objectively justified, or (b) in any other case, the public authority can rely on a statutory exception that permits it – such as a *genuine occupational requirement exception*; or, a *positive action exception* which permits an employer to use “welcoming statements” or to take other lawful positive action to encourage participation by under-represented or otherwise disadvantaged groups.

Indirect discrimination

The definition of this term varies across some of the anti-discrimination laws, but indirect discrimination generally occurs where a public authority applies to all persons a particular provision, criterion or practice, but which is one that has the effect of placing people who share a particular equality characteristic (e.g. the same sex, or religious belief, or race) at a particular disadvantage compared to other people. A provision, criterion or practice that is indirectly discriminatory will normally be unlawful unless (a) it can be objectively justified, or (b) the public authority can rely on a statutory exception that permits it.

Disability discrimination

In addition to direct discrimination and victimisation and harassment, discrimination against disabled people may also occur in two other ways: namely, (a) *disability-related discrimination*, and (b) *failure to comply with a duty to make reasonable adjustments*.

- (a) *Disability-related discrimination* generally occurs where a public authority, without lawful justification, and for a reason which relates to a disabled person's disability,

treats that person less favourably than it treats (or, would treat) other people to whom that reason does not (or, would not) apply.

- (b) *Failure to comply with a duty to make reasonable adjustments*: One of the most notable features of the disability discrimination legislation is that in prescribed circumstances it imposes a duty on employers, service providers and public authorities to take such steps as are reasonable to remove or reduce particular disadvantages experienced by disabled people in those circumstances.

Victimisation

This form of discrimination generally occurs where a public authority treats a person less favourably than it treats (or, would treat) another person, in the same or similar circumstances, because the person has previously exercised his/her rights under the anti-discrimination laws, or has assisted another person to do so. Victimisation cannot be justified and is always unlawful.

Harassment

Harassment generally occurs where a person is subjected to unwanted conduct that is related to a non-discrimination ground with the purpose, or which has the effect, of violating their dignity or of creating for them an intimidating, hostile, degrading, humiliating or offensive environment. Harassment cannot be justified and is always unlawful.

Economic appraisal

An economic appraisal is a systematic process for examining alternative uses of resources, focusing on assessment of needs, objectives, options, costs benefits, risks, funding and affordability and other factors relevant to decisions.

Equality impact assessment

The mechanism underpinning Section 75, where existing and proposed policies are assessed in order to determine whether they have an adverse impact on equality of opportunity for the relevant Section 75 categories. Equality impact assessments require the analysis of both quantitative and qualitative data.

Equality of opportunity

The prevention, elimination or regulation of discrimination between people on grounds of characteristics including sex, marital status, age, disability, religious belief, political opinion, dependants, race and sexual orientation.

The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive measures to be taken to secure equality of opportunity between the categories identified under Section 75.

Equality scheme

A document which outlines a public authority's arrangements for complying with its Section 75 obligations. An equality scheme must include an outline of the public authority's arrangements for carrying out consultations, screening, equality impact assessments, monitoring, training and arrangements for ensuring access to information and services.

Good relations

Although not defined in the legislation, the Commission has agreed the following working definition of good relations: 'the growth of relations and structures for Northern Ireland that acknowledge the

religious, political and racial context of this society, and that seek to promote respect, equity and trust, and embrace diversity in all its forms’.

Mainstreaming equality

The integration of equal opportunities principles, strategies and practices into the every day work of public authorities from the outset. In other words, mainstreaming is the process of ensuring that equality considerations are built into the policy development process from the beginning, rather than being bolted on at the end. Mainstreaming can help improve methods of working by increasing a public authority’s accountability, responsiveness to need and relations with the public. It can bring added value at many levels.

Mitigation of adverse impact

Where an equality impact assessment reveals that a particular policy has an adverse impact on equality of opportunity, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant Section 75 categories; this is known as mitigating adverse impact.

Monitoring

Monitoring consists of continuously scrutinising and evaluating a policy to assess its impact on the Section 75 categories. Monitoring must be sensitive to the issues associated with human rights and privacy. Public authorities should seek advice from consultees and Section 75 representative groups when setting up monitoring systems.

Monitoring consists of the collection of relevant information and evaluation of policies. It is not solely about the collection of data, it can also take the form of regular meetings and reporting of research undertaken. Monitoring is not an end in itself but provides the data for the next cycle of policy screening.

Northern Ireland Act

The Northern Ireland Act, implementing the Good Friday Agreement, received Royal Assent on 19 November 1998. Section 75 of the Act created the statutory equality duties.

Northern Ireland Human Rights Commission

A statutory body established under Section 68 of the Northern Ireland Act 1998, which works to ensure that the human rights of everyone in Northern Ireland are fully protected in law, policy and practice.

Northern Ireland Statistics & Research Agency (NISRA)

The Northern Ireland Statistics and Research Agency (NISRA) is an Executive Agency within the Department of Finance and Personnel (DFP).

They provide statistical and research information regarding Northern Ireland issues and provide registration services to the public in the most effective and efficient way.

OFMdfM

The Office of the First Minister and Deputy First Minister is responsible for providing advice, guidance, challenge and support to other NI Civil Service Departments on Section 75 issues.

PAFT

The Policy Appraisal and Fair Treatment (PAFT) Guidelines constituted the first non-statutory attempt at mainstreaming equality in Northern Ireland in January 1994. The aim of the PAFT Guidelines was to ensure that issues of equality and equity informed policy making and activity in all

spheres and at all levels of government. PAFT has now been superseded by Section 75 of the Northern Ireland Act 1998.

Policy

The formal and informal decisions a public authority makes in relation to carrying out its duties. Defined in the New Oxford English Dictionary as ‘a course or principle of action adopted or proposed by a government party, business or individual’. In the context of Section 75, the term **policies** covers all the ways in which a public authority carries out or proposes to carry out its functions relating to Northern Ireland. Policies include unwritten as well as written policies.

Positive action

This phrase is not defined in any statute, but the Equality Commission understands it to mean any lawful action that a public authority might take for the purpose of promoting equality of opportunity for all persons in relation to employment or in accessing goods, facilities or services (such as health services, housing, education, justice, policing). It may involve adopting new policies, practices, or procedures; or changing or abandoning old ones. *Positive action* is not the same as *positive discrimination*.

Positive discrimination differs from positive action in that *positive action* involves the taking of lawful actions whereas *positive discrimination* involves the taking of unlawful actions. Consequently, *positive action* is by definition lawful whereas *positive discrimination* is unlawful.

Qualitative data

Qualitative data refers to the experiences of individuals from their perspective, most often with less emphasis on numbers or statistical analysis. Consultations are more likely to yield qualitative than quantitative data.

Quantitative data

Quantitative data refers to numbers, typically derived from either a population in general or samples of that population. This information is often analysed by either using descriptive statistics, which consider general profiles, distributions and trends in the data, or inferential statistics, which are used to determine ‘significance’ either in relationships or differences in the data.

SACHR

The Standing Advisory Commission on Human Rights (SACHR) has now been replaced by the Northern Ireland Human Rights Commission. SACHR, as part of its review of mechanisms in place to promote employment equality and reduce the unemployment differential, recommended that the PAFT Guidelines should be made a statutory requirement.

Screening

The procedure for identifying which policies will be subject to equality impact assessment, and how these equality impact assessments will be prioritised. The purpose of screening is to identify the policies which are likely to have a minor/major impact on equality of opportunity so that greatest resources can be devoted to improving these policies. Screening requires a systematic review of existing and proposed policies.

Schedule 9

Schedule 9 of the Northern Ireland Act 1998 sets out detailed provisions for the enforcement of the Section 75 statutory duties, including an outline of what should be included in an equality scheme.

Section 75

Section 75 of the Northern Ireland Act provides that each public authority is required, in carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:-

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

Without prejudice to these obligations, each public authority in carrying out its functions relating to Northern Ireland must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Section 75 investigation

An investigation carried out by the Equality Commission, under Schedule 9 of the NI Act 1998, arising from the failure of a public authority to comply with the commitments set out in its approved equality scheme.

There are two types of Commission investigation, these are as follows:

1. An investigation of a complaint by an individual who claims to have been directly affected by the failure of a public authority to comply with its approved equality scheme;
2. An investigation initiated by the Commission, where it believes that a public authority may have failed to comply with its approved equality scheme.