EQUALITY OPPORTUNITIES MONITORING FORM

Please note this form is regarded as part of your application and failure to complete and return it will result in your application not being considered.

Please read the explanatory note contained in this document before completing the form.

This information will be treated in the strictest of confidence and protected from misuse. It will be used only for the purpose of monitoring our equal opportunity policies.

**Gender**

*Please note that it is mandatory to provide this information*

Female [ ]

Male [ ]

**Age**

Please give your date of birth (dd/mm/yyyy):  __ / __ / ______
Community background

Please note that it is mandatory to provide this information

Please indicate your community background, or the one you are most likely to be seen as, by ticking the appropriate box below:

I have a Protestant community background

I have a Roman Catholic community background

I have neither a Protestant nor a Roman Catholic community background

Disability

The Disability Discrimination Act (DDA) defines disability as a “physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day to day activities”.

Do you consider yourself to have a disability?

Yes [ ] No [ ]

If you answered ‘yes’, please indicate the nature of your impairment by ticking the appropriate box or boxes below:

Physical impairment, such as difficulty using your arms, or mobility issues requiring you to use a wheelchair or crutches

Sensory impairment, such as being blind or having a serious visual impairment, or being deaf or having a serious hearing impairment

Mental health condition, such as depression or schizophrenia

Learning disability or difficulty, such as Down’s Syndrome or dyslexia, or Cognitive impairment, such as autistic spectrum disorder

Long-standing or progressive illness or health condition, such as cancer, HIV infection, diabetes, epilepsy or chronic heart disease

Other (please specify)
Race

Please tick one box below to indicate your race:

- White
- Black Caribbean
- Chinese
- Pakistani
- Black African
- Bangladeshi
- Black Other
- Indian

Are you a member of a Mixed Ethnic Group? Yes ☐ No ☐

Are you a member of the Irish Travelling Community? Yes ☐ No ☐

If you are of other ethnic origin, please specify in the space below:

[Blank space]

Language

Is English your first language? Yes ☐ No ☐

Sexual Orientation

My sexual orientation is towards someone of:

- The same sex
- A different sex
- Both sexes
Marital status

Please indicate your marital status by ticking one box below

Married

Single, that is never married or in a civil partnership

Single

Cohabiting

Separated, but still legally married

Divorced

Widowed

In a civil partnership

Separated, but still legally in a civil partnership

Formerly in a civil partnership which is now legally dissolved

Surviving partner from a civil partnership

Dependants

Do you have a personal responsibility for the care of a child or children, a person with a disability or a dependant older person?

Please tick 1 box:

Yes [ ] No [ ]
INFORMATION ON PAST CRIMINAL CONVICTIONS

The Northern Ireland Human Rights Commission is committed to providing equality of opportunity to all applicants for employment, including those with criminal convictions. Information about criminal convictions will be taken into account only when the conviction is considered relevant to the role. Any disclosure will be seen in the context of the job description, the nature of the offence and the responsibility for the care of existing clients and employees.

The Commission requires all applicants for posts within the Commission to provide details of any previous criminal convictions. Please note that any conviction, particularly those for a conflict-related offence that pre-dates the Belfast (Good Friday) Agreement (April 1998), will not be taken into account unless it is materially relevant to the employment being sought.

A conviction, which has been ‘spent’ within the meaning of the Rehabilitation of Offenders (Northern Ireland) Order 1978, need not be disclosed. Having unspent convictions will not necessarily debar your application from being considered. However, failure to disclose a previous criminal conviction, which is not spent, will result in disqualification of an applicant, or after appointment, dismissal. To decide if your conviction is "SPENT", please refer to the enclosed information.

**Have you previously been convicted of a criminal offence that is not spent?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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**If ‘Yes’, please provide details of the offence(s) as follows:**

<table>
<thead>
<tr>
<th>Nature of offence(s):</th>
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<td></td>
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<table>
<thead>
<tr>
<th>Date of conviction(s):</th>
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<tr>
<th>Penalties imposed (please continue on a separate sheet as appropriate):</th>
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</table>
Please provide below any further information you feel may be of relevance such as:

- the circumstances of the offence
- a comment on the sentence received
- any relevant developments in your situation since then
- whether or not you feel the conviction has relevance to this post.

**Further information** (please continue on a further sheet as necessary):
EQUAL OPPORTUNITIES

Explanatory Note

The Northern Ireland Human Rights Commission is committed to promoting equality and diversity. It is our policy to provide equality of opportunity for all, and the Commission seeks to employ the best candidate for the job irrespective of an individual’s religious beliefs, political opinion, gender, marital status, sexual orientation, disability, race, ethnic origin, nationality, age, trade union membership or non-membership, and whether or not they have dependants. A criminal conviction will be taken into account only when it is considered relevant to the role.

We are opposed to all forms of unlawful and unfair discrimination. All job applicants, employees and others who work for us, and everyone who is served by us will be treated fairly and will not be discriminated against on any of the above grounds.

The information provided on the equality monitoring form will only be made available to the Commission’s monitoring officers.

If you provide us with information in respect of a disability we will use this information to ensure that we meet our legal obligation to make reasonable adjustments.

To ensure confidentiality, the questionnaire has been given an identifying number and only the monitoring officers will be able to match this number with your name. Your name should not be written on the questionnaire.

The monitoring information collected will also be used to measure the effectiveness of our recruitment and selection policy to determine the extent to which we promote equality of opportunity and provide fair participation. It will also assist us to develop and review our positive/affirmative action policies and identify remedial action.

Personal information will be collected, processed, retained and disposed of in line with data protection principles and requirements. When we include equal opportunities information in our internal reporting or make it public in line with existing legal requirements care will be taken to deal with the information sensitively and confidentially.

Equal Opportunities Monitoring

Equality monitoring is the process of collecting, storing and analysing information that is relevant to and necessary for the purpose of promoting equality of opportunity between different categories of persons. This section sets out what information is collected, the reasons for doing so and what it is used for.
You should note that the Monitoring Form is regarded as part of your application and failure to fully complete and return it will result in disqualification. The Monitoring Form will be processed separately and neither the form nor the details contained in it will be available to those considering your application.

**Legislative Context**
This section explains the reasons for gathering this information by setting out the legislative background.

**Gender**
The Sex Discrimination (NI) Order 1976 (as amended) makes it unlawful to discriminate against an individual on the grounds of his or her sex. Information on gender is also necessary to enable the completion of the annual statutory monitoring return, as required by the Fair Employment and Treatment (NI) Order 1998. Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions in Northern Ireland to have due regard to the need to promote equality of opportunity between men and women generally.

**Age**
The Employment Equality (Age) Regulations (NI) 2006 make it unlawful for employers and others to discriminate on grounds of age. Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions in Northern Ireland to have due regard to the need to promote equality of opportunity between persons of different age.

**Community Background**
The Fair Employment and Treatment (NI) Order 1998 outlaws discrimination on the basis of religious belief or political opinion. The information requested in the Community Background section of the monitoring form is required in connection with the requirements of the above Order and to enable the completion of the annual statutory monitoring return to the Equality Commission for Northern Ireland. Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions in Northern Ireland to have due regard to the need to promote equality of opportunity between persons of different religious belief and political opinion. Following guidance issued in July 2007 by the Equality Commission for Northern Ireland the NIHRC has decided to use “community background” information as a proxy for political opinion.

**Disability**
Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions in Northern Ireland to have due regard to the need to promote equality of opportunity between persons with a disability and persons without. The Disability Discriminations Act 1995 (the DDA)
provides protection for disabled persons against discrimination on the
grounds of disability.

The DDA defines disability as a “physical or mental impairment, which has
a substantial and long term adverse effect on a person’s ability to carry
out normal day to day activities.”

This definition is interpreted as follows:-
Physical Impairment: this includes, for instance, a weakening of part of
the body (eyes, ears, limbs, internal organs etc) caused through illness by
accident or from birth. Examples would be blindness, deafness, paralysis
of a leg or heart disease.

Mental Impairment: this includes mental ill health and what is commonly
known as learning disability.

Substantial: put simply, this means the effect of the physical or mental
impairment on ability to carry out normal day to day activities is more
than minor or trivial. It does not have a severe effect.

Long-term adverse effect: the effect has to have lasted or be likely to last
overall for at least 12 months and the effect must be a detrimental one. A
person with a life expectancy of less than 12 months is of course covered
if the effect is likely to last for the whole of that time.

A normal day to day activity: this is something which is carried out by
most people on a fairly regular and frequent basis such as washing,
eating, catching a bus or turning on a television. It does not mean
something so individual as playing a musical instrument to a professional
standard or doing everything involved in a particular job.

What sort of effect must there be?

The person must be affected in at least one of the respects listed in the
DDA: mobility; manual dexterity; physical co-ordination; continence;
ability to lift, carry or otherwise move everyday objects; speech; hearing
or eyesight; memory or ability to concentrate, learn or understand; or
perception of risk of physical danger.

What happens if the effects are reduced by medication or other
treatment?

Broadly speaking, the effects that matter are those that would be present
if there was no medication or treatment taking place. The exception is
people who wear spectacles or contact lenses when what matters is the
effect that remains while the spectacles or contact lenses are being used.
**Are there any types of condition covered by special provisions in the DDA?**

Yes, because some people with particular conditions might not otherwise be counted as disabled. These are provisions covering:

- Recurring or fluctuating conditions such as arthritis, where the effects can sometimes be less than substantial, which are treated as continuing to have a substantial adverse effect so long as that effect is likely to recur:
- Conditions which progressively deteriorate, such as motor neuron disease, which count as having a substantial effect from the first time they have any effect at all on ability to carry out normal day to day activities even if it is not substantial, so long as there is eventually likely to be a substantial adverse effect, and
- People with cancer, HIV, or multiple sclerosis are deemed to be disabled people from the point of diagnosis, regardless of whether or not they have any symptoms.

**Are any conditions not covered?**

Yes, the following conditions specifically do not count as impairments:

- Addiction to or dependency on alcohol, nicotine or any other substance (unless resulting from the substance being medically prescribed);
- Seasonal allergic rhinitis (e.g. hay fever) unless it aggravates the effect of another condition;
- Tendency to set fires, or steal, or physically or sexually abuse other persons;
- Exhibitionism and voyeurism;
- Severe disfigurements consisting of tattoos, non-medical body piercing or attachments to such piercing are not treated as having substantial adverse effects.

**What if someone has recovered from a disability?**

Much of the DDA also applies to people who have had a disability in the past (for example, someone who was disabled by mental ill health) but have now fully recovered. People who were registered disabled under the Disabled Persons (Employment) Act (NI) 1945 both on 12 January 1995 and 2 December 1996 will be regarded as having had a disability in the past if they do not in any case fall within the definition of the DDA.

**Race**

The Race Relations (NI) Order 1997 makes it unlawful to discriminate on grounds of colour, race, nationality or ethnic or national origin. Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions in NI to have due regard to the need to promote equality of opportunity between persons of different racial groups.

**Sexual Orientation**

The Employment Equality (Sexual Orientation) Regulations (NI) Order 2003 makes it unlawful for employers and others to discriminate on the grounds of sexual orientation. In order to monitor the effectiveness of NIHRC policies information is gathered on sexual orientation. Section 75
of the Northern Ireland Act 1998 requires public authorities in carrying out their functions in Northern Ireland to have due regard to the need to promote equality of opportunity between persons of different sexual orientation.

**Marital Status & Dependants**

Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions in Northern Ireland to have due regard to the need to promote equality of opportunity between persons of different marital status and between persons with dependants and persons without.

**Use of Monitoring Information**

Monitoring information is used to enable the NIHRC to assess the effectiveness of its Equal Opportunities policies and to determine the impact (if any) of various policies and procedures on different categories of staff. In addition to this internal focus community background and gender information on both staff and applicants is used to complete the annual statutory monitoring return to the Equality Commission.

**Confidentiality of Monitoring Information**

As with other forms of personal data, the obtaining, use, storage and disclosure of monitoring information is covered by the Data Protection Act 1998 (DPA). Monitoring information is held on computer and is protected by a high level of security. Access to the data is restricted to those NIHRC staff whose duties make it necessary for them to have it. Misuse of monitoring information is viewed as a disciplinary offence.

The confidentiality of community background information is also protected through regulations made under the Fair Employment and Treatment (NI) Order 1998 (FETO). These make it a criminal offence, subject to specific exceptions, for an employer or employee to disclose information on the community background of an individual which has been obtained or used for the purposes of monitoring under FETO.

The release of an individual’s monitoring information is permitted by legislation as part of prospective or actual proceedings under equality legislation, eg where another individual has made a complaint of alleged discrimination.
ANNEX A

Nationality

(i) ‘UK National’ means a person who is a British citizen (including persons from the Channel Islands and the Isle of Man), a British subject under Part IV of the British Nationality Act 1981 having the right of abode in the UK or a British Dependent Territories citizen acquiring his/her citizenship from connection with Gibraltar.

(ii) ‘Commonwealth Citizen’ means any person who has the status of a Commonwealth citizen under the British Nationality Act 1981, not covered by the ‘UK Nationality’ definition above. This includes British Dependent Territories citizens (other than Gibraltarians), British Overseas citizens, and from 1986 those persons in the category British National (Overseas).

(iii) ‘British Protected Person’ means a member of any class of persons declared to be British Protected Persons by Order in Council under the British Nationality Act 1981, or by virtue of the Solomon Islands Act 1978.

(iv) ‘EEA National’ means a national of one of the following countries:

<table>
<thead>
<tr>
<th>Austria</th>
<th>Belgium</th>
<th>Bulgaria</th>
<th><strong>Cro</strong></th>
<th>Cyprus</th>
<th>Czech Republic</th>
<th>Denmark</th>
<th>Estonia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finland</td>
<td>France</td>
<td>Germany</td>
<td>Greece</td>
<td>Hungary</td>
<td>Iceland</td>
<td>Ireland</td>
<td>Italy</td>
</tr>
<tr>
<td>Latvia</td>
<td>Liechtenstein</td>
<td>Lithuania</td>
<td>Luxembourg</td>
<td>Malta</td>
<td>Netherlands</td>
<td>Norway</td>
<td>Poland</td>
</tr>
<tr>
<td>Portugal</td>
<td>Romania</td>
<td>Slovakia</td>
<td>Slovenia</td>
<td>Spain</td>
<td>Sweden</td>
<td>United Kingdom</td>
<td></td>
</tr>
</tbody>
</table>

NB. Nationals from Switzerland also have the same free movement and employment rights. ‘Family member of an EEA or Swiss national’ means:

(i) That national's spouse*, or
(ii) A direct descendant (child, grandchild etc) of that national or his/her spouse who is under 21 years of age or is their dependent; or
(iii) A dependent relative in the ascending line (parent, grandparent etc) of the EEA national or his/her spouse.

*Note: ‘Spouse’ does not include a party to a marriage of convenience and in the case of EEA national vocational students; family members are restricted to spouses and dependent children only.

** Croatian nationals who want to work in the UK must obtain authorisation prior to commencing employment. They require a certificate of sponsorship and must also apply for an accession worker card before they can commence employment. There are no provisions for Croatian nationals to take up low-skilled work. Further guidance on nationality can be obtained at www.ind.homeoffice.gov.uk
Information on past criminal convictions

Information about criminal convictions will be taken into account only when the conviction is considered relevant to the role. Any disclosure will be seen in the context of the job description, the nature of the offence and the responsibility for the care of existing clients and employees. Please note that convictions which have been ‘spent’ need not be disclosed – further details are given in the relevant part of the monitoring form.

Also, certain posts may require considerable contact with children and/or vulnerable adults and are therefore “regulated positions” in terms of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003. Post holders will, therefore, be required to undergo checking in accordance with the procedures established under AccessNI.

Information on the Rehabilitation of Offenders (Northern Ireland) Order 1978

The following sentences become ‘spent’ after fixed periods from the date of conviction.

If a conviction is ‘spent’ you do not have to mention it, even when asked, unless applying for a post which is ‘excepted’ under this legislation.

<table>
<thead>
<tr>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absolute Discharge</td>
</tr>
<tr>
<td>Probation Order, Bind Over, Conditional Discharge, Care/Supervision Order</td>
</tr>
<tr>
<td>Attendance Centre Order, Juvenile Justice Centre Order</td>
</tr>
<tr>
<td>Hospital Order</td>
</tr>
<tr>
<td>Fine, Community Service Order, Combination Orders, Youth Conference Order, Reparation Order, Community Responsibility Order</td>
</tr>
<tr>
<td>Prison – (immediate or suspended) OR Young Offenders Centre – sentence of 6 months or less</td>
</tr>
<tr>
<td>Prison – (immediate or suspended) OR Young Offenders Centre over 6 months up to and including 30 months</td>
</tr>
<tr>
<td>NB: custodial sentence of more than two and a half years (30 months) can never become spent</td>
</tr>
</tbody>
</table>
Consecutive prison sentences count as a single term when calculating the rehabilitation period.

If more than one sentence was imposed for an offence, the longer rehabilitation period applies.

If a person receives a new conviction during rehabilitation period:
(i) for a summary offence (i.e. can only be tried at Magistrates Court) both rehabilitation periods expire separately;
(ii) for a more serious offence (i.e. which could be tried at the Crown Court) neither conviction will become spent until longest period expires.

Cautions, reprimands and final warnings are not considered to be convictions and become “spent” immediately unless relevant to “Excepted “posts.

A spent conviction will remain on your criminal record.


A range of occupations are exempted from the legislation for these posts, applicants **MUST** disclose information on both “spent” **AND** “unspent” convictions. The list of posts is extensive and can be summarised as follows:

- **WORK THAT INVOLVES CONTACT WITH CHILDREN OR YOUNG PEOPLE OR VULNERABLE ADULT GROUPS** – e.g. provision of health care or social services, work with children such as youth work, education, or with adults with learning disabilities, mental illness, the elderly.

- **PROFESSIONS THAT ARE REGULATED BY LAW** - e.g. medical practitioner, nurse, chemist, optician, accountant, manager of an insurance company.

- **POSTS INVOLVING NATIONAL SECURITY** e.g. security personnel or senior civil service posts.

- **POSTS CONCERNED WITH ADMINISTRATION OF JUSTICE** e.g. police officers, solicitors, probation officers, traffic wardens, judges, prison officers.

For confidential advice or information please contact the Northern Ireland Association for the Care and Resettlement of Offenders’ (NIACRO) Employment Advice Line on 028 9032 0157.