



EQUALITY COMMISSION FOR NORTHERN IRELAND

**Response to the Executive's
consultation on a Programme for
Government Draft Outcomes
Framework**

March 2021

Table of Contents

| | | |
|----------|--|-----------|
| 1 | EXECUTIVE SUMMARY | I |
| | GENERAL COMMENTS..... | I |
| | OVERARCHING RECOMMENDATIONS | II |
| | PROPOSED PFG OUTCOMES AND KEY PRIORITY AREAS | III |
| | STRENGTHENING EQUALITY AND HUMAN RIGHTS POST BREXIT | IV |
| | PFG DRAFT OUTCOMES FRAMEWORK EQIA | V |
| 2 | INTRODUCTION | 1 |
| | COMMISSION PRIORITIES FOR THE PROGRAMME FOR GOVERNMENT (PFG) AND BUDGET | 1 |
| 3 | GENERAL COMMENTS | 1 |
| | OVERARCHING RECOMMENDATIONS | 3 |
| 4 | PROPOSED OUTCOMES AND KEY PRIORITY AREAS | 5 |
| | OVERARCHING RECOMMENDATIONS | 5 |
| | SPECIFIC COMMENTS | 6 |
| 5 | STRENGTHENING EQUALITY AND HUMAN RIGHTS POST BREXIT | 12 |
| 6 | PFG DRAFT OUTCOMES FRAMEWORK EQIA | 14 |
| 7 | CONCLUSION | 15 |
| 8 | APPENDIX A – EQUALITY COMMISSION FOR NORTHERN IRELAND: OVERVIEW OF REMIT AND RESPONSIBILITIES | I |
| 9 | APPENDIX B –COMMISSION RECOMMENDATIONS FOR THE PROGRAMME FOR GOVERNMENT (PFG) AND BUDGET | I |

EQUALITY COMMISSION FOR NORTHERN IRELAND

Response to the Executive's consultation on a Programme for Government Draft Outcomes Framework

March 2021

1. Executive Summary

- 1.1 The Commission welcomes the opportunity to respond to the consultation on a Programme for Government draft Outcomes Framework.

General Comments

- 1.2 Overall, we welcome and strongly support a focus on achieving outcomes, specifically given the potential that this offers to advance equality of opportunity and good relations for those who live with and experience inequalities and the absence of good relations.
- 1.3 We support the Executive's approach to focus on the impact on people rather than solely on the actions taken within Government. Further, we support the emphasis on working across Government and on full engagement and co-design with stakeholders. We also support the proposed intention that the Programme should 'provide for accountable and transparent monitoring and reporting arrangements¹'. In general, such an approach has the potential to be transformative and to deliver tangible outcomes.
- 1.4 We **recommend** that the Executive includes a clear commitment to adopt a human rights approach and ensure delivery of international obligations – including the UNCRPD².
- 1.5 We look forward to the opportunity to work closely with the Executive to advance equality of opportunity and good relations through the Programme for Government, in line with our key role as Northern Ireland's independent body with a statutory remit to challenge discrimination and promote equality of opportunity.

¹ Northern Ireland Executive (2021) [Programme for Government](#), page 5

² The Equality Commission and the Northern Ireland Human Rights Commission (NIHRC) are jointly designated as the 'independent mechanism' to promote, protect and monitor implementation of UNCRPD.

Overarching Recommendations

Explicit mainstreaming of equality of opportunity and good relations

- 1.6 Whilst there are a number of clear references relating to the promotion of equality and good relations in certain areas of the draft Outcomes Framework, there appears to be limited mainstreaming of equality *across* the Outcomes Framework as a whole.
- 1.7 The Commission **recommends** that the Outcomes Framework, including its *Foreword* and *Introduction*, makes clear that the promotion of equality of opportunity and good relations is central to, and at the heart of, the Outcomes Framework, any subsequent PfG and action plans, and the delivery of associated societal outcomes.
- 1.8 In order to ensure that the promotion of equality and good relations is comprehensively embedded across the Outcomes Framework, we recommend that promoting equality of opportunity and good relations should be **cross-cutting themes across all Government strategies, policy development and actions – including the Outcomes Framework and PfG** and should explicitly be given effect to in each of the PfG Outcomes Framework measures and key performance areas.
- 1.9 A focus on advancing equality of opportunity and addressing key inequalities must also include identifying and mitigating any negative equality impacts, now and in the future, arising from the COVID-19 pandemic or the UK's departure from the European Union.

Tracking Outcome Measures

- 1.10 In practical terms, we envisage that mainstreaming could be further assisted by the Executive ensuring that all PfG outcome measures that relate to people are not only tracked in aggregate but also for impacts across the Section 75 grounds. Accordingly, we **recommend** that the Outcomes Framework makes explicit that all relevant outcome measures must be tracked in aggregate AND for each of the Section 75 grounds.
- 1.11 Further, we **recommend** that, where the Framework includes a particular targeted focus on advancing equality of opportunity for a specific equality group (for example, children and young people, people with disabilities or of different community backgrounds), this targeted focus is clearly explained in the Outcomes Framework, along with the rationale underpinning this priority focus.
- 1.12 Taking the above points together, the tracking of all *outcome measures* by Section 75 grounds, would be discrete and additional

to any more targeted actions aimed at advancing equality of opportunity for specific Section 75 groups.

- 1.13 Such an approach would not only ensure that the outcomes of targeted actions are tracked, but would provide a robust evidence base to assess equality of opportunity, compared to the population as a whole and to other equality groups. It would also provide a firmer basis for the identification of future targeted actions, and for the fulfilment of the statutory equality and good relations duties.

Development and delivery of an integrated and effective Programme for Government

- 1.14 We note that the next step in this work will be the development of more detailed action plans, and further engagement with stakeholders and delivery partners. It is not clear if this includes consultation on an overall PfG, or separate departmental engagement on discrete action plans. It is also not clear if these action plans will together constitute an overall PfG, or how they will be co-ordinated as a whole. More detail on what the development and engagement on detailed action plans will comprise and how it will be used to inform the PfG is required. A timeline should also be provided.
- 1.15 It is essential that any overall PfG seeks to encourage and ensure cross-departmental and stakeholder co-design.

Proposed PfG Outcomes and Key Priority Areas

- 1.16 We *support* a number of the proposed outcomes as having the potential to advance equality of opportunity and good relations, such as the proposed outcomes:
- our children and young people have the best start in life;
 - we have an equal and inclusive society where everyone is valued and treated with respect;
 - we all enjoy long, healthy, active lives; everyone can reach their potential;
 - everyone feels safe – we all respect the law and each other; and
 - we have a caring society that supports people throughout their lives.
- 1.17 While there are references to current and proposed equality strategies within some outcomes, the linkage is not explicitly clear, and the references are incomplete / partial across Outcomes.

- 1.18 We welcome the proposed outcome to “have an equal and inclusive society where everyone is valued and treated with respect”. However we also observe that in general the other proposed outcomes do not make explicit reference to tackling key inequalities or advancing equality of opportunity and good relations. We recommend that each proposed outcome explicitly makes this commitment so as to mainstream equality and good relations considerations across all proposed outcome areas.
- 1.19 We recommend that Key Priority Areas are targeted, where appropriate, to tackle identified key inequalities and advance equality of opportunity for specific equality groups. Targeting should be based on robust evidence and analysis.

Strengthening equality and human rights post Brexit

- 1.20 We note that there is no reference in the PfG draft Outcomes Framework of the impact of exit from the European Union on equality groups or on equality and human rights.
- 1.21 The PfG draft Outcomes Framework sets the parameters for delivery and actions of all public authorities and public services and for the development of more detailed action plans to follow. It is therefore important the Executive sets out explicit recognition of the potential impact of the UK leaving the EU on equality and human rights and makes clear the need for additional measures to better protect equality and human rights in Northern Ireland.
- 1.22 The UK Government has committed under Article 2(1) of the Protocol³ to ensure there is no reduction of the rights, safeguards and equality of opportunity provisions set out in the chapter of the same name in the Belfast (Good Friday) Agreement as a result of Brexit, including the rights set out in the EU equality Directives in Annex 1 to the Protocol. The UK Government has also committed in the Protocol to keep pace with any future EU changes to these Annex 1 Directives. However, we note there are important limitations to these commitments in terms of the continued application of EU equality and human rights standards in Northern Ireland⁴.
- 1.23 We **recommend** that the Executive makes clear in the Outcomes Framework and any subsequent PfG its commitment to act in accordance with the UK Government’s obligations under Article 2 of the Protocol in the Programme for Government, including the UK

³ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union: [Protocol on Ireland / Northern Ireland](#)

⁴ See paragraph 5.5

Government's commitment in the Protocol to keep pace with any future EU changes to the Annex 1 Directives.

- 1.24 We also **recommend** that the Executive commits in the Outcomes Framework and in any subsequent PfG to ensure that equality laws keep pace, not only with any changes that the EU may make to the EU equality laws set out in Annex 1, as required under Article 2 of the Protocol, but also with all future EU laws that strengthen equality rights.

PfG draft Outcomes Framework EQIA

- 1.25 The Commission provided guidance to The Executive Office on the application of its Section 75 duties in respect of the PfG draft Outcomes Framework EQIA. This response includes the Commission's recommendations in respect of the main areas where further work is required to ensure TEO is adhering to the arrangements set out in its Equality Scheme. Further and more detailed advice has been provided to TEO.

2 Introduction

Commission priorities for the Programme for Government (PfG) and Budget

- 2.1 The Commission welcomes the opportunity to respond to the consultation on a Programme for Government Draft Outcomes Framework.
- 2.2 The Commission's priorities for the Programme for Government and Budget to address key inequalities and promote equality of opportunity are set out at Appendix B of this document.
- 2.3 It is clear that the PfG and budget provide a key mechanism to maximise equality of opportunity and good relations. The PfG Outcomes Framework should be designed to effectively tackle key inequalities experienced by Section 75 equality groups that remain persistent and hard to address.

3 General Comments

- 3.1 Overall, we welcome and strongly support a focus on achieving outcomes, specifically given the potential that this offers to advance equality of opportunity and good relations for those who live with and experience inequalities and the absence of good relations. We welcome the commitment to an 'inclusive society in which people of all ages and backgrounds are respected and supported' and 'which has no barriers to people living prosperous and fulfilling lives'⁵.
- 3.2 We support the Executive's approach to focus on the impact on people rather than solely on the actions taken within Government.
- 3.3 Further, we support the emphasis on working across Government and on full engagement and co-design with stakeholders. We welcome the recognition that government cannot 'respond to challenges and problems by acting alone', and that partnerships with people and communities highlight the need to ensure that partners have the necessary time, resources and supports to be able to work effectively in partnership with government.
- 3.4 We welcome that the Outcomes Framework will be used to demonstrate progress towards achievement of the United Nations'

⁵ Northern Ireland Executive (25 January 2021): Programme for Government, [Draft Outcomes Framework, Consultation Document](#)

Sustainable Development Goals. We look forward to sight of plans as to how the Framework will map onto and report progress towards achievement of the Goals that relate, but are not limited, to gender equality (SDG 5) and reduced inequalities (SDG 10).

- 3.5 We also welcome the proposed ‘whole societal approach’... an approach which draws together scientific and technical expertise, combines it with local knowledge and information about what might work at community or individual level, and which uses relevant data to target where need is greatest.
- 3.6 We also support the proposed intention that the Programme should ‘provide for accountable and transparent monitoring and reporting arrangements’⁶. In general, such an approach has the potential to be transformative and to deliver tangible outcomes, including for Section 75 groups. We recommend that all relevant PfG measures are not only tracked in aggregate but also for the impact on individuals from each of the Section 75 grounds.
- 3.7 We recommend that the Executive includes a clear commitment in the Outcomes Framework, any subsequent PfG and associated action plans, to engage with, and ensure delivery of, international obligations – including the UNCRPD⁷. Using human rights standards to shape the PfG also makes sense from a pragmatic perspective, as it will assist the Executive in providing information to the UK Government for reporting to the UNCRPD Committee and other international human rights bodies during forthcoming reporting cycles.
- 3.8 We note that the Executive wants to know more about the challenges and problems people face. Our policy positions and research clearly set out the challenges and barriers faced by people across the Section 75 equality groups, across a wide range of public policy areas⁸.
- 3.9 We look forward to the opportunity to work closely with the Executive and Departments to advance equality of opportunity and good relations through the Programme for Government, in line with our key role as Northern Ireland’s independent body with a statutory

⁶ Northern Ireland Executive (2021) Programme for Government, Draft Outcomes Framework, Consultation document, page 5

⁷ The Equality Commission and the Northern Ireland Human Rights Commission (NIHRC) are jointly designated as the ‘independent mechanism’ to promote, protect and monitor implementation of UNCRPD.

⁸ See further ECNI website – [Addressing Inequality](#)

remit to challenge discrimination and promote equality of opportunity.

Overarching Recommendations

Explicit mainstreaming of equality of opportunity and good relations

- 3.10 Whilst there are a number of clear references relating to the promotion of equality and good relations in certain areas of the Outcomes Framework, there appears to be limited mainstreaming of equality *across* the Framework as a whole.
- 3.11 While we welcome the proposed Outcome to “have an equal and inclusive society where everyone is valued and treated with respect” we also observe that in general the other proposed outcomes do not make explicit reference to tackling key inequalities across Section 75 categories, nor to advancing equality of opportunity and good relations. We recommend that each proposed outcome explicitly makes this commitment so as to mainstream equality and good relations considerations across all proposed outcome areas.
- 3.12 The Commission **recommends** that the Outcomes Framework, including its *Foreword* and *Introduction*, makes clear that the promotion of equality of opportunity and good relations is central to, and at the heart of, the Outcomes Framework, any subsequent PfG and action plans, and the delivery of associated societal outcomes.
- 3.13 We consider that there is significant scope for the promotion of equality and good relations to be further embedded and mainstreamed across the Outcomes Framework.
- 3.14 In order to ensure that the promotion of equality and good relations is comprehensively embedded across the Outcomes Framework, we recommend that promoting equality of opportunity and good relations should be **cross-cutting themes across all Government strategies, policy development and actions – including the Outcomes Framework and PfG.**
- 3.15 We consider that such an approach is further supported in the application of the statutory equality and good relations duties, where the appropriate consideration must be given to the need to promote equality of opportunity and the desirability of promoting good relations in relation to any given public function. It is essential that all PfG outcome measures that relate to people are developed in such a way so as to enable Departments and other public bodies to gather data across the Section 75 grounds. This will not only enable

the Executive to measure progress as regards specific Section 75 grounds, but also to enable public bodies to better monitor their policies for impact and potential impact on equality

- 3.16 Further, while data from Northern Ireland regarding the equality impacts of COVID-19 remains limited, information from elsewhere suggests that the COVID-19 crisis is deepening known inequalities and likely lead to the emergence of new inequalities for people now and over their lifecycle. A focus on advancing equality of opportunity and addressing key inequalities must include identifying and mitigating any negative equality impacts, now and in the future, arising from the COVID-19 pandemic.

Tracking outcome measures - inequalities and equality impacts

- 3.17 In practical terms, we envisage that mainstreaming could be further assisted by the Executive ensuring that all PfG outcome measures that relate to people are not only tracked in aggregate, but also for the impacts on Section 75 groups and thus we recommend that the Outcomes Framework makes explicit that all relevant outcome measures must be tracked in aggregate AND for each of the Section 75 grounds.
- 3.18 Further, we **recommend** that, where the Framework includes a particular targeted focus on advancing equality of opportunity for a specific equality group (for example, children and young people, people with disabilities or of different community backgrounds), this targeted focus is clearly explained in the Outcomes Framework, along with the rationale underpinning this priority focus.
- 3.19 Taking the above points together, the tracking of all *outcome measures* by Section 75 grounds, would be discrete and additional to any more targeted actions aimed at advancing equality of opportunity.
- 3.20 Such an approach would not only ensure that the outcomes of targeted actions were tracked, but would provide a robust evidence base to assess equality of opportunity, compared to the population as a whole and to other equality groups. It would also provide a firmer basis for the identification of future targeted actions, and for the fulfilment of the statutory equality and good relations duties.

Development and delivery of an integrated and effective Programme for Government

- 3.21 We note that the next step in this work will be the development of more detailed action plans, and further engagement with stakeholders and delivery partners. It is not clear if this includes a

consultation on an overall PfG, or separate departmental engagement on discrete action plans etc. It is also not clear if these action plans will constitute an overall PfG, or how they will be co-ordinated as a whole.

3.22 More detail on what this will comprise and how it will be used to inform the PfG is required. A timeline should also be provided.

3.23 It is essential that any overall PfG seeks to encourage and ensure cross-departmental and stakeholder co-design.

4 Proposed Outcomes and Key Priority Areas

Overarching Recommendations

4.1 We *support* a number of the proposed outcomes as having the potential to advance equality of opportunity and good relations, - such as the proposed outcomes:

- our children and young people have the best start in life;
- we have an equal and inclusive society where everyone is valued and treated with respect;
- we all enjoy long, healthy, active lives;
- everyone can reach their potential; everyone feels safe – we all respect the law and each other; and
- we have a caring society that supports people throughout their lives.

4.2 While there are references to current and proposed equality strategies within some Outcomes, the linkage is not explicitly clear, and the references incomplete / partial across Outcomes.

4.3 While we welcome the proposed outcome to “have an equal and inclusive society where everyone is valued and treated with respect”, we also observe that in general the other proposed outcomes do not make explicit reference to tackling key inequalities or advancing equality of opportunity and good relations. We recommend that each proposed Outcome explicitly makes this commitment so as to mainstream equality and good relations considerations across all proposed outcome areas.

4.4 We recommend that Key Priority Areas are targeted, where appropriate, to tackle identified key inequalities and advance equality of opportunity for specific equality groups. Targeting should be based on robust evidence and analysis.

- 4.5 For example, we note an absence of any reference to equality categories within the Outcomes and KPAs to participation in public life. Diversity in public life and ensuring the participation of people from all types of backgrounds, including those protected by the equality laws, enhances decision-making processes and provides for greater accountability. We recommend the explicit inclusion of a KPA to address identified key inequalities within the outcomes addressing participation in public life.
- 4.6 Aligned to our overarching key recommendations, we **recommend** that, if there is to be a particular focus on improving outcomes for a particular Section 75 group, and not others then this should be clearly explained to stakeholders through the Outcomes Framework, along with the rationale underpinning the targeted focus.
- 4.7 The Commission’s high-level priorities and recommendations for the PfG are set out in Annex B. We **recommend** that these are given effect via the relevant PfG Outcomes and KPAs.

Specific comments

- 4.8 We have set out below in more detail our specific comments and recommendations in relation to the proposed outcomes.
- Outcome 1: Our children and young people have the best start in life
- 4.9 We welcome the inclusion of shared education within the Access to Education Key Priority Area (KPA).
- 4.10 Within the Capability and Resilience KPA, actions to address and prevent prejudice-based bullying should be included. This is particularly relevant in light of the forthcoming introduction of the Addressing Bullying in Schools Act and the long-standing action within the Racial Equality Strategy to work with the Department of Education (DE) to identify ways to tackle racist bullying in schools.
- 4.11 We note within the Care KPA the reference to providing stable, nurturing environments for looked after children, those formerly in care and ‘newcomer’ children. It is unclear what the supports are, and why they are limited to the groups referenced. We have recommended⁹ that the Departments of Health and Education work in collaboration to identify young carers and provide services to both support them and improve their educational outcomes.
- 4.12 The Early Years KPA emphasises the employment benefits of early years provision – it should also include the benefits of high-quality

⁹ ECNI (2018) [Equality in Education: priorities and recommendations](#)

provision on children's cognitive and behavioural development and long-term educational achievement. This has been shown to have particular benefits for children with special educational needs and / or disabilities, children from minority ethnic groups, and children experiencing social disadvantage¹⁰. For example, Toybox, the early years organisation¹¹ works with Traveller and Roma families with children aged 0-4 and aims to improve educational outcomes. It provides a transition programme to support children and parents in Sure Start, pre-primary and primary education.

4.13 We welcome within the Skills and Attainment KPA references to addressing educational underachievement and supporting children with SEN and those with English as an Additional Language. We would also welcome specific mention of those groups which experience educational underachievement, to clearly identify where interventions will be targeted. This includes Irish Traveller and Roma children, and those entitled to free school meals, particularly boys, notably Protestant boys.

4.14 We recommend that the full range of equality strategies¹² should be included among the strategies that could help to deliver these Key Priority Areas.

Outcome 3: We have an equal and inclusive society where everyone is valued and treated with respect.

4.15 While welcoming a specific outcome on equality, its coverage as set out in the accompanying text appears narrow in focus and does not explicitly extend to all areas of life, such as education, employment and housing.

4.16 As noted earlier, we observe that in general the other proposed outcomes do not make explicit reference to tackling key inequalities across Section 75 categories, nor to advancing equality of opportunity and good relations.

4.17 In order to ensure that the promotion of equality and good relations is comprehensively embedded across the Outcomes Framework, we **recommend** that promoting equality of opportunity and good relations should be cross-cutting themes across all Government strategies, policy development and actions – including the

¹⁰ DE (2017) A compendium of evidence on ethnic minority resilience to the effects of deprivation on attainment; DE (2015) Study of Early Education and Development: meeting the needs of children with special educational needs and disabilities in the early years, page 11

¹¹ See further at: <https://www.early-years.org/>

¹² For example – Strategies on Gender, Disability, Sexual Orientation; Race; Community Background (T:BUC); and Age (Active Aging and Children & Young People), as well as related strategies (where relevant) such as the awaited Gender Pay Strategy.

Outcomes Framework and PfG. We **recommend** that each proposed Outcome explicitly makes this commitment so as to mainstream equality and good relations considerations across all proposed outcome areas.

- 4.18 We welcome the Inclusion and Tackling Disadvantage KPA, which would 'tackle the causes of inequality' and has the potential to focus on Traveller, Roma, and Newcomer children and children with SEN and disabilities. Moreover, it has the potential to tackle inequalities in housing and communities.
- 4.19 The Rights and Equality, and Legacy KPAs should include the Department of Education within the list of relevant departments. Education, including the Department of Education as regards its responsibility for children and young people, plays a key role in both of these areas.
- 4.20 We welcome the KPA on Tackling Sectarianism, Building Respect and Identity, and suggest its coverage extends across the equality grounds.
- 4.21 Aligned to concerns of disabled stakeholders, we express concern that disability equality does not appear as a Key Priority Area under this outcome but sits instead under the outcome 'We have a caring society that supports people throughout their lives'. This latter formulation and approach is interpreted as representing a medical model approach to disability rather than a social and/or human rights model based on the rights outlined in the UN Convention on the Rights of Persons with Disabilities.
- 4.22 The Commission recommends that actions to advance disability rights and obligations should instead appear as a KPA under the Equal and Inclusive society Outcome. The Commission continues to call for action to give full effect to the UN Convention on the Rights of Persons with Disabilities, calling for action to: deliver disability equality law reform; raise awareness and tackle prejudice; promote participation in public life, remove access barriers, address key inequalities; advance independent living; raise awareness and tackle prejudice; and ensure the provision of appropriate support for people who have reduced capacity for decision making.

Strengthening equality and human rights post Brexit

- 4.23 As set out in more detail later in this document, we note that there is no specific recognition in this section of the impact of the UK leaving on the EU on equality and human rights and Section 75 groups and recommend that the PfG includes a commitment that the Executive

will act in accordance with the UK Government's obligations under Article 2 of the NI Protocol is made clear.

- 4.24 We continue to call for the Executive to ensure there is no negative impact on equality and good relations for people living in Northern Ireland as a result of the UK leaving the EU. EU funding has enabled the community and voluntary sector in Northern Ireland to play an important role in addressing social and economic deprivation, training and employment, social enterprise, health and well-being, 'peace building' and building cross-community and cross-border relationships. In addition to actions to address our recommendations as set out earlier in this document with regards to keeping pace with legislative developments, we recommend that PfG includes a commitment to address, and mitigate, the potential impact of any loss of EU funding on equality groups, as well as the impact on the voluntary and community sector.¹³

Outcome 4: We all enjoy long, healthy, active lives

- 4.25 With regard to KPAs Access to Health and Inclusion and Tackling Disadvantage, the Commission recommends actions to:
- identify and remove barriers to health and social care and wellbeing experienced by particular Section 75 equality groups, including older people; lesbian, gay, bisexual people; trans people; Irish Travellers and other minority ethnic communities; and people with disabilities.
 - ensure investment in health care to address the specific needs of equality groups, including the health care needs of people with disabilities and young people's mental health needs.
- 4.26 In relation to the Older People KPA, we repeat our earlier comment that, where the Outcomes Framework includes a particular targeted focus on advancing equality of opportunity for a specific equality group, the targeted focus is clearly explained, along with the rationale underpinning it. In the current KPA, the focus is limited to positive attitudes, health and lifestyle. The rationale for the focus on these areas within this particular equality group, and not others, is needed.
- 4.27 We recommend that the full range of equality strategies are included in the list of strategies associated with this Outcome.

¹³ ECNI (2017) [Protecting and advancing Equality and Good Relations as the UK exits from the European Union](#)

4.28 With regard to the Mental Health and Wellbeing KPA, the Commission recommends:

- actions around tackling bullying and building children and young people’s resilience in schools;
- commitments in relation to access to mental health services for those in higher education;
- commitments in relation to those with severe mental illness;
- investment in health care to address young people’s mental health needs;
- commitments to address stigma and discrimination including through new age discrimination legislation;
- explicit links between planned actions and relevant UNCRPD obligations.

Outcome 5: Everyone can reach their potential

4.29 As previously stated, within the Capability and Resilience KPA, actions to address and prevent prejudice-based bullying should be included. This is particularly relevant in light of the planned introduction of the Addressing Bullying in Schools Act and the long-standing action within the Racial Equality Strategy to work with DE to identify ways to tackle racist bullying in schools.

4.30 While welcoming a KPA on better jobs, we recommend it should also include a reference to tackling inequalities, including as regards gender pay gaps, occupational segregation, and harassment and discrimination.

4.31 Within the Skills and Attainment KPA we recommend a focus on tackling the impacts of the COVID-19 pandemic on specific equality groups, and ensuring alignment between skills and the labour market.

Outcome 7: Everyone feels safe – we all respect the law and each other

4.32 The KPAs within this Outcome should include a commitment to addressing and reducing hate crime.

4.33 The Commission also recommends that the Executive and Departments implement specific long-term measures to eliminate

discrimination¹⁴; to tackle prejudicial attitudes and to promote values of acceptance and respect for difference¹⁵.

- 4.34 We welcome the KPA on Tackling Sectarianism, Building Respect and Identity, and suggest its coverage extends across all equality grounds. Further, we continue to recommend steps to increase the representation of women in peace-building and post conflict reconstruction in Northern Ireland.
- 4.35 We recommend that the full range of equality strategies are included in the list of strategies associated with this Outcome.

Outcome 8: We have a caring society that supports people throughout their lives

- 4.36 As noted earlier, aligned to concerns of disabled stakeholders, we express concern that disability equality does not appear as a KPA under the equal and inclusive society outcome but sits instead under the 'caring society' Outcome.
- 4.37 This latter formulation and approach is interpreted as representing a medical-model approach rather than a social and/or human rights model based on the rights outlined in the UN Convention on the Rights of Persons with Disabilities.
- 4.38 The Commission reiterates its recommendation that Disability should appear as a KPA under the equal and inclusive society Outcome.
- 4.39 The KPA on Disability should include the Department of Agriculture, Environment and Rural Affairs in the list of relevant departments as it has specific responsibility to address the additional requirements on assistance dog owners moving from Great Britain to Northern Ireland as a result of the UK leaving the EU. The Executive must ensure that there are no adverse impacts on Assistance Dog Owners in terms of requirements on pet passport arrangements post Brexit.
- 4.40 With regard to the KPA of Inclusion and Tackling Disadvantage, the Commission recommends that a commitment to the development of

¹⁴ For example, Equality Commission for Northern Ireland (2014): Racial Equality Policy Priorities and Recommendations, paragraph 3.11-3.17, pages 11-13.

¹⁵ ECNI (2020) [Hate Crime Policy Recommendations](#); ECNI (2019) [Housing and Communities Policy Recommendations](#)

a principles-based social security system based on the Scottish model¹⁶.

- 4.41 With regard to KPA Mental Health and Wellbeing, we reiterate our recommendations as set out earlier at para 4.28
- 4.42 We welcome the Housing KPA on tackling homelessness; supporting housing associations and provision and maintenance of appropriate social housing, investment in new and affordable homes. Our housing and accommodation related priorities and recommendations are set out in Appendix B of this document.

Outcome 9: People want to live, work and visit here

- 4.43 While welcoming a KPA on Better Jobs, we recommend it should also include a reference to tackling inequalities in employment¹⁷, including as regards gender pay gaps, occupational segregation, and harassment and discrimination. Our employment-related priorities and recommendations are set out in Appendix B of this document.
- 4.44 We welcome the KPA on Housing, but suggest a more targeted approach, which identifies those groups who experience inequalities in accessing good quality, affordable housing is adopted¹⁸.
- 4.45 We welcome the KPA on Tackling Sectarianism, Building Respect and Identity, and suggest its coverage extends across the equality grounds. Further, we continue to recommend steps to increase the representation of women in peace-building and post conflict reconstruction in Northern Ireland.

5 Strengthening equality and human rights post Brexit

- 5.1 We note that the PfG does not make reference to the impact on the on Section 75 groups and on equality and human rights as a result of the UK leaving the EU. EU exit is specifically referenced in Outcome 6 'Our economy is globally competitive' and Outcome 9 'People want to live, work and visit here'. The PfG draft Outcomes Framework will set the parameters for delivery and actions of all public authorities and public services and for the development of more detailed action plans to follow. It is important, therefore, for the Executive to recognise the impact of the UK leaving the EU on equality and human rights and on Section 75 groups and to make

¹⁶ See further at Independent Mechanism for Northern Ireland (2019): Report on the Department for Communities Response on the Independent Review of PIP Process and Compliance with the Recommendations of the UN CRPD Committee, pages 56-59.

¹⁷ See further at ECNI (2018) [Key Inequalities in Employment](#)

¹⁸ See further at ECNI (2019) [Housing and Communities, Policy Recommendations](#)

clear the need for additional measures to better protect equality and human rights in Northern Ireland.

- 5.2 As recognised by the UK Government, EU law, particularly on anti-discrimination, has formed an important part of the framework for delivering the guarantees on rights and equality in Northern Ireland¹⁹.
- 5.3 EU laws have provided a minimum level of rights and protection below which domestic legislation in Member States, including the UK, must not fall below. These EU laws have covered areas such as equality rights, as well other areas such as employment rights of part-time workers, pregnant workers, and victims.
- 5.4 As mentioned above, the UK Government has committed under Article 2(1) of the Protocol to ensure there is no reduction of the rights, safeguards and equality of opportunity provisions set out in the chapter of the same name in the Belfast (Good Friday) Agreement as a result of Brexit, including the rights set out in the EU equality Directives in Annex 1 to the Protocol. The UK Government has also committed in the Protocol to keep pace with any future EU changes to these Annex 1 Directives.
- 5.5 However, it should be recognised there are important limitations to these commitments in terms of the continued application of EU equality and human rights standards in Northern Ireland. For example, the ‘keeping pace’ commitment only applies to the equality Directives set out in Annex 1 to the Protocol and not to other existing EU Directives that provide rights for equality groups, such as the EU law relating to part-time workers or pregnant workers. Further, it does not cover future EU equality related Directives that may be introduced, except to the extent that they might result in changes to the Annex 1 Directives. This could mean, for example, that whilst equality laws in other EU countries, including the Republic of Ireland, are strengthened to keep pace with those future EU equality laws, Northern Ireland equality laws may not similarly be strengthened²⁰.
- 5.6 We **recommend** that the Executive makes clear its commitment in the Outcomes Framework and any subsequent PfG to act in accordance with the UK Government’s obligations under Article 2 of the Protocol in the Programme for Government, including the UK

¹⁹ NIO (2020) [Explainer document on Article 2 of the Ireland/Northern Ireland Protocol](#).

²⁰ Except to the extent that they might result in changes to the Annex 1 Directives

Government's commitment in the Protocol to keep pace with any future EU changes to the Annex 1 Directives.

- 5.7 We also **recommend** that the Executive commits in the Outcomes Framework and any subsequent PfG to ensure that equality laws keep pace, not only with any changes that the EU may make to the EU equality laws set out in Annex 1, as required under Article 2 of the Protocol, but also with all future EU laws that strengthen equality rights.

6 PfG draft Outcomes Framework EQIA

- 6.1 Equality schemes commit public authorities, in making any decision with respect to a policy adopted or proposed to be adopted, to take into account any assessment and consultation (Schedule 9 paragraph 9(2) of the Northern Ireland Act 1998). We note the different consultation closing dates on the PfG draft Outcomes Framework and the Equality Impact Assessment (EQIA), but TEO are reminded of the requirement to ensure consideration of the EQIA before final decisions are taken.
- 6.2 The Commission provided guidance to The Executive Office on the application of its Section 75 duties in respect of the PfG, in advance of the publication of this EQIA. This included advising TEO of our concerns that the EQIA on the PfG Outcomes Framework that was initially published did not follow its Equality Scheme arrangements. Further work was undertaken by TEO to take on board some of the Commission advice. We acknowledge that this EQIA is being undertaken at the same time as the policy consultation. Equality assessments of the Budget should also be aligned with the EQIA on the PfG Outcomes Framework.
- 6.3 In finalising the EQIA, the Commission recommends further work to ensure the EQIA follows the arrangements set out in the TEO equality scheme and is meaningful, i.e. that it should inform and potentially amend the Outcomes Framework, before decisions are taken. In particular, the final EQIA report should:
- Consider further appropriate and relevant Section 75 data/evidence,
 - Include a coherent assessment of the potential equality and good relations impacts on the Section 75 categories (including multiple identity),
 - Seek out opportunities to promote equality of opportunity and good relations, not solely consider adverse impacts,

- Amend or mitigate the draft Outcomes Framework as a result of the EQIA and consider alternative policies and
- Ensure that appropriate Section 75 monitoring is included, including addressing Section 75 data gaps.

6.4 In complying with its Equality Scheme and providing leadership across Government in respect of equality and good relations, it is also important that TEO ensures that the final EQIA report includes details of how Section 75 will be applied to each Outcome Action Plan, that Stage 6 of the EQIA includes consideration of the responses provided during consultation and how, if at all, budgeting equality assessments have informed the PfG.

7 Conclusion

7.1 Overall, we welcome and strongly support the focus of the Outcomes Framework on achieving outcomes, specifically given the potential that this offers to advance equality of opportunity and good relations for Section 75 grounds.

7.2 We **recommend** that the Outcomes Framework makes clear that the promotion of equality and good relations is central to the PfG Framework, the subsequent PfG and action plans, and the delivery of associated societal outcomes.

7.3 To ensure that the promotion of equality and good relations is comprehensively embedded, the Commission **recommends** that promoting equality of opportunity and good relations should be explicitly given effect to in each of the PfG framework outcome measures and key performance areas; and should be cross-cutting themes across all Government strategies, policy development and actions (including the PfG).

7.4 We also **recommend** that the Outcomes Framework makes explicit that ALL relevant Outcome measures, and as such all relevant indicators and all outcomes, will not only be tracked in aggregate but also for each of the Section 75 grounds.

7.5 We hope that the proposals and recommendations set out in this response are of assistance and will be happy to discuss further.

8 APPENDIX A – Equality Commission for Northern Ireland: Overview of Remit and Responsibilities

- 8.1 The Equality Commission for Northern Ireland (the Commission) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.
- 8.2 The Commission’s remit also includes overseeing the statutory duties on designated public bodies under Section 75 of the Northern Ireland Act 1998 (Section 75) and to promote positive attitudes towards disabled people and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.
- 8.3 The Commission’s general duties include:
- working towards the elimination of discrimination;
 - promoting equality of opportunity and encouraging good practice;
 - promoting positive / affirmative action
 - promoting good relations between people of different racial groups;
 - overseeing the implementation and effectiveness of the statutory duty on public bodies;
 - keeping the legislation under review.
- 8.4 The Equality Commission, together with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the rights of Persons with Disabilities (UNCRPD) as the Independent Mechanism tasked with promoting, protecting and monitoring implementation of the Convention in Northern Ireland.
- 8.5 In addition, the Equality Commission, together with the NI Human Rights Commission have duties and powers to monitor, supervise, advise, enforce, and report on the UK Government’s commitment on Article 2(1) of the Ireland/NI Protocol to the UK-EU Withdrawal Agreement. These duties and powers are set out in the EU (Withdrawal Agreement) Act 2020, amending the Northern Ireland Act 1998.
- 8.6 For further information visit our website: www.equalityni.org/AboutUs

9 APPENDIX B –Commission Recommendations for the Programme for Government (PfG) and Budget

- 9.1 The Equality Commission has set out below its high level recommendations in relation to the Programme for Government and Budget.
- 9.2 Equality of opportunity and good relations must be central to all public policy development and implementation, no less so at a time of reduced public spending.
- 9.3 Many key inequalities experienced by Section 75 equality groups²¹ remain persistent and hard to tackle. We consider that the PfG and Budget provide a key mechanism to maximise equality of opportunity and good relations outcomes.
- 9.4 While data from Northern Ireland regarding the equality impacts of COVID-19 remains limited, information from elsewhere suggests that the COVID-19 crisis will deepen known inequalities and likely lead to the emergence of new inequalities for people now and over their lifecycle.

Recommendations

- 9.5 In addition to recommendations across a number of areas of public policy, we called on the Executive to ensure that:
- there is a clear commitment in the PfG, underpinned by the inclusion of robust, outcome focused action measures, to identifying, addressing and monitoring the key inequalities experienced by the Section 75 equality groups, as well as to promoting good relations²²;
 - a focus on addressing key inequalities includes identifying and mitigating any negative equality impacts, now and in the future, arising from the COVID-19 pandemic;
 - the PfG makes it explicit that promoting equality of opportunity and good relations are cross-cutting themes across all Government strategies, policy development and actions;

²¹ Section 75 of the Northern Ireland Act 1998 places a duty on public bodies 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 or sexual orientation; men and women; persons with a disability and persons without; and persons with dependants and persons without.

²² Section 75 also places a duty on public bodies to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

- all relevant PfG measures are not only tracked in aggregate but also for the impact on individuals from each of the Section 75 grounds.
- there is a clear commitment in the PfG, and in associated action plans, to stakeholder involvement - not only in co-design but in the rolling monitoring and review of impacts, particularly across the Section 75 equality categories.

9.6 We further **recommend** that the PfG includes actions to:

Social Attitudes

- challenge prejudicial attitudes, behaviour and hate crime, so as to ensure that workplaces, services, public spaces and communities are free from harassment and/or discrimination across the equality grounds.

Education

- tackle prejudice-based bullying;
- address inequalities in attainment and access, with a particular focus on those experienced by Traveller, Roma and Newcomer children;
- ensure progress on a number of the recommendations '*of benefit to all children*'. In particular, to advance childcare and early-years provision to meet the diverse needs of all children; to drive attainment via collaborative approaches involving family and the wider community; and to put in place a system for learning from successful interventions.

Employment

- support women's economic participation, including through access to appropriate, accessible and affordable childcare;
- address the exploitation of migrant workers and the concentration of some minority ethnic workers in low paid employment;
- support people with disabilities to access and remain in the workplace;
- ensure the provision of training and programmes that are accessible and inclusive for all to get into or stay in work.

Access to Social Protection

- protect the most vulnerable from the adverse impact of welfare reform, particularly mindful of the impact on people with disabilities and women, minority ethnic communities (including asylum seekers and refugees);

- identify/ commit to specific measures which will mitigate the adverse impact of welfare reform, or any alternate policies which might better achieve the promotion of equality of opportunity.

Housing, Accommodation and Communities

- advance sharing in housing while ensuring objectively assessed need is met;
- address the longer social housing waiting list for Catholic households;
- improve the provision of disability related accommodation;
- tackle the under-reporting of hate incidents and crimes and increase outcome rates.

Health, Social Care and Wellbeing

- identify and remove barriers to health, social care and well-being experienced by particular Section 75 equality groups, including older people; Lesbian, Gay, Bisexual (LGB) people; Irish Travellers and other minority ethnic communities; and people with disabilities;
- ensure investment in health care so as to address the specific needs of equality groups, including the health care needs of people with disabilities; and young people's mental health needs;

Participation in Public Life and Decision making

- address identified gaps in equality data across a number of areas of public policy; and ensure that data is sufficiently disaggregated to allow for meaningful equality analysis, to better inform public policy development;
- increase diversity in government public appointments by taking actions to increase the participation of those with disabilities; delivering on gender targets for boards and chairs; and implementing a cross-departmental strategic action plan to advance participation more generally;
- increase diversity in political representation by advancing the participation of women, and individuals from minority ethnic groups, in political life.

Reform of Equality law

- reform and strengthen equality law across a number of equality grounds, including age (as regards the provision of goods, facilities and services), race, disability, sex, fair employment, and sexual orientation;

- reform wider areas of the law that impact on Section 75 equality groups.

EU-UK Withdrawal

- act in accordance with the UK Government's obligations under Article 2 of the EU-UK Withdrawal Agreement: Protocol on Ireland / Northern Ireland, including the commitment to keep pace with any future EU changes to 'Annex 1' Directives;
- commit to ensure that equality laws keep pace, not only with 'Annex 1' EU equality laws (as required under Article 2 of the Protocol), but with all future EU laws that strengthen equality rights;
- address, and mitigate, the potential impact of any loss of EU funding on equality groups, as well as the impact on the voluntary and community sector;

Address Gaps in Equality Data

- collect comprehensive equality data to identify equality impacts and shape targeted actions to advance equality;
- address key gaps in equality data, including on the grounds of gender identity, sexual orientation, and race;
- rectify the lack of data disaggregation in relation to ethnicity, disability and gender;

Develop and Implement Equality Strategies

- ensure that effective equality/ good relations strategies and action plans are implemented and updated across the full range of anti-discrimination grounds;

Compliance with International Conventions

- address key shortfalls in Northern Ireland so as to ensure compliance with obligations in international human rights conventions, including the UN Convention on the Rights of People with Disabilities (UNCRPD)²³.

Budget proposals: Actions to meet equality / good relations requirements

- in the preparation of budget proposals, Departments and other public authorities should ensure that they are fulfilling their statutory equality and good relations duties.

²³As well as obligations in other International Conventions, such as the UN Convention on the Elimination of all forms of Racial Discrimination (UNCERD), the UN Convention for the Elimination of Discrimination against Women (CEDAW), the UN Convention on the Rights of the Child (UNCRC) and the Framework Convention for the Protection of National Minorities (FCNM).

- The Commission has set out in guidance how Section 75 duties and equality scheme commitments apply to the budget processes²⁴. Equality scheme arrangements and tools - i.e. screening and equality impact assessment (EQIA) - provide a means for Departments and other public authorities to assess the likely impacts of the budget proposals.

²⁴ ECNI (2015) [Section 75 and Budgets: a short guide for public authorities](#)