



Department of

Finance

An Roinn

Airgeadais

www.finance-ni.gov.uk

Consultation Document

Draft Equality Scheme for the Department of Finance

Consultation open: 13 January 2016 to 10 April 2017

Introduction

Section 75 of the Northern Ireland Act 1998 (the Act) requires public authorities, in carrying out their functions, 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.

In 2011, the then Department of Finance and Personnel (DFP) produced the current Departmental Equality Scheme. This document is based on the format and content of the 'model scheme' provided by the Equality Commission.

The Equality Scheme details how the Department will fulfil its statutory obligations under the Act. The Scheme is accompanied by a Section 75 Action Plan, which set out the steps that the Department is taking to address any issues around equality and diversity. This plan was developed following a Departmental Audit of Inequalities and is reviewed annually, with updates sent to the Equality Commission and to equality consultees.

Under Schedule 9 paragraph 8 (3) of the NI Act 1998, the Department is committed to carrying out a review of its Equality Scheme every five years. Strategic Equality Branch therefore conducted an initial internal review of the scheme and updated the content to reflect input from DoF business areas. This revised version of the Scheme was subject to public consultation in 2016.

The draft Scheme has subsequently been updated to reflect responses from the public consultation exercise and to amend previous references to the Department of Finance and Personnel etc. We are now carrying out a further consultation to give consultees the opportunity to comment on the revised Equality Scheme and the changes that have been incorporated. The draft Scheme is attached for ease of reference and we would be grateful for your comments.

The current Departmental Equality Scheme and copies of our current Section 75 and Disability Action Plans can be found on the Department's website at <https://www.dfpni.gov.uk/publications/dfp-departmental-equality-scheme>. This website also contains a link to the responses made during the previous consultation on our Equality Scheme. This information may be a useful reference point for consultees.

Responding to this consultation

We welcome any comments or questions on our Equality Scheme consultation. The best way to respond is either by email to

equality@finance-ni.gov.uk or by post to:

Strategic Equality Branch
Department of Finance
Rathgael House
Balloo Road
Bangor
BT19 7NA

Telephone 028 9185 8073
Textphone 028 9052 7668
SMS 07989 451970

Strategic Equality Branch will be happy to receive comments via telephone or face to face contact, if preferable.

Responses to this consultation are invited until midnight on 10 April 2017.

Please note that these documents are available in a range of formats on request. Please contact us with your requirements.

To support transparency, all responses to this consultation will be made public. This will include the name of the responding organisation (if applicable). However, individual names will only be published if you give consent. Your contact details will not be published.

(Please be aware that any information provided in response to this consultation could be made publicly available if required under a Freedom of Information request.)



Department of

Finance

An Roinn

Airgeadais

www.finance-ni.gov.uk

Equality Scheme for the Department of Finance

Drawn up in accordance with Section 75 and Schedule 9 of the NI Act 1998

This document is available in a range of formats on request. Please contact us with your requirements (see page 8 for contact details).

Rathgael House
Balloo Road
Bangor
BT19 7NA

Foreword

Section 75 of the NI Act 1998 (the Act) requires public authorities, in carrying out their functions, 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 Act¹.

In its equality scheme, the Department of Finance and its Agency (herein after called the Department) sets out how it proposes to fulfil the Section 75 statutory duties.

We will 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.

We commit to having effective internal arrangements in place for ensuring our compliance with the Section 75 statutory duties and for monitoring and reviewing our progress.

We will deliver a programme of communication and training with the aim of ensuring that all our staff and board members are made fully aware of our equality scheme and understand the commitments and obligations within it.

We are fully committed to effectively fulfilling the Section 75 statutory duties across all our functions through the effective implementation of the Departmental equality scheme.

We realise 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. The equality scheme demonstrates how the Department will ensure there are opportunities, for people affected by its work, to positively influence how it carries out its functions in line with the Section 75 statutory duties. It also offers the means whereby persons directly affected by what they consider to be a failure on the Department's part to comply with the equality scheme can make complaints.

¹ See section 1.1 of our Equality Scheme.

On behalf of the Department and our 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 NI Act 1998 and Equality Commission guidelines.

DRAFT

Contents

Foreword	1
Chapter 1 - Introduction.....	5
Section 75 of the NI Act 1998	5
How the Department proposes to fulfil the Section 75 duties in relation to its relevant functions.....	5
Functions of the Department of Finance	6
Chapter 2- Arrangements for assessing compliance with the Section 75 duties	7
Responsibilities and reporting.....	7
Action plan/action measures	9
Chapter 3 - Arrangements for consulting	11
Chapter 4 - Arrangements for assessing, monitoring and publishing the impact of policies.....	15
Arrangements for assessing the likely impact of policies adopted or proposed to be adopted on the promotion of equality of opportunity.....	15
Screening	16
Equality impact assessment	19
Arrangements for publishing the results of the assessments of the likely impact of policies adopted or propose to adopt on the promotion of equality of opportunity	20
Publications	20
Arrangements for monitoring any adverse impact of policies on equality of opportunity.....	21
Arrangements for publishing the results of our monitoring	22
Chapter 5 - Staff training	23
Commitment to staff training	23
Training objectives.....	23
Awareness raising and training arrangements	24
Awareness Raising Arrangements	24
Monitoring and evaluation.....	26

Chapter 6 - Arrangements for ensuring and assessing public access to information and services we provide	28
Access to information	28
Access to services	29
Assessing public access to information and services	29
Chapter 7 - Timetable for measures proposed in this equality scheme	30
Chapter 8 - Complaints procedure.....	31
Chapter 9 - Publication of the Equality Scheme.....	33
Chapter 10 - Review of the Equality Scheme	35
Appendix 1 - Organisational chart	36
Appendix 2 - Example groups relevant to the Section 75 categories for Northern Ireland purposes	37
Appendix 3 - List of consultees.....	38
Appendix 4 - Timetable for measures proposed	40
Appendix 5 - Glossary of terms	41

DRAFT

Chapter 1 - Introduction

Section 75 of the NI Act 1998

- 1.1 Section 75 of the NI Act 1998 (the Act) requires the Department to comply with two statutory duties:

Section 75 (1)

In carrying out its functions relating to NI the Department is required 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 generally;
- persons with a disability and persons without; and
- persons with dependants and persons without.

Section 75 (2)

In addition, without prejudice to the obligations above, in carrying out its functions in relation to NI the Department is required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

“Functions” include the “powers and duties” of a public authority². This includes the Department’s employment and procurement functions.

How the Department proposes to fulfil the Section 75 duties in relation to its relevant functions

- 1.2 Schedule 9 4. (1) of the Act requires the Department as a designated public authority to set out in an 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 Department’s arrangements for fulfilling the Section 75 statutory duties and its plan for their implementation.
- 1.3 The Department is committed to the discharge of its Section 75 obligations in all parts of the organisation and will commit the

² Section 98 (1) of the NI Act 1998.

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 can be implemented effectively.

Functions of the Department of Finance

1.4 The Department and its Agency are responsible for:

- Managing the public expenditure of Departments, including supporting the Minister and Executive in the allocation of funding available from HM Treasury
- Providing Human Resource (HR) services and policies to support the management of the NI Civil Service (NICS) workforce
- Providing a range of corporate services to NICS Departments, including HR, finance and accounting, Information, Communication and Technology (ICT), accommodation and estate management
- Providing legal, statistical, procurement, valuation and property services and support to NICS Departments and the wider public sector
- Improving access to public services and information through the NIDirect programme

Chapter 2 - Arrangements for assessing compliance with the Section 75 duties

(Schedule 9 4. (2) (a))

- 2.1 Some of the arrangements for assessing compliance with the Section 75 statutory duties are outlined in other relevant parts of this Equality Scheme for example, monitoring arrangements, assessment of impact of policies arrangements, consultation, publication, complaints etc. In addition, the following arrangements are in place for assessing compliance:

Responsibilities and reporting

- 2.2 The Permanent Secretary is responsible for providing Progress Reports to the Equality Commission for NI (ECNI). To assist him with this, he has a network of staff who advise and report on equality matters in each business area of the Department. He also has a Strategic Equality Branch which provides advice, guidance and support to business areas on all aspects of Equality and oversees the screening processes undertaken to ensure consistency of approach throughout the Department and compliance with the statutory duties.
- 2.3 We are committed to the fulfilment of our Section 75 obligations in all parts of our work. Through the Strategic Equality Branch, close liaisons are maintained with other NICS Departments, Section 75 representative groups and the Voluntary and Community Sector. In addition, appropriate departmental contributions are made to all relevant cross-departmental working groups in the furtherance of the equality agenda. The Department is also represented on the Equality Practitioners' Group which is hosted and chaired by The Executive Office.
- 2.4 Updates are provided to the DoF Departmental Board by the Strategic Equality Branch when appropriate and at least once a year. These updates inform the Board both of progress by the Department and latest developments in the wider field of Equality. The Departmental Annual Report includes a section on Equality.

- 2.5 Directors in each business area are responsible for implementing the Equality Scheme within their area of responsibility and for providing assurance to the Departmental Board that they are complying with the Section 75 obligations, as laid down in the Scheme. When new policies are being introduced or where existing policies are being revised, the Director is responsible for ensuring that papers submitted to the Departmental Board and the Minister, take account of the equality obligations. They will also specify the position in relation to the conduct of any equality impact assessment, where appropriate.
- 2.6 Objectives and targets relating to the statutory duties are integrated into our strategic and operational business plans.
- 2.7 Employees' job descriptions and performance agreements reflect their contributions to the discharge of the Section 75 statutory duties and implementation of the Equality Scheme, where relevant. The Personal Performance Agreements are subject to appraisal in the annual performance review.
- 2.8 Overall responsibility for the effective implementation of the Equality Scheme lies with the Head of Corporate Services Division. She is accountable to the Minister and Permanent Secretary 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 ECNI.
- 2.9 If you have any questions or comments regarding this Equality Scheme, please contact in the first instance the Strategic Equality Branch at the address given below:

Strategic Equality Branch
Department of Finance
Rathgael House
Balloo Road
Bangor
BT19 7NA

Telephone 028 9185 8073
Textphone 028 9052 7668
SMS 07989 451970
Email equality@finance-ni.gov.uk

- 2.10 Upon request by ECNI, we prepare a report on the progress made on implementing the arrangements set out in our Equality Scheme to discharge our Section 75 statutory duties.
- 2.11 Section 75 progress reports are available on the departmental website at <https://www.finance-ni.gov.uk/dfp-equality-and-section-75> or by contacting Strategic Equality Branch using the address listed at paragraph 2.9 above.
- 2.12 We liaise closely with ECNI to ensure that progress on the implementation of our Equality Scheme is maintained.

Action plan/action measures

- 2.13 In addition to this Equality Scheme, we have developed an action plan to promote equality of opportunity. This plan was developed following an audit of inequalities and is continually monitored, revised and updated. It can be accessed via www.finance-ni.gov.uk/dfp-equality-and-section-75
- 2.14 The Section 75 action plan is relevant to our functions and will not form part of the approved Equality Scheme.
- 2.15 The plan includes actions, measures, outcomes and timescales for their achievement. (The word “measures” has been used in place of ECNI’s suggestion of “performance indicators”).
- 2.16 We will develop action plans to align with corporate, business and budget planning cycles. Implementation of the action plans is incorporated into the business planning process. The plans will be amended when appropriate to reflect additional actions proposed or required.
- 2.17 We will seek input from our stakeholders and consult on our action plans before we send them to the Equality Commission and thereafter when reviewing the plans as per 2.18 below.
- 2.18 We will monitor progress on the delivery of our plans annually and update as necessary to ensure that they remain effective and relevant to our functions and work.

2.19 We will inform ECNI of any changes or amendments to our action plans and will also include this information in any Section 75 progress reports to them. A Section 75 progress report will incorporate information on progress that has been made in implementing the action plans.

2.20 The action plans are available to view on-line at: <https://www.finance-ni.gov.uk/dfp-equality-and-section-75> or by contacting Strategic Equality Branch using the address listed at paragraph 2.9 above.

DRAFT

Chapter 3 - Arrangements for consulting

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

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

- 3.1 We recognise the importance of consultation in all aspects of the implementation of the statutory equality duties. We will consult on our Equality Scheme, action plans, equality impact assessments and other matters relevant to the Section 75 statutory duties.
- 3.2 We are committed to carrying out consultation in accordance with the following principles (as contained in ECNI's guidance *Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)*):
 - i. Consultations will seek the views of those directly affected by the matter/policy, ECNI, representative groups of Section 75 categories, other public authorities, voluntary and community groups, staff and their trade unions and such other groups who have a legitimate interest in the matter, as appropriate.
 - ii. To ensure the most effective use of the Department's and its 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 consultation etc.
 - iii. Consultation with all stakeholders will begin as early as possible. We will engage with affected individuals and representative groups to identify how best to consult or engage with them. Consultees will be asked what their preferred consultation methods are and consideration will be given to these.
 - iv. 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, where appropriate. We will take account of existing and developing good practice, including the ECNI guidance *Let's Talk Let's Listen – Guidance for public authorities on consulting and involving children and young people (2008)*.

- v. Information will be made available, on request, in alternative formats³, in a timely manner, usually within 10 days. We will seek to ensure that such consultees have sufficient time to respond.
- vi. Specific training is available to those facilitating consultations to ensure that they have the necessary skills to communicate effectively with consultees.
- vii. Any equality consultation will last for at least twelve weeks in line with ECNI guidelines. This will allow adequate time for groups to consult amongst themselves as part of the process of forming a view. In exceptional circumstances, when this timescale is not feasible (for example implementing EU Directives or UK wide legislation, meeting Health and Safety requirements, addressing urgent public health or strategic public expenditure matters or complying with Court judgements), the timescale may be shortened to eight weeks or less before the policy is implemented. We may continue consultation thereafter and will take account of comments as part of our monitoring commitments⁴. In consultations where screening has determined an EQIA is not required, the timescale will be eight weeks or less in line with the Fresh Start Agreement.
- viii. 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 impacts of the policy are considered.
- ix. 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

³ See Chapter 6 of our Equality Scheme for further information on alternative formats of information we provide.

⁴ Please see below at 4.23 to 4.28 for details on monitoring.

particularly complex, consideration will be given to the feasibility of allowing a longer period for the consultation.

- x. 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. For example, we will consider the time of day, the appropriateness of the venue, 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 etc.
 - xi. 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.
 - xii. In making any decision with respect to a policy adopted or proposed to be adopted, we will take into account any assessment and consultation carried out in relation to the policy.
 - xiii. 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 consultees' comments and a summary of the consideration of and response to consultees' input. The feedback will be provided in formats suitable to consultees. (Please see also paragraph 6.3.)
- 3.3 A list of those Section 75 groups who have asked to be included in our consultations is included in this Equality Scheme at Appendix 3. It can also be obtained from our website at <https://www.finance-ni.gov.uk/publications/dfp-departmental-equality-scheme> or by contacting:

Strategic Equality Branch
Rathgael House
Balloo Road
Bangor
BT19 7NA

Telephone 028 9185 8073
Textphone 028 9052 7668
SMS 07989 451970

Email equality@finance-ni.gov.uk

- 3.4 This consultation list is not exhaustive and is reviewed on a regular basis to ensure it remains relevant to our functions and policies.

We welcome enquiries from any person/s or organisations wishing to be added to the list of consultees. Please contact Strategic Equality Branch, as above, to provide your contact details and have your areas of interest noted or have your name/details removed or amended. Please also inform us at this stage if you would like information sent to you in a particular format or language.

DRAFT

Chapter 4 - 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))

Arrangements for assessing the likely impact of policies adopted or proposed to be adopted on the promotion of equality of opportunity

- 4.1 In the context of Section 75, 'policy' is very broadly defined and it covers all the ways in which we carry out or propose to carry out our functions. 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'. For example, policy decisions on procurement and employment are functions to which the equality duty applies.
- 4.2 In making any decision with respect to a policy adopted or proposed to be adopted, we will take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9 9. (2) of the NI Act 1998.
- 4.3 We use the tools of **screening** and **equality impact assessment** to assess the likely impact of a policy on the promotion of equality of opportunity. In carrying out these assessments we will relate them to the intended outcomes of the policy in question and will also follow ECNI guidance:
- The guidance on screening, in so far as it relates to equality of opportunity, including the screening template, as detailed in the Commission's guidance *Section 75 of the Northern Ireland Act 1998 – 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 the promotion of equality of opportunity.
- 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, screening will take place at appropriate stages during implementation. This includes committing to screening a proposed policy at the time a Business Case or similar document is prepared.
- 4.6 The lead role in the screening of a policy is taken by the policy decision maker who has the authority to make changes to that policy. However, screening will also involve other relevant team members, for example, equality specialists, those who implement the policy and staff members from other relevant work areas. Where possible, key stakeholders will be included in the screening process.
- 4.7 The following questions will be applied to all our policies as part of the screening process:
 - 4.7.1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor/major/none)
 - 4.7.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories? Yes/No
 - 4.7.3 Are there opportunities, without prejudice to the equality of opportunity duty, to better promote good relations? Yes/No
 - 4.7.4 Is there an opportunity to promote positive attitudes towards people with disabilities by altering the policy or working with others in government or the wider community? Yes/No
 - 4.7.5 Is there an opportunity to encourage people with disabilities to participate in public life by altering the policy

or working with others in government or the wider community? Yes/No

4.7.6 Are there opportunities to promote, by appropriate measures, mutual understanding between all linguistic groups and in particular the inclusion of respect, understanding and tolerance? Yes/No

4.8 In relation to the question on assessing impacts on equality of opportunity our consideration of this will also be informed by the Executive's desire to make people's lives better and to deliver improved wellbeing to all citizens. In light of these, we will also take account of whether a policy will:

- Disproportionately affect those on lower incomes; and
- Have a variable impact across geographical areas.

4.9 Our approach will also be informed by the understanding that 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 groups identified in Section 75 (1). The equality duty should not inhibit action to counter disadvantage among particular sections of society – indeed such action may be an appropriate response to redressing inequalities of opportunity. There should therefore be no conflict with affirmative action or positive action to counteract disadvantage or accommodate difference.

4.10 We will ensure that our interpretation and application of Section 75 does not have an adverse impact on the provision of women-only services or on the activities of women's organisations.

4.11 In relation to the question on promoting good relations, we commit to taking into account and recording consideration of the desirability of promoting good relations and adopt the following definitions of good relations:

Good relations can be said to exist where there is:

- A high level of dignity, respect and mutual understanding;
- An absence of prejudice, hatred, hostility or harassment; and
- A fair level of participation in society.

Good relations means, in particular, having regard to the desirability of:

- Tackling prejudice; and
- Promoting understanding

- 4.12 In order to answer the screening questions, we gather 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.
- 4.13 Completion of screening, taking into account consideration of the answers to the screening questions set out in 4.7 above, will lead to one of the following three outcomes:
- the policy has been ‘screened in’ for equality impact assessment;
 - the policy has been ‘screened out’ with mitigation⁵ or an alternative policy proposed to be adopted; or
 - the policy has been ‘screened out’ without mitigation or an alternative policy proposed to be adopted.
- 4.14 If screening concludes that the likely impact of a policy is ‘minor’ in respect of one, or more, of the equality of opportunity categories, we may on occasion decide to proceed with an Equality Impact Assessment (EQIA), 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.
- 4.15 Where we mitigate we will outline in the screening template the reasons to support this decision together with the proposed changes, amendments or alternative policy.
- 4.16 If screening concludes that the likely impact of a policy is ‘major’ in respect of one, or more, of the equality of opportunity categories, we will normally subject the policy to an EQIA. This screening

⁵ Mitigation – Where an assessment (screening in this case) 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.

decision will be 'signed off' by the appropriate policy lead within the Department.

- 4.17 If screening concludes that the likely impact of a policy is 'none', in respect of all of the equality of opportunity categories, we may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity, we will record the evidence used to make the assessment and the rationale for the decision. The decision will be 'signed off' by the appropriate policy lead Director who will inform the fortnightly Stocktake meeting, chaired by the Permanent Secretary of Finance, of any such decision and the rationale for it.
- 4.18 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 <https://www.finance-ni.gov.uk/publications/dfp-departmental-equality-scheme> and on request from Strategic Equality Branch (via the contact details on page 8):
- 4.19 In addition, we will advise our consultees via email or post of any policies 'screened out' as soon as the process has been completed.
- 4.20 If a consultee, including ECNI, raises a concern about a screening decision based on supporting evidence, we will review the screening decision.

Equality Impact Assessment

- 4.21 An EQIA is a thorough and systematic analysis of a policy, whether that 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 on equality of opportunity 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.
- 4.22 Once a policy is screened and screening has identified that an EQIA is necessary, we will carry it out in accordance with ECNI

guidance. The EQIA will be carried out as part of the policy development process, before the policy is implemented.

- 4.23 Any EQIA will be subject to consultation at the appropriate stage(s). (For details - see Chapter 3: Arrangements for Consulting.)

Arrangements for publishing the results of the assessments of the likely impact of policies adopted or propose to adopt on the promotion of equality of opportunity

(Schedule 9 4. (2) (d); Schedule 9 9. (1))

- 4.24 We will make publicly available the results of our assessments (screening and EQIA) of the likely impact of policies on the promotion of equality of opportunity.

Publications

- A timetable for conducting EQIAs, where applicable
- A link to the completed screening template(s) on our website
- Progress reports
- Screening templates
- EQIAs

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 assessment of impact(s)
- Consideration given to measures which might mitigate any adverse impact on equality of opportunity
- Consideration given to alternative policies which might better achieve the promotion of equality of opportunity
- Consultation responses
- The decision taken
- Future monitoring plans.

All of the above are available on our website <https://www.finance-ni.gov.uk/dfp-equality-and-section-75> or by contacting Strategic Equality Branch:

Strategic Equality Branch
Department of Finance
Rathgael House
Balloo Road
Bangor
BT19 7NA

Telephone 028 9185 8073
Textphone 028 9052 7668
SMS 07989 451970

Email equality@finance-ni.gov.uk

- 4.25 All information we publish is accessible and can be made available in alternative formats on request (see paragraph 6.3).
- 4.26 We are committed to achieving effective communication with the public. Recognising the growing range of communication channels and the differing needs and preferences of different groups, we will use of a range of communication channels to enable wide access to information, to mitigate the risk that some sections of the public might not enjoy equality of opportunity in accessing our information.

Arrangements for monitoring any adverse impact of policies on equality of opportunity
(Schedule 9 4. (2) (c))

- 4.27 Monitoring can assist better delivery of 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 Department follows guidance from the Office of the Information Commissioner and ECNI.

- 4.28 We monitor any adverse impact on the promotion of equality of opportunity of 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 and secondary quantitative and qualitative data across all nine equality categories on an ongoing basis; and
 - 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 revisited to determine if better outcomes for relevant equality groups can be achieved.

Arrangements for publishing the results of our monitoring
(Schedule 9 4. (2) (d))

- 4.31 Schedule 9 4. (2) (d) requires Public Authorities to publish the results of the monitoring of adverse impacts of policies they have adopted. However, we are committed to monitoring more broadly and the results of any EQIA monitoring will be published as part of our Section 75 progress reports [see 2.11].
- 4.32 All information published is accessible and can be made available in alternative formats on request [see 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 Section 75 duties.
- 5.2 The Permanent Secretary wishes to positively communicate the commitment of the Department to the Section 75 statutory duties, both internally and externally. To this end, the Centre for Applied Learning (CAL) provides an effective communication and training programme for all staff and ensures that the commitment to the Section 75 statutory duties is made clear in all relevant publications.

Training objectives

- 5.3 We have drawn up a detailed training plan for our staff which will aim to achieve the following objectives:
- to raise awareness of the provisions of Section 75 of the Northern Ireland Act 1998, Equality Scheme commitments and the particular issues likely to affect people across the range of Section 75 categories, to ensure that staff 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; and
 - to provide those staff involved in the implementation and monitoring of the effective implementation of our Equality Scheme with the necessary skills and knowledge to do this work effectively.

Awareness raising and training arrangements

Awareness Raising Arrangements

- 5.4 We will provide access to copies of the full Equality Scheme for all staff and consultees and ensure that any queries or questions of clarification are addressed effectively. In addition, we will provide briefing for staff and Board Members on our Equality Scheme as soon as possible after approval from ECNI.

Training arrangements

- 5.5 Equality training for the Department is provided by the Centre for Applied Learning (CAL), Enterprise Shared Services, which is the sole provider of generic training to the NICS which comprises 9 Departments, including DoF.
- 5.6 Focused training is provided for key staff within the Department who are directly engaged in taking forward the implementation of the Equality Scheme commitments (for example those involved in research and data collection, policy development, service design, conducting EQIAs, consultation, monitoring and evaluation). The following suite of Equality training is currently provided by CAL:
- **An Introduction to Section 75 and Schedule 9** – the aim of this course is to familiarise participants with the two statutory duties as outlined in Section 75 and Schedule 9, and the guidance provided by ECNI. This course gives participants the opportunity to consider how Section 75 can be mainstreamed into policy development and implementation through pre-screening, screening and EQIAs. Consultation, monitoring and action planning will also be introduced through linked, interactive exercises. It is a prerequisite for attendance on the EQIA Workshop.
 - **Equality Impact Assessment (EQIA) Workshop** - this course builds on participants' knowledge of Section 75 by giving them the opportunity to consider how to carry out an EQIA, in accordance with statutory guidance, and appropriate monitoring and consultation strategies.
 - **Public Consultation and Engagement in the Northern Ireland Context** - the aim of this course is to develop knowledge and understanding of the consultation process for policymaking and to develop skills in carrying out consultations. Participants will explore the concepts, principles and a range of methods of consultation

and will be able to define a structured approach to consultation. Participants will also have the opportunity to put consultation skills into practice in a learning environment.

- 5.7 In addition to this generic offering, CAL will work with Departments/business areas within the NICS to contextualise any aspect of Equality training.
- 5.8 Where appropriate, training will be provided to ensure staff are aware of the issues experienced by the range of Section 75 groups. CAL has established excellent working relationships with both ECNI and Section 75 representative groups e.g. the Participation Network. This enables CAL to keep abreast of issues experienced by the range of Section 75 groups and incorporate this into the training by way of practical examples and case studies. CAL also networks with staff throughout both this Department and the NICS who are involved in policy. The experiences of these staff inform the training programmes by providing examples of where they have engaged with Section 75 groups throughout the policy cycle. These practical examples assist in bringing the issues experienced by a range of these groups to the fore.
- 5.9 When appropriate and on an ongoing basis, arrangements will be made to ensure staff are kept up to date with Section 75 developments. The suite of Equality training provided by CAL is kept under regular review and revised when required. The most recent revisions were carried out to ensure that the current suite of courses was aligned with ECNI Section 75 Guidance for Public Authorities. These revised courses, informed and quality assured by equality subject experts, were launched in 2014/15.
- 5.10 Training and awareness raising programmes have, where relevant, been developed in association with the appropriate Section 75 groups and our staff. In order to share resources and expertise, CAL, where possible, works closely with other bodies and agencies in the development and delivery of training. The design and delivery of CAL's Equality training was developed with input from both ECNI and NICS Equality Practitioners. It maintains ongoing liaison with ECNI in relation to mainstreaming the Section 75 statutory duties into other generic training programmes, where appropriate. CAL trainers involved in the delivery of Equality training attend external courses offered by specialist organisations

in the field (e.g. ECNI, Human Right Commission) to build on and maintain their knowledge. As mentioned in point 5.7, CAL will work with any Department/business area within the NICS to contextualise Equality training. This involves working closely with the relevant departmental Equality Practitioners in both the design and delivery of the training. This sharing of knowledge, experience and resources both ensures that the training is effective and also assists in building training capability.

- 5.11 CAL's remit also includes provision of training to other publicly funded bodies such as non departmental public bodies. This further enhances the opportunities to share resources and expertise.

Monitoring and evaluation

Evaluation

- 5.12 Participants attending CAL training courses are required to complete a post course evaluation questionnaire, the results of which are analysed and a summary report issued to CAL customers. The post course evaluation also informs the regular course reviews which CAL carry out and courses are revised accordingly.
- 5.13 As part of the Performance Management framework, it is a requirement that line managers discuss training course objectives with their staff – both in terms of setting these objectives before the event, and the extent to which the objectives have been met once the training has been delivered. Line managers are also responsible for ensuring that opportunities are in place to put the training into practice.

Monitoring

- 5.14 Annual Personal Development Plans (PDP's) are discussed, agreed and monitored by Departmental line managers and the staff for whom they are responsible. These PDP's are collated within each business area to produce organisational training plans, which take account of the NICS corporate training priorities. CAL provides the Department with a monthly training report which enables it to monitor training provided against the organisational training plans.

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

- Evaluation of 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 progress reports, which will be produced upon request from ECNI.

DRAFT

Chapter 6 - Arrangements for ensuring and assessing public access to information and services we provide

(Schedule 9 4. (2) (f))

- 6.1 We are committed to ensuring that the information we disseminate and the services we provide are fully accessible to all parts of the community. We will keep the 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 difficulty with information provided only in English.
 - Children and young people may not be able to fully 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.
- 6.4 Alternative formats may include Easy Read, Braille, audio formats (CD, mp3 or DAISY), large print or minority languages to meet the needs of those for whom English is not their first language. We take account of guidance on liaising with representatives of young people and disability and minority ethnic organisations and take account of existing and developing good practice.
- 6.5 We will respond to requests for information in alternative formats in a timely manner, usually within 10 working days. Please also refer to our customer service standards at <https://www.finance-ni.gov.uk/publications/dof-customer-service-standards>

6.6 We are committed to achieving effective communication with the public. Recognising the growing range of communication channels and the differing needs and preferences of different groups, we will use of a range of communication channels to enable wide access to information, to mitigate the risk that some sections of the public might not enjoy equality of opportunity in accessing information provided by the Department.

Access to services

6.7 We are committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories. We also adhere to the relevant provisions of current anti-discrimination legislation.

6.8 Our public facing business areas, Land & Property Services and the Northern Ireland Statistics Research Agency, provide access to information and services through their websites which are continually reviewed and updated to ensure appropriate access. In addition the Department's Digital Inclusion Strategy reduces barriers to citizen access to on line public services. These digital inclusion activities provide improved access to services (government and other) for those groups currently less able to avail of them via the web channel.

6.9 All citizen facing information is available online via the NIDirect Website. This site conforms to the UK government guidelines for websites and is accessible and easy to use. The site's layout takes into account users who are blind or visually impaired (text size can be altered at the touch of a button). It is fully compatible with popular screen reading software and, for those with difficulties using a mouse, the site can be navigated using only a keyboard.

Assessing public access to information and services

6.10 The Department monitors across all its functions in relation to access to information and services to ensure equality of opportunity and good relations are promoted.

6.11 Accessibility of our information and services is reviewed through customer and staff surveys, feedback from customers and stakeholders and the resolution of complaints brought to our attention.

Chapter 7 - Timetable for measures proposed in this equality scheme

(Schedule 9 4. (3) (b))

- 7.1 Appendix 4 outlines the timetable for all measures proposed within this Equality Scheme. The measures outlined in this timetable will be incorporated into our business planning processes.

DRAFT

Chapter 8 - Complaints procedure

(Schedule 9 10.)

- 8.1 We are responsive to the views of our staff and members of the public. 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 of the authority 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 for NI.
- 8.3 A person wishing to make a complaint that we have failed to comply with our approved Equality Scheme should contact the Strategic Equality Branch:

Strategic Equality Branch
Department of Finance
Rathgael House
Balloo Road
Bangor
BT19 7NA

Telephone 028 9185 8073
Textphone 028 9052 7668

Email equality@finance-ni.gov.uk

- 8.4 We will, in the first instance, acknowledge receipt of each complaint as soon as possible after receipt.
- 8.5 We will carry out an internal investigation of the complaint and will respond substantively to the complainant within 10 working days of the date of 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 up to a maximum of two (2) months. In those circumstances, the complainant will be advised of the extended period within 10 working days of making the complaint.

Please also refer to our customer service standards at <https://www.finance-ni.gov.uk/publications/dof-customer-service-standards>

- 8.6 In any subsequent investigation by ECNI, we will co-operate fully, providing access in a timely manner to any relevant documentation that ECNI may require.
- 8.7 Similarly, we will co-operate fully with any investigation by ECNI under sub-paragraph 11 (1) (b) of Schedule 9 to the NI Act 1998.
- 8.8 We will give full consideration to any recommendations arising out of any Commission investigation.

DRAFT

Chapter 9 - Publication of the Equality Scheme

(Schedule 9 4. (3) (c))

- 9.1 Our Equality Scheme is available free of charge in print form and alternative formats from Strategic Equality Branch:

Strategic Equality Branch
Department of Finance
Rathgael House
Balloo Road
Bangor
BT19 7NA

Telephone 028 9185 8073
Textphone 028 9052 7668
SMS 07989 451970

Email equality@finance-ni.gov.uk

- 9.2 The equality scheme is also available on our website at:
<https://www.finance-ni.gov.uk/dfp-equality-and-section-75>
- 9.3 The following arrangements are in place for the publication in a timely manner of the Equality Scheme to ensure equality of access:
- We will make every effort to communicate the existence and content of the Equality Scheme to all relevant stakeholders.
 - A link to the approved Equality Scheme will be emailed to consultees. Other consultees without e-mail 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 10 working days.
 - This Equality Scheme will be made 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.

9.4 For a list of stakeholders and consultees please see Appendix 3 of the equality scheme or visit the website at <https://www.finance-ni.gov.uk/dfp-equality-and-section-75> or contact Strategic Equality Branch at the address above.

DRAFT

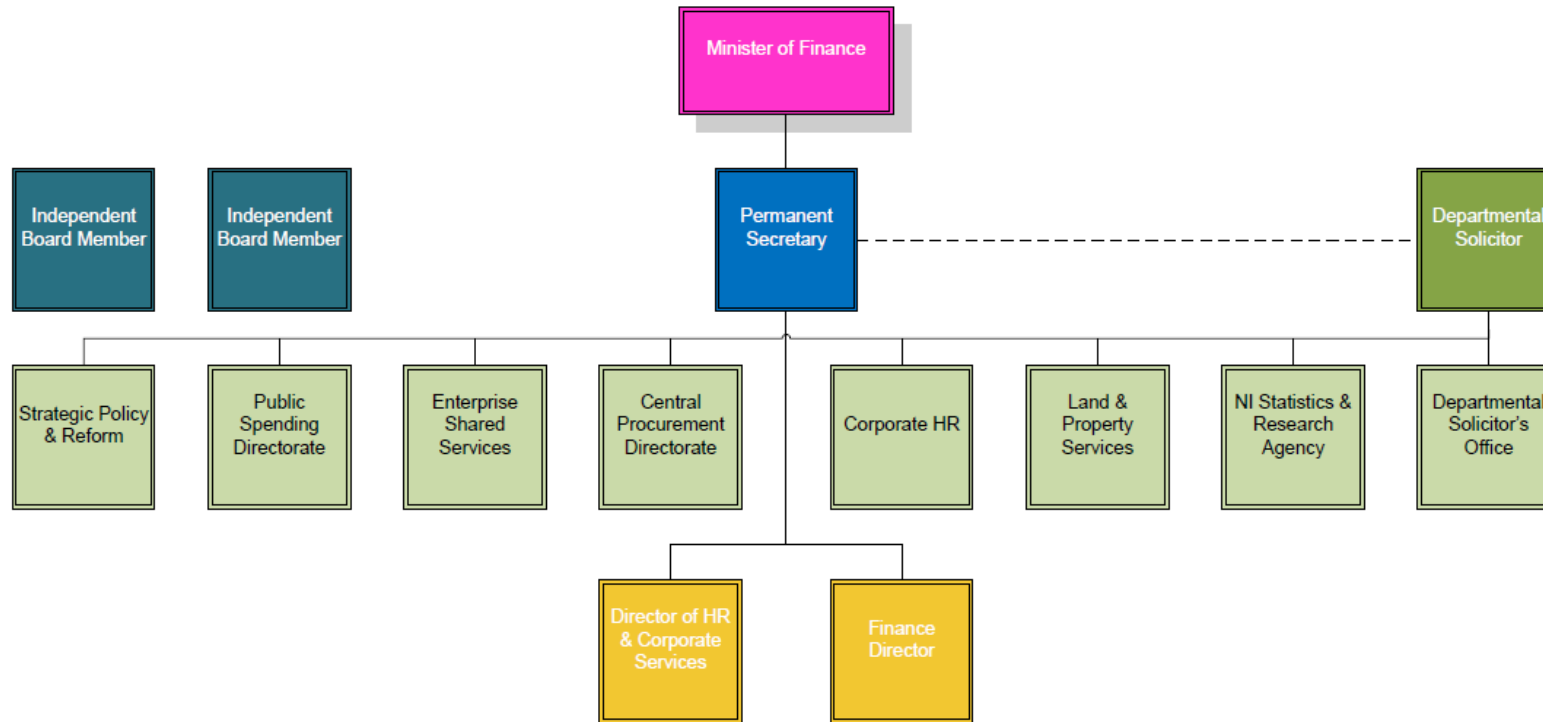
Chapter 10 - Review of the Equality Scheme

(Schedule 9 8. (3))

- 10.1 As required by Schedule 9 paragraph 8 (3) of the NI Act 1998 we will conduct a review of this Equality Scheme. This review will take place either within five years of submission of this scheme to ECNI 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 its functions.
- 10.2 In undertaking this review we will follow any guidance issued by ECNI. A report of this review will be published on our website and sent to ECNI.

DRAFT

Appendix 1 - Organisational chart



Appendix 2 - Example groups relevant to the Section 75 categories for NI purposes

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

Category	Example groups
Religious belief	<p>Buddhist; Catholic; Hindu; Jewish; Muslims, people of no religious belief; Protestants; Sikh; other faiths.</p> <p>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>⁶. 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>”.</p>
Political opinion	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 dependent older person.
Sexual orientation	Bisexual people; heterosexual people; gay or lesbian people.

⁶ 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.*”

Appendix 3 - List of consultees

(Schedule 9 4. (2) (a))

EQUALITY CONSULTTEES (updated as at June 2016)

AGENCI

AMH Action Mental Health

Archdiocese of Armagh

Antrim and Newtownabbey Borough Council

Ards and North Down Borough Council

Armagh City, Banbridge and Craigavon Borough Council

ArtsEkta

Belfast Butterfly Club

Belfast City Council

Carers NI

Causeway Coast and Glens Borough Council

Childrens Law Centre

Chrysalis Women's Centre

Commissioner for Older People

Committee on the Administration of Justice

Cruse

Diocese of Down and Connor

Disability Action

Embrace

Epilepsy Action

Equality Coalition

Equality Commission for Northern Ireland

Evangelical Alliance

Federation of Small Businesses

Fermanagh and Omagh District Council

Grand Orange Lodge of Ireland

Institute of Directors

Lisburn and Castlereagh City Council

Mazelongkesh Regeneration

Men's Advisory Project

Methodist Church in Ireland

Mid and East Antrim Borough Council

Migrant Centre NI

Mindwise

NIACRO

NICCY

NIPSA

Newry, Mourne and Down District Council

Nexus NI
North West Community Network
Northern Ireland Chamber of Commerce and Industry
Northern Ireland Civil Service Commissioners
Northern Ireland Council for Ethnic Minorities
Northern Ireland Human Rights Commission
Northern Ireland Muslim Family Association
Parenting NI
Pavee Point Traveller & Roma Centre
POBAL
Rainbow Project
RNIB
RNID
Shelter Northern Ireland - Campaign for Homeless People
Staff Commission for ELBS
The Focus Trust
TWN
Unite the Union
University of Ulster
Voices of Young People in care
YouthNet

Key Stakeholders

Chartered Accounts Ireland – Ulster Society
Confederation of British Industry
Construction Employers Federation (CEF)
Construction Industry Group (CIGNI)
Education Authority
Institute of Business Consulting
Institute of Practitioners in Advertising
Institute of Sales
Management Consultancies Association
NICS Staff
NI Housing Executive
NI Council for Voluntary Action
NI Water
Procurement and Logistics Service
Royal Institution of Chartered Surveyors
Translink

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

Measure	Lead responsibility	Timetable
<i>Consultation list reviewed and updated</i>	<i>Strategic Equality Branch</i>	<i>September (annually)</i>
<i>Communication of Equality Scheme</i>	<i>Strategic Equality Branch</i>	<i>Within 1 month of approval by ECNI</i>
<i>Notification of consultees</i>	<i>Strategic Equality Branch</i>	<i>Within 1 month of approval by ECNI</i>
<i>Brief Staff on revised Equality Scheme</i>	<i>Strategic Equality Branch</i>	<i>Within 2 months of approval by ECNI</i>
<i>Action Plans Monitoring</i>	<i>Strategic Equality Branch</i>	<i>Annually</i>
<i>Action Plans Reviewed and updated</i>	<i>Business Areas</i>	<i>Annually</i>
<i>Review of Monitoring Information</i>	<i>Business Areas</i>	<i>Annually</i>
<i>Development of Training Programme</i>	<i>Line Managers</i>	<i>Annually</i>
<i>Evaluation of Training</i>	<i>Line Managers</i>	<i>Ongoing</i>
<i>Progress reports to Departmental Board</i>	<i>Strategic Equality Branch</i>	<i>As required</i>
<i>Review of Equality Scheme</i> <i>[10.1]</i>	<i>Strategic Equality Branch</i>	<i>2022</i>

Appendix 5 - Glossary of terms

Action Plan

This is the document which sets out actions which the Department will take to address identified inequalities, or to improve equality of opportunity.

Action, Measures and Outcomes

Specific measures to promote equality for the relevant Section 75 categories, linked to achievable outcome, 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 i.e. adverse. 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.

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

A thorough analysis of the work of the Department to determine which areas impact upon equality and good relations and to scrutinise those areas where improvement could be made. This audit forms the basis of Action Plans.

Consultation

In the context of Section 75, consultation is the process of asking those affected by a policy (i.e. service users, staff, the general public) for their views on how the policy could be implemented

more effectively to ensure equality of opportunity across the nine groups. Different circumstances will call for different types of consultation. Consultations could, for example, include meetings, focus groups, surveys and questionnaires.

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 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.

Equality Impact Assessment (EQIA)

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 groups. EQIAs 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

Good relations can be said to exist where there is:

- A high level of dignity, respect and mutual understanding
- An absence of prejudice, hostility or harassment
- A fair level of participation in society.

Good Relations means, in particular, having regard to the desirability of a) tackling prejudice and b) promoting understanding.

Mainstreaming Equality

The integration of equality of opportunity principles, strategies and practices into the everyday 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 EQIA 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 groups; 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.

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 policy covers all the ways in which a public authority carries out or proposes to carry out its functions. 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.

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.