

**DRAFT**  
**Equality Scheme**  
**Department for Infrastructure**

*Drawn up in accordance with Section 75 and Schedule 9 of  
the Northern Ireland Act 1998*

*This document is available in a range of formats on request.*

*You can contact us with your requirements at this address:-*

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February 2017

## RESPONDING TO THIS CONSULTATION

We welcome any comments or questions on our draft Equality Scheme.

You can respond to the consultation by:

Email        [eep@infrastructure-ni.gov.uk](mailto:eep@infrastructure-ni.gov.uk)

Post         Equality & Emergency Planning Unit  
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The Unit will be happy to receive comments via telephone, or face to face contact if preferred.

Telephone        02890 540 934 (Text Relay Prefix 18001)

**Responses are invited to this consultation until midnight on 15 May 2017.**

**This document can be provided in a range of formats on request. Please contact us with your requirements using the contact information above.**

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 Your contact details will not be published.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).

## Foreword

Section 75 of the Northern Ireland Act 1998 (the Act) requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined in the Act<sup>1</sup>.

This Equality Scheme sets out how the Department for Infrastructure (DfI) proposes to fulfil the Section 75 statutory duties (the Duties).

We, the Department, will commit the necessary resources in terms of people, time and money to make sure that the Duties are complied with and that the Equality Scheme is implemented effectively, and on time.

DfI will put in place effective internal arrangements to ensure effective compliance with the Duties and for monitoring and reviewing progress.

We will work with the Centre for Applied Learning (CAL) to develop and deliver a programme of communication and training with the aim of ensuring that all staff and Departmental Board members are made fully aware of this Equality Scheme and understand the commitments and obligations within it. The Department will develop a programme to raise awareness with our consultees on the Section 75 statutory duties and the commitments in this Equality Scheme.

### **Statement of Commitment by the Minister and Permanent Secretary**

We, the Minister and the Permanent Secretary for the Department for Infrastructure, are fully committed to effectively fulfilling the Section 75 statutory duties across all our functions (including service provision, employment and procurement) through the effective implementation of this Equality Scheme.

We realise the important role that the stakeholders have to play to ensure the Duties are effectively implemented. This Equality Scheme demonstrates how determined we are to ensure there are opportunities, for people affected by our work, to positively influence how we carry out our functions in line with the Section 75 statutory duties. It also offers the means whereby persons directly affected by what they consider to be a failure, on our part, to comply with the DfI Equality Scheme, can make complaints.

On behalf of the Department for Infrastructure 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 Northern Ireland Act 1998 and Equality Commission guidelines.

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*Minister for Infrastructure*  
*Date*

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*Permanent Secretary*  
*Date*

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<sup>1</sup> See section 1.1 of our Equality Scheme.

## **Brollach**

Éilíonn Alt 75 d'Acht Thuaisceart Éireann (an tAcht) ar na húdaráis phoiblí, agus iad ag déanamh a bhfeidhmeanna, gur cheart dóibh an gá do chomhionannas deiseanna a chur chun cinn agus inmhianaitheacht dea-chaidrimh a chur chun cinn ar fud réimse catagóirí a dtugtar achoimre orthu san Acht.<sup>2</sup>

Leagann an Scéim Comhionannais seo amach an bealach a mholann an Roinn Bonneagair (RB) a dualgais reachtúla Alt 75 (na Dualgais) a chomhlíonadh.

Cuirfidh muid, an Roinn, na hacmhainní a bheidh riachtanach ar fáil ó thaobh daoine, ama agus airgid de, chun cinntiú go gcloífear leis na Dualgais agus go gcuirfear an Scéim Comhionannais i bhfeidhm go héifeachtach agus in am.

Cuirfidh an RB socruithe inmheánacha éifeachtacha i bhfeidhm a chinnteoidh go gcloífidh muid leis na Dualgais go ndéanfaidh muid monatóireacht agus athbhreithniú ar ár ndul chun cinn.

Oibreoidh muid leis an Ionad Foghlama Feidhmí (IFF) chun clár cumarsáide agus traenála a fhorbairt agus a dhéanamh, agus í mar aidhm againn cinntiú go gcuirfear ár n-oibríthe foirne agus ár mbaill Boird Roinne go léir ar an eolas go hiomlán faoin Scéim Comhionannais seo agus go dtuigfidh siad na coimhitmintí agus na dualgais laistigh di.

Forbróidh an Roinn clár le heolas a scaipeadh i measc ár gcomhairlithe faoi dhualgais reachtúla Alt 75 agus faoi na coimhitmintí sa Scéim Comhionannais seo.

### **Ráiteas Coimhitminte an Aire agus an Rúnaí Bhuain**

Tá muid, an tAire agus Rúnaí Buan na Roinne Bonneagair, tiomanta go hiomlán do chomhlíonadh éifeachtach dhualgais reachtúla Alt 75 ar fud ár bhfeidhmeanna go léir (soláthar seirbhísí, fostaíocht agus soláthar san áireamh) tríd an Scéim Comhionannais seo a chur i bhfeidhm go héifeachtach.

Aithníonn muid an ról tábhachtach atá ag na páirtithe leasmhara le cinntiú go gcuirfear na Dualgais i bhfeidhm go héifeachtach. Léiríonn an Scéim Comhionannais seo a tiomanta agus atá muid le cinntiú go mbeidh deiseanna ann do dhaoine a bhfuil tionchar ag ár gcuid oibre orthu, tionchar dearfach bheith acu ar an bhealach a dhéanfaidh muid ár bhfeidhmeanna de réir dhualgais reachtúla Alt 75. Tabharfaidh sé deis fosta do dhaoine, a shílfidh go mbeadh tionchar díreach ag teip s'againne cloí le Scéim Comhionannais na Roinne Bonneagair, gearáin a dhéanamh.

Ar son na Roinne Bonneagair agus ár bhfoirne, tá áthas orainn tacú leis an Scéim Comhionannais seo, a dréachtaíodh de réir Alt 75 agus Sceideal 9 d'Acht Thuaisceart Éireann 1998 agus de réir treoirlínte an Choimisiúin Comhionannais, agus í a mholadh chomh maith.

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<sup>2</sup> Amharc ar mhír 1.1 dár Scéim Comhionannais.

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# Chapter 1 – Introduction

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

1.1 Section 75 of the Northern Ireland Act 1998 (the Act) requires the Department for Infrastructure (Dfi) to comply with two statutory duties:-

### **Section 75 (1)**

1.2 In carrying out our functions relating to Northern Ireland we are 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)**

1.3 In addition, without prejudice to the obligations above, in carrying out our functions in relation to Northern Ireland we are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

1.4 “Functions” include the “powers and duties” of a public authority<sup>3</sup>. This includes our employment and procurement functions.

1.5 Please see paragraph 1.8 “Who we are and what we do” for a detailed explanation of our functions or refer to our website <https://www.infrastructure-ni.gov.uk>.

## **How we propose to fulfil the Section 75 duties in relation to the relevant functions of Dfi.**

1.6 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 our arrangements for fulfilling the Section 75 statutory duties and our plan for their implementation.

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

## **Who we are and what we do**

1.8 Dfi was established on 8 May 2016. The new Department incorporates the functions previously provided by the Department for Regional Development, along with some major functions previously provided by the Department of the Environment, Department of Agriculture and Rural Development, Department of Culture, Arts and Leisure and Office of the First Minister and Deputy First Minister. The Department employs around 3,300 staff.

1.9 The main responsibilities of the Department are:

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<sup>3</sup> Section 98 (1) of the Northern Ireland Act 1998.

- Regional strategic planning and development policy
- Transport strategy and sustainable transport policy
- Public transport policy and performance
- Road safety and vehicle regulation policy, including strategies to reduce the number of people killed or seriously injured on our roads
- Driver and operator licensing and driver and vehicle testing
- Provision and maintenance of all public roads
- Certain policy and support work for air and sea ports
- River and sea defence maintenance and the construction of flood alleviation schemes
- Provision of flood maps and risk information
- Policy on water and sewerage services and management of the Department's shareholder interest in Northern Ireland Water

1.10 The Department achieves its objectives and commitments through staff and a wide range of delivery partners. These partners, some of which are bodies linked to the Department, deliver operational services on the ground and include Northern Ireland Water (NIW), Translink, the cross border body Waterways Ireland, Rural Transport Partnerships and Community Transport Associations. The Department has also established medium to long term partnering contracts with external providers across our range of services.



## Chapter 2 – Arrangements for assessing compliance with the Section 75 duties

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

- 2.1 Some of our arrangements for assessing DfI's compliance with the Section 75 statutory duties are outlined in other relevant parts of this Equality Scheme, for example arrangements for monitoring; assessment of impact of policies; consultation; training; publication; complaints; access to information and services; and review.
- 2.2 In addition the following arrangements are in place for assessing our compliance:
- Responsibilities and reporting**
- 2.3 We, the Department, are committed to the fulfilment of our Section 75 obligations in all our functions and have determined the following organisational accountability.
- 2.4 The Permanent Secretary is accountable to the Minister and is responsible for ensuring that the Department complies with its Section 75 obligations. This includes development, implementation, maintenance, and review of the Equality Scheme in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998 and providing Progress Reports to the Equality Commission. To assist him with this and the effective implementation of the Equality Scheme, he has a network of staff who advise and report on equality matters in each business area.
- 2.5 Primary responsibility for the effective implementation of our Equality Scheme lies at Departmental Board level with the Director of Strategy, Communication and Change. The Director of Strategy, Communication and Change is accountable to the Departmental Board, Permanent Secretary and Minister for the development, implementation, maintenance and review of the Equality Scheme in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998, including any good practice or guidance that has been or may be issued by the Equality Commission.
- 2.6 Section 75 is mainstreamed across all of the Department's business areas. Directors of business areas are responsible for ensuring that Section 75 obligations are taken into account in developing and implementing policy.
- 2.7 Objectives and targets relating to the statutory duties will be integrated into the Department's corporate and operational business plans.
- 2.8 Employees' job descriptions and performance plans reflect their contributions to the discharge of the Section 75 statutory duties and implementation of the Equality Scheme, where relevant. The personal performance plans are subject to appraisal in the annual performance review.
- 2.9 The Department will prepare an annual report on the progress we have made on implementing the arrangements set out in this Equality Scheme to discharge our Section 75 statutory duties (Section 75 Annual Progress Report).
- 2.10 Where possible, the Section 75 annual progress report will be sent to the Equality Commission by 31 August each year and will follow any guidance on

annual reporting issued by the Equality Commission. The Department's commitment to adhere to its Section 75 statutory duties will also be included in our (organisational) annual report.

- 2.11 The Department's Section 75 annual progress reports will be available on our website at: <http://www.infrastructure-ni.gov.uk> or by contacting the Equality Unit using the contact information at paragraph 2.9.
- 2.12 The Department will continue to liaise closely with the Equality Commission to ensure that progress on the implementation of our Equality Scheme is maintained.
- 2.13 The Equality Unit will continue to provide a bi-annual progress report on Section 75 commitments contained within the Equality Scheme, action plan and EQIA programme for the Permanent Secretary, the Departmental Board, the Minister and the Committee.
- 2.14 An Equality Working Group (EWG), drawn from representatives of each business area, including Central Statistics and Research Branch, meets twice a year to discuss Section 75 issues and good practice. These meetings are chaired by the Head of the Equality Unit. EWG members also act as the first point of contact for the Equality Unit in disseminating Section 75 information across the Department.
- 2.15 The Department's Equality Forum meets at least once a year. It comprises EWG members, policymakers and key stakeholders drawn from the Department's Section 75 consultees. The Forum provides a useful opportunity for Section 75 groups and policy makers to discuss the major policy issues and Equality Impact Assessments (EQIAs) and screening exercises planned. Section 75 Forum members are also involved in informal pre-consultation on departmental policies and strategies.
- 2.16 Equality Unit staff are represented on the following groups:
- Equality Practitioners' Group which is an interdepartmental working group which meets several times a year to discuss Section 75 issues; and
  - Community and Voluntary Sector Forum. A Department for Social Development initiative to promote partnership working between Government and the voluntary and community sector.
- 2.17 The Equality Unit will be assisted by an EWG, made up of officials representing all business areas across the Department, who will help drive forward and monitor the practical implementation of the commitments set out in this Equality Scheme.
- 2.18 The EWG will meet representatives from the Section 75 groups annually at the Department's Equality Forum. This forum provides an opportunity for policymakers to update Section 75 groups on policy progress and issues of concern and provides Section 75 representatives with the opportunity to highlight any of their own areas of concern. The Forum will provide a source for provision of feedback and advice on resolving issues around difficulties and problems such as accessing information. The lessons learned and good practice is then promulgated across the Department through the Equality Working Group.

- 2.19 The Department will play an active role in the various Inter-Departmental groups which have been set up to drive forward the equality agenda such as the Voluntary and Community Sector Joint Forum, Racial Equality Forum and Equality Practitioners Group.
- 2.20 The Department will emphasise the requirement to mainstream equality and good relations into policy development in an effort to eliminate or minimise any unintentional adverse consequences at early stages.

**Action plan/action measures**

- 2.21 The Department is developing an action plan to promote equality of opportunity and good relations.
- 2.22 The action measures that will make up our action plan will be relevant to this Department's functions and whilst not part of the Equality Scheme it will complement it. The action measures will be developed and prioritised on the basis of an audit of inequalities. Through the data gathered by an audit of inequalities the Department will continue to analyse information across the Section 75 categories<sup>4</sup> to identify the inequalities that exist for our service users and those affected by our policies<sup>5</sup>.
- 2.23 Action measures will be specific, measurable, linked to achievable outcomes, realistic and time bound. Action measures include performance indicators and timescales for their achievement.
- 2.24 We will develop any action plans for a period of between one and five years in order to align them with our corporate and business planning cycles. Implementation of the action measures will be incorporated into our business planning process.
- 2.25 We will seek input from our stakeholders and consult on our action plan before we send it to the Equality Commission and thereafter when reviewing the plan.
- 2.26 We will monitor progress on the delivery of our action measures annually and update the action plan as necessary to ensure that it remains effective and relevant to our functions and work.
- 2.27 The Department will inform the Commission of any changes or amendments to our action plan and will also include this information in our Section 75 annual progress report to the Equality Commission. Our Section 75 annual progress report will incorporate information on progress we have made in implementing our action plans/action measures.
- 2.28 Once finalised, our action plan will be available on the Department's website at: <http://www.infrastructure-ni.gov.uk/>
- 2.29 If you have any questions or comments regarding our Equality Scheme, please contact the Equality Unit using the contact details provided below and we will respond to you as soon as possible:

DfI Equality Unit  
Room 4.13E  
Clarence Court  
10-18 Adelaide Street

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<sup>4</sup> See section 1.1 of this equality scheme for a list of these categories.

<sup>5</sup> See section 4.1 of this equality scheme for a definition of policies.

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## Chapter 3 – Arrangements for consulting

(Schedule 9 4. (2) (a)) - on matters to which a duty (Section 75 (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 The Department recognise the importance of consultation in all aspects of the implementation of our statutory equality duties. We will consult on our Equality Scheme, action measures, equality impact assessments and other matters relevant to the Section 75 statutory duties.
- 3.2 We are committed to carrying out consultation in accordance with the following principles (as contained in the Equality Commission's guidance '*Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)*').
- The Department will also comply with the current draft guidance issued by the Executive Office (Departmental Guidance on Assembly Committees) which requires the Department to consult with their respective Assembly Committee in the development of new Policy.
- 3.3 All consultations will seek the views of those directly affected by the matter/policy, for example, the Equality Commission, representative groups of Section 75 categories, other public authorities, voluntary and community groups, our staff and their trade unions, and such other groups who have a legitimate interest in the matter, whether or not they have a direct economic or personal interest.
- 3.4 Initially all Section 75 consultees (see Appendix 3), as a matter of course, will be notified (by email or post) of the matter/policy being consulted upon to ensure they are aware of all consultations. Thereafter, to ensure the most effective use of our and our consultees' resources, we will take a targeted approach to consultation for those consultees that may have a particular interest in the matter/policy being consulted upon and to whom the matter/policy is of particular relevance. This may include, for example, regional or local consultations, sectoral or thematic consultation etc.
- 3.5 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. We will ask our consultees what their preferred consultation methods are and will give consideration to these. Methods of consultation could include:
- Face-to-face meetings;
  - Focus groups;
  - Written documents with the opportunity to comment in writing
  - Questionnaires;
  - Information/notification by email with an opportunity to opt in/opt out of the consultation;
  - Internet discussions; or
  - Telephone consultations.

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

- 3.6 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.
- 3.7 We take account of existing and developing good practice, including the Equality Commission's guidance *Let's Talk Let's Listen – Guidance for public authorities on consulting and involving children and young people (2008)* to try to meet the expectations and needs of all sections of the public to ensure equality of opportunity.
- 3.8 The Department has produced a *Guide to Making Information Accessible* in consultation with its Equality Forum. This guide, which is circulated to all staff and made available on the Department's Intranet site, ensures that information provided to the public is available in a range of formats which meet the needs of all those who wish to access our services. The Guide will be reviewed on an annual basis.
- 3.9 Consultation is a standing agenda item at the Department's Equality Forum.
- 3.10 DfI is committed to achieve effective communication with the public. Recognising the growing range of communications channels and the differing needs and preferences of different groups, we will ensure the use of a range of communications 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.
- 3.11 People with disabilities, older people, younger people, women, and people with dependants are the Section 75 groups most affected by the Department's transportation policies. Particular care will be taken to ensure that we take full account of the communication needs of these groups.
- 3.12 Information will be made available, on request, in alternative formats, in a timely manner, usually within 20 working days. We will ensure that such consultees have sufficient time to respond.
- 3.13 Specific training is provided as required for those facilitating consultations to ensure that they have the necessary skills to communicate effectively with consultees.
- 3.14 To ensure effective consultation with consultees on Section 75 matters, we will raise awareness of the Section 75 statutory duties and the commitments in our Equality Scheme by:
  - Sending our Equality Scheme to all Section 75 consultees within one month of approval by the Equality Commission;
  - Holding our Equality Forum on an annual basis;
  - Consulting annually with relevant Section 75 groups on the review of the Department's Guide to Making Information Accessible; and

- Arranging pre-consultation meetings with Section 75 representative groups and stakeholders to discuss specific policies as required.

- 3.15 The consultation period lasts for a minimum of twelve weeks to allow adequate time for groups to consult amongst themselves as part of the process of forming a view. However, in exceptional circumstances when this timescale is not feasible (for example implementing EU Directives or UK wide legislation, meeting Health and Safety requirements, addressing urgent public health matters or complying with Court judgements), we may shorten timescales to less than eight weeks before the policy is implemented. We may continue consultation thereafter and will review the policy as part of our monitoring commitments<sup>6</sup>.
- 3.16 Where, under these exceptional circumstances, we must implement a policy immediately, as it is beyond our control, we may consult after implementation of the policy, in order to ensure that any impacts of the policy are considered.
- 3.17 If a consultation exercise is to take place over a period when consultees are less able to respond, for example, over the summer or Christmas break, or if the policy under consideration is particularly complex, we will give consideration to the feasibility of allowing a longer period for the consultation.
- 3.18 We are conscious of the fact that affected individuals and representative groups may have different needs. We will take appropriate measures to ensure full participation in any meetings that are held. We will consider for example, the time of day, the appropriateness of the venue, in particular whether it can be accessed by those with disabilities, how the meeting is to be conducted, the use of appropriate language and whether a signer and/or interpreter is necessary, and whether the provision of childcare and support for other carers is required.
- 3.19 We 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.
- 3.20 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy.
- 3.21 We provide feedback to consultees in a timely manner. A feedback report is prepared which includes summary information on the policy consulted upon, consultees' comments and our consideration of and response to consultees' input. The feedback is provided in formats suitable to consultees. (see paragraph 6.3 for more information on alternative formats)
- 3.22 A list of our Section 75 consultees is included in this Equality Scheme at Appendix 3, or can be made available by contacting the Equality Unit at the address set out at paragraph 2.4.
- 3.23 Our Section 75 consultation list is maintained by the Equality Unit. This list is not exhaustive and is reviewed on an annual basis to ensure it remains up-to-date. Individual business areas are responsible for maintaining their own consultation lists outside of this Section 75 list and reviewing them on an annual basis.

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<sup>6</sup> Please see below at 4.28 to 4.32 for details on monitoring.

3.24 We welcome enquiries from any person(s) or organisations wishing to be added to the list of Section 75 consultees. Please contact the Equality Unit at the address set out in paragraph 2.29, 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.

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## Chapter 4 – Our arrangements for assessing, monitoring and publishing the impact of policies

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

### Our arrangements for assessing the likely impact of policies adopted or proposed to be adopted on the promotion of equality of opportunity (Schedule 9 4. (2) (b))

- 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 relation to Northern Ireland. In respect of this Equality Scheme, the term policy is used for any (proposed/amended/existing) strategy, policy initiative or practice and/or decision, whether written or unwritten and irrespective of the label given to it, eg, 'draft', 'pilot', 'high level' or 'sectoral'. 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 take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9 9. (2) of the Northern Ireland Act 1998.
- 4.3 The Department uses 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 Equality Commission guidance:
- The guidance on screening, in so far as it related to equality of opportunity, including the screening template, as detailed in the Equality 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 Equality Commission's guidance '*Practical guidance on equality impact assessment (February 2005)*'.
- Screening**
- 4.4 The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity.
- 4.5 Screening is completed at the earliest opportunity in the policy development/review process. Policies which we propose to adopt will be subject to screening prior to implementation. For more detailed strategies or policies that are to be put in place through a series of stages, we will screen at 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 we will include key stakeholders in the screening process.

- 4.7 The following questions are applied to all our policies as part of the screening process:
- What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor/major/none)
  - Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?
  - Are there opportunities, without prejudice to the equality of opportunity duty, to better promote good relations.
  - 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
  - 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
  - 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;
  - 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.

- 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.

- 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 our consideration of the answers to all the screening questions as set out in 4.7 above, will lead to one of the following three outcomes:
1. The policy has been 'screened in' for equality impact assessment;
  2. The policy has been 'screened out' with mitigation<sup>7</sup> or an alternative policy proposed to be adopted; or,
  3. The policy has been 'screened out' without mitigation or an alternative policy proposed to be adopted.
- 4.14 If our 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, 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 our screening template the reasons to support this decision together with the proposed changes, amendments or alternative policy. This screening decision will be 'signed off' by the appropriate policy lead within the Department.
- 4.16 If our 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 equality impact assessment. This screening decision will be 'signed off' by the appropriate policy lead within the Department.
- 4.17 If our 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 weekly stocktake meeting, which is chaired by the Permanent Secretary of the Department for Infrastructure, 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

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<sup>7</sup> 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.

responsible for the policy, will be made available on our website at: <http://www.infrastructure-ni.gov.uk>. A hard copy or other alternative formats can be requested from the Equality Unit at the contact address set out in paragraph 2.29.

- 4.19 If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, we will review the screening decision.
- 4.20 Our screening reports are published quarterly [see paragraph 4.25 for details].
- Equality Impact Assessment (EQIA)**
- 4.21 An Equality Impact Assessment (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 this out in accordance with Equality Commission 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 “Our Arrangements for Consulting”).

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

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

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

**Publications**

**Screening Reports**

- 4.25 These will issue quarterly, along with advance notice of the consultation exercises which the Department intends to carry out. Screening reports contain:
- A list of all policies screened by the Department over the three month period;
  - A statement of the aim(s) of the policy/policies to which the assessment relates; and
  - A link to the completed screening template(s) on our website.
- 4.26 **Screening Templates.** Each screening exercise carried out by the Department is available on our website at: <http://www.infrastructure-ni.gov.uk/>. (Paragraph 4.18 refers).

4.27 **Equality impact Assessments (EQIA).** EQIA reports are published once the EQIA has been completed which 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;
- Consideration given to alternative policies which might better achieve the promotion of equality of opportunity;
- Consultation responses;
- The decision taken; and
- Future monitoring plans.

**How we publish the information**

4.28 All information we publish is accessible and can be made available in alternative formats on request (see paragraph 6.3).

**Where we publish the information**

4.29 Screening templates, screening reports and the results of EQIAs are all available on our website at <https://www.infrastructure-ni.gov.uk/publications/type/impactassessments?search=screening> or by contacting the Equality Unit at the contact address set out at paragraph 2.29.

4.30 In addition to the above, the screening reports are sent directly, via an electronic link, to all Section 75 consultees on a quarterly basis.

4.31 The Department will inform the general public about the availability of this material through communications such as press releases where appropriate.

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

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

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

4.33 The Department monitors 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.

- 4.34 The systems which we have established to monitor the impact of policies and identify opportunities to better promote equality of opportunity and good relations are:
- The collection, collation and analysis of existing relevant primary quantitative and qualitative data across all nine equality categories on an ongoing basis;
  - An audit of existing information systems within one year of approval of this Equality Scheme to identify the extent of current monitoring and to consider taking action to address any gaps where possible, in order to have the necessary information on which to base decisions; and
  - Undertaking or commissioning new data if necessary.
- 4.35 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 reviewed and revised, where possible, to achieve better outcomes for relevant equality groups.
- 4.36 We review our EQIA monitoring information on an annual basis. The Equality Unit works closely with departmental statisticians and business areas to ensure monitoring is mainstreamed. Actions include:
- Reviews of gap analysis to be carried out by our Departmental Statisticians;
  - Meetings are convened by the Equality Unit with relevant business areas and our Departmental Statisticians on the completion of EQIAs, to agree and timetable monitoring arrangements.
  - Monitoring undertaken by business areas is reviewed at EWG meetings.
  - Meetings are held with relevant equality contacts from business areas and our Departmental Statisticians to review action taken, monitoring results and follow-up action.
  - Processes are in place to review all data collected at point of use. For other programmes ad-hoc surveys have been carried out.
  - Complaints are reviewed to ensure issues raised by stakeholders are addressed, where appropriate.
  - The Annual Progress Report to the Equality Commission includes an update on monitoring action undertaken and results.
  - Results from monitoring will be taken into account in reviewing progress of the Action Plan.

### **Our arrangements for publishing the results of our monitoring**

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

- 4.37 Schedule 9 4. (2) (d) requires us to publish the results of the monitoring of adverse impacts of policies we have adopted. However, we are committed to monitoring more broadly and the results of our policy monitoring are published as follows:-

- EQIA monitoring reports will be included as part of our Section 75 annual progress report (see paragraph 2.9);
- Once published on our website, Section 75 Groups will be informed of the availability of our annual progress report. Hard copies can be provided on request; and
- All information published is accessible and, where possible, can be made available in alternative formats on request (see paragraph 6.3).

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## Chapter 5 – Staff Training

(Schedule 9.4(2) (e))

### **Commitment to staff training**

- 5.1 We recognise that awareness raising and training play a crucial role in the effective implementation of our Section 75 duties. Our 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 Department, in association with the Centre for Applied Learning (CAL), offers an effective communication and training programme for all staff to help ensure that our commitment to the Section 75 statutory duties is made clear.

### **Training objectives**

- 5.2 The Department, in association with CAL, produces a detailed training plan for its staff which includes equality training aimed at achieving the following objectives:
- To raise awareness of the provisions of Section 75 of the Northern Ireland Act 1998; our Equality Scheme commitments; the particular issues likely to affect people across the range of Section 75 categories; and to help ensure that our 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 the Department's Equality Scheme with the necessary skills and knowledge to do this work effectively.

### **Awareness Raising and Training Arrangements**

- 5.3 The following arrangements are in place to help ensure all our staff and board members are aware of and understand our equality obligations:
- We will develop a summary of this Equality Scheme and make it available to all staff;
  - We will provide access to copies of the full Equality Scheme for all staff and ensure that any queries or questions of clarification from staff are addressed effectively;
  - Staff in the Department will receive a briefing on this Equality Scheme within one month after approval of the scheme;
  - When appropriate and on an ongoing basis, arrangements will be made to ensure staff are kept up to date with Section 75 developments;
  - Focused training is provided by CAL and others for key staff within the Department who are directly engaged in taking forward the implementation of our Equality Scheme commitments (for example those involved in



research and data collection, policy development, service design, conducting equality impact assessments, consultation, monitoring and evaluation;

- Where appropriate, training will be provided by or sourced through CAL to ensure staff are aware of the issues experienced by the range of Section 75 groups; and
- The Department liaises regularly with CAL to quality assure training courses to ensure that the content and delivery of courses meet the needs of staff.

5.4 Section 75 related training courses provided by CAL include:

- **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 the Equality Commission. This course gives participants the opportunity to consider how Section 75 can be mainstreamed into policy development and implementation through 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; and
- **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 in Northern Ireland 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 consultations skills into practice in a learning environment.

5.5 The Department liaises regularly with CAL to quality assure training courses. This ensures that the content and delivery of courses meet the needs of the department.

5.6 The Department supplements the training provided by CAL by direct delivery of courses as and when required. All departmental staff receive awareness training on equality and diversity issues.

5.7 The Department ensures all staff are kept advised of changes to the Equality Scheme by:

- Dissemination of information to staff via Departmental briefs and articles included in the Staff Magazine as and when required;
- Publication on the website of the regular Section 75 progress reports submitted to the Departmental Board;
- Briefings and presentations at meetings of the Equality Working Groups and Equality Forum; and

- Training seminars for key staff provided by the Equality Unit on the new Equality Scheme and Section 75 screening procedures.

5.8 Training and awareness raising programmes will, where relevant, be developed by CAL in association with the appropriate Section 75 groups and our staff.

5.9 In order to share resources and expertise, the Department and CAL will, where possible, work closely with other bodies and agencies in the development and delivery of training.

#### **Monitoring and evaluation**

5.10 Training programmes are subject to the following monitoring and evaluation arrangements:

- We evaluate the extent to which all participants in this training programme have acquired the necessary skills and knowledge to achieve each of the objectives;
- Participants attending CAL training courses are required to complete a post course evaluation questionnaire, the results of which are analysed and a summary report produced. The post course evaluation also informs the regular course reviews and courses are revised accordingly, where appropriate;
- As part of the Performance Management Framework, it is a requirement that line managers discuss training courses 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;
- Personal Development Plans (PDPs) are discussed, agreed annually and monitored by line managers and the staff for whom they are responsible. These PDPs are collated within each business area to produce organisational training plans, which also take account of the NICS corporate training priorities. Training reports can be provided to monitor training provided against the organisational training plans; and
- The Equality Unit will monitor attendance at courses and evaluate the extent to which Section 75 objectives have been met with Human Resource and Corporate Services Division annually.

## Chapter 6 – Our arrangements for ensuring and assessing public access to information and services we provide

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

- 6.1 The Department is committed to ensuring that the information we disseminate and the services we provide are fully accessible to all parts of the community in Northern Ireland. We keep our arrangements under review to ensure that this remains the case.
- 6.2 We are aware that some groups will not have the same access to information as others, in particular:
- People with sensory, learning, communication and mobility disabilities may require printed information in other formats;
  - Members of ethnic minority groups, whose first language is not English, may have difficulties with information provided only in English; and
  - 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. Alternative formats may include Easy Read, Braille, audio formats (eg CD or DAISY), large print or minority languages to meet the needs of those for whom English is not their first language.
- 6.4 The Department liaises with representatives of young people, people with disabilities and minority ethnic organisations and takes account of existing and developing good practice.
- 6.5 We respond to requests for information in alternative formats in a timely manner, usually within 20 working days.
- 6.6 The Department's Guide to Making Information Accessible advises staff how to provide information to all Section 75 groups, including children and young people, people with a learning difficulty and minority ethnic groups.
- 6.7 We review our internal guidance on making information accessible annually. This guidance, which was developed in conjunction with the Section 75 Equality Forum, includes specific arrangements to monitor access to information provided by the Department. The Equality Unit uses the Section 75 Forum to ask members for their opinions on the guidance and any recommendations for improvement. Consultation also takes place with members of the internal Equality Working Group. The most recent version of the guidance is published on the Department's website at:  
<https://www.infrastructure-ni.gov.uk/publications/guide-making-information-accessible>
- 6.8 In disseminating information through the media we will seek to advertise in the press where appropriate.

### **Access to services**

- 6.9 The Department is committed to achieving effective communication with the public. In recognising the growing range of communications channels and the differing needs and preferences of different groups, we will use a range of communications 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.
- 6.10 The Department is committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories. The Department also adheres to the relevant provisions of current anti-discrimination legislation.
- 6.11 The Department supports a range of transport services and initiatives to give people in rural areas, older people and people with disabilities improved access to work, education, healthcare, shopping and recreational activities. These are supported by accessible marketing information and accessible application and booking systems. Accessibility is also reviewed regularly through customer service satisfaction surveys, and other Section 75 surveys.
- 6.12 Assessing public access to information and services
- 6.13 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.
- 6.14 The Equality Working Group, meets bi-annually and considers all complaints and issues raised with the Department regarding access to information and services.
- 6.15 Accessibility issues are reviewed annually with the Section 75 representative groups who attend the Equality Forum in the context of the Department's review of the Guide to Making Information Accessible.
- 6.16 The accessibility of the services we support is also reviewed regularly through customer satisfaction surveys and other Section 75 surveys.

## **Chapter 7 – Timetable for measures we propose in this Equality Scheme**

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

- 7.1 Appendix 4 outlines our timetable for all measures proposed within this Equality Scheme. The measures outlined in this timetable will be incorporated into our business planning processes.
- 7.2 This timetable is different from and in addition to our commitment to developing action plans/action measures to specifically address inequalities and further promote equality of opportunity and good relations. We have included in our Equality Scheme a commitment to develop an action plan. Accordingly, this commitment is listed in the timetable of measures at Appendix 4. For information on these action measures please refer to Chapter 2.

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## Chapter 8 – Our Section 75 complaints procedure

(Schedule 9 10.)

- 8.1 The Department is responsive to the views of 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.
- 8.3 The Department has in place a complaints procedure for Section 75 equality of opportunity and good relations issues. Full details are available on the Department's website at <https://www.infrastructure-ni.gov.uk/dfi-equality-complaints-procedure>
- 8.4 If the complaint has not been resolved within a reasonable timescale, the complaint can be brought to the Equality Commission.
- 8.5 A person wishing to make a complaint that the Department has failed to comply with its approved Equality Scheme should contact:
- Equality Unit  
Room 4.13E  
Clarence Court  
10-18 Adelaide Street  
BELFAST  
BT2 8GB
- Telephone: 02890 540 824 (Text Relay Prefix 18001)  
Email: [eep@infrastructure-ni.gov.uk](mailto:eep@infrastructure-ni.gov.uk)
- 8.6 We will in the first instance acknowledge receipt of each complaint within three working days of receipt.
- 8.7 The Director of Strategy, Communications and Change will carry out an internal investigation of the complaint and will respond substantively to the complainant within one month of the date of receiving the letter of complaint, in an accessible format, if requested. Under certain circumstances, if the complexity of the matter requires a longer period, the period for response to the complainant may be extended to two months. In those circumstances, the complainant will be advised of the extended period within one month of making the complaint.
- 8.8 During this process the complainant will be kept fully informed of the progress of the investigation into the complaint and of any outcomes.
- 8.9 Many people are put off making a complaint because they have to make it in writing. Although we would prefer to have the complaint made in this way, we will also accept complaints by telephone, and email. The option of a meeting with a member of staff from the Department's Equality Unit to discuss the issue will also be offered if appropriate.
- 8.10 If the complainant is not satisfied with the Department's decision as a result of the investigation, they can pursue the complaint further with the Equality Commission.

The Equality Commission for Northern Ireland is located at:

Equality House  
7 - 9 Shaftesbury Square  
BELFAST  
BT2 7DP

Telephone: 02890 500 600  
Fax no: 02890 331 544  
Textphone: 02890 240 010  
Email: [info.statduty@equalityni.org](mailto:info.statduty@equalityni.org)  
Website: [www.equalityni.org](http://www.equalityni.org)

- 8.11 In any subsequent investigation by the Equality Commission, the Department will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require.
- 8.12 Similarly, the Department will co-operate fully with any investigation carried out by the Equality Commission under sub-paragraph 11 (1) (b) of Schedule 9 to the Northern Ireland Act 1998.
- 8.13 The Department will make all efforts to implement promptly and in full any recommendations arising out of any Equality Commission investigation.

## Chapter 9 – Publication of our Equality Scheme

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

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

Equality Unit  
Room 4.13E  
Clarence Court  
10-18 Adelaide Street  
BELFAST  
BT2 8GB

Tel: 02890 540 934

9.2 Our Equality Scheme is also available on our website at:  
<http://www.infrastructure-ni.gov.uk>

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

- We will make every effort to communicate widely the existence and content of our Equality Scheme to all relevant stakeholders;
- Our Equality Scheme is available on request in alternative formats and in minority languages to meet the needs of those not fluent in English;
- We will notify our Section 75 consultees of the availability of our revised Equality Scheme once it has been approved by the Equality Commission. We will respond to requests for the Equality Scheme in alternative formats in a timely manner, usually within 20 working days.
- A summary of the scheme will be prepared and circulated to Section 75 groups representing children and young people, people with disabilities and minority ethnic communities.

9.4 For a list of our Section 75 consultees please see Appendix 3 of this document.



## **Chapter 10 – Review of our Equality Scheme**

(Schedule 9 8. (3))

- 10.1 As required by Schedule 9 paragraph 8 (3) of the Northern Ireland Act 1998 we will conduct a thorough review of this Equality Scheme. This review will take place within five years of submission of this Equality Scheme to the Equality Commission or within a shorter timescale to allow alignment with the review of other planning cycles.
- 10.2 The review will evaluate the effectiveness of our scheme in relation to the implementation of the Section 75 statutory duties relevant to our functions.
- 10.3 In undertaking this review we will follow any guidance issued by the Equality Commission. A report of this review will be made available on the Department's website, with consultees notified of the link by email, and sent to the Equality Commission.

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## Appendices

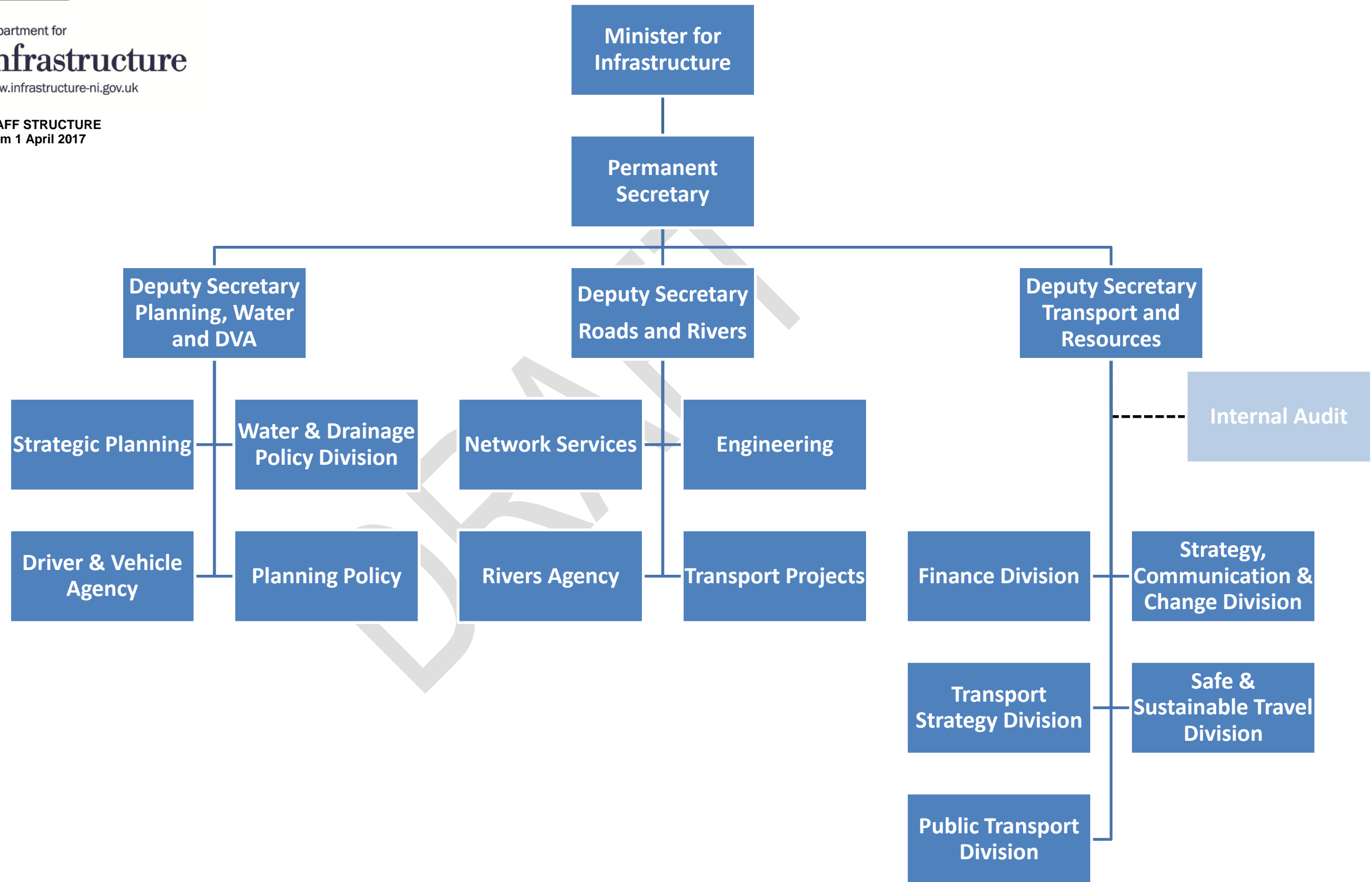
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Appendix 1



SENIOR STAFF STRUCTURE  
Effective from 1 April 2017



## Appendix 2 Example groups relevant to the Section 75 categories for the purposes of Northern Ireland

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

Category	Example groups
Religious belief	Buddhist; Catholic; Hindu; Jewish; Muslims, people of no religious belief; Protestants; Sikh; other faiths.
	For the purposes of Section 75, the term “religious belief” is the same definition as that used in the <i>Fair Employment &amp; Treatment (NI) Order</i> <sup>8</sup> . Therefore, “religious belief” also includes any <i>perceived</i> religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “ <i>similar philosophical belief</i> ”.
Political opinion <sup>9</sup>	Nationalist generally; Unionists generally; members/supporters of other political parties.
Racial group	Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; Travellers; White people.
Men and women generally	Men (including boys); Trans-gendered people; Transsexual people; women (including girls).
Marital status	Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.
Age	Children and young people; older people.
Persons with a disability	Persons with disabilities as defined by the Disability Discrimination Act 1995.
Persons with dependants	Persons with personal responsibility for the care of a child; for the care of a person with a disability; or the care of a dependant older person.
Sexual orientation	Bisexual people; heterosexual people; gay or lesbian people.

<sup>8</sup> 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*.”

<sup>9</sup> *ibid*

### **Appendix 3 List of Section 75 consultees**

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

Action Cancer
Action for Children
Action Mental Health
Action on Elderly Abuse
Action on Hearing Loss
ADD-NI
Age NI
Age Sector Platform (ASP)
Ageing Research and Development Division (IPH)
Alliance Party of NI
Alliance Party of Northern Ireland
Alzheimer's Disease Society
An Munia Tober
Antrim and Newtownabbey Borough Council
Ards and North Down Borough Council
Armagh, Banbridge and Craigavon Council
Assembly Library
Asthma UK NI
Autism Initiatives
Autism Network NI
Autism NI
Bahá'í Council for Northern Ireland
Ballybeen Womens' Centre
Barnardos NI
Base 2 NIACRO
Belfast Butterfly Club
Belfast Central Mission
Belfast City Council
Belfast City Council Youth Forum
Belfast Harbour
Belfast Hebrew Congregation
Belfast International Airport
Belfast Islamic Centre
Belfast Jewish Community
Belfast Migrant Centre
BELONG (South Tyrone Empowerment Programme)
Bishop of Down and Connor

British Association for Adoption & Fostering
British Association for Shooting and Conservation
British Deaf Association (Northern Ireland)
British Red Cross
Bryson Charitable Group
Bryson InterCultural
Business Services Organisation - HSC, Equality Unit
Campaign for Better Transport
Cancer Focus NI
Cancer Lifeline
Carafriend
CARE In Northern Ireland
Carers NI
CAUSE for Mental Health
Causeway Coasts and Glens Council
Census NISRA
Centre for Effective Services NI
Chartered Institution of Highways & Transportation
Children In Northern Ireland
Children's Law Centre
Chinese Welfare Association
Chrysalis Womens Centre
Church of Ireland House
Citizen's Advice Bureau Derry
Citizens Advice Regional Office
City of Derry Airport
CO3 Chief Officers 3rd Sector
Coiste-na n-iarchimi
Coleraine Harbour
Colin Neighbourhood Partnership
Commisioner for Older People NI
Committee on the Administration of Justice
Equality Coalition
Community Development & Health Network NI
Community Places
Community Relations Council
Community Restorative Justice Ireland
Community Transport Association

Confederation of British Industry
Conservation Volunteers NI
Consumer Council
Contact a Family NI
Crossroads Care - Caring for Carers (NI) Ltd
Cruse Bereavement Care (NI)
Cycling UK
Democratic Unionist Party
Department for Communities
Department for the Economy
Department of Agriculture Environment & Rural Affairs
Department of Education
Department of Finance
Department of Health
Department of Justice
Derry City and Strabane District Council
Derry Well Woman
Disability Action
Disabled Drivers Association NI
Downs Syndrome Association
Eastern Health and Social Services Board
Education Authority
Education of Deaf & Blind Society
Employers Forum on Disability (NI)
Enniskillen Airport (St Angelo)
Equality Coalition
Equality Commission for NI
Falls Community Council
Falls Women's Centre
Family Planning Association NI
Federation of Small Businesses
Fermanagh and Omagh District Council
Fermanagh Community Transport
Focus: The Identity Trust
Foyle Women's Aid
Foyle Women's Information Network
Freight Transport Association
Friends of the Earth

Gay & Lesbian Youth Northern Ireland
George Best City Airport
Gingerbread NI
Grand Orange Lodge of Ireland
Green Party in Northern Ireland
Health and Safety Executive for NI
HERE NI
IMTAC
Include Youth - Young Voices Project
Indian Community Centre
Institute of Directors
Institution of Highways and Transportation - Northern Ireland
Invest Northern Ireland
Irish Congress Of Trade Unions - NI Committee
Irish Transport Heritage Limited
Larne Harbour
Law Centre (NI)
Lisburn and Castlereagh City Council
Living Streets (The Pedestrians Association)
Londonderry Port & Harbour Commissioners
MACS Supporting Young People
Magherafelt Women's Group
ME Association (ME/CFS)
MENCAP
Methodist Church in Ireland
Mid and East Antrim Borough Council
Mid Ulster District Council
Mid-Ulster Women's Network
Mobilise
Multiple Sclerosis Society
National Autistic Society Northern Ireland
National Children Bureau
National Society for Prevention of Cruelty to Children
Newry & Mourne Senior Citizen's Consortium
Newry, Mourne and Down District Council
NI Anti-Poverty Network
NI Association for Mental Health
NI Association for the Care and Resettlement of Offenders



NI Chamber of Commerce and Industry
NI Chest, Heart & Stroke Association
NI Commissioner for Children & Young People
NI Council for Ethnic Minorities
NI Council for Voluntary Action
NI Environment Link
NI Gay Rights Association
NI Housing Executive Equality Unit
NI Human Rights Commission
NI Rural Development Council
NI Rural Women's Network
NI Statistics and Research Agency
NI Women's Aid Federation
NI Women's European Platform
NI Youth Forum
NIPSA
NITHC
North West Community Network
Northern Health and Social Care Trust
Northern Ireland Alternatives
Northern Ireland Ambulance Service HSC Trust
Northern Ireland Assembly
Northern Ireland Office
NUS-USI Northern Ireland Student Centre
Parenting NI
Parkinson's UK Northern Ireland
Participation Network
Phoenix Natural Gas
POBAL
Presbyterian Church in Ireland
Press for Change
Progressive Unionist Party
Quarry Products Association
Queer Space
RNIB
Road Safety Council for NI
Rural Community Network
Rural Support

Save the Children
SDLP
SEELB
Sense NI - for Deafblind People
Sexual Orientation More Equality (SOME)
Shine
Shopmobility
Sinn Fein
Sperrin Lakeland Senior Citizens' Consortium
SUSTRANS
The Cedar Foundation
The Community Foundation
The Executive Office
The Guide Dogs for the Blind Association
The Law Society of Northern Ireland
The Omnibus Partnership
The Rainbow Project
The Women's Centre
Training for Women Network Ltd
Translink
UK Sports Association For People With Learning Disability
Ulster Scots Agency
Ulster Unionist Part
ULTACH
UNISON NI
Unite
Volunteer Now
Warrenpoint Harbour Authority
Waterways Ireland
Wildfowl & Wetlands Trust
Women's Forum
Women's Support Network
Womens Resource and Development Agency
Workers Party NI
Youth Council for NI
Youthnet NI

This consultation list is indicative and not exhaustive, and is reviewed on an annual basis to ensure it remains relevant to the Department for Infrastructure's functions and policies.

## Appendix 4 Timetable for measures proposed

(Schedule 9.4(3) (b))

Scheme Paragraph	Measure	Lead responsibility	Timetable
2.7	Reflect Section 75 objectives and targets in Corporate and Business Plan and Business Areas' plans	Equality Officer, All Directors	April (annually)
2.9	Section 75 Annual Progress Report	Equality Officer/ Permanent Secretary	31 August (annually)
2.13	Biannual progress reports to the Departmental Board, Minister and Committee	Equality Officer	Biannually
2.14	Biannual Equality Working Group meetings	Equality Officer	Biannually
2.15	Equality Forum meeting	Equality Officer	Annually
2.21	Develop an Audit of Inequalities and action plan.	Equality Officer	November 2016
2.25	Consult on draft Audit of Inequalities and action plan	Equality Officer	July 2016
2.26	Publish finalised Action Plan	Equality Officer	November 2016
2.28	Arrangements for monitoring progress of action plan in place	Equality Officer	Biannually March & September, commencing March 2017
3.14	Programme of awareness raising on Section 75 and scheme commitments in place	Equality Officer	One month after Equality Commission approval of scheme
3.23	Review consultation list of Section 75 contacts annually	Equality Officer	Annually
4.20	Quarterly publication of Screening Reports	Equality Officer	Quarterly
4.34	Review of existing information systems	Equality Officer/ Departmental Statisticians	Within one year of Equality Commission approval of scheme
4.36	Annual review of Monitoring information	Equality Officer / Departmental Statisticians	Annually
4.37	Publication of Monitoring Information	Equality Officer	Within Annual Progress Report published

			annually in August
4.37	Notify consultees of publication of Annual Report	Equality Officer	Annually by 30 September
5.2	Development of detailed training programme	Equality Officer	Within 3 months of scheme approval
5.3	Development of Summary Scheme	Equality Officer	Within one month of scheme approval
5.3	Check availability/ suitability of focussed training for key staff	Equality Officer	Annually
5.3	Review/ organise update training	Equality Officer	Annually
5.5	Evaluation of Training	Equality Officer in conjunction with Human Resources and Organisation Change.	Annually
6.6	Review and update DfI Guide to Making Information Accessible	Equality Officer	Annually
9.3	Assessing access to information and services	Equality Working Group and Equality Forum	Annually
9.3	Communication of Equality Scheme	Equality Officer	Ongoing
9.3	Notification of approved scheme to consultees	Equality Officer	Within 3 months of scheme approval
9.3	Circulate summary of scheme to Section 75 groups representing children and young people, people with disabilities and minority/ ethnic people.	Equality Officer	Within 3 months of scheme approval
10.1	Review of Equality Scheme	Equality Officer	Within 5 years

## **Appendix 5 Glossary of terms**

### **Action plan**

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

### **Action measures and outcomes**

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

### **Adverse impact**

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

### **Audit of inequalities**

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

### **Centres of Procurement Expertise (CoPEs)**

These are business units set up within NICS to improve procurement, collaboration and partnering. This will deliver better and more efficient services across regional government and ultimately the wider public sector.

### **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 promote equality of opportunity across the nine categories. 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; and
- harassment.

Brief descriptions of these above terms follow:

### *Direct discrimination:*

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

### *Indirect discrimination:*

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

### *Disability discrimination:*

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

- (a) *Disability-related discrimination* generally occurs where a public authority, without lawful justification, and for a reason which relates to a disabled person’s disability, treats that person less favourably than it treats (or, would treat) other people to whom that reason does not (or, would not) apply.
- (b) *Failure to comply with a duty to make reasonable adjustments*: One of the most notable features of the disability discrimination legislation is that in prescribed circumstances it imposes a duty on employers, service providers and public authorities to take such steps as are reasonable to remove or

reduce particular disadvantages experienced by disabled people in those circumstances.

*Victimisation:*

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

*Harassment:*

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

**Economic appraisal**

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

**Equality impact assessment**

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

**Equality of opportunity**

The prevention, elimination or regulation of discrimination between people on grounds of characteristics including sex, marital status, age, disability, religious belief, political opinion, dependants, race and sexual orientation. The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive measures to be taken to secure equality of opportunity between the categories identified under Section 75.

**Equality scheme**

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

**Good relations**

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

### **Mitigation of adverse impact**

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

### **Monitoring**

Monitoring consists of continuously scrutinising and evaluating a policy to assess its impact on the Section 75 categories. Monitoring must be sensitive to the issues associated with human rights and privacy. Public authorities should seek advice from consultees and Section 75 representative groups when setting up monitoring systems. Monitoring consists of the collection of relevant information and evaluation of policies. It is not solely about the collection of data, it can also take the form of regular meetings and reporting of research undertaken. Monitoring is not an end in itself but provides the data for the next cycle of policy screening.

### **Northern Ireland Act**

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

### **Northern Ireland Human Rights Commission**

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

### **Northern Ireland Statistics & Research Agency (NISRA)**

The Northern Ireland Statistics and Research Agency (NISRA) is an Executive Agency within the Department of Finance and Personnel (DFP). They provide statistical and research information regarding Northern Ireland issues and provide registration services to the public in the most effective and efficient way.

### **The Executive Office**

The Executive Office is responsible for providing advice, guidance, challenge and support to other NI Civil Service Departments on Section 75 issues.



## **Policy**

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

## **Positive action**

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

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

## **Qualitative data**

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

## **Quantitative data**

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

## **Screening**

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

## **Schedule 9**

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

## **Section 75**

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

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

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

### **Section 75 investigation**

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

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

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