



Main findings of the five-year review of the Charity Commission for Northern Ireland's integrated Equality Scheme and Action Plan – March 2023

A summary report for the Equality Commission for Northern Ireland

Contents

Foreword		3
Introduction		4
Section 1	How has the implementation of the Commission's equality scheme and action plan benefitted individuals within the S.75 groups?	6
1:1	Promoting equality of opportunity, good relations and the disability duties -as a regulator and service provider.	
1.2	Our stakeholders	
1:3	Reasonable adjustments	
1.4	Screening policies and procedures	
1.5	Engagement	
1.6	Promoting equality of opportunity, good relations and the disability duties - as an employer	
1.7	Staff awareness of the scheme	
Section 2	How have leaders within the Commission engaged in the scheme's implementation?	14
Section 3	What challenges has the Commission encountered when implementing the scheme and how have they been overcome?	15
Section 4	Lessons learned and good practice.	17
Conclusion		18

Foreword

The Charity Commission for Northern Ireland's (the Commission) integrated equality scheme and action plan was approved by the Equality Commission for Northern Ireland (ECNI) on 24 April 2013.

This summary report reflects the Commission's experience of implementing the scheme over the last five years (2017/18 –2022/23). We have highlighted a series of challenges, how these have been overcome, lessons learned and the good practice we have developed and adopted over this time.

The Commissioners and senior staff of the Commission are pleased with what we have achieved over the last five years. We are committed to ensuring the successful implementation of our scheme and associated action plans over the next five years. We are personally committed to embedding equality of opportunity and the promotion of good relations into all that we do when regulating the charity sector, which includes many organisations set up with equality and good relations related charitable purposes.



Gerry McCurdy
Interim Chief Commissioner



Frances McCandless
Chief Executive

March 2023

Introduction

The Commission is the independent regulator of charities in Northern Ireland. The Commission is a non-departmental public body, established by Royal Assent in March 2009, to deliver the legislative requirements of the Charities Act (Northern Ireland) 2008, (the Charities Act). The Commission is sponsored by the Department for Communities (DfC).

Amongst the general functions and duties of the Commission are:

- determining whether institutions are or are not charities.
- establishing and maintaining an accurate and up-to-date *register of charities*.
- encouraging and facilitating the better administration of charities.
- identifying and investigating apparent misconduct or mismanagement in the administration of charities and taking remedial or protective action.
- encouraging voluntary participation in charity work.

The Commission's equality scheme and action plan was approved by ECNI on 24 April 2013. It describes arrangements which the Commission has put in place, and which it is obliged to follow, as a means of fulfilling its duties under Section 75(1) and (2) of the Northern Ireland Act 1998 and its duties under 49A of the Disability Discrimination Act (1995) as amended by the Disability Discrimination (NI) Order 2006 (the DDA). Further information on the duties and the Commission's approved scheme are at <https://www.charitycommissionni.org.uk/about-us/equality/>

Under Schedule 9, paragraph 8(3) of the Northern Ireland Act 1998 public authorities are required to review their equality scheme within five years of its approval by ECNI. Further reviews must be done on a five year cycle after that. This review report has been written in fulfilment of this duty with the purpose of:

- examining how the arrangements set out in the equality scheme and action plan have been implemented.
- assessing how effective they have been in assisting the Commission to comply with its s.75 duties and duties under s.49A of the DDA.
- identifying impacts and outcomes.

The review, which is a process of self-assessment, has been carried out according to [guidance](#) published by ECNI. Each section of the review

report covers a key question which the ECNI has recommended form part of the review, namely:

- How has the scheme's implementation benefitted individuals within the S.75 groups?
- How have leaders within the Charity Commission engaged in the scheme's implementation?
- What challenges has the Commission encountered when implementing the scheme and how they have been overcome?
- Outline any lessons learned and any good practice.

The Commission is required to submit a summary of the main findings of its review to the ECNI.

Section 1: How has the implementation of the Commission's equality scheme and action plan benefitted individuals within the Section 75 groups?

1.1 Promoting equality of opportunity, good relations and the disability duties -as a regulator and service provider.

As a regulator the Commission has opportunities to directly promote equality of opportunity, good relations and the involvement of disabled people in public life and thus achieve benefits for individuals through participation in charities and as beneficiaries. During the period under review, we did this by encouraging all charities to comply with equality legislation and best practice as both employers and as service providers. The Commission's *Equality guidance for charities*, which was developed with the support of ECNI, is available on the Commission's website and was designed to help charity trustees understand their equality obligations and best practice as service providers. During the past five years this was visited approximately 1,500 times¹. The Commission's aim was to encourage charity trustees to increase the diversity of their boards by including those with disabilities, younger trustees and those from ethnic minorities.

The review has highlighted potential for the Commission to further raise awareness among charity trustees of opportunities for them to be more inclusive and to identify changes in participation through future research and reporting on the sector. The Commission will set out these more proactive steps in its new Engagement strategy.

The Commission also indirectly enables the promotion of equality of opportunity, good relations and the involvement of disabled people in public life through the registration process. The Commission provides a public online *register of charities* enabling public trust and confidence in specific organisations. This includes charities working with specific S.75 groups as well as those generally promoting equality and human rights. As a result of work over the life of the equality scheme currently 485 (6%) of charities on the register have a specific charitable purpose for: the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity.

¹ Actual web monitoring figures are not available between April 2017 and December 2018. From December 2018 – March 2023 the guidance has been visited on average 21 times per month. The estimate uses this average figure for the months for which we do not have monitoring figures.

A registered charity can have a range of beneficiaries which it seeks to help. According to the public register of charities, on 3 March 2023, the following beneficiaries, drawn from one or more of the s.75 groups, are recorded on the register:

s.75 category	Listed as beneficiaries
Age	1,358
Ethnic minorities	713
Travellers	194
Sexual orientation	148
Mental health	1076
Physical disability	845
Learning disability	72
Sensory disabilities	482

As a regulator and service provider the Commission reflected delivery of the scheme in its 2019-22 strategic plan. Delivery of the equality scheme and action plan was specifically reflected under objective 4. In addition, the Board lobbied for support for an initiative to address strategic safeguarding risks within the charity sector. Additional monitoring and compliance effort was directed towards organisations working with young and vulnerable people and a range of regulatory guidance was provided to improve governance and service delivery in organisations.

1.2 Our stakeholders

In terms of operating equality scheme monitoring commitments during the past five years, the Commission has operated two voluntary online surveys to collect equality data about the people who use its services. These surveys are designed to collect feedback on the experience of applying for charity registration or submitting an annual monitoring return (AMR) including identifying barriers. Each survey also allows the respondent to provide information about their s.75 equality characteristics.

Between 1 April 2017 and 28 February 2023, a total of 1,523 people responded using the surveys. Table 1, below, draws a picture of the people using two of the Commission's main services. Please note that some respondents did not answer all the questions. The figures have also been subjected to rounding and therefore do not always total 100 per cent.

Table 1 Survey of on-line system users - S 75 characteristics.

S.75 category	Details	Percentage of respondents
Men and women generally	Women	47% (689)
	Men	52% (753)
	Prefer not to say	<1% (10)
Age	19 – 45 years	15% (216)
	46-55 years	23% (334)
	56 – 65 years	34% (488)
	66+ years	28% (400)
With or without a disability	Yes	10% (140)
	No	88% (1269)
	Prefer not to say	2% (35)
Ethnicity	Other ethnic groups including Black African, Black Other, Indian, Pakistani, Mixed ethnic group and Other (includes Filipino and Polish).	1% (15)
	White	97% (1,403)
	Prefer not to say	2% (28)

Of those who reported having a disability almost half (46%, 69) identify this as a physical disability and 20 per cent (31) as a sensory disability.

The Commission also monitors the languages used by respondents. Almost all the respondents to these surveys (98%, 1,417) use English as their main language while only two per cent (30) say they have another main language. Including: Irish, Igbo, French, Dutch, German, Spanish, Polish and Filipino.

The Commission has used this information to help understand the profile of our stakeholders and to anticipate and mitigate barriers when developing new procedures and/or guidance.

1.3 Reasonable adjustments

During the past five years when the Commission held in-person events such as consultation meetings, workshops or information events, it only booked venues which were physically accessible, with designated parking and access to a hearing loop system. Any printed materials used at these

events always included two large print copies, in anticipation that someone might need them. No requests for adjustments such as sign language interpreter were received.

During the first five years of the Equality scheme's operation most requests for adjustments concerned requests to submit a paper registration application rather than the online charity register system. In response the Commission developed screenshot guidance which showed the questions that make up the application and a subtitled video of the application system. During the second five years the Commission has not received any requests to apply for registration using hard copy and has expanded online guidance to include additional videos, vlogs and infographics.

During this time the Commission received or anticipated 34 requests for adjustments or special circumstances. Two of these were related to a request to submit documents in Irish rather than English. Two others came from individuals for whom English was not their main language. They did not require translation services but did ask for face-to-face meetings, which the Commission provided.

When providing adjustments to its services the Commission often acted beyond what is strictly required by the Disability Discrimination Act. Staff anticipated the need for an adjustment even if a request was not made, for example, recognising that difficulty with materials may arise from the individual having dyslexia and offering assistance by telephone, changing the wording and tone of template letters/emails to a stakeholder who had displayed high levels of anxiety. This was recognised by the staff member around repetition in emails.

Almost a quarter of adjustments made in the five years (24%, 8) related to a mental health condition. This was a changing feature of the Commission's work, where it has noted increased contact with people with mental health issues. In response all staff have been provided with *Trauma informed practice* training.

The range of requests for reasonable adjustments, or those anticipated as being needed included:

Disability	Number	Examples of adjustments
Mental health	8	Face-to face meeting. Contacted by telephone.
Physical	6	Accessible venue. Accompanied by assistant.
Sensory	6	Issue resolved when directed to subtitled video on the website. Easy read materials provided. Large print materials provided.
Cognitive	4	Contacted by telephone.

Toward the end of the period under review the DfC Minister accepted the *Independent review report*. Recommendation 19 covered the Commission redesigning its website and online guidance to make both more accessible. It was based on feedback to the review panel from the charity sector regarding accessibility. Issues were identified with regard to search functionality and potential to increase use of videos, vlogs and infographics.

1.4 Screening policies and procedures

During the period under review the Commission operated the various arrangements set out in the approved equality scheme including screening equality assessment of policies and procedures which underpin delivery of regulatory services, provision of guidance, monitoring services, training, complaints and reporting.

The Commission screened 39 policies and procedures over the five years. All screening is based on the template provided by ECNI, which has been adjusted to include a screen of any potential impact on the human rights of stakeholders. As part of the previous five-year review ECNI provided endorsement of the approach to screening. During the period covered by this review Internal Audit undertook a check of equality scheme arrangements and a satisfactory assurance was provided. The screening process is informed by information on the equality profile built up of our stakeholders as outlined in 1.2 and 1.3 above.

Screening exercises were carried out at the start of policy or procedure development and mainstreaming consideration of equality and good relations managed throughout, with conclusions updated or a new

exercise carried out if major changes were proposed to a policy or procedure. Where screening identified a potential negative impact, the Commission was able to consider an alternative approach or put arrangements in place to mitigate by monitoring access to services or actively asking if adjustments were needed. An overview of screenings was published on the Commission website on a quarterly basis. None of the screenings resulted in the need for an Equality Impact Assessment (EQIA) to be conducted.

During this review we identified that our screening process could be further developed by:

- Undertaking refresher training on screening and impact assessment,
- Being more explicit about what, in the Commission's context, constitutes a policy that requires screening.
- Exploring whether there is more quantitative information about s.75 categories within existing data sets which we could draw on when screening policies and monitoring service provision.

To address this we will seek refresher training on screening and invite Commissioners to be involved in this process on an ongoing basis. Relevant staff at the Commission will also meet with the Legal Commissioner in early June 2023 to revisit our approach to screening and use of quantitative data. This will inform the new five-year action plan and will also be embedded in the new Engagement strategy which is currently under development.

During this period the Commission had in place a dedicated complaints procedure but did not receive any complaints about the operation of its equality scheme.

1.5 Engagement

When the Commission was developing its equality scheme, it also developed a Participation strategy. This set out how the Commission would carry out consultations. The Participation strategy set out a range of methods for those who wanted to respond to a consultation. This included using online surveys and documents, replying by email or post and having access to a telephone call about the consultation, or attending a face-to-face event. As a result of the pandemic these were expanded to include online events.

As part of this wider engagement, in 2021, the Commission established a stakeholder engagement forum. The membership of the forum has recently expanded from 12 to 24 members. The purpose of the forum is to enable the Commission to have a more dynamic, ongoing and effective dialogue with charity stakeholders.

The membership of the forum was designed primarily to hear views from a range of charities of various sizes working in both urban and rural settings. There was a special focus on those charities that are smaller, and volunteer led. The membership reflects most of the s.75 categories, including age, disability, religious belief, sexual orientation, men and women generally and persons with dependants and persons without.

During the open call for new members several organisations representing people from various ethnic backgrounds were invited to apply but no applications were received. The Commission and forum are seeking ways to address this.

The Participation strategy is being replaced by a new Engagement strategy, which is currently out for consultation. The new strategy will inform the Commission's engagements with stakeholders across a wider range of its activities, not just consultation.

1.6: Promoting equality of opportunity, good relations and the disability duties - as an employer

During the period under review as an employer the Commission promoted equality of opportunity and good relations and adhered to its disability duties, in its daily management of staff and in any recruitment exercises. It followed an equal opportunities policy and those involved in recruitment and selection were trained in non-discriminatory selection techniques. The Commission submitted annual and triennial equal opportunity monitoring returns to the ECNI. It also monitored recruitment exercises and in 2022, as people from the Protestant community were underrepresented in our workforce the Commission, after consultation with the ECNI added a welcome statement to its job adverts.

1.7 Staff awareness of the scheme

Staff at the Commission have benefitted from the implementation of the equality scheme through equality training at induction and at an annual equality training session during the past five years. The in-house annual equality training has been retained by the Commission even though staff

also complete a mandatory online equality training session provided through shared services with the Northern Ireland Civil Service. Over the last five years areas covered by the annual training session have included:

- The Commission's equality scheme commitments and the internal processes to help staff fulfil them.
- Diversity at work.
- A session on where the values of the Commission and its equality commitments meet.
- Embedding equality, diversity and inclusion (EDI) in our workplace.
- Dealing with stakeholders who draw our attention to mental ill-health issues or suicidal thoughts during our correspondence or communications with them.
- Staff also completed training on the impact of *Unconscious bias* and how it can undermine an inclusive workplace.

As part of this review staff were surveyed to gain feedback on their awareness and understanding of the Commission's equality duties and the internal processes to implement these. Twenty-one members of staff undertook the survey. Of those who answered 95 per cent (n=20) were aware of the Commission's integrated equality scheme and disability action plan. Half (n=8) of those who responded indicated changes had been made to how work was carried out and/or customers treated because of the Commission's equality scheme and action plan, while a similar number disagreed. Those who agreed provided examples of changes including:

- revising guidance to make it easier to understand. Produced an 'easy read' version of the document used in the recent consultation.
- cases relating to neurodiversity and gender identity, where reasonable adjustments or proportionate recommendations were made.
- awareness that team was directly liaising with customers in terms of an equality issue to assist and provide guidance.
- change of tone.
- now including accessibility requirements on all correspondence.

Middle managers were specifically asked if they were aware of the internal arrangements for responding to equality issues, reporting and monitoring equality issues which arise and monitoring any adverse impact of policies that have been adopted? Overall, 71 per cent (5) of middle managers were aware of these arrangements while 29 per cent (2) were not. This will inform the Commission's equality training.

Section 2: How have leaders within the Commission engaged in the scheme's implementation?

The Commission's approved Equality scheme sets out the governance of the organisation. During the period under review all levels of leadership were engaged with the implementation of the Commission's equality scheme.

At Board level

As part of its governance arrangements during the period under review equality was a standing consideration in papers submitted to the Board of Commissioners. This included an assessment of relevance of the duties and information on the potential equality implications, and proposed mitigations, for any policy, process or actions on which the Board was making a decision. The Board also commented on and approved the annual progress report to ECNI.

SMT & MMT

A report on the implementation of the equality scheme was submitted to SMT on a quarterly basis. The report included a list of policies developed in the quarter and draft screening reports, which were signed off by the relevant member of SMT. An overview of the screening reports was posted on the website on a quarterly basis, with further information available on request. No requests for further information related to these publications was received during the period under review.

Programme and project teams:

Equality was a standing item on the agenda of various programme and project teams. A monthly review of any equality issues, which had arisen or were anticipated, was undertaken by all programme and project teams, overseen by MMT. Members of both SMT and MMT were involved in discussions concerning equality relevant to their teams' work.

Assurance checks:

Quarterly assurance checks were undertaken on implementation of the equality scheme and internal processes which support its delivery. This formed part of the Accounting Officer's assurance statement to sponsor department which is signed off by the Board.

Co-ordination of scheme and annual training:

Co-ordination of the scheme, annual training for staff and the equality element of induction training was undertaken by the policy team.

Section 3: What challenges has the Commission encountered when implementing the scheme and how have they been overcome?

The Commission is a relatively small public body. When trying to implement an equality scheme there are some advantages in being a smaller organisation. For example, developing staff commitment to the scheme, liaising about providing reasonable adjustments and timely decision-making by leaders. However, being a smaller organisation can present challenges in terms of additional workload for teams and individuals. During the period under review mainstreaming equality into all our work has proved to be a challenge which we have addressed by:

- incorporating an introduction to equality and the Commission's equality scheme to all inductions for Commissioners, committee members, staff, including for those in temporary posts.
- mandating attendance at the annual equality training session.
- integrating equality related matters into our internal information management system. For example, adding an equality tab to each project and programmes team's action plan and having equality issues as a standing item on team agendas.
- Updating the training analysis form, which is undertaken annually by staff, to include an understanding of equality and disability duties. This led to requests for guidance on answering the telephone to those who are distressed or may be experiencing anxiety or mental health issues.
- Due to the pandemic only one in-person information session was held on how to submit online annual monitoring returns, accounts and trustees' annual reports.
- As a result of the Court of Appeal judgment the numbers called forward to apply for registration was reduced and the statutory requirement to submit annual reports to the Commission was suspended for most charities, although they could submit on a voluntary basis.
- Considering accessibility when designing digital services and offering online services which incorporate accessibility tools such as ability to change colour of website page, size of text etc. These accessibility features will be built into the redesign of the Commission's website.
- Providing increased flexible working in response to the Covid-19 pandemic – which stopped all face-to-face events and saw

Commission staff working from home before moving to a hybrid working pattern.

- Responding to a Court of Appeal judgment - which impacted on how the Commission carried out its work requiring redesign of processes and increased scrutiny of factors including equality considerations as part of regulatory decision making.²
- Relocating, in 2021, to office accommodation identified by DfC in Marlborough House, Craigavon. The Commission was not the decision maker, and related business case and equality considerations were progressed by the sponsor team including accessibility considerations.
- Inputting to and acting in response to the recommendations of an independent review of charity regulation in Northern Ireland, commissioned by then Minister for Communities, Ms Deirdre Hargey.³ Although this review had no conclusions or recommendations related to the equality scheme it did signal a strategic shift in the Commission's approach to being an enabling regulator.

² The [Legal update](#) on the Commission's website provides an overview of this case. Many of these issues were resolved by the passing of the Charities Act (Northern Ireland) 2022.

³ [Independent Review of Charity Regulation Northern Ireland \(communities-ni.gov.uk\)](https://communities-ni.gov.uk/independent-review-of-charity-regulation-northern-ireland)

Section 4: Lessons learned and good practice.

Over the last five years the Commission has continued to learn lessons and develop good practice in the implementation of its equality scheme and action plan. Lessons we have learned include:

- By addressing the needs of some of the s.75 categories, we have improved our service to everyone. For example, in response to requests for paper copies of the registration application form we produced a booklet outlining the main questions on the form. By applying this learning and producing a sister booklet to assist with the Annual Monitoring Return (AMR) we have not received requests for paper versions of the AMR.
- Including a line in all correspondence asking stakeholders to let us know of any special circumstances or need for a reasonable adjustment enables us to anticipate needs and avoid unnecessary obstacles.
- By engaging relevant teams in the process of initial screening of policies and procedures we were able to increase staff awareness of equality issues. We were then able to streamline this approach as staff now incorporate this aspect of our work as a matter of course. For example, incorporating equality into the risk assessments conducted by each team.
- The recent staff survey has highlighted some gaps in this awareness and understanding which will be addressed through internal training.

Good practice which we have developed through this period includes:

- Equality questions in the post-registration survey, have been extended to the online survey which pops up after an annual monitoring report has been submitted to the Commission. The results of these surveys enable us to identify underrepresented groups in terms of charity trusteeship.
- Continuing to provide a written analysis, for all new policies, of the policy's effects on equality of opportunity, good relations and the disability duties.
- The Commission has expanded the online guidance to include additional subtitled videos, vlogs and infographics. A process to simplify key pieces of guidance is also being planned.
- Although the pandemic stopped all face-to-face events and led to the introduction of increased online communications this did not lead to an increase in complaints about the implementation of the Commission's equality scheme.

Conclusion

Across the four review question headings the Commission can evidence overall progress and specific tangible examples during the past five years. The Commission has operated the mechanisms such as screening equality assessment, service monitoring, training and reporting. Through the implementation of the Commission's integrated equality scheme and action plan decision making has been informed by evidence and steps taken to mitigate potential negative impacts on individuals or organisations with specific S.75 characteristics.

While the way the organisation operates and carries out decision making has altered in the last two years there has not been any significant change in the work and functions of the Commission or our stakeholders, so no substantive changes are required to the original equality scheme. The five-year action plan will be updated at the June 2023 Board meeting to align with the organisations 2023-26 strategic plan agenda and priorities for taking forward the Independent Review.