



Department for the
Economy
www.economy-ni.gov.uk

Equality Scheme for the Department for the Economy

2016 -2021

***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.
Please contact us with your requirements (see page 10 for
contact details).***

Netherleigh,
Massey Avenue
Belfast

Foreword

I am pleased to present the Department for the Economy's (DfE) first Equality Scheme, for the period 2016-2021.

Publication of the DfE Equality Scheme has been delayed due to the suspension of the Northern Ireland Assembly and the absence of Ministers. While we are already some way into the five year period covered by the Equality Scheme (2016-2021), we have decided to avoid further delay and to publish the Equality Scheme to provide transparency in our current and future activities relating to our statutory equality and good relation duties.

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 Act¹.

In our Equality Scheme we set out how DfE proposes to fulfil the Section 75 statutory duties.

We will commit the necessary resources in terms of people, time and money to make sure that the Section 75 statutory duties are complied with and that the Equality Scheme is implemented effectively, and on time.

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

We will develop and deliver a programme of communication and training with the aim of ensuring that all our staff and Board Members are made fully aware of our Equality Scheme and understand the commitments and obligations within it.

¹ See section 1.1 of our Equality Scheme.

We are fully committed to effectively fulfilling our Section 75 statutory duties across all our functions, including service provision, employment and procurement, through the effective implementation of our Equality Scheme.

We realise the important role that the community and voluntary sector and the general public have to play to ensure the Section 75 statutory duties are effectively implemented. Our 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 our 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 our Equality Scheme, can make complaints.

On behalf of DfE and our staff I am 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.

Noel Lavery
Permanent Secretary

June 2019

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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 DfE to comply with two statutory duties:

Section 75 (1)

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
- persons with dependants and persons without.

Section 75 (2)

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.

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

Please see below under “Who we are and what we do” for a detailed explanation of our functions.

How we propose to fulfil the Section 75 duties in relation to the relevant functions of the Department for the Economy (DfE)

- 1.2 Schedule 9 4. (1) of the Act requires DfE 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.
- 1.3 DfE is committed to the discharge of its Section 75 obligations in all parts of the Department and we will commit the necessary resources in terms of people,

² Section 98 (1) of the Northern Ireland Act 1998.

time and money to ensure that the Section 75 statutory duties are complied with and that our Equality Scheme can be implemented effectively.

Who we are and what we do

- 1.4 The NI Executive gave a commitment in the Stormont House Agreement to reduce the number of government departments from twelve to nine. As a result, DfE was established in May 2016. DfE combines the functions of the former Department of Enterprise, Trade and Investment and the Department for Employment and Learning, with the exception of the Employment Service which is now part of the Department for Communities. In addition, responsibility for NI Screen was transferred from the former Department of Culture, Arts and Leisure (DCAL).
- 1.5 A Programme for Government (PfG) 2016-2021 has still not been finalised due to the absence of the Executive. In the interim the Executive Office have produced a one year Outcomes Delivery Plan (ODP) for 2018 – 2019. DfE's key work as set out in the Department's annual Business Plan aligns to the ODP.
- 1.6 A vision, mission and strategic objectives have been developed for the Department and are set out below:

DfE Vision

A globally competitive economy

DfE Mission

To develop and implement agile policies and programmes which promote a competitive, sustainable and inclusive economy through investment in:

- skills
- economic infrastructure
- research and innovation
- business development

Strategic Objectives

- Accelerate innovation and research.
- Enhance education, skills and employability.
- Drive inclusive, sustainable growth.
- Succeed in global markets.
- Build the best economic infrastructure.

- Deliver a regulatory environment that optimises economic opportunities for business and commerce, while also protecting consumers and workers.
- Ensure the Department has effective governance, including programme and project management arrangements, and manages its resources, both financial and staff.

Structure of DfE

1.7 To deliver the mission and strategic objectives the Department has been structured into 5 business areas as follows:

1. Strategic policy;
2. Skills and Business Development ;
3. Infrastructure and Regulation;
4. Higher Education and Investment; and
5. Renewable Heat Incentive Taskforce.

1.8 Each business area is headed by a Deputy Secretary supported by a number of Directors with responsibility for specific areas of activity. An organisation chart showing the structure and key areas of work is included at Appendix 1.

Sponsored Bodies

1.9 A number of organisations assist the Department in carrying out its work in accordance with its policy agenda. The organisations receive funding from, and contribute to the work of, the Department by attracting new businesses, developing business capacity and capability, up skilling those preparing for work or already in work, promoting tourism, ensuring the safety of our workplaces and setting and monitoring various governance standards for our workplaces. A list of these organisations is shown at Appendix 2.

Chapter 2 Our arrangements for assessing our compliance with the section 75 duties (Schedule 9 4. (2) (a))

2.1 We have the following arrangements in place for assessing our compliance:

Responsibilities and reporting

2.2 We are committed to the fulfilment of our Section 75 obligations in all parts of our work.

2.3 The Department's Permanent Secretary is accountable 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. The Department's Senior Civil Servants have a personal responsibility for the implementation of the Section 75 statutory duties within their Divisions.

2.4 If you have any questions or comments regarding our Equality Scheme, please contact, in the first instance, the Equality Unit, Corporate Governance, and Equality Branch, at the address given below and we will respond to you as soon as possible:

DfE
Equality Unit
Corporate Governance, and Equality Branch
Room 122
Netherleigh
Massey Avenue
Belfast BT4 2JP

Telephone: 028 9052 9827

Textphone: 18001-028-9052-9827

Email: equalityunit@economy-ni.gov.uk

2.5 Throughout the Department 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. Objectives and targets relating to the statutory duties will be integrated into our strategic and operational business plans and progress against these will be included in the Department's annual report.

2.6 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).

- 2.7 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. Progress on the delivery of Section 75 duties will also be included in our DfE annual report.
- 2.8 Section 75 annual progress reports will be made available on our website and may be accessed through the following link:
<https://www.economy-ni.gov.uk/department-economy-equality>
Alternatively, Section 75 annual progress reports may be obtained by contacting the Equality Unit, Corporate Governance, and Equality Branch (see contact details at 2.43).
- 2.9 The Department will liaise closely with the Equality Commission to ensure that progress on the implementation of our Equality Scheme is maintained.
- 2.10 The Equality Unit will continue to provide advice on the Department's Section 75 obligations as necessary and will also co-ordinate input to the annual report to the Equality Commission and other cross-departmental strategies on issues such as gender, age, disability, children and race.

Action plan/action measures

- 2.11 DfE will develop an action plan to promote equality of opportunity and good relations.
- 2.12 The action measures that will make up our action plan will be relevant to our functions. They will be developed and prioritised on the basis of an audit of inequalities. The audit of inequalities will gather and analyse information across the Section 75 categories³ to identify the inequalities that exist for our service users and those affected by our policies⁴.
- 2.13 Action measures will be specific, measurable, linked to achievable outcomes, realistic and time bound. Action measures will include performance indicators and timescales for their achievement.
- 2.14 We will develop an action plan 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 2019/20.
- 2.15 We will seek input from our stakeholders and consult on our action plan before we send it to the Equality Commission, and as appropriate thereafter when reviewing the plan.

³ See section 1.1 of this Equality Scheme for a list of these categories.

⁴ See section 4.1 of this Equality Scheme for a definition of policies.

- 2.16 We will monitor our 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.
- 2.17 DfE 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 Commission. Our Section 75 annual progress report will incorporate information on progress we have made in implementing our action plans/action measures.
- 2.18 Once finalised, our action plan will be available on the Department's website. If you require it in an alternative format please contact us on the details provided at 2.4.
- 2.19 Some additional arrangements for assessing our compliance with the Section 75 statutory duties are outlined in chapters 3, 4, and 8.

Chapter 3 Our arrangements for consulting

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

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

- 3.1 We recognise the importance of consultation in all aspects of the implementation of 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*')⁵.
- 3.3 Consultations will seek the views of those directly affected by the matter/policy, the Equality Commission, representative groups of Section 75 categories, other public authorities, voluntary and community groups, the general public, our staff and their trade unions and such other groups who have a legitimate interest in the matter.
- 3.4 Initially all Section 75 consultees (see Appendix 4) will be notified of the matter/policy being consulted upon to ensure they are aware of all consultations. Thereafter, we will adopt a more targeted approach to consultation to ensure the most effective use of our resources and those of our consultees. This might involve consultation with stakeholders with a particular interest in the matter/policy being consulted upon and to whom the matter/policy is of particular relevance; for example, this might take the form of regional or local consultations, and sectoral or thematic consultations.
- 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, for example: face to face meetings; focus groups; written documents; internet discussions; and telephone discussions. 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

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<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75GuideforPublicAuthoritiesApril2010.pdf>

disabilities) and minority ethnic communities. 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)*⁶.

3.7 Other methods of consultation may 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

3.8 Information will be made available, on request, in alternative formats⁷, as soon as possible and within 15 working days, unless there are exceptional circumstances. We will ensure that such consultees have sufficient time to respond.

3.9 Specific training is available to those facilitating consultations to ensure that they have the necessary skills to communicate effectively with consultees.

Consultation Period

3.10 If as part of the normal Section 75 Equality of Opportunity Screening a new policy or change to existing policy is shown to have no adverse impact (screened out) on any of the 9 section 75 groups the policy consultation period should be a maximum of 8 weeks as set out by the Fresh Start Agreement⁸. The Equality Commission has advised that in these cases they will expect the screening documents to contain detailed evidence that the policy has no adverse impact.

3.11 If as part of the normal Section 75 Equality of Opportunity Screening a new policy or change to existing policy is deemed to result in an adverse impact on one or more of the 9 section 75 groups, then consideration must be given to undertaking a full Equality Impact Assessment (EQIA), as stated in the Department's Equality Scheme. In such instances the consultation period will last for a minimum of 12 weeks. 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 8 weeks or less before the policy is implemented. We may continue consultation thereafter and will review the policy as part of our monitoring commitments. It should be noted that where exceptional

⁶<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/LetsTalkLetsListenGuideforPAsconsultingchildren2008.pdf?ext=.pdf>

⁷ See Chapter 6 for further information on alternative formats of information we provide .

⁸ A Fresh Start : the Stormont Agreement and Implementation Plan, 17 November 2015

circumstances are cited clear evidence will be provided to explain and justify this reasoning.

- 3.12 Where, under these exceptional circumstances, we must implement a policy immediately, as it is beyond our authority's control, we may consult after implementation of the policy, in order to ensure that any impacts of the policy are considered.
- 3.13 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.
- 3.14 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, whether a signer and/or interpreter is necessary
- 3.15 We will make all relevant information available to consultees in appropriate formats to ensure meaningful consultation. This includes detailed information on the policy proposal being consulted upon and any relevant quantitative and qualitative data.
- 3.16 In making any decision with respect to a policy adopted or proposed to be adopted, we will take into account any assessment and consultation carried out in relation to the policy.
- 3.17 We will provide feedback to consultees in a timely manner. A feedback report will be prepared to include summary information on the policy consulted upon, a summary of consultees' comments and a summary of our consideration of and response to consultees' input. The feedback will be provided in formats suitable to consultees. (Please see also 6.3)
- 3.18 A list of our Section 75 consultees is included in this Equality Scheme at Appendix 4. It can also be obtained from DfE's Equality Unit, whose contact details are set out at 2.4.
- 3.19 Our consultation list is not exhaustive and will be reviewed on an annual basis to ensure it remains relevant to our functions and policies.
- 3.20 We welcome enquiries from any persons or organisations wishing to be added to the list of consultees. Please contact DfE Equality Unit, to provide your contact details 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.

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

- 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, e.g., 'draft', 'pilot', 'high level' or 'sectoral'.
- 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 DfE uses the tools of **Screening** and **Equality Impact Assessment** (EQIA) to assess the likely impact of a policy on the promotion of equality of opportunity and good relations. 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, including the screening template, as detailed in the Commission's guidance '*Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)*⁹;
- and
- guidance on undertaking an EQIA as detailed in the Commission's guidance '*Practical guidance on equality impact assessment (February 2005)*¹⁰.

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<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75GuideforPublicAuthoritiesApril2010.pdf>

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<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/PracticalGuidanceonEQIA2005.pdf>

Screening

- 4.4 The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations.
- 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.
- 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?
 - To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group?
(minor/major/none)
 - Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?
- 4.8 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.
- 4.9 Completion of screening, taking into account our consideration of the answers to all four screening questions 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

2. the policy has been ‘screened out’ with mitigation¹¹ or an alternative policy proposed to be adopted
 3. the policy has been ‘screened out’ without mitigation or an alternative policy proposed to be adopted.
- 4.10 If our screening concludes that the likely impact of a policy is ‘minor’ in respect of one, or more, of the equality of opportunity and/or good relations 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 and/or good relations.
- 4.11 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.
- 4.12 If our screening concludes that the likely impact of a policy is ‘major’ in respect of one, or more, of the equality of opportunity and/or good relations 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.
- 4.13 If our screening concludes that the likely impact of a policy is ‘none’, in respect of all of the equality of opportunity and/or good relations categories, we may decide to screen the policy out. If a policy is ‘screened out’ as having no relevance to equality of opportunity or good relations, we will give details of the reasons for the decision taken. This screening decision will be ‘signed off’ by the appropriate Head of Division within DfE.
- 4.14 As soon as possible following the completion of the screening process, the screening template, signed-off and approved by the senior manager responsible for the policy, will be made available on our website (<https://www.economy-ni.gov.uk/department-economy-equality>) or on request from DfEs Equality Unit. Our screening reports are published quarterly.
- 4.15 If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, we will review the screening decision.

¹¹ Mitigation – Where an assessment (screening in this case) reveals that a particular policy has an adverse impact on equality of opportunity and / or good relations, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant Section 75 categories.

Equality Impact Assessment (EQIA)

- 4.16 An EQIA is a thorough and systematic analysis of a policy, whether that policy is formal or informal, and irrespective of the scope of that policy. The primary function of an EQIA is to determine the extent of any impact 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.
- 4.17 Once a policy is screened and screening has identified that an equality impact assessment is necessary, we will carry out the EQIA in accordance with Equality Commission guidance. The equality impact assessment will be carried out as part of the policy development process, before the policy is implemented.
- 4.18 Any EQIA will be subject to consultation at the appropriate stage(s). (For details please refer to Chapter 3 “Our Arrangements for Consulting”).

Our 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))

- 4.19 We 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 and good relations.

What we publish

4.20 Screening reports

These are published quarterly. Screening reports detail:

- 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
- Consideration given to measures which might mitigate any adverse impact
- Consideration given to alternative policies which might better achieve the promotion of equality of opportunity;
- Screening decisions, i.e:
 - whether the policy has been ‘screened in’ for equality impact assessment.
 - whether the policy has been ‘screened out’ with mitigation or an alternative policy proposed to be adopted.
 - whether the policy has been ‘screened out’ without mitigation or an alternative policy proposed to be adopted.
- Where applicable, a timetable for conducting equality impact assessments
- A link to the completed screening template(s) on our website

- 4.21 Completed screening templates are published as soon as possible following their completion. For details see 4.14.

4.22 EQIA reports are published once the impact assessment has been completed. These reports include:

- A statement of the aim of the policy assessed
- Information and data collected
- Details of the assessment of impact(s)
- Consideration given to measures which might mitigate any adverse impact
- Consideration given to alternative policies which might better achieve the promotion of equality of opportunity
- Consultation responses
- The decision taken
- Future monitoring plans.

How we publish the information

4.23 All information we publish is accessible and can be made available in alternative formats on request. Please refer to 6.3 below.

Where we publish the information

4.24 The results of our assessments (screening reports and completed templates, the results of equality impact assessments) are available on our website: <https://www.economy-ni.gov.uk/department-economy-equality>. Alternatively, the documents may be obtained by contacting DfE's Equality Unit.

4.25 In addition to the above, screening reports (electronic link or hard copy on request if more suitable for recipients) which include all policies screened over a three month period are also sent directly to all our Section 75 consultees every quarter.

4.26 We 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))

4.27 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, DfE follows guidance from the Office of the Information Commissioner and the Equality Commission.

4.28 We monitor any adverse impact on the promotion of equality of opportunity of policies we have adopted. We are also committed to monitoring more broadly to identify opportunities to better promote equality of opportunity and good relations in line with Equality Commission guidance.

4.29 The systems we have established to monitor the impact of policies and identify opportunities to better promote equality of opportunity and good relations are:

- The collection, collation and analysis of existing relevant quantitative and qualitative data across all nine equality categories on an ongoing basis
- A systematic review of existing information systems within one year of approval of this Equality Scheme, to identify the extent of current monitoring and taking action to address any gaps in order to have the necessary information on which to base decisions
- Undertaking or commissioning new data if necessary.

4.30 If over a two year period monitoring and evaluation show that a policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, we will ensure that the policy is revisited to determine if better outcomes for relevant equality groups.

4.31 We review our EQIA monitoring information on an annual basis.

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

4.32 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:

4.33 EQIA monitoring information is published on the Departmental website as part of our Section 75 annual progress report [see 2.7]

4.34 All information published is accessible and can be made available in alternative formats on request. Please refer to 6.3 for details.

Chapter 5 Staff training

(Schedule 9 4.(2) (e))

Commitment to staff training

- 5.1 We recognise that awareness raising and training play a crucial role in the effective implementation of our Section 75 duties.
- 5.2 Our Permanent Secretary wishes to positively communicate DfE's commitment to the Section 75 statutory duties, both internally and externally. We will arrange awareness events and update staff on relevant Section 75 activities through internal communications and will ensure that our commitment to the Section 75 statutory duties is made clear in all relevant publications. All newly appointed staff to the Department have access to Section 75 guidance and are required to undertake equality training as part of a formal induction process. Existing staff are required to undertake mandatory diversity training. This consists of an e-learning package entitled Diversity Now which concerns diversity in the workplace. All staff must undertake a refresher course in this area on a three-year cycle. Staff at grade EO2 and above must also complete a mandatory Unconscious Bias training e-learning course. Also, all front line staff must undertake mandatory Disability Awareness training. All staff are encouraged to attend the suite of Section 75 training courses offered by the NICS Centre for Applied Learning where appropriate.

Training objectives

- 5.3 DfE has a training and communications plan in place which aims to achieve the following objectives:
- to raise awareness of the provisions of Section 75 of the Northern Ireland Act 1998, our Equality Scheme commitments and the particular issues likely to affect people across the range of Section 75 categories, to 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;

- to provide those staff involved in the implementation and monitoring of the effective implementation of DfE's equality with the necessary skills and knowledge to do this work effectively.

Awareness raising and training arrangements

5.4 The following arrangements will be put in place to ensure that all of our staff, including senior management are made aware of and understand our equality obligations.

Training arrangements

5.5 Equality training for DfE is provided by the Centre for Applied Learning (CAL), Enterprise Shared Services, which is the sole provider of generic training to the Northern Ireland Civil Service (NICS).

5.6 Focused training is provided for key staff within DfE 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). The following suite of Equality training is currently provided by CAL:

- **An Introduction to Section 75 and Schedule 9** – the aim of this course is to familiarise participants with the two statutory duties as outlined in Section 75 and Schedule 9, and the guidance provided by the Equality Commission NI. This course gives participants the opportunity to consider how Section 75 can be mainstreamed into policy development and implementation through pre-screening, screening and Equality Impact Assessments (EQIAs). Consultation, monitoring and action planning will also be introduced through linked, interactive exercises.
- **Equality Impact Assessment (EQIA) Workshop** - This course builds on participants' knowledge of Section 75 by giving them the opportunity to consider how to carry out an EQIA, in accordance with statutory guidance, and appropriate monitoring and consultation strategies.
- **Public Consultation and Engagement in the Northern Ireland Context** - The aim of this course is to develop knowledge and understanding of the consultation process for policymaking 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.

- 5.7 In addition to this generic offering, CAL works with departments/business areas within the Northern Ireland Civil Service to contextualise any aspect of Equality training.
- 5.8 Where appropriate, training will be provided to ensure staff are aware of the issues experienced by the range of Section 75 groups. CAL has established working relationships with both the Equality Commission and groups representing Section 75 categories e.g. the Participation Network. This enables CAL to keep abreast of issues experienced by the range of Section 75 groups and incorporate this into the training by way of practical examples and case studies. CAL also networks with staff throughout the NICS who are involved in policy. The experiences of these staff inform the training by providing examples of where they have engaged with Section 75 groups throughout the policy cycle. These practical examples assist in bringing the issues experienced by a range of these groups to the fore.
- 5.9 When appropriate and on an ongoing basis, arrangements are made to ensure staff are kept up to date with Section 75 developments. The suite of Equality training provided by CAL is kept under regular review and revised when required. The most recent revisions were carried out to ensure that the current suite of courses were aligned with Equality Commission NI Section 75 Guidance for Public Authorities. These revised courses, informed and quality assured by equality subject experts, were launched in September 2010.
- 5.10 Training and awareness raising programmes have, where relevant, been developed in association with CAL and appropriate Section 75 groups. In order to share resources and expertise, CAL, where possible, works closely with other bodies and agencies in the development and delivery of training. The design and delivery of CAL's Equality training is informed by the ECNI and NICS Equality Practitioners. The NICS Equality Practitioners also quality assure this training. It maintains ongoing liaison with the Equality Commission in relation to mainstreaming the Section 75 statutory duties into other generic training programmes, where appropriate. CAL trainers involved in the delivery of Equality training attend external courses offered by specialist organisations in the field e.g. Equality Commission, Human Rights Commission, to build on and maintain their knowledge.
- 5.11 As mentioned at paragraph 5.7, CAL works with a wide variety of department/business areas within the NICS to contextualise Equality training. This has occasionally involved working with relevant departmental Equality Practitioners in the design and delivery of the training. This sharing of knowledge, experience and resources helps to build on the effectiveness of training, and also assists in building training capability.

Evaluation

- 5.12 Evaluation of CAL's training courses is recorded on the NICS Human Resources System, HRConnect. This post course evaluation data also informs the regular course reviews carried out by CAL, and courses are revised accordingly, where appropriate.

5.13 As part of the Performance Management framework, it is a requirement that line managers discuss training course objectives with their staff – both in terms of setting these objectives before the event, and the extent to which the objectives have been met once the training has been delivered. Line managers are also responsible for ensuring that opportunities are in place to put the training into practice. The Equality Unit will include this information in the Department's annual Section 75 progress report.

Monitoring

5.14 Annual Personal Development Plans (PDPs) are discussed, agreed and monitored by the Department's line managers and the staff for whom they are responsible. These PDPs also take account of the NICS corporate training priorities. CAL provides DfE with a regular training reports which enables the Department to monitor training provided against the organisational training plans.

5.15 CAL reviews feedback received for each of the equality courses to ensure that the courses continue to meet departmental needs.

Awareness raising

5.16 The Department recently established a DfE Diversity Group, which is chaired by our Department's Diversity Champion, with membership representative of job roles directly related to equality and diversity, Trade Union staff and volunteers with an interest in diversity. The aim of the Diversity Group is to promote diversity, address diversity issues and achieve good diversity practice within DfE.

5.17 Departmental staff will be alerted to the availability of the Equality Scheme via the internal intranet, and the Department's Equality Unit continue to provide on-going support to staff with regard to queries or questions on equality, and in relation to equality screening in particular.

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

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

- 6.1 DfE 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. These arrangements will be kept 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.
 - 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 and within 15 working days, unless there are exceptional circumstances. Where the exact request cannot be met we will ensure a reasonable alternative is provided.
- 6.4 Alternative formats may include Easy Read, Braille, audio formats (CD, mp3 or DAISY), large print or minority languages to meet the needs of those for whom English is not their first language.
- 6.5 The Department will liaise with representatives of young people and disability and minority ethnic organisations taking into account existing and developing good practice. We will respond to requests for information in alternative formats as soon as possible and within 15 working days, unless there are exceptional circumstances.
- 6.6 In disseminating information through the media we will seek to use the most effective method as appropriate.

Access to services

- 6.7 DfE is committed to ensuring that all 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.

- 6.8 The Department has introduced a Text Relay System to provide improved accessibility to our staff for deaf and speech impaired customers. The service, which has been rolled out across the Department, enables staff to receive text-to-voice messages from deaf and speech impaired callers, and also enables staff to communicate via voice- to- text calls.
- 6.9 DfE is committed to ensuring that our facilities are designed to the requirements of all our customers. We also clearly state on all our publications that the documents can be provided in an alternative format on request.

Assessing public access to information and services

- 6.10 Annually across all our functions, the Department and its Sponsored Bodies will regularly monitor access to information and services to ensure equality of opportunity and good relations.
- 6.11 DfE is committed to achieving effective communication and recognises that some sections of the public might not enjoy equality of opportunity in accessing information provided by public authorities. For example some members of the public may not have access to a computer or the internet to obtain information from websites. They may require access to information in different formats due to a visual impairment or their first language. The Department will consider a range of communication methods to ensure wide access to its information. We will make every effort to respond positively to requests for access to information to meet user needs.

Chapter 7 Timetable for measures we propose in this Equality Scheme

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

- 7.1 Appendix 5 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 and implement an action plan. Accordingly, this commitment is listed in the timetable of measures at Appendix 5. For information on these action measures please see above at 2.12-2.19.

Chapter 8 Our complaints procedure

(Schedule 9 10.)

8.1 The Department is responsive to the views of members of the public, and will endeavour to resolve all complaints made to us. It is important to note that this complaints procedure relates only to those complaints that have been confirmed as Section 75 complaints i.e. where a person or organisation alleges that they have been directly affected by a failure of the Department to comply with its approved Equality Scheme. The procedure following receipt of a Section 75 complaint is as follows:

- The Department will write to the complainant acknowledging receipt of the complaint within 5 days of receipt;
- The appropriate business area will investigate the complaint and liaise with the Equality Unit ;
- The Equality Unit will consider the complaint within the context of the Department's Equality Scheme to inform the response to the complainant, if possible within one month of its receipt;
- Under certain circumstances, if the complexity of the matter requires a longer period, the period of 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;
- In responding to the complainant, the Equality Unit will advise him/her of the procedure for pursuing the complaint further with the Equality Commission; and,
- While this procedure concerns complaints relating to Section 75, it is consistent with the procedure applied by the Department to deal with other types of complaints received. The Department's Section 75 complaints procedure is managed by dedicated equality staff within the Equality Unit. This central position ensures that complaints received can be channelled to appropriate business areas efficiently, enabling effective and satisfactory resolution.

8.2 A person wishing to make a complaint that DfE has failed to comply with its approved Equality Scheme should contact the Department's Equality Unit – see para 2.4 for contact details.

8.3 In any subsequent investigation by the Equality Commission, DfE will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require.

- 8.4 Similarly, DfE will co-operate fully with any investigation by the Equality Commission under sub-paragraph 11 (1) (b) of Schedule 9 to the Northern Ireland Act 1998.
- 8.5 DfE will fully consider and make all efforts to implement promptly and in full any recommendations arising out of any Commission investigation.
- 8.6 During this process the complainant will be kept fully informed of the progress of the investigation into the complaint and of any outcomes.

Chapter 9 Publication of our Equality Scheme (Schedule 9 4. (3) (c))

9.1 DfE's Equality Scheme is available free of charge in print form and alternative formats from the Department's Equality Unit, whose contact details are shown at 2.4.

9.2 Our Equality Scheme is also available on our website at:

<https://www.economy-ni.gov.uk/department-economy-equality>

9.3 The following arrangements are in place for the publication in a timely manner 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. This may include a range of communication activities, such as for example, press releases, prominent advertisements in the press, the internet and direct mail shots to groups representing the various categories in Section 75.
- We will email a link to our approved Equality Scheme to all Section 75 consultees on our consultation list. Other consultees without e-mail will be notified by letter that the scheme is available on request. We will respond to requests for the equality scheme in alternative formats in a timely manner.
- Our equality scheme is available on request in alternative formats such as Easy Read, Braille, large print, audio formats (CD, mp3, DAISY) and in minority languages to meet the needs of those not fluent in English.

9.4 For a list of our Section 75 consultees see Appendix 4 of this Equality Scheme, or visit our website at:

<https://www.economy-ni.gov.uk/department-economy-equality>

The list of consultees may also be obtained by contacting the DfE Equality Unit.

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 either 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 in Northern Ireland.
- 10.3 In undertaking this review we will follow relevant guidance issued by the Equality Commission. A report of this review will be made public, by placing it on the Department's website, and sending it to the Equality Commission.

Appendix 1 Department for Economy organisational structure and key functions

Details are available:

- [DfE Organisation Chart](#)

Appendix 2 DfE Sponsored Bodies



Appendix 3 Example groups relevant to the Section 75 categories for Northern Ireland purposes
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 & Treatment (NI) Order</i> ¹² . 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 ¹³	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.

¹² 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.*”

¹³ *ibid*

Appendix 4 List of Section 75 consultees (Schedule 9 4. (2) (a))

Local Councils
MLAs
MPs
MEPs
Local Councils
Action for Children
Action Mental Health
Action On Hearing Loss
Advice NI
Age NI
Age Sector Platform
Alliance Party
An Munia Tober
Archbishop of Armagh & Primate of all Ireland
Ards Business Centre Ltd
Argyle Business Centre Ltd
Armagh Business Centre Ltd
Aspergers Network
Association of Independent Advice
Autism NI
Ballymena Business Centre Ltd
Banbridge Enterprise Centre
Bar Council
Barnardos
Belfast Butterfly Club
Belfast Centre for the Unemployed
Belfast City Centre Management
Belfast Hebrew Congregation
Belfast Islamic Centre
Belfast Jewish Community
Belfast MET
Bishop of Down & Connor
British Deaf Association
Bryson House
Business in the Community
Cara-Friend
Carers NI
Carrickfergus Enterprise Agency Ltd
Causeway Enterprise Agency Ltd

Cedar Foundation
Chief Officers 3rd Sector
Children in Northern Ireland (Participation Network)
Children's Law Centre
Chinese Chamber of Commerce
Chinese Welfare Association
Church of Ireland
Citizens Advice Bureau
Commissioner for Children and Young People
Commissioner for Older People
Committee on the Administration of Justice
Communication Workers Union
Community Foundation for NI
Community NI
Community Relations Council
Countryside Services Ltd
Confederation of British Industry
Cookstown Enterprise Centre Ltd
Co-operation Ireland
Craigavon Industrial Development Org Ltd
Creggan Enterprises Ltd
Democratic Unionist Party
Disability Action
Disability Equality NI
Dungannon Enterprise Centre Ltd
East Belfast Community Development Agency
East Belfast Enterprise Park Ltd
East Belfast Partnership Board
Employers for Disability NI
Enterprise, Trade and Investment Committee
Equality Coalition
Equality Commission
Equality NI
European Commission Office in Northern Ireland
Evangelical Alliance
Falls Community Council
Federation of Small Businesses
Fermanagh Enterprise Ltd
Focus: Identity Trust
Foyle Women's Information Network
General Consumer Council for NI
Gingerbread NI
GMB

Grand Orange Lodge
Greater Shankill Partnership
Guide Dogs NI
Inclusive Mobility Transport Advisory Committee (IMTAC)
Include Youth
INCORE Conflict Resolutions Ltd
Indian Community Centre
Information Commissioner's Office
Institute of Directors (NI Division)
Kesh Development Association Charitable Trust
Larne Development Forum
Law Centre (NI)
Magherafelt Woman's Group
Mallusk Enterprise Park
MENCAP
Mens Health Forum
Methodist Church in Ireland
Mindwise
Multi-Cultural Resource Centre
NASUWT
Newry & Mourne Enterprise Agency
NI Anti-Poverty Network
NI Association for Mental Health
NI Authority for Utility Regulation
NI Centre for Competitiveness
NI Chamber of Commerce
NI Council for Voluntary Action
NI Council on Ethnic Minorities
NI Environment Link
NI Human Rights Commission
NI Rural Womens Network
NI Women's European Platform
NIACRO
NIC/ICTU
NICCY
NICEM
NICVA
NIGRA
NIPSA
NIWEP
North Antrim Business Agency
North Belfast Partnership Board
North City Business Centre Ltd

North Down Development Organisation Ltd
NSPCC
NUS/USI NI Student Centre
NW Community Network
North West Regional College
Northern Regional College
Omagh Enterprise Co Ltd
Ormeau Enterprises Ltd
Open University
Oyster
Participation Network
PCM Associates
POBAL
Praxis
Presbyterian Church in Ireland
Prince's Trust
Progressive Unionist Party
Queen's University
Rainbow Project
Relate
RNIB (NI)
Rural Community Network
Rural Development Council
Save the Children
SDLP
Sense
Services Industrial Professional Technical Union
Sinn Fein
South Belfast Partnership Board
South Eastern College
South Western College
Southern Regional College
South West Fermanagh Development Organisation Ltd
Staff Commission for Education and Library Boards
Strabane Industrial Properties Ltd
Stranmillis
St Marys
TEO Victims Unit
The Local Government Staff Commission for NI
The William Keown Trust
The Workers Party
Townsend Enterprise Park Ltd
Training for Women Network Ltd

Trans Forum
Ulster Scots Community Network
Ulster Unionist Party
UCATT
Union of Shop, Distributive & Allied Workers
UNISON
UN National Committee of UN Women
Unite the Union
University & College Union Regional Official
University of Ulster at Coleraine
UK National Committee of UN Women
UUP
Vice Chancellor, Queen's University
Visual Access NI
Volunteer Now
West Belfast Development Trust Ltd
West Belfast Partnership Board
Westlink Enterprise Ltd
Women's Forum
Women's Information NI
Women's Resource & Development Agency
Women's Support Network
Worker Party
Women's TEC
Workspace

Appendix 5 Timetable for measures proposed (Schedule 9 4.(3) (b))

Measure)	Lead responsibility	Timetable
Section 75 Annual Progress Report [2.6]	DfE Equality Unit Governance, and Equality Branch	Annually - August
Action plan		
Consultation on draft action plan [2.17]	DfE Equality Unit	– to be finalised
Arrangements for monitoring progress of Action Plan [2.18]	DfE Equality Unit	Annually
Finalised action plan published [2.20]	DfE Equality Unit	Within 3 months of the Action Plan being approved
Consultation list reviewed and updated [3.9]	DfE Equality Unit	Annually
Screening template issued to Section 75 consultees [4.15]	DfE Equality Unit	Quarterly
Publication of monitoring information [4.33;4.35]	Corporate Governance, and Equality Branch	This data will be contained within the Annual Progress Report to the Equality Commission
Focussed training [5.6]	NICS Corporate Communications	All staff will be made aware of relevant Section 75 training courses available

		through CAL – weekly and ad hoc e mails to all staff
Assessing access to information and services [6.3]	DfE Equality Unit	Annually
Communication of Equality Scheme [9.2]	DfE Equality Unit	Ongoing
Notification of approved scheme to all Section 75 consultees [9.3]	DfE Equality Unit	Within 3 months of the Scheme being approved
Review of Equality Scheme [10.1]	DfE Equality Unit	Within 5 years

Appendix 6 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.

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 terms are set out below:

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 underrepresented or otherwise disadvantaged groups.

Indirect discrimination:

The definition of this term varies across some of the antidiscrimination 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 people with disabilities 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 people with disabilities in those circumstances.

Victimisation:

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

Harassment:

Harassment generally occurs where a person is subjected to unwanted conduct that is related to a non-discrimination ground with the purpose, or which has the effect, of violating their dignity or of creating for them an intimidating, hostile, degrading,

humiliating or offensive environment. Harassment cannot be justified and is always unlawful.

Equality Impact Assessment (EQIA)

The mechanism underpinning Section 75, where existing and proposed policies are assessed in order to determine whether they have an adverse impact on equality of opportunity for the relevant Section 75 categories. EQIA's 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

Although not defined in the legislation, the Equality Commission has agreed the following working definition of good relations: 'the growth of relations and structures for Northern Ireland that acknowledge the religious, political and racial context of this society, and that seek to promote respect, equity and trust, and embrace diversity in all its forms'.

Mainstreaming equality

The integration of equal opportunities principles, strategies and

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

Mitigation of adverse impact

Where an 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.

Non- Departmental Public Body (NDPB)

An NDPB is a body which has a role in the processes of national government, but is not a government department, or part of one, and which accordingly operates to a greater or lesser extent at arm's length from ministers. NDPBs have a national or regional remit and carry out a wide range of important functions. Their distance from government means that the day-to-day decisions they make are independent as they are removed from ministers and Civil Servants. Ministers are, however, ultimately responsible to the Assembly for an NDPB's independence, its effectiveness and efficiency.

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.

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.

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;

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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.

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