



# **Main findings of the five year review of the Charity Commission for Northern Ireland's integrated Equality Scheme and Action Plan**

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A summary report for the Equality Commission for Northern Ireland

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## 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. In our equality scheme we set out how the Commission proposed to fulfil the Section 75 statutory duties and the disability duties. We also undertook to commit the necessary resources in terms of people, time and money to make sure that these duties are complied with and that the equality scheme was implemented effectively, and on time.

The purpose of this summary report is to reflect our experience of implementing the scheme over the last five years. We have highlighted the challenges, how these have been overcome and the lessons learned and good practice we have developed and adopted over this time. The Commissioners and senior staff of the Commission are delighted 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.



Thomas McGrath  
Chief Commissioner



Frances McCandless  
Chief Executive

September 2017

## Introduction

The Charity Commission for Northern Ireland (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), formerly known as the Department for Social Development.

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

These sections place duties on the Commission, in the conduct of its functions, to have:

- Due regard to the need to promote equality of opportunity, and
- regard to the desirability of promoting good relations

The scheme also describes the arrangements which the Commission has put in place to implement its duties under 49A of the Disability Discrimination Act (1995) as amended by the Disability Discrimination (NI) Order 2006 (the DDA). Under this legislation the Commission, as both a service provider and employer, has duties to consider the provision of reasonable adjustments to enable people with disabilities to access services in the same way as others. In the exercise of its functions the Commission must seek to:

- Promote positive attitudes towards disabled people; and
- encourage the participation of disabled people in public life.

Section 49B of the DDA 1995 also requires the Commission to submit to the ECNI a Disability Action Plan showing how we propose to fulfil these duties. With the agreement of ECNI the Commission developed an integrated equality scheme and action plan which addresses both the S.75 duties and the disability duties.

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. Under this provision the Commission's equality scheme and action plan are due for review in 2017. The Commission is required to submit a summary report of the review to the ECNI. This summary report has been written in fulfilment of this duty.

The purpose of the review is to:

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

The review, which is a process of self-assessment, has been conducted according to the guidance published by ECNI. This summary report has been structured in accordance with the key questions which the ECNI has recommended, 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.

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

### **Screening policies and procedures:**

The implementation of the equality scheme and action plan has benefitted individuals within the S.75 groups, through the mainstreaming of equality and disability duties in the work of the Commission. These duties have influenced the development of policies and procedures which underpin delivery of regulatory services, provision of guidance and events, and the recruitment and training of both permanent and temporary staff.

During the period under review the Commission screened 60 policies and procedures. Screening was based on the template provided by ECNI and adjusted to include a screen of any potential impact on the human rights of stakeholders. Screenings were conducted at the beginning of the process of policy or procedure development and monitored throughout.

Where potential negative impacts were identified the Commission sought an action to mitigate this impact or changed the policy or procedure. An overview of these screenings were published on the Commission website on a quarterly basis. No Equality Impact Assessment's (EQIA's) were required during this period and the Commission did not receive any complaints about the operation of its equality scheme.

### **Reasonable adjustments:**

Since the scheme came into operation the Commission has received 79 requests for reasonable adjustments. Just over half (43) of these requests were for paper versions of the charity registration applications form. The process of charity registration in Northern Ireland began in December 2013 and, in keeping with government e-policy, an online system was used for the admission of applications. The staffing of the Commission was also set to reflect the use on an online system by applicants. The majority of requests for paper application forms were received in the first two years of charity registration. Each person making this type of request was given advice by Commission staff over the telephone or by email and invited to a registration workshop. The Commission also produced a booklet showing the questions that make up the application form and a subtitled Youtube video of the application system. In conjunction with umbrella groups from the voluntary and community sector we also trained

and promoted a number of helper groups to assist charity trustees with their applications for charity registration. When the online system was updated in 2016 a telephone assist button was added to the system. To date the Commission has been able to mitigate any perceived issues and no paper application forms have been necessary.

During the last five years we received four requests to submit an application for charity registration and accounts in Irish. Initially the Commission dealt with these requests in keeping with the Code of Courtesy for Irish and Ulster Scots produced by our sponsor department. We addressed the applicant in Irish but required the application in English. Accounts were also to be submitted in English, although we would accept a bi-lingual copy of the accounts.

In response to these requests the Commission decided that we required a Code of Courtesy that took account of our specific functions of and our reliance on online applications and services. While a draft of this code was being reviewed by legal advisers the legal landscape changed. A judicial review case found a delay on the part of the devolved administration to introduce a language act to Northern Ireland. The Commission also received an application from an Irish language organisation whose governing document required it to conduct all of its administration in Irish. In response SMT adopted an interim position in which we would accept applications in Irish and process them using translation services. This interim position is not final and has been adopted without prejudice to our final policy position. We are currently processing an application in Irish under this arrangement.

The remaining requests for reasonable adjustments concerned:

<b>Section 75 group</b>	<b>Details</b>	<b>Number of requests</b>
<b>With or without disabilities</b>	Physical disabilities	3
	Sensory impairments	16
<b>Ethnic minority</b>	English not first language	3
<b>Gender</b>	Transgendered trustee	1
<b>Other</b>	For example: using 'x', witnessed by another trustee, as an	9

	alternative to a signature. Using skype to enable a trustee with regular hospital admissions to attend meetings. Providing A3 sized copies of materials at all workshops.	
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In response to these requests the Commission has provided a range of adjustments including sign language interpreters, information in different formats, held face-to-face meetings and engaged an electronic note taker.

The Commission developed an online survey to assess the experience of those who had completed their online registration. The voluntary survey was designed to enable respondents to provide the Commission with information concerning the s.75 equality characteristics which applied to them.

The table below shows the main s.75 categories which describes the 1,350 people who have taken the survey:

s.75 characteristic	Details	% of respondents to the survey
<b>Age</b>	66+ years of age	15%
	56–65 years of age	14%
<b>Men and women generally</b>	Men	50%
	Women	48%
	Did not respond to this question	2%
<b>Disability</b>	Yes	3%
<b>English is not my first language</b>	Yes	1.5%

The Commission has used this information to help us understand the profile of our stakeholders. We have also tried to use this information as a tool to improve outcomes in terms of equality of opportunity, good relations and to encourage the participation of people with a disability in public life. For example the Commission published a thematic report: *The*



*Northern Ireland register of charities – three years on*, in which we drew attention to the profile of charity trustees on the register.

The Commission, with the support of ECNI, also produced *Equality guidance for charities*, which is designed to help charity trustees understand their equality obligations and best practice as service providers. The Commission tries to encourage charity trustees to increase the diversity of their trustee boards by including those with disabilities, younger trustees and those from ethnic minorities. We do this through information circulated to charity trustees in the Commission's newsletter, helper group ezine and twitter account.

When the Commission was developing its equality scheme we also developed a Participation strategy. This now guides all our consultations. The Participation strategy ensures that we only book accessible venues for consultations and take a range of steps to ensure that consultations are accessible to all. For example by offering a range of methods by which to respond to a consultation, including online surveys, forms, by email, post, telephone or face to face.

Staff at the Commission have benefitted from the implementation of the equality scheme and action plan through equality training at induction and an annual equality training session. As an employer the Commission follows an equal opportunities policy and those involved in recruitment and selection are trained in non-discriminatory selection techniques. The Commission submits an equal opportunities monitoring return to the ECNI each year.

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

The Commission has a Board made up of a Chief Commissioner, a Deputy Chief Commissioner and up to five Charity Commissioners, with at least one legally qualified member. It is supported by two standing committees; Audit and Risk Assurance Committee and the Human Resources Committee, and ad hoc committees and Task and Finish groups.

The Board is appointed by the Department for Communities (DfC) Minister, in line with the Code of Practice for Ministerial Appointments in Northern Ireland issued by the Commissioner for Public Appointments Northern Ireland (CPANI). The Board of Commissioners is a body corporate, with responsibility in the main for ensuring that CCNI fulfils the aims and objectives set by DfC and approved by the Minister, and establishing the overall strategic direction of CCNI.

Operational management of the Commission is carried out by a senior management team (SMT) led by the Chief Executive. The Chief Executive is supported by three senior managers leading on Charity Services, Compliance and Enquiries, and Corporate Services. SMT is supported by a Middle management team (MMT) consisting of managers involved in: Administration & Finance, Casework (including Registration), Communications, Enquiries, I.C.T., Legal, Monitoring & Compliance, and Policy & Research.

All of these leaders are engaged with the implementation of the Commission's equality scheme. This engagement is reflected in the internal system used by the Commission to monitor the implementation of the equality scheme and action plan. A monthly review of any equality issues, which have arisen or are anticipated, is undertaken by all programme and project teams, overseen by MMT. A report on the implementation of the scheme is submitted to SMT on a quarterly basis. The quarterly report includes a list of policies developed in the quarter and draft screening reports, which are signed off by the relevant member of SMT. An overview of the screening reports is posted on the website on a quarterly basis, with further information available on request. A quarterly assurance check is also undertaken to ensure that the monitoring of the equality scheme is up to date.

Members of both SMT and MMT are involved in discussions concerning equality relevant to their teams' work. When relevant, the Chief Executive is also involved in discussions concerning the provision of reasonable adjustments. Any issues arising concerning adjustments or meeting the needs of s.75 groups are reported regularly to the Board, who also comment on the annual progress report to ECNI, before it is signed off by the Chief Executive. The engagement of Commission leaders with the implementation of the equality scheme is also reflected in the Commission's corporate plan. A key objective of this plan is the delivery of the equality scheme and action plan, and a commitment to equality and good relations in the work place and in service delivery.

### **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. Mainstreaming equality into all of our work has proved to be a challenge which we have addressed by:

- incorporating an introduction to equality to all inductions, including for those in temporary posts
- requiring 100% attendance at an annual equality training session
- integrating our internal recording system for equality related matters, into other aspects of our work. 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. Which led to requests for guidance on answering the telephone to those for whom English is not a first language.
- Considering accessibility when designing digital services an offering online services which incorporate accessibility tools such as

The work of the Commission in promoting public trust and confidence in charities, through the creation of an accessible and transparent register of charities, is a very positive step in helping to promote equality of opportunity and good relations more broadly. The online register of charities is populated by organisations working with specific S.75 groups as well as those generally promoting equality and human rights. At time of writing 373 (6.4%) of charities on the register have equality related purposes. These charities report an income and expenditure of almost £30m in their last financial year.

During the period under review we produced a [\*Thematic report: the growing Northern Ireland register of charities. Three years on - an analysis of charities on the new online register.\*](#) This report includes equality considerations, for example, the number of charity trustees from ethnic minority backgrounds or the age and gender of charity trustees. We also highlight charities established to improve equality of opportunity and good relations.

## Section 4: Lessons learned and good practice.

The Commission has learned lessons and developed good practice during the implementation of its five-year 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 we have not received requests for paper versions of this form.
- 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 in their team we were able to increase staff confidence and understanding of the importance 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

Good practice which we have developed through this period includes:

- equality questions in the post-registration survey, to enable us to identify underrepresented groups in terms of charity trusteeship and/or registration. As noted above we have used this as a tool to encourage the improvement of outcomes in terms of equality of opportunity and good relations and also to encourage the participation of people with a disability in public life.
- developing equality guidance for charity trustees. This guidance alerts charity trustees to where equality law and charity law intersect and also encourages them to attempt to improve outcomes in terms of both the good relations duty and the promotion of opportunities for those with disabilities to engage in public life.

- 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.

## Conclusion

Through the implementation of the Commission's integrated equality scheme and action plan we have ensured that all decision making has been evidence based and resulted in no negative impacts on individuals or organisations with specific S.75 characteristics. We have also used our position as regulator to highlight the issues of equality and particularly the inclusion of people with disabilities in public life.

As there has not been any significant change in the work and functions of the Commission or our stakeholders, the review has concluded that no substantive changes are required to the original equality scheme and action plan. We will align the scheme to the latest corporate plan and draft an updated action plan for implementation over the next five years.