

**NORTHERN IRELAND OFFICE**

**EQUALITY SCHEME**

**Approved: 13 December 2013**

**Revised: 10 December 2019**

**Approved: December 2013**

**Refreshed: December 2019**

**NORTHERN IRELAND OFFICE**

**EQUALITY SCHEME**

**2019**

***Equality scheme for the Northern Ireland Office (NIO)***

***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 9 for contact details).***

Northern Ireland Office

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The NIO Equality Scheme was approved by the Equality Commission for Northern Ireland on 13 December 2013 and revised on 10 December 2019.

FOREWORD

Section 75 of the Northern Ireland Act 1998 (“the Act”) requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined in the Act[[1]](#footnote-1).

In this equality scheme we set out how the Northern Ireland Office proposes to continue to fulfill the Section 75 statutory duties.

* We will commit 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 internal arrangements in place for ensuring our 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. We are fully committed to 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 the Northern Ireland Office and its 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. This is a revised version of the NIO’s Equality Scheme that was approved by the Equality Commission in December 2013.

**Sir Jonathan Stephens**

**Permanent Secretary, Northern Ireland Office**

**Date 10 December 2019**

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*Please note: Foreword and Appendices 3, 4 & 6 form part of this equality scheme.*

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Chapter 1: Introduction

Section 75 of the Northern Ireland Act 1998

### Section 75 of the Northern Ireland Act 1998 (the Act) requires the Northern Ireland Office (NIO) to comply with two statutory duties:

**Section 75(1)**

* 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 dependents 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 authority[[2]](#footnote-2). 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.

The Equality Act 2010

* 1. The main provisions of the Equality Act 2010 , came into force in 2010, to harmonize and simplify the plethora of current equality laws, replacing this with a single Act
  2. The Act provides greater clarity and coherence, as well as strengthening equality law in some areas. As a result equality law should be simpler for everyone to understand and use – whether as individuals, employers or those providing goods and services.
  3. Although the Equality Act 2010 does not extend to Northern Ireland the NIO, as a Whitehall Department, is also covered by Section 149 of the Equality Act 2010. The general duties of the Act require public authorities to seek to:
* Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
* Advance equality of opportunity between people who share a protected characteristic and those who do not;
* Foster good relations between people who share a protected characteristic and those who do not.
  1. These are sometimes referred to as the three aims or arms of the general equality duty. The Act sets out that having due regard for advancing equality involves:
* Removing or minimizing disadvantages suffered by people due to their protected characteristics;
* Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
* Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
  1. The protected characteristics are:
* age;
* disability;
* gender reassignment;
* marriage and civil partnership;
* pregnancy and maternity;
* race;
* religion or belief;
* sex;
* sexual orientation
  1. The Act extended some protections to characteristics that were not previously covered, and also strengthens particular aspects of equality law. The key points in relation to this are:
* **Disability (new definition and changes)**

Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities. As before, the Act puts a duty on employers to make reasonable adjustments for their staff to help them overcome disadvantage resulting from impairment.

The Act includes a new protection from 'discrimination arising from disability'. This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability

This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim.

Additionally, indirect discrimination now covers disabled people. This means that a job applicant or employee could claim that a particular rule or requirement disadvantages people with the same disability. Unless this can be justified, it would be unlawful.

The Act also includes a new provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate’s health before offering them work.

* **Gender reassignment**

The Act provides protection for transsexual people. The Act no longer requires a person to be under medical supervision to be protected – so a woman who decides to live permanently as a man but does not undergo any medical procedures would be covered.

Transgender people such as those who cross-dress, who are not transsexual because they do not intend to live permanently in the gender opposite to their birth sex, are not protected by the Act.

It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured. Medical procedures for gender reassignment such as hormone treatment should not be treated as a ‘lifestyle’ choice.

* **Pregnancy and maternity**

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination.

An employer must not take into account an employee’s period of absence due to pregnancy-related illness when making a decision about her employment.

**1.11** The Act also sets out additional specific duties which are to publish information on equality and to prepare and publish equality objectives. As a small organisation, currently with less than 200 employees, the NIO is exempt from publishing this information. However, the NIO will continue to carry out its functions in a manner which is compliant with the general duties as required by the Equality Act 2010.

The Disability Discrimination Act 1995

* 1. The NIO is required, under the Disability Discrimination Act 1995 to take reasonable measures to ensure neither direct nor indirect discrimination occurs against people with disabilities, as defined by the Act. The Department is also required to make reasonable adjustments to its policies and premises where appropriate.

Section 75 duties in relation to the functions of the NIO

* 1. Schedule 9 4(1) to the Northern Ireland Act requires the NIO as a designated public authority operating in Northern Ireland 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.
  2. The NIO is committed to the discharge of our Section 75 obligations in all parts of our organisation and, as far as possible, we will commit the necessary available resources in terms of people, time and money to ensure that the Section 75 statutory duties are complied with and that our equality scheme can be implemented effectively.

Who we are and what we do

* 1. The NIO supports the Secretary of State for Northern Ireland in promoting the best interests of Northern Ireland within a stronger United Kingdom. It ensures Northern Ireland interests are fully and effectively represented at Westminster and the heart of Government, and the Government’s responsibilities are fully and effectively represented in Northern Ireland.
  2. The NIO’s key purpose is to ensure good political governance by working alongside the Northern Ireland Executive to help improve the effectiveness and delivery of the devolved institutions; to ensure a more secure Northern Ireland; deliver a growing economy including rebalancing the economy; ensure a stronger society by supporting initiatives designed to build better community relations and a genuinely shared future; and ensure that Northern Ireland’s interests are represented during the negotiations for withdrawal and in the post-Exit settlement.
  3. The NIO also retains responsibility for a range of excepted and reserved issues. Excepted matters are those that central government retains the ability to legislate on; such as national security policy in Northern Ireland. Reserved matters are those that the Northern Ireland Administration are able to legislate on but only if they have can secure consent from the Secretary of State; such as telecommunications.
  4. Following the devolution of policing and justice powers to the Northern Ireland Department of Justice in 2010, the NIO is no longer as engaged in the delivery of frontline services as it was in previous years.
  5. The Department is organised around a number of core areas:
* Constitutional Policy & Rights Group
* Negotiations, Border and Exit Strategy Group
* Legacy Group
* Economic Group
* Engagement Group
* Security & Protection Group
* Communications Group
* Strategy & Implementation Group
* Business Delivery Group
* Private Office Group

*Associated Bodies*

* 1. In addition to the core Department, there are a range of matters which are dealt with through a network of associated bodies. These differ considerably from each other in terms of their formal status, intended purpose, statutory or other responsibilities, the degree of independence from government and their size.

*Non-Departmental Public Bodies*

* 1. The Department’s executive NDPBs are:
* Northern Ireland Human Rights Commission
* Parades Commission for Northern Ireland
* Independent Reporting Commission Act[[3]](#footnote-3).
  1. The Department’s advisory NDPBs are:
* Boundary Commission for Northern Ireland

*Independent Office Holders*

* 1. The Department’s independent statutory office holders are:
* Chief Electoral Officer for Northern Ireland
* Civil Service Commissioners for Northern Ireland
* Sentence Review Commissioners
* The Independent Chairman of the Northern Ireland Committee on Protection (non-statutory)
* The Remission of Sentences Act Commissioners
* The Independent Reviewer of Police and Military Powers under the Justice and Security Act 2007
* The Independent Reviewer of National Security Arrangements in Northern Ireland (non-statutory)
* The District Electoral Areas Commissioner (currently in abeyance)

*International Bodies*

* 1. In partnership with the Irish Government, the Department co-sponsors the Independent Commission for the Location of Victims’ Remains (ICLVR).

*The Crown Solicitor’s Office for Northern Ireland*

* 1. The Crown Solicitor for Northern Ireland is a statutory appointee under Section 35 of the Northern Ireland Constitution Act 1973 (as amended). The employees of the Crown Solicitor’s Office are members of the Northern Ireland Civil Service, employed by the Department of Finance for Northern Ireland, seconded to the Crown Solicitor’s Office. The Crown Solicitor’s Office does not form part of the core of the NIO operationally, but its budget forms part of the NIO Vote and accordingly its activities are recorded as part of the NIO’s annual accounts.
  2. Further information on the NIO’s role and responsibilities can be found on our website: <http://www.gov.uk/government/organisations/northern-ireland-office>

Chapter 2: Our arrangements for assessing our

compliance with the section 75 duties

**2.1** Some of our arrangements for assessing our compliance with the Section 75 statutory duties are outlined in other relevant parts of this equality scheme.

Responsibilities and reporting

* 1. We are committed to the fulfilment of our Section 75 obligations in all parts of our work.
  2. The Deputy Director, Business Delivery Group is accountable to the NIO Management Board 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. Day to day responsibility for effective implementation of this responsibility rests with the Corporate Governance Team, which reports to the Deputy Director, Business Delivery Group.
  3. If you have any questions or comments regarding this Equality Scheme, please contact the Corporate Governance Team in the first instance at the address given below and the Department will respond to you as soon as possible:

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Text phone: 028 9052 7668

Complaints

* 1. The Department will address any complaints alleging that it has not fulfilled its statutory equality obligations and will seek to resolve such complaints bilaterally. It will aim to give a substantive response to complaints within 20 working days. In the response, the Department will tell the complainant how to pursue the complaint further with the Equality Commission of Northern Ireland. The Department will cooperate fully in any subsequent investigation, providing access to relevant information, when required to so do. Complaints should be addressed to the Head of the Corporate Governance Team at the address given above.

Assessing compliance

* 1. Compliance with the statutory duties will be implemented through an inclusive and interactive process of screening policies, consultation with members of affected groups, and, where appropriate, through equality impact assessments, as detailed in Chapter 4. The organisations listed in Appendix 3 will be included in all relevant consultations in relation to these equality impact assessments. This list is not exhaustive and other key stakeholder organisations will be informed of consultations in relation to equality impact assessments as appropriate.

Reporting on compliance

* 1. The NIO will prepare an annual report on progress in implementing the actions set out in this Equality Scheme. 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. A copy will also be published on the NIO’s website. Where practicable, the NIO will make copies available in alternative formats upon request.
  2. Objectives and targets relating to the statutory duties will be integrated into the Department’s strategic and operational business plans and, where relevant, into individual personal objectives. The NIO will review progress against the Equality Action Measures (see Appendix 6) every year to make sure it keeps abreast of changes in the law and good practice. Changes will be approved by the NIO Management Board and as appropriate, reflected in the Departmental business plans, and Equality Scheme, and be published on the website.
  3. The NIO will continue to update the Action Plan/Measures as necessary, and continues to welcome comments on it. These will be considered during the annual review of the Action Plan/Measures.
  4. The latest Section 75 annual progress report is available on the NIO website: www.gov.uk/government/organisations/northern-ireland-office
  5. The NIO will continue to liaise closely with the Equality Commission to ensure that progress on the implementation of our equality scheme is maintained.

Action plan/action measures

* 1. The NIO has developed an action plan to promote equality of opportunity and good relations. The action measures that make up our action plan are relevant to the NIO’s functions, and have been consulted on as part of the consultation on this equality scheme. The NIO will continue to monitor progress on the delivery of these action measures annually and will update the action plan as necessary to ensure that it remains effective and relevant to its functions.
  2. The NIO will inform the Equality Commission of any changes or amendments to the action plan and will also include this information in our Section 75 annual progress report to the Commission. The NIO’s Section 75 annual progress report will incorporate information on progress we have made in implementing our action plan and action measures.
  3. The action plan is set out at Appendix 6 of this document and is available on the NIO website: www.gov.uk/government/organisations/northern-ireland-office. If you require it in an alternative format, please contact us at the address below:

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Chapter 3: Our arrangements for consulting

* 1. The NIO recognises the importance of consultation in all aspects of the implementation of its statutory equality duties. We have consulted on this equality scheme and action measures, and will consult on other matters relevant to the Section 75 statutory duties.

Process for consultation

* 1. 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)’*).
  2. All 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, NIO staff and their trades unions and such other groups who have a legitimate interest in the matter, whether or not they have a direct economic or personal interest. A list of the NIO’s consultees can be found at Appendix 3 (this list is not exhaustive).
  3. When consulting on any matter to which this Scheme relates, the NIO will normally notify (by email or post) all relevant consultees listed at Appendix 3 and all other identified stakeholders, as a matter of course. Thereafter, and if appropriate, consultation may involve face-to-face meetings, advisory groups, surveys, consultative panels, internet discussions or other ways of engaging with stakeholders. Thereafter, to ensure the most effective use of our and our consultees’ resources, we will take a targeted approach to consultation for those consultees that may have a particular interest in the matter/policy being consulted upon and to whom the matter/policy is of particular relevance.
  4. Consultation with all stakeholders will begin as early as possible. We will engage with affected individuals and representative groups to identify how best to consult or engage with them. We will ask our consultees what their preferred consultation methods are and will give consideration to these. Methods of consultation could include face-to-face meetings; written documents with the opportunity to comment in writing; questionnaires or telephone consultations.
  5. This list is not exhaustive and we may develop other additional methods of consultation more appropriate to key stakeholders and the matter being consulted upon.
  6. The NIO will consider the accessibility and format of every method of consultation we use in order to remove barriers to the consultation process. In this regard, the NIO will 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)*. Information will be made available, on request, in alternative formats[[4]](#footnote-4), in a timely manner. We will ensure that such consultees have equal time to respond.

Consultation period

* 1. The consultation period normally lasts for a minimum of twelve weeks to allow adequate time for groups to consult amongst themselves as part of the process of forming a view. However, in exceptional circumstances when this timescale is not feasible (for example when dealing with emergency measures, or international, legally-binding deadlines, or when the consultation needs to fit into fixed timetables such as the electoral cycle), we may shorten timescales to eight weeks or less before the policy is implemented. We may continue consultation thereafter and will review the policy as part of our monitoring commitments[[5]](#footnote-5).
  2. 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. 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.
  4. The NIO is conscious of the fact that affected individuals and representative groups may have different needs. The NIO 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, and whether the provision of childcare and support for other carers is required.
  5. We make all relevant information available to consultees in appropriate formats to ensure meaningful consultation. This includes detailed information on the policy proposal being consulted upon and any relevant quantitative and qualitative data.
  6. 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.
  7. The NIO will provide feedback to consultees in a timely manner. A feedback report is prepared which includes 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 is provided in formats suitable to consultees.
  8. We welcome enquiries from any person/s or organisations wishing to be added to the list of consultees. Please contact the NIO at the details below to provide your contact details and have your areas of interest noted or have your name/details removed or amended. Please also inform us at this stage if you would like information sent to you in a particular format or language.

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Chapter 4: Our arrangements for assessing,

monitoring and publishing the impact of policies

Assessing the impact of policies on the promotion of equality of opportunity

* 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, for example, ‘draft’, ‘pilot’, ‘high level’ or ‘sectoral’.
  2. In making any decision with respect to a policy adopted or proposed to be adopted by the Secretary of State for Northern Ireland or NIO, and implemented in Northern Ireland, we take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9 9.(2) to the Northern Ireland Act 1998.
  3. The NIO uses the tools of **screening** and **equality impact** **assessment** 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:
* *Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010);* and
* *Practical guidance on equality impact assessment (February 2005)*

Screening

* 1. The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations. 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.
  2. 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, the equality manager, those who implement the policy and staff members from other relevant work areas.
  3. 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?
  1. In order to answer the screening questions, we will gather all 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 .
  2. Completion of screening, taking into account our consideration of the answers to all four screening questions set out above, will lead to one of the following three outcomes:

1. the policy has been ‘screened in’ for equality impact assessment
2. the policy has been ‘screened out’ with mitigation[[6]](#footnote-6) 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.
   1. If the 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 (EQIA), depending on the policy. If an EQIA is not to be conducted we will nonetheless consider measures that might mitigate the policy impact as well as alternative policies that might better achieve the promotion of equality of opportunity and/or good relations.
   2. 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.
   3. 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.
   4. 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 policy lead.
   5. As soon as possible following the completion of the screening process, the screening template will be signed off and approved by the senior manager responsible for the policy. Screening documents will normally be published on our website every six months and made available on request by contacting:

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Text phone: 028 9052 7668

* 1. If a consultee, including the Equality Commission for Northern Ireland or other relevant regulatory bodies, raises a concern about a screening decision based on supporting evidence, we will review the screening decision.
  2. Our screening policies will be published six monthly [see below at 4.21-4.22 and 4.23 for details]. A summary of screening reports carried out will be included in the annual Section 75 progress report.

Equality Impact Assessment

* 1. An equality impact assessment (EQIA) is a thorough and systematic analysis of a policy, whether that policy is formal or informal, and irrespective of the scope of that policy. The primary function of an EQIA is to determine the extent of any impact 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.
  2. 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 - [*https://www.equalityni.org/Employers-Service-Providers/Public-Authorities/Section75/Section-75/What-is-an-EQIA*](https://www.equalityni.org/Employers-Service-Providers/Public-Authorities/Section75/Section-75/What-is-an-EQIA)- the EQIA will be carried out as part of the policy development process, before the policy is implemented.
  3. Any equality impact assessment will be subject to consultation at the appropriate stage(s). For details see above Chapter 3 “Our Arrangements for Consulting”).

Publishing the results

* 1. 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 are in accordance with Schedule 9 4.(2)(d) and Schedule 9 9.(1).

* 1. 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

**Screening reports**

* 1. These are published six-monthly. Screening reports detail:
* All policies screened by the NIO over the six 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; and
* 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.

**Screening templates**

* 1. For details on the availability of our screening templates please refer to 4.13.

**Equality Impact Assessments**

* 1. 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.
  1. All information we publish is accessible and can be made available in alternative formats on request. Please see Chapter 6 for further details.

Where we publish the information

* 1. The results of our assessments (screening reports and completed templates, the results of equality impact assessments) will be made available on the NIO website: www.gov.uk/government/organisations/northern-ireland-office

And by contacting:

Corporate Governance Team

Stormont House

Stormont Estate

Belfast

BT4 3SH

[equality.scheme@nio.gov.uk](mailto:equality.scheme@nio.gov.uk)

Tel: 028 905 27041

Text phone: 028 9052 7668

* 1. 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 6 month period will be sent directly to all relevant consultees on a six monthly basis.
  2. We will inform the general public about the availability of this material through communications such as press releases where appropriate.

Arrangements for monitoring

* 1. Monitoring can assist us to deliver better public services and continuous improvements. Monitoring Section 75 information involves the processing of sensitive personal data (data relating to the racial or ethnic origin of individuals, sexual orientation, political opinion, religious belief, etc.). In order to carry out monitoring in a confidential and effective manner, the NIO follows guidance from the Office of the Information Commissioner and the Equality Commission.
  2. The NIO will 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.
  3. Systems for monitoring the effects of policies and identifying opportunities to promote equality of opportunity and good relations will vary according to the policy area. However, these may include:
* The collection, collation and analysis of existing relevant quantitative and qualitative data across all nine equality categories. This includes both primary and secondary sources.
* An audit of existing information systems within one year of approval of this equality scheme, to identify the extent of current monitoring and take action to address any gaps in order to have the necessary information on which to base decisions
* Undertaking or commissioning new data if necessary.
  1. 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 revised to achieve better outcomes for relevant equality groups.
  2. We review our screening and EQIA monitoring information on an annual basis.

Arrangements for publishing the results of our monitoring

* 1. Schedule 9 4. (2) (d) requires the NIO to publish the results of the monitoring of adverse impacts of policies we have adopted. These are published as part of our Section 75 annual progress report.
  2. EQIA monitoring information is published as part of our Section 75 annual progress report.
  3. All information published is accessible and can be made available in alternative formats. Please see below at Chapter 6 for details.

Chapter 5: sTAFF TRAINING

Commitment to staff training

* 1. The NIO recognises that awareness raising and training play a crucial role in the effective implementation of our Section 75 duties. To this end we will ensure that ourcommitment to the Section 75 statutory duties is made clear in all relevantpublications.

Training objectives

* 1. The NIO will draw up a detailed training plan for its staff which will aim 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 the NIO’s equality scheme with the necessary skills and knowledge to do this work effectively.

Awareness raising and training arrangements

* 1. The following arrangements will be put in place to ensure all NIO staff including the Management Board are aware of and understand our equality obligations.
* We will develop a summary of this equality scheme and make it available to all staff.
* We will provide access to copies of the full equality scheme for all staff; ensure that any queries or questions of clarification from staff are addressed effectively.
* Staff will be made aware of their Section 75 statutory duties as part of the induction process for new staff.
* Where appropriate, training will be provided to ensure staff are aware of the issues experienced by the range of Section 75 groups.
* When appropriate and on an ongoing basis, arrangements will be made to ensure staff are kept up to date with Section 75 developments.

Monitoring and evaluation

* 1. Our training programme is subject to the following monitoring and evaluation arrangements:
* We evaluate the extent to which all participants in this training programme have acquired the necessary skills and knowledge to achieve each of the above objectives.
* The extent to which training objectives have been met will be reported on as part of the Section 75 annual progress report, which will be sent to the Equality Commission.

Chapter 6: Our arrangements for ensuring and

assessing public access to information and services we provide

* 1. The NIO is committed to ensuring that the information we disseminate and the services that we provide are fully accessible to everyone in Northern Ireland. We keep our arrangements under review to ensure that this remains the case.
  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

* 1. To ensure equality of opportunity in accessing information, we can provide information in alternative formats on request, where reasonably practicable. Where the exact request cannot be met we will ensure a reasonable alternative is provided.
  2. 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. The NIO will respond to requests for information in alternative formats in a timely manner.
  3. In disseminating information through the media we will seek to advertise in the press where appropriate.
  4. Information will also be made available on the NIO website: www.gov.uk/government/organisations/northern-ireland-office where appropriate.

Access to services

* 1. The NIO does not provide routine frontline services; however, we are nevertheless committed to ensuring that if this position changes that any service will be fully accessible to everyone in the community across the Section 75 categories. The NIO also is committed to adhering to the relevant provisions of current anti-discrimination legislation.
  2. The NIO will review the functions and services it provides as part of the Annual Progress Report to the Equality Commission.

Assessing public access to information and services

* 1. We annually monitor across all our functions, in relation to access to information and services, to ensure equality of opportunity and good relations are promoted.

Chapter 7: Timetable for measures we propose in this equality scheme

* 1. Appendix 4 outlines our timetable for all measures proposed within this equality scheme. The measures outlined in this timetable will be incorporated into our business planning processes.
  2. This timetable is different from and in addition to our commitment to developing action plans/action measures to specifically address inequalities and further promote equality of opportunity and good relations. We have included in our equality scheme a commitment to develop an action plan. Accordingly, this commitment it is listed in the timetable of measures at Appendix 4.

Chapter 8: Our complaints procedure

* 1. The NIO is responsive to the views of members of the public. We will endeavour to resolve all complaints made to us.

Process for making a complaint

* 1. Schedule 9 paragraph 10 of the Act refers to complaints. A person can make a complaint to a public authority if the complainant believes he or she may have been directly affected by an alleged failure of the authority to comply with its approved equality scheme. If the complaint has not been resolved within a reasonable timescale, the complaint can be brought to the Equality Commission.
  2. A person wishing to make a complaint that the NIO has failed to comply with its approved equality scheme should contact:

Corporate Governance Team

Stormont House

Stormont Estate

Belfast

BT4 3SH

[equality.scheme@nio.gov.uk](mailto:equality.scheme@nio.gov.uk)

Tel: 028 905 27041

* 1. We will in the first instance acknowledge receipt of each complaint within 5 working days.
  2. The NIO will carry out an internal investigation of the complaint and will respond substantively to the complainant within 20 working days of the date of receiving the letter of complaint. Under certain circumstances, if the complexity of the matter requires a longer period, the period for response to the complainant may be extended to 40 working days. In those circumstances, the complainant will be advised of the extended period within 20 working days of making the complaint.
  3. During this process the complainant will be kept informed of the progress of the investigation into the complaint and of any outcomes. In any subsequent investigation by the Equality Commission, the NIO will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require.
  4. Similarly, the NIO 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.
  5. The NIO will make all efforts to implement promptly and in full any recommendations arising out of any Commission investigation.

Chapter 9: Publication of the equality scheme

* 1. The NIO’s equality scheme is available free of charge in print form and alternative formats on request from:

Corporate Governance Team

Stormont House

Stormont Estate

Belfast

BT4 3SH

[equality.scheme@nio.gov.uk](mailto:equality.scheme@nio.gov.uk)

Tel: 028 905 27041

Text phone: 028 9052 7668

* 1. The equality scheme is also available on our website at: www.gov.uk/government/organisations/northern-ireland-office
  2. The following arrangements are in place for the publication in a timely manner and within one month of the approval 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 press releases, prominent advertisements in the press, and 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 our consultees on our consultation lists. Other consultees without e-mail will be notified by letter that the scheme is available on request. We will respond to requests for the equality scheme in alternative formats in a timely manner, usually within 2-3 weeks.
* 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.
  1. For a list of our key stakeholders and consultees please see Appendix 3 of this equality scheme; this list is indicative and not exhaustive.

Chapter 10: Review of the equality scheme

* 1. As required by paragraph 8. (3) of Schedule 9 to 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.
  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.
  3. In undertaking this review we will follow any guidance issued by the Equality Commission. A report of this review will be published on the NIO’s website and submitted to the Equality Commission.

Appendix 1: Organisational Background

Information about the NIO’s organisational structure can be found at the following link:

<https://www.gov.uk/government/organisations/northern-ireland-office/about>

Appendix 2: 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 *Fair Employment & Treatment (NI) Order*[[7]](#footnote-7). Therefore, “religious belief” also includes any *perceived* religious belief (or perceived lack of belief) and, in employment situations only, it also covers any *“similar philosophical belief”.* |
| Political opinion[[8]](#footnote-8) | 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. |

Appendix 3: List of consultees

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

**This list is indicative and not exhaustive and will be reviewed on an annual basis to ensure it remains relevant to the NIO’s functions and policies.**

NIO Sponsored bodies

Boundary Commission for Northern Ireland

Chief Electoral Officer for Northern Ireland

Civil Service Commissioners for Northern Ireland

Equality Commission for Northern Ireland

Northern Ireland Human Rights Commission

Parades Commission for Northern Ireland

Sentence Review Commissioners for Northern Ireland

Political Parties

Alliance Party

Conservative Party

Democratic Unionist Party

Green Party

Labour Party

People Before Profit

Progressive Unionist Party

Social Democratic & Labour Party

Sinn Fein

Traditional Unionist Voice

Ulster Unionist Party

Local Councils

Antrim and Newtownabbey Borough Council

Ards and North Down Borough Council

Armagh City, Banbridge and Craigavon Borough Council

Belfast City Council

Causeway Coast and Glens Borough Council

Derry City and Strabane District Council

Fermanagh and Omagh District Council

Lisburn and Castlereagh City Council

Mid and East Antrim Borough Council

Mid Ulster District Council

Newry, Mourne and Down District Council

Public Sector Organisations

The Executive Office

Department of Education

Department for the Economy

Department of Finance

Department of Health

Department of Justice

Department for Infrastructure

Department for Communities

Department of Agriculture, Environment and Rural Affairs

Agri-Food and Biosciences Institute (AFBI)

Armagh Observatory

Armagh Planetarium

Arts Council of Northern Ireland

Attorney General for Northern Ireland

Belfast Health and Social Care Trust

Belfast Metropolitan College

Business Services Organisation (BSO)

Charity Commission for Northern Ireland (CCNI)

CITB - ConstructionSkills NI (formerly Construction Industry Training Board)

Citybus, Ulsterbus and Northern Ireland Railways

Council for Catholic Maintained Schools (CCMS)

Comhairle na Gaelscolaiochta (CnaG)

Commissioner for Children and Young People for Northern Ireland (NICCY)

Commissioner for Older People for Northern Ireland (COPNI)

Commissioner for Public Appointments for Northern Ireland (CPANI)

Commissioner for Victims and Survivors (CVSNI)

Community Relations Council (CRC)

Compensation Agency

Consumer Council for Northern Ireland

Council for the Curriculum, Examinations and Assessment (CCEA)

Criminal Justice Inspectorate

Driver and Vehicle Agency (DVA)

Education Authority for Northern Ireland

Equality Commission for Northern Ireland (ECNI)

Exceptional Circumstances Body (ECB)

Forensic Science Northern Ireland

Forest Service

General Teaching Council for Northern Ireland (GTCNI)

Health and Safety Executive for Northern Ireland

Health and Social Care Board (HSCB)

ILEX Urban Regeneration Company Limited

Invest Northern Ireland

Labour Relations Agency (LRA)

Land and Property Services (LPS)

Local Government Staff Commission (LGSC)

Livestock and Meat Commission for Northern Ireland (LMC)

Maze Long Kesh Development Corporation (MKLDC)

Middletown Centre for Autism

Northern Health and Social Care Trust

Northern Ireland Ambulance Service

Northern Ireland Blood Transfusion Service

Northern Ireland Building Regulations Advisory Committee

Northern Ireland Council for Integrated Education (NICIE)

Northern Ireland Courts and Tribunals Service (NICTS)

Northern Ireland Environment Agency (NIEA)

Northern Ireland Fire and Rescue Service

Northern Ireland Fishery Harbour Authority (NIFHA)

Northern Ireland Guardian Ad Litem Agency

Northern Ireland Housing Executive (NIHE)

Northern Ireland Judicial Appointments Commission

Northern Ireland Law Commission

Northern Ireland Legal Services Commission

Northern Ireland Local Government Officers’ Superannuation Committee (NILGOSC)

Northern Ireland Library Authority

Northern Ireland Medical and Dental Training Agency

Northern Ireland Memorial Fund (NIMF)

Northern Ireland Museums Council

Northern Ireland Policing Board

Northern Ireland Policing Fund

Northern Ireland Practice and Education Council (NIPEC)

Northern Ireland Prisoner Ombudsman

Northern Ireland Prison Service

Northern Ireland Screen

Northern Ireland Social Care Council (NISCC)

Northern Ireland Statistics and Research Agency (NISRA)

Northern Ireland Tourist Board

Northern Ireland Transport Holding Company / Translink incorporating

Northern Ireland Water (NIW)

National Museums Northern Ireland (NMNI)

Northern Regional College

North West Regional College

Patient and Client Council

Planning and Water Appeals Commission (PACWAC)

Police Ombudsman Northern Ireland

Police Retraining and Rehabilitation Trust

Police Service of Northern Ireland

Probation Board Northern Ireland

Regional Agency for Public Health and Social Well Being (RAPHSW)

Regulation and Quality Improvement Authority (RQIA)

Rivers Agency

RUC George Cross Foundation

Social Security Agency (SSA)

South Eastern Health and Social Care Trust

South Eastern Regional College

Southern Health and Social Care Trust

Southern Regional College

South West College

Sport NI

Staff Commission for Education and Library Boards (SCELB)

Strategic Investment Board (SIB)

Statistics Advisory Committee

Stranmillis University College

Ulster Supported Employment Limited (USEL)

Victims and Survivors Service Ltd

Western Health and Social Care Trust

Youth Council for Northern Ireland (YCNI)

Youth Justice Agency

Religious Organisations

Baha’i Council for Northern Ireland

Baptist Church

Belfast Hebrew Congregation

Belfast Islamic Centre

Christian Scientists

Church of Ireland

Church of Jesus Christ of Latter Day Saints

Free Presbyterian Church

Methodist Church

NI Inter-Faith Forum

Presbyterian Church

Roman Catholic Church

Sikh Cultural Centre

Representative Organisations

Age Sector Reference Group

Amnesty International

British Deaf Association

British-Irish Rights Watch

Carers National Association NI

Chinese Welfare Association

Coalition on Sexual Orientation

Coiste na n-larchimi

Committee on the Administration of Justice

Community Relations Council

Disability Action

EPIC

FDA

Gay and Lesbian Youth NI

Gingerbread NI

Home Civil Service Staff Side

Indian Community Centre

Institute of Personnel and Development (NI Branch)

Justice

Liberty

MENCAP

Multi-Cultural Resource Centre

NI African Cultural Centre

NI Association for Mental Health

NI Council for Ethnic Minorities

NI Gay Rights Association

NI Women’s Aid Federation

NIC-ICTU

NIPSA

Putting Children First

RNIB NI

RNID NI

Traveller Movement Northern Ireland

UNISON

Women’s Forum Northern Ireland

Youth Council for Northern Ireland

Appendix 4: Timetable for measures proposed

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

|  |  |  |
| --- | --- | --- |
| **Measure** | **Lead responsibility** | **Timetable** |
| Section 75 Annual Progress Report [2.7] | Permanent Secretary | 31 August (annually) |
| Consultation on draft action plan  [2.12]  Finalised action plan published [2.14]  Arrangements for monitoring progress in place [2.13] | Equality Manager  Equality Manager  Equality Manager | In line with consultation on Equality Scheme  To be finalised in due course  31 August (Annually) |
| Consultation list reviewed and updated [3.3] | Equality Manager | September (annually) |
| Publish Screening Reports [4.15] | Equality Manager | Six monthly |
| Review and publication of monitoring information  [4.30 - 4.34] | Equality Manager | 31 August (annually) – as part of S75 Annual Report |
| Development of summary scheme [5.3]  Review/organise update training [5.3]  Evaluation of training [5.4] | Equality Manager  Equality Manager in consultation with Centre for Applied Learning (CAL)  Equality Manager | Within 3 months of Scheme approval  Annually  On completion of each training event |
| Assessing access to information and services [6.8] | Equality Manager | 31 August (annually) – as part of S75 Annual Report |
| Communication of equality scheme [9.1] | Equality Manager and Press Office | Within 1 month of Scheme approval |
| Review of equality scheme [10.1] | Equality Manager | Every 5 years, as per the Equality Scheme (or earlier if requested/deemed necessary) |

Appendix 5: Glossary of terms

Action plan

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

Action measures and outcomes

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

Adverse impact

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

Affirmative action

In general terms, affirmative action can be defined as being anything consistent with the legislation which is necessary to bring about positive change. It is a phrase used in the Fair Employment and Treatment Order (NI) 1998 to describe lawful action that is aimed at promoting equality of opportunity and fair participation in employment between members of the Protestant and Roman Catholic communities in Northern Ireland.

Article 55 Review

Under the Fair Employment and Treatment (NI) Order 1998, all registered employers must conduct periodic reviews of the composition of their workforces and of their employment practices for the purposes of determining whether members of the Protestant and Roman Catholic communities are enjoying, and are likely to continue to enjoy, fair participation in employment in each employer’s concern. These reviews, which are commonly known as Article 55 Reviews, must be conducted at least once every three years.

Audit of inequalities

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, and the general public) for their views on how the policy could be implemented more effectively to promote equality of opportunity across the 9 categories. Different circumstances will call for different types of consultation. Consultations could, for example, include meetings, focus groups, surveys and questionnaires.

Council of Europe

The Council of Europe, based in Strasbourg, covers virtually the entire European continent, with its 47 member countries. Founded on 5 May 1949 by 10 countries, the Council of Europe seeks to develop throughout Europe common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals.

Desk audit

An audit of a draft equality scheme to ensure that the scheme conforms with the requirements on form and content as detailed in the Commission’s Guidelines (the Guide).

Differential impact

Differential impact occurs where a Section 75 group has been affected differently by a policy. This effect could either be positive, neutral or negative. A public authority must make a judgement as to whether a policy has a differential impact and then it must determine whether the impact is adverse, based on a systematic appraisal of the accumulated information.

Discrimination

The anti-discrimination laws prohibit the following forms of discrimination:

* Direct discrimination
* Indirect Discrimination
* Disability Discrimination
* Victimisation
* Harassment

Brief descriptions of these above terms follow:

*Direct discrimination*

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

*Indirect discrimination*

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

*Disability discrimination*

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

(a) *Disability-related discrimination* generally occurs where a public authority, without lawful justification, and for a reason which relates to a disabled person’s disability, treats that person less favourably that it treats (or, would treat) other people to whom that reason does not (or, would not) apply.

(b) *Failure to comply with a duty to make reasonable adjustments*: One of the most notable features of the disability discrimination legislation is that in prescribed circumstances it imposes a duty on employers, service providers and public authorities to take such steps as are reasonable to remove or reduce particular disadvantages experienced by disabled people in those circumstances.

*Victimisation*

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

*Harassment*

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

Economic appraisal

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

Equality impact assessment

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

Equality of opportunity

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

Equality scheme

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

Good relations

Although not defined in the legislation, the 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.

Northern Ireland Act

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

Northern Ireland Human Rights Commission

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

Northern Ireland Statistics & Research Agency (NISRA)

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

OFMDFM

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

PAFT

The Policy Appraisal and Fair Treatment (PAFT) Guidelines constituted the first non-statutory attempt at mainstreaming equality in Northern Ireland in January 1994. The aim of the PAFT Guidelines was to ensure that issues of equality and equity informed policy making and activity in all spheres and at all levels of government. PAFT has now been superseded by Section 75 of the Northern Ireland Act 1998.

Policy

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

Positive action

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

Qualitative data

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

Quantitative data

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

SACHR

The Standing Advisory Commission on Human Rights (SACHR) has now been replaced by the Northern Ireland Human Rights Commission. SACHR, as part of its review of mechanisms in place to promote employment equality and reduce the unemployment differential, recommended that the PAFT Guidelines should be made a statutory requirement.

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 Commission investigation, these are as follows:

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

Appendix 6: Action plan/action measures

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| **Action Measure and Criteria Measurement** | **Expected result** | **Responsibility** | **Target** |
| Communicating and assisting the understanding of Section 75 duties to Central Government Departments as appropriate when issues arise in the course of the NIO’s work in assisting communication between Central Government and the Devolved Administration, and supporting Central Government Departments operating in Northern Ireland on excepted and reserved matters. | Wider and more effective engagement with Section 75 duties by Central Government Departments | Deputy Director Constitutional Policy & Rights Group | Review Annually |
| Working with wider Government and the Northern Ireland Executive Departments to promote good relations by visiting all sections of the community and engaging with the broader political and civic society when organising Secretary of State, Ministerial and VIP visits. | Any opportunities to further promote the interests of Section 75 groups will be identified and acted upon.  Promotion of good relations. | Deputy Director Engagement Group | Review Annually |

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| **Action Measure and Criteria Measurement** | **Expected result** | **Responsibility** | **Dates** |
| We will ensure that the Department takes a fully human rights compliant approach, and gives meaningful consideration to implications of activities on Section 75 groups in exercising the Secretary of State’s powers under the Justice and Security Act 2007 in relation to the implementation of security measures, including conducting annual reviews. | Assurance that our response is proportionate and that due consideration is given to any potential impacts on Section 75 groups.  Increased protection and safety from terrorist attack across Section 75 groups while respecting human rights and equality issues. | Deputy Director Security & Protection Group | Review Annually |
| In line with our objective to provide appropriate protection for those at risk, we will assess all initial applications to the Home Protection Scheme in a just and equal manner within the terms of the laid down criteria of the Scheme, and monitor the Scheme to ensure compliance with Section 75. | Assurance that protective security measures are applied fairly across Section 75 groups. | Deputy Director Security & Protection Group | Review Annually |

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| **Action Measure and Criteria Measurement** | **Expected result** | **Responsibility** | **Dates** |
| Conduct annual analysis of the outcomes of the People Survey to determine whether or not any issues/trends have emerged which would provide opportunities to better meet the Department’s Section 75 responsibilities | Any opportunities to further promote the interests of Section 75 groups within and across NIO staff will be identified and acted upon | NIO Board | Review Annually |
| Monitor staff grievance procedures to ensure that any action which might be taken to improve Section 75 outcomes for staff is acted upon | Any opportunities to further promote the interests of Section 75 groups within and across NIO staff will be identified and acted upon | Deputy Director Business Delivery Group | Review Annually |
| We will ensure that all NIO staff undertake regular refresher training on equality and diversity issues. | Increased awareness of equality and diversity amongst all staff. | Deputy Director Business Delivery Group | Review Annually |
| Continue to promote good relations and support integration of people from a wide range of cultural and community backgrounds through engagement with civic society | Promotion of good relations | Deputy Director Engagement Group | Review Annually |
| In developing HR policies, the Department will give particular consideration to the extent to which these support and promote the interests of Section 75 groups | NIO HR policies will, as appropriate, take account of the needs of Section 75 groups. | Deputy Director Business Delivery Group | Review Annually |

1. See chapter 1 of the Equality Scheme. [↑](#footnote-ref-1)
2. Section 98(1) of the Northern Ireland Act 1998. [↑](#footnote-ref-2)
3. This body, jointly sponsored by the Irish Government, is one of the measures established under the Fresh Start Agreement to bring an end to paramilitary activity and to tackle organised crime in Northern Ireland. [↑](#footnote-ref-3)
4. See Chapter 6 of our equality scheme for further information on alternative formats of information we can provide. [↑](#footnote-ref-4)
5. Please see page 19 for details on monitoring. [↑](#footnote-ref-5)
6. 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. [↑](#footnote-ref-6)
7. 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.”* [↑](#footnote-ref-7)
8. ibid [↑](#footnote-ref-8)