



Northern
Ireland
Office

SECTION 75

EQUALITY SCREENING FORM

Identity and Language (Northern Ireland) Bill

SECTION 75 – THE LEGAL BACKGROUND

Under Section 75 of the Northern Ireland Act 1998, the NIO is required to have due regard to the need to promote equality of opportunity between:

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
 - men and women generally
 - persons with a disability and persons without
 - persons with dependants and persons without.
2. In addition, and 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. The NIO is also required to meet our legislative obligations under the Disability Discrimination Order.
3. A list of the main groups identified as being relevant to each of the Section 75 categories is at **Annex A** of this document.

INTRODUCTION

4. This form should be read in conjunction with the Equality Commission's Section 75 guidance "A Guide for Public Authorities" April 2010, available on the Equality Commission's website (www.equalityni.org). **Staff should complete a form for each new or revised policy for which they are responsible (see page 4 for a definition of a policy in respect of Section 75).**
5. The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations and so determine whether an Equality Impact Assessment (EQIA) is necessary. Screening should be introduced at an early stage when developing or reviewing a policy.
6. The lead role in the screening of a policy should be taken by the policy decision-maker who has the authority to make changes to that policy and should involve in the screening process:
- other relevant team members;
 - those who implement the policy;
 - staff members from other relevant areas of work; and
 - key stakeholders.
7. A flowchart which outlines the screening process is attached at **Annex B**.
8. The first step in the screening exercise is to gather evidence to inform the screening decisions. Relevant data may be either quantitative or qualitative or both (this helps to indicate whether or not there are likely equality of opportunity and/or good relations impacts associated with a policy). Relevant information will help to clearly demonstrate the reasons for a policy being either 'screened in' for an EQIA or 'screened out'.

9. The absence of evidence does not indicate that there is no likely impact but if none is available, it may be appropriate to consider subjecting the policy to an EQIA.

10. Screening provides an assessment of the likely impact, whether 'minor' or 'major', of its policy on equality of opportunity and/or good relations for the relevant categories. In some instances, screening may identify the likely impact is none.

11. The Equality Commission has developed a series of four questions, included in Part 2 of this screening form with supporting sub-questions, which should be applied to all policies as part of the screening process. They identify those policies that are likely to have an impact on equality of opportunity and/or good relations.

SCREENING DECISIONS

12. Completion of screening should lead to one of the following three outcomes. The policy has been:

- i. 'screened in' for equality impact assessment;
- ii. 'screened out' with mitigation or an alternative policy proposed to be adopted; or
- iii. 'screened out' without mitigation or an alternative policy proposed to be adopted.

SCREENING AND GOOD RELATIONS DUTY

13. The Equality Commission recommends that a policy is 'screened in' for EQIA if the likely impact on **good relations** is 'major'. While there is no legislative requirement to engage in an equality impact assessment in respect of good relations, this does not necessarily mean that EQIAs are inappropriate in this context.

FURTHER INFORMATION

14. Further information on equality, including a copy of the NIO Equality Scheme, yearly progress reports on equality to the Equality Commission for Northern Ireland, information on data sources and the Cabinet Office code of practice on consultation may be found on the NIO Intranet under About the NIO > Equality.

15. If you have any questions regarding the screening exercise or Section 75 in general please contact the Corporate Governance Team on 028 9076 5497; or nio.equalityscheme@nio.gov.uk.

16. When you have completed the form please retain on file in the branch for record purposes, and send a copy to the s75 equality advisor.

PART 1 – POLICY SCOPING

DEFINITION OF POLICY

1.1. There have been some difficulties in defining what constitutes a policy in the context of Section 75. To be on the safe side, it is recommended that you consider any new initiatives, proposals, schemes or programmes as policies or changes to those already in existence. It is important to remember that even if a full EQIA has been carried out in an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if a further EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

OVERVIEW OF POLICY PROPOSALS

1.2. The aims and objectives of the policy must be clear and terms of reference well defined. You must take into account any available data that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the s75 categories.

SCOPING THE POLICY

1.3. The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

1.4. Remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the NIO), as well as external policies (relating to those who are, or could be, served by the NIO).

INFORMATION ABOUT THE POLICY

Name of the policy	Identity and Language (Northern Ireland) Bill
Is this an existing, revised or new policy?	This is a new policy.
What is it trying to achieve (intended aims/outcomes)?	<p>This Bill will deliver a balanced package of measures on identity, language and cultural matters that was negotiated as part of the New Decade New Approach deal and will benefit all communities in Northern Ireland, including speakers of the Irish language and the Ulster Scots and Ulster British tradition.</p> <p>It will provide for a new framework recognising and celebrating Northern Ireland's diversity of identities and culture, and accommodating cultural difference. This will be overseen by three new authorities: an Office of Identity and Cultural Expression; an Irish Language Commissioner; and a Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition.</p> <p>In bringing forward this bill the UK Government is not setting a new policy direction, but rather giving effect to a package that the Northern Ireland Executive parties negotiated, and which reflects the basis on which the Executive was restored in January 2020 after three years of political impasse. It was intended that the Northern Ireland Executive would take the policy forward by introducing the necessary legislation in the Northern Ireland Assembly.</p> <p>The Secretary of State for Northern Ireland committed, via a Written Ministerial Statement, that should the Executive fail to bring forward legislation to deliver on these commitments by the end of September 2021, the UK Government would do so.¹ Following the expiry of this period, this assessment was conducted as part of the development of the Bill for the UK</p>

¹ <https://questions-statements.parliament.uk/written-statements/detail/2021-06-21/hcws105>

	Government to introduce in Parliament to deliver on the policy that the parties of the Northern Ireland Executive carefully negotiated.
Are there any s75 categories which might be expected to benefit from the intended policy? If so, explain how.	<p>The Bill makes provision for the balanced package of identity and language measures in the New Decade, New Approach agreement² from which all s.75 groups can be expected to benefit.</p> <p>The Bill makes provision for public authorities in Northern Ireland to have due regard to a series of national and cultural identity principles defined in the context of the characteristics of religious belief, political opinion and racial group.</p> <p>New Decade, New Approach is clear that the framework of which the national and cultural identity principles are part relates to will be underpinned by the Belfast (Good Friday) Agreement birthright commitments, while accommodating those who define themselves as from an 'other' community background, and from ethnic and newcomer communities. As such, the national and cultural identity principles are applied by the Bill to the 'good relations' categories defined in Northern Ireland equality legislation, of religious belief, political opinion and ethnic group.</p> <p>The Bill establishes an Office of Identity and Cultural Expression to promote cultural pluralism and respect for diversity and build social cohesion, which will have the power to provide research, education, and grants in accordance with these principles. This is more likely to be of benefit to those in the s.75 good relations categories of religious belief, political opinion, and racial group.</p> <p>The Bill makes provision for an Irish Language Commissioner that will enhance and protect the use of the Irish language by public authorities in the</p>

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade_a_new_approach.pdf

provision of services, in particular through written standards of best practice, and provide official recognition of the status of the Irish language in Northern Ireland. This is more likely to benefit those in the religious belief and political opinion categories inclined to engage with their work on these grounds, and will also carry benefit to those in other s.75 categories who are speakers of the Irish language.

The Bill makes provision for a Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition. This is more likely to benefit those in the religious belief and political opinion categories inclined to engage with their work on these grounds, and will also carry benefit to those in other s.75 categories engaging with the Ulster Scots and Ulster British tradition. It also makes provision for a specific duty to be placed on the NI Department of Education to encourage and facilitate the use and understanding of Ulster Scots in the education system, which is more likely to benefit those in the age and dependents categories.

The Bill will repeal the Administration of Justice (Language) Act (Ireland) 1737. Facilitation of languages other than English in court proceedings is a matter for the NI Courts and Tribunals Service, which in common with courts across the UK makes provision for those who cannot speak English to be provided with interpreter and translation services at their own or the Court's cost depending on the proceedings in hand. The benefits of this repeal on the s.75 categories will depend largely on NICTS policy. We expect that the repeal will be more likely to benefit those in the religious belief, political opinion, and racial group categories.

In recognition of the need to take forward this legislation in Parliament in lieu of the

	<p>Assembly, this Bill also includes exceptional powers to give the Secretary of State the ability to do anything that a Northern Ireland Minister or Northern Ireland department could do in exercise of an identity or language function, and to direct them. The Secretary of State's powers available under the Bill may need to be evaluated if the policy is not implemented, having regard to the wider political context and the reasons for any such failure of implementation or delay.</p>
Who initiated or wrote the policy?	<p>The underlying policy was negotiated by the parties now in the Northern Ireland Executive as part of New Decade, New Approach. It was intended that the Northern Ireland Executive would bring forward the necessary legislation in the Northern Ireland Assembly.</p> <p>Following the failure of the Northern Ireland Executive to bring forward legislation, the Northern Ireland Office (Constitutional Policy and Rights Group) is responsible for this Bill to deliver on the relevant identity and language commitments in New Decade, New Approach.</p>
Who owns and who implements the policy?	<p>Consistent with the undertakings on identity and language made by the Executive in the NDNA agreement and contained in the associated draft Northern Ireland Assembly legislation, all provisions in the Bill are a matter for the Northern Ireland Executive to administer, support and fund.</p> <p>The Bill's provisions will be commenced by order. The Northern Ireland Office will be responsible for the commencement process, working closely with the Northern Ireland Executive. The Secretary of State for Northern Ireland will also have a series of powers in Part 2 of the Bill.</p>

IMPLEMENTATION FACTORS

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?	Yes
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<p>If yes, are they:</p> <ul style="list-style-type: none"> - financial - legislative - other (please specify) 	<p>Legislative - Legislation is required to implement the policy.</p> <p>Financial - Inadequate resourcing of the Office and Commissioners by the devolved administration.</p> <p>Political - A lack of consensus, such as over appointments, could prevent agreement to implement key aspects of this policy.</p> <p>The Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill that could be exercised to address these factors.</p>
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MAIN STAKEHOLDERS AFFECTED

<p>Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?</p> <ul style="list-style-type: none"> - staff - service users - other public sector organisations - voluntary/community/trade unions - other (please specify) 	<ul style="list-style-type: none"> - Public authorities in Northern Ireland so far as they come within the definition in the Bill³ - Education providers - The general public - Speakers of the Irish language - People from the Ulster Scots and Ulster British tradition - Northern Ireland Ministers and departments
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OTHER POLICIES WITH A BEARING ON THIS POLICY

<p>What are they?</p>	<p>European Charter for Regional or Minority Languages.</p> <p>The Framework Convention for the Protection of National Minorities.</p> <p>The UN Convention on the Rights of the Child.</p> <p>The policies and work of the North/South Language Body.</p>
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³ Public authorities are defined by reference to Schedule 3 to the Public Services Ombudsman Act (Northern Ireland) 2016 and there is power conferred on the First Minister and deputy First Minister (acting jointly) to add or remove bodies so far as that is within devolved competence.

	The Belfast (Good Friday) Agreement.
Who owns them?	<p>The UK Government (MHLCG, FCDO, with input from other UK Government departments).</p> <p>The parties to the relevant Council of Europe and United Nations treaties, and the bodies overseeing them.</p> <p>The North/South Language Body, comprising of Foras na Gaeilge and the Ulster Scots Agency (Tha Boord o Ulster-Scotch).</p> <p>The parties to the Belfast (Good Friday) Agreement.</p>

AVAILABLE EVIDENCE

1.5. Evidence to help inform the screening process may take many forms. Please ensure that your screening decision is informed by relevant data.

What evidence / information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the s75 categories.

Section 75 category	Details of evidence/information
Religious belief	<p>The 2011 Census in Northern Ireland showed 45% of the population to be from a Catholic religious upbringing and 48% of the population defined themselves as being from a Protestant religious upbringing. 7% of the population are recorded as having no defined religious upbringing or were from other religious backgrounds.</p> <p>The religious background of the population of Northern Ireland relates to whether they have any knowledge of Irish. A higher proportion of those from a Catholic background (35%) have knowledge of Irish than both those with other or no religion (8%) and Protestants (3%).⁴ A higher proportion of those from a Protestant background (23%) have knowledge of Ulster Scots than Catholics (11%) and those with other or no religion (12%).⁵</p> <p>The 2020 Northern Ireland Life and Times survey noted that those of a Catholic religious background were more likely to feel their own cultural identity is respected by society (net 57%) than Protestant respondents (net 49%).⁶ However, fewer Catholic respondents felt Northern Ireland was a place where people respect each other (net 42%) than Protestant respondents (net 48%).⁷</p> <p>The survey also asked questions about whether the culture and traditions of two respective major religious communities add to the richness and diversity of Northern Ireland society. 63% of Catholic respondents believed this was the case for Protestant culture and traditions,⁸ and 59% of Protestant respondents believed this was the case for Catholic culture and traditions.⁹ Protestants were noticeably less inclined to</p>

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<https://www.communities-ni.gov.uk/system/files/publications/communities/knowledge-and-use-of-irish-in-northern-ireland-201920.pdf>

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<https://www.communities-ni.gov.uk/system/files/publications/communities/knowledge-and-use-of-ulster-scots-in-northern-ireland-201920.pdf>

⁶ https://www.ark.ac.uk/nilt/2020/Community_Relations/CULTRESP.html

⁷ <https://www.ark.ac.uk/nilt/2020/Respect/NIRESPLECT.html>

⁸ https://www.ark.ac.uk/nilt/2020/Community_Relations/PRCRICH.html

⁹ https://www.ark.ac.uk/nilt/2020/Community_Relations/CTHCRICH.html

	<p>agree that the culture and traditions of minority ethnic communities did the same (55%) than Catholics (75%).¹⁰</p> <p>The report of the Northern Ireland Commission on Flags, Identity, Culture and Tradition (FICT) was published in December 2021, in which more than 1,000 were engaged as either individuals or representatives of organisations from religious backgrounds in both communities and neither. FICT made specific recommendations on matters of national and cultural identity, including that public bodies be ‘supportive and generous’ towards British culture and heritage, Irish language culture and heritage, Ulster-Scots language culture and heritage, and towards the cultural identities of other communities. The report also noted the NDNA commitments in respect of the three new authorities that this Bill will create.</p>
Political opinion	<p>The 2020 Northern Ireland Life and Times Survey noted that 35% of respondents viewed themselves as unionists, 19% as nationalists and 42% as neither unionist or nationalist.¹¹</p> <p>In the most recent Assembly elections (May 2022), 90 MLAs were elected as follows: Sinn Fein (27), DUP (25), Alliance (17), UUP (9), SDLP (8), TUV (1) People Before Profit (1), Independent (2).</p> <p>The Equality Commission for Northern Ireland acknowledges the concerns among some sections of the community regarding the promotion of minority languages and their connection to political aims.¹²</p> <p>Nationalist and non-designating parties are traditionally perceived as supportive of legislation and policies on the Irish language. Ulster Scots legislation and policy is traditionally perceived to attract engagement from Unionist parties.</p> <p>The parties to New Decade New Approach considered what provisions would be needed in legislation to support and develop the Irish language and the Ulster Scots/ Ulster British tradition. According to the Northern Ireland Department of Communities’ annual surveys on the Knowledge and Use of Ulster Scots and the Irish language¹³, only 1% of the NI adult population can write in Ulster Scots, compared to 5% for the Irish language, and 5% can speak it against 11% for the Irish language. This is despite the</p>

¹⁰ https://www.ark.ac.uk/nilt/2020/Community_Relations/EMCRICH.html

¹¹ https://www.ark.ac.uk/nilt/2020/Political_Attitudes/UNINATID.html

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https://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2013/Council_of_Europe-Charter_for_Regional_Minority_Languages.pdf?ext=.pdf

¹³ <https://www.communities-ni.gov.uk/publications/knowledge-and-use-irish-and-ulster-scots-northern-ireland-201920>

	<p>percentage of NI adults able to understand Irish (14%) and Ulster Scots (15%) being broadly comparable.</p> <p>A LucidTalk tracker poll in 2018 asked a series of questions on identity, including what makes a person 'Northern Irish'.¹⁴ 57% of respondents believed considering themselves to be Northern Irish in a British way made them Northern Irish, whereas only 37% believed considering themselves to be Irish made them Northern Irish.</p> <p>The report of the Commission on Flags, Identity, Culture and Tradition (FICT) was published in December 2021, in which more than 1,000 were engaged as either individuals or representatives of organisations from a range of political opinions. It made specific recommendations on matters of national and cultural identity, including that public bodies be 'supportive and generous' towards British culture and heritage, Irish language culture and heritage, Ulster-Scots language culture and heritage, and towards the cultural identities of other communities.¹⁵ The report also noted the NDNA commitments in respect of the three new authorities that this Bill will create.</p>
Racial group	<p>The 2011 Census in Northern Ireland reported 98.2% of the population to be of a white ethnicity, and 1.7% to be of an ethnicity other than white. The largest minority ethnic categories in the population were Chinese (0.3%), Indian (0.3%), and those of a mixed ethnic group (0.3%).</p> <p>In the 2011 Census, 2.9% of the population stated a main language other than English (96.8%) and Irish (0.2%). Those from a minority ethnic group in Northern Ireland are far less likely to have some ability in Irish and/or Ulster Scots. The 2011 Census in Northern Ireland reported that 6.7% of those from a minority ethnic group have some ability in Irish, and 4.3% in Ulster Scots. This compares to 10.7% of those from a white ethnic group for Irish, and 8.1% for Ulster Scots.</p> <p>The Executive Office's Racial Equality Indicators Report (2014-19) demonstrated across a five year reporting period a lack of significant change in respondents that agreed the culture and traditions of minority ethnic communities added to the richness and diversity of Northern Ireland (2014: 59%; 2019: 61%).¹⁶</p> <p>Data in the report also revealed that 34% of those from a minority ethnic background agreed they belong to Northern Ireland, compared to 87% for those who did not consider themselves as being from a minority ethnic background.</p>

¹⁴ https://docs.wixstatic.com/ugd/024943_4bfbfbb5a79640e2a76a3667c4294049.pdf

¹⁵ <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/commission-on-fict-final-report.pdf>

¹⁶ <https://www.executiveoffice-ni.gov.uk/news/northern-ireland-racial-equality-indicators-report-2014-2019>

	<p>Opinion polling indicates a lack of understanding of the culture of minority groups in this s.75 category. In the 2020 NI Life and Times survey, 41% of respondents disagreed with the statement ‘I personally know quite a bit about the culture of some minority ethnic communities living in Northern Ireland’, compared to 32% who agreed.¹⁷</p>
Age	<p>The 2011 Census in Northern Ireland reported that 23.8% of the population were under the age of 18, 37.2% of the population were between 18 and 45, 24.4% of the population were between 46 and 64, and 14.5% of the population were 65 years or over.</p> <p>In 2019/20, the proportion of adults who have some knowledge of the Irish language was 17%. Knowledge of the Irish language is higher amongst younger adults 16-44 year olds (19%) when compared to 45+ year olds (15%). Since the recording period began in 2011/12, the gap between the two age brackets has slightly decreased (from 6% to 4%). People aged 45 years and over are more likely to have knowledge of Ulster Scots than those aged 16-44 years (20% and 12% respectively).¹⁸</p> <p>The 2020 Northern Ireland Life and Times survey noted that young people aged 18-24 were less likely to feel their own cultural identity is respected by society (net 49%) than those aged 65+ (net 58%).¹⁹ Similarly, young people were less likely to agree with the view that Northern Ireland is a place where people respect each other (net 36% for 18-24 year olds) than those aged 65+ (net 44%).²⁰</p> <p>There were 349,536 children attending schools and pre-education centres in Northern Ireland in 2019/20 according to the NI Department for Education.²¹ Of those, 7,064 children attended Irish-medium schools in Northern Ireland in 2019/20.²²</p> <p>The report of the Commission on Flags, Identity, Culture and Tradition found that, though the curriculum of schools presently allows for culture, identity and tradition to be explored, this was not applied consistently and elements of the curriculum are not delivering as fully as they ought to.²³</p>

¹⁷ https://www.ark.ac.uk/nilt/2020/Minority_Ethnic_People/NIMEC2.html

¹⁸ <https://www.communities-ni.gov.uk/system/files/publications/communities/knowledge-and-use-of-ulster-scots-in-northern-ireland-201920.pdf>

¹⁹ https://www.ark.ac.uk/nilt/2020/Community_Relations/CULTRESP.html

²⁰ <https://www.ark.ac.uk/nilt/2020/Respect/NIRESPECT.html>

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<https://www.education-ni.gov.uk/sites/default/files/publications/education/Enrolment%20by%20school%20management%20type%202000-2001%20to%202020-21.xlsx>

²²

<https://www.education-ni.gov.uk/sites/default/files/publications/education/Children%20in%20Irish%20medium%20education%202001-2002%20to%202020-21.xlsx>

²³ <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/commission-on-fict-final-report.pdf>

	<p>In this context, it is worth noting that the Northern Ireland Department of Education presently has certain legal duties in respect of Irish-medium education and the education system that do not currently exist for Ulster Scots. A duty in respect of Ulster Scots in the education system will be established by this Bill.</p>
Marital status	<p>The 2011 Census in Northern Ireland reported that 47.7% of the population were married or in a registered same-sex civil partnership, 36.1% of the population were single, and 16.2% were separated, divorced or widowed.</p> <p>Those who are married or in a registered same-sex civil partnership are marginally less likely to have some proficiency in Irish, but are more likely to in respect of Ulster Scots.</p> <p>The 2011 Census reported that 9.6% of those married or in a registered same-sex civil partnership have some ability in Irish, and 10.7% in Ulster Scots. For those who are single (including those who have never married or registered in a same-sex civil partnership) this compared to 12.7% for Irish, and 7% for Ulster Scots.</p> <p>Different-sex civil partnerships were made legal in 2019, and same-sex marriage in 2020. At the time of this screening, there was no reliable and generally available statistical data or other information to indicate an equality impact on these groups.</p>
Sexual orientation	<p>The 2020 Northern Ireland Life and Times survey asked respondents about their sexual orientation. 3% of respondents identified as gay or lesbian, 2% as bisexual, 94% as heterosexual, and 1% gave other answers.</p> <p>There was no relevant information to indicate an equality impact on this s.75 group.</p>
Men and women generally	<p>The 2011 Census in Northern Ireland showed 49% of the population to be male and 51% of the population to be female.</p> <p>The Knowledge and Use of Irish and Ulster Scots in Northern Ireland 2019/20 reports stated the proportion of adults in 2019/20 who have some knowledge of the Irish language was 17%, compared to 16% for Ulster Scots.²⁴ The proportion of women (16%) who have some knowledge of the Irish language is similar to the proportion of men (18%). By comparison, men (19%) are more likely to have knowledge of Ulster Scots than women (14%).</p>

²⁴ <https://www.communities-ni.gov.uk/publications/knowledge-and-use-irish-and-ulster-scots-northern-ireland-201920>

	<p>The 2020 Northern Ireland Life and Times survey noted that males were less likely to feel their own cultural identity is respected by society (net 43%) than females (net 54%).²⁵ Similarly, males were less likely to agree with the view that Northern Ireland is a place where people respect each other (net 41%) than females (net 44%).</p> <p>The 2020 Northern Ireland Life and Times survey asked respondents about gender identity. 41% identified as male and 59% identified as female, with those identifying as male to female transgender or other not sufficient to register.²⁶</p> <p>NISRA, Northern Ireland's statistics and research agency, indicated that in the three years of 2016-18 less than five persons in a total sample of 3,600 identified as such (or around 0.1%). Similarly, of 5,600 adult returns made to the 2019/20 Continuous Household Survey, fewer than 5 answered 'no' to the question of whether their gender was the same as the sex they were registered at birth.</p>
Disability	<p>The 2011 Census in Northern Ireland reported that 79.3% of the population consider their day-to-day activities are not limited by a long-term health problem or disability, compared to 20.7% who responded that it was limited a little or a lot.</p> <p>Those with a long-term health problem or disability are marginally less likely to have some proficiency in Irish, but are more likely to in respect of Ulster Scots. The 2011 Census reported that 8.5% of those with a long-term health problem or disability have some ability in Irish, and 9.8% in Ulster Scots. This compared to 11.2% of those who do not have a long-term health problem or disability for Irish, and 7.5% for Ulster Scots.</p>
Dependants	<p>The 2011 Census in Northern Ireland reported that 66.1% of households have no dependent children, and 33.9% of households had one or more dependent children. 88.2% of the population provided no unpaid care, and 11.8% of the population provided unpaid care.</p> <p>Adults in households with dependent children are more likely to have ability in the Irish language and Ulster Scots. The 2011 Census reported that 9.4% of adults in households with no dependent children have some ability in Irish, and 8.9% in Ulster Scots. This compared to 11.9% of those with one or more dependent children for Irish, and 9.3% for Ulster Scots.</p> <p>Though Ulster Scots has a lower baseline of households with some ability, there is a bigger gap between households with and without dependent children than with the Irish language. In this context, it is worth noting that the Northern Ireland Department of Education presently has certain legal</p>

²⁵ https://www.ark.ac.uk/nilt/2020/Community_Relations/CULTRESP.html

²⁶ <https://www.ark.ac.uk/nilt/2020/Background/GENDERID.html>

	duties in respect of Irish-medium education and the education system that do not currently exist for Ulster Scots. A duty in respect of Ulster Scots in the education system will be established by this Bill.
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NEEDS, EXPERIENCES AND PRIORITIES

1.6. Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the s75 categories.

Section 75 category	Details of needs/experiences/priorities
Religious belief	<p>The policy will take into account the needs, experiences and priorities of those with different religious beliefs.</p> <p>If passed, the legislation will establish an Irish Language Commissioner and a Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition. From the available statistics, those of a Catholic religious background may be more likely to engage the Irish Language Commissioner. Those of a Protestant religious background may be more likely to engage the Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition. However, both commissioners will serve all sections of Northern Ireland society in carrying out their functions, and all people in Northern Ireland will have access to them.</p> <p>Differing provision has been made for the Commissioners, reflecting the requirements and development needs of the Irish Language and the Ulster Scots/Ulster British tradition as considered by the parties to New Decade New Approach at the time. Public authorities will be required to have regard to the Irish language best practice standards in providing services to the public. The Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition will promote Ulster Scots Services and its published guidance will more broadly cover the relevant language, arts and literature but without such a duty.</p> <p>The principal aims of the Commissioners in the Bill are such that their work will necessarily have to give consideration to those of other groups within this s.75 category. In preparing the respective best practice standards and guidance for publication, the Commissioners will be under a duty to consult with public authorities and other persons as appropriate. This will necessitate consideration of public</p>

	<p>authorities and persons that may serve other groups in this s.75 category.</p> <p>The legislation will create a series of national and cultural identity principles that public authorities will be required to have due regard to in respect of this s.75 category, and that of political opinion and racial group. These national and cultural identity principles will be overseen by an Office of Identity and Cultural Expression that will be able to provide and support educational programmes and training programmes and provide grants, and conduct research on matters of national and cultural identity. The Office has been designed to serve all sections of Northern Ireland society and serve as the guiding point for the framework that this policy delivers.</p> <p>The three new authorities established by this Bill will be designated for the purposes of s.75 Northern Ireland Act 1998 and in exercising their functions will have to take into account the needs, experiences and priorities of groups within this s.75 category. This may include by promoting their work to groups within this s.75 category that may be inclined to engage less with it.</p> <p>The Bill will repeal the Administration of Justice (Language) Act (Ireland) 1737. Facilitation of languages other than English in court proceedings is a matter for the NI Courts and Tribunals Service, which in common with courts across the UK makes provision for those who cannot speak English to be provided with interpreter and translation services at their own or the Court's cost depending on the proceedings in hand. We expect the benefits of repeal to this s.75 category will depend largely on NICTS policy if the Bill is passed.</p>
Political opinion	<p>The policy will take into account the needs, experiences and priorities of those with different political opinions.</p> <p>If passed, the legislation will establish an Irish Language Commissioner; a Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition; and an Office of Identity and Cultural Expression. This reflects the commitments made in New Decade, New Approach that were carefully negotiated on a cross-community basis on which the five main Northern Ireland parties agreed to form an Executive in January 2020.</p> <p>In accordance with the respective needs of the Irish language and the Ulster Scots/Ulster British tradition as considered in negotiations, differential provision is made in the Bill. In respect of the Irish language, this includes best practice standards developed by a Commissioner that public</p>

authorities will be required to have due regard to in providing services. In respect of the Ulster Scots/Ulster British tradition, awareness of Ulster Scots services will be promoted by the Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition that will also be able to issue guidance to public authorities. Provision in regards to Ulster Scots and the education system is covered in the 'age' and 'dependents' s.75 categories.

The legislation will create a series of national and cultural identity principles that public authorities will be required to have due regard to in respect of this s.75 category, and that of religious belief and racial group. These national and cultural identity principles will be overseen by an Office of Identity and Cultural Expression that will be able to provide and support educational programmes and training programmes and provide grants, and conduct research on matters of national and cultural identity. This may in particular support the observations of the FICT Report that a range of groups from this s.75 category contributed to, which resulted in a series of recommendations on increasing positive attitudes to all Northern Ireland's cultural identities in an appropriate manner supported by education.

The three new authorities established by this Bill will be designated for the purposes of s.75 Northern Ireland Act 1998 and in exercising their functions will have to take into account the needs, experiences and priorities of this s.75 category. This may include by promoting their work to groups within this s.75 category that may be inclined to engage less with it.

All people in Northern Ireland will have access to the Office of Identity and Cultural Expression, the Irish Language Commissioner and the Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition.

The work of the three new authorities is substantially contingent on public appointments by the First and deputy First Minister of Northern Ireland acting jointly, and various approvals on financial and staffing matters. Briefings on the Bill have highlighted concerns among stakeholders that a failure to grant such approvals or appointments to a particular authority, or all three, could serve as a barrier to this policy being implemented and the needs, experiences and priorities of different groups in this s.75 category being met. Others have highlighted the importance of safeguard mechanisms within this policy to ensure that the Bill's implementation balances the needs of different groups in this s.75 category.

	<p>Specific measures on judicial matters are included in the Bill will, in respect of the repeal of the Administration of Justice (Language) Act (Ireland) 1737 and the requirement for courts to provide for languages to be spoken in languages other than English to the extent necessary in the interests of justice. This may benefit certain groups within this s.75 category that are more likely to speak a minority language. Facilitation of languages other than English in court proceedings is a matter for the NI Courts and Tribunals Service, which in common with courts across the UK makes provision for those who cannot speak English to be provided with interpreter and translation services at their own or the Court's cost depending on the proceedings in hand. We expect the benefits of repeal to this s.75 category will depend largely on NICTS policy if the Bill is passed.</p>
Racial group	<p>The policy will take into account the needs, experiences and priorities of those of different racial groups.</p> <p>If passed, the legislation will establish an Irish Language Commissioner; a Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition; and an Office of Identity and Cultural Expression. Census data highlights a significant discrepancy between those with an Irish language and/or Ulster Scots ability from white and minority ethnic backgrounds, which these Commissioners in exercising their functions may seek to address. In recognition of Northern Ireland's diversity, the Office of Identity and Cultural Expression may support those in this s.75 category who are more likely to speak other languages.</p> <p>The legislation will create a series of national and cultural identity principles that public authorities will be required to have due regard to in respect of this s.75 category, and that of political opinion and religious belief. These national and cultural identity principles will be overseen by the Office of Identity and Cultural Expression that will be able to provide and support educational programmes and training programmes and provide grants, and conduct research on matters of national and cultural identity. This will support cultural pluralism and social cohesion, including between those of different racial groups, and address specific gaps identified in survey data in knowledge of minority ethnic communities and their identities and cultures.</p> <p>It is also worth noting that the three new authorities established by this Bill will be designated for the purposes of s.75 Northern Ireland Act 1998 and in exercising their functions will have to take into account the needs, experiences and priorities of this s.75 category. This may</p>

	<p>specifically include promoting their work to groups within this s.75 category that may be inclined to engage less with it.</p> <p>Specific measures on judicial matters are included in the Bill will, in respect of the repeal of the Administration of Justice (Language) Act (Ireland) 1737 and the requirement for courts to provide for languages to be spoken in languages other than English to the extent necessary in the interests of justice. This may benefit certain groups within this s.75 category that are more likely to speak a minority language. Facilitation of languages other than English in court proceedings is a matter for the NI Courts and Tribunals Service, which in common with courts across the UK makes provision for those who cannot speak English to be provided with interpreter and translation services at their own or the Court's cost depending on the proceedings in hand. We expect the benefits of repeal to this s.75 category will depend largely on NICTS policy if the Bill is passed.</p> <p>All people in Northern Ireland will have access to the Office of Identity and Cultural Expression, the Irish Language Commissioner and the Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition.</p>
Age	<p>The policy takes into account the needs, experiences and priorities of those of different ages.</p> <p>The law already places a statutory duty on the Northern Ireland Department of Education in respect of Irish-medium education. If passed, this Bill will place a similar duty on the Northern Ireland Department of Education to encourage and facilitate the use and understanding of Ulster Scots in the education system, which will support addressing a gap in Irish language and Ulster Scots between the 16-44 age bracket and those aged 45 years and over. This provision does not, however, include a grantmaking power, because Irish-medium education is a specific type of schooling, which does not exist in respect of Ulster Scots.</p> <p>The Bill will establish an Office of Identity and Cultural Expression. In its work to promote cultural pluralism and social cohesion, the Office may reverse a trend where those in younger age groups are less likely to feel their own cultural identity is respected by society, and that Northern Ireland is a place where people do not respect each other.</p> <p>The Office of Identity and Cultural Expression and the expanded duties on the NI Department of Education will help culture, identity and tradition be explored in the curriculum, supporting a recommendation of the FICT Report.</p>

	<p>The three new authorities established by this Bill will be designated for the purposes of s.75 Northern Ireland Act 1998 and in exercising their functions will have to take into account the needs, experiences and priorities of this s.75 category.</p> <p>All people in Northern Ireland will have access to the Office of Identity and Cultural Expression, the Irish Language Commissioner and the Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition.</p>
Marital status	<p>Though the analysis conducted has not identified a report impact on those within this s.75 category, the policy does take into account the needs, experiences and priorities of those of different marital statuses in designating the three new authorities established by this Bill for the purposes of s.75 Northern Ireland Act 1998. In exercising their functions, the three new authorities will have to take into account the needs, experiences and priorities of this s.75 category.</p> <p>All people in Northern Ireland will have access to the Office of Identity and Cultural Expression, the Irish Language Commissioner and the Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition.</p>
Sexual orientation	<p>Though the analysis conducted has not identified a report impact on those within this s.75 category, the policy does take into account the needs, experiences and priorities of those of different marital statuses in designating the three new authorities established by this Bill for the purposes of s.75 Northern Ireland Act 1998. In exercising their functions, the three new authorities will have to take into account the needs, experiences and priorities of this s.75 category.</p> <p>All people in Northern Ireland will have access to the Office of Identity and Cultural Expression, the Irish Language Commissioner and the Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition.</p>
Men and women generally	<p>The policy takes into account the needs, experiences and priorities of groups in this s.75 category.</p> <p>Measures in respect of the Ulster Scots/Ulster British tradition may have a differential impact on men and women, as men are more likely to have knowledge of Ulster Scots than women. As all three new authorities will be designated for the purposes of s.75 Northern Ireland Act 1998, they will be required to take into account the needs, experiences and priorities of those in this s.75 category. They could do so, for example, by issuing guidance to public authorities on targeted programmes to address this gap. Similarly, the Office of Identity and Cultural Expression could support the</p>

	<p>Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition by providing research on these matters.</p> <p>Conversely, survey data also revealed that men are less likely to feel that Northern Ireland society is inclusive of their own cultural identity than women, and that Northern Ireland is a place where people respect each other. The Office of Identity and Cultural Expression could, in providing research on matters of national and cultural identity and promoting the national and cultural identity principles, seek to identify possible causes to support this gap being addressed.</p> <p>The three new authorities established by this Bill will be designated for the purposes of s.75 Northern Ireland Act 1998 and in exercising their functions will have to take into account the needs, experiences and priorities of this s.75 category.</p> <p>All people in Northern Ireland will have access to the Office of Identity and Cultural Expression, the Irish Language Commissioner and the Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition.</p>
Disability	<p>The policy takes into account the needs, experiences and priorities of those of different marital statuses in designating the three new authorities established by this Bill for the purposes of s.75 Northern Ireland Act 1998. In exercising their functions, the three new authorities will have to take into account the needs, experiences and priorities of this s.75 category.</p> <p>For example, when developing best practice standards for public authorities, the Irish Language Commissioner may examine how to better protect and enhance the language's use among those with a long-term health problem or disability. The Office of Identity and Cultural Expression will be able to provide research on matters of national and cultural identity, and could undertake such research on such matters at the request of the Commissioners.</p> <p>All people in Northern Ireland will have access to the Office of Identity and Cultural Expression, the Irish Language Commissioner and the Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition.</p>
Dependants	<p>The policy takes into account the needs, experiences and priorities of groups in this s.75 category.</p> <p>The law already places a statutory duty on the Northern Ireland Department of Education in respect of Irish-medium</p>

	<p>education. If passed, this Bill will place a similar duty on the Northern Ireland Department of Education to encourage and facilitate the use and understanding of Ulster Scots in the education system, which will support addressing a gap in Irish language and Ulster Scots between the 16-44 age bracket and those aged 45 years and over. This provision does not, however, include a grantmaking power, because Irish-medium education is a specific type of schooling, which does not exist in respect of Ulster Scots.</p> <p>The three new authorities established by this Bill will be designated for the purposes of s.75 Northern Ireland Act 1998 and in exercising their functions will have to take into account the needs, experiences and priorities of this s.75 category.</p> <p>All people in Northern Ireland will have access to the Office of Identity and Cultural Expression, the Irish Language Commissioner and the Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition.</p>
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PART 2 – SCREENING QUESTIONS

INTRODUCTION

2.1. In making a decision as to whether or not there is a need to carry out an EQIA, please give consideration to your answers to the questions 1-4 which are given on pages 66-68 of the Equality Commission’s “A Guide for Public Authorities”.

2.2. If your conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, you may decide to screen the policy out. If a policy is ‘screened out’ as having no relevance to equality of opportunity or good relations, you should give details of the reasons for the decision taken.

2.3. If your conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

2.4. If your conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- take measures to mitigate the adverse impact; or
- introduce an alternative policy to better promote equality of opportunity and/or good relations.

IN FAVOUR OF A ‘MAJOR’ IMPACT

- a. The policy is significant in terms of its strategic importance;
- b. Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c. Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d. Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e. The policy is likely to be challenged by way of judicial review;
- f. The policy is significant in terms of expenditure.

IN FAVOUR OF 'MINOR' IMPACT

- a. The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b. The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c. Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d. By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

IN FAVOUR OF NONE

- a. The policy has no relevance to equality of opportunity or good relations.
- b. The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

2.5. Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

SCREENING QUESTIONS

1. 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)

Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	<p>Some groups within this s.75 category may have a greater interest in or exposure to the impacts of this policy than others. They might therefore be more likely to engage with the Office or Commissioners, or benefit from their work, including the standards, initiatives and activities they may set or undertake.</p> <p>The Commissioners will be required to consult public authorities or other such persons in respect of preparing best practice standards and guidance, which may include groups affected in this s.75 category. Furthermore, all three new authorities will be designated for the purposes of s.75 Northern Ireland Act 1998, requiring them to have due regard to the need to promote equality of opportunity for groups within this s.75 category. This will support equality of opportunity for groups in this s.75 category less inclined to engage with the Irish language or the Ulster Scots/Ulster British Tradition.</p> <p>Analysis by the Executive Office states that those of a Catholic background are more likely to have knowledge of Irish and those of a Protestant background are more likely to have knowledge of Ulster Scots.²⁷ The policy may enhance equality of opportunity for those of these religious backgrounds, because the respective Commissioners will provide best practice standards and guidance to public authorities that is more likely to support their needs.</p> <p>Public authorities will be required to have regard to the Irish language best practice</p>	Minor

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<https://www.communities-ni.gov.uk/system/files/publications/communities/knowledge-and-use-of-irish-in-northern-ireland-201920.pdf>

standards in providing services to the public. The Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition's promotion of Ulster Scots Services and published guidance will more broadly cover the relevant language, arts and literature without such a duty. In respect of equality of opportunity, this divergence could result in service providers making different provision for certain services used by groups in this s.75 category, but is necessary to support the respective requirements and development needs of the Irish language and the Ulster Scots/Ulster British tradition. Making analogous provision would therefore not constitute equality of opportunity for groups within this s.75 category to express and develop their national and cultural identity.

The Equality Commission for Northern Ireland (2013) considers that the use of minority languages, particularly Irish or Ulster Scots in Northern Ireland for common or official purposes would normally and objectively be considered to be a neutral act that would not be discriminatory. The Commission also considers that the speaking of any language in Northern Ireland should not be perceived as a threat to any individual or group, nor should it be used in such a manner.²⁸

The Commission also considers that the speaking of Irish or its more general use in the community does not diminish the entitlements of those whose right to their British identity is guaranteed in the Belfast/Good Friday Agreement. Similarly, the Commission considers that the wider use of Ulster Scots/Ulster British tradition does not diminish the entitlements of those of an Irish identity. The Belfast/Good Friday Agreement contains a clear commitment in this respect: "All participants recognise the importance of respect, understanding and

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https://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2013/Council_of_Europe-Charter_for_Regional_Minority_Languages.pdf?ext=.pdf

tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots...”

Measures to repeal the Administration of Justice (Language) Act (Ireland) 1737 may support equality of opportunity for groups within this s.75 category. This will depend largely on the policy of the NI Courts and Tribunals Service (NICTS) if the Bill is passed. The Act’s repeal in particular carries significance for speakers of the Irish language, who are more likely to be of a Catholic religious belief.

The Bill will enshrine a series of national and cultural identity principles that public authorities will be required to have due regard to in respect of this s.75 category, and that of political opinion and racial group. This will promote the equality of opportunity for all groups in this s.75 category to (i) develop their national and cultural identity and (ii) express that identity. The principles will also promote equality of opportunity by providing that public authorities should promote parity of esteem and mutual respect between those of different national and cultural identities.

These national and cultural identity principles will be overseen by an Office of Identity and Cultural Expression. If this legislation is passed, the Office’s work on the national and cultural identity principles will also promote equality of opportunity for groups in this s.75 category. In promoting the national and cultural identity principles, the Office will be able to provide education and training programmes, research and grants that could support this outcome.

The work of the three new authorities is substantially contingent on public appointments by the First and deputy First Minister acting jointly. In respect of the Irish language, best practice standards will require approval, as will financial, staffing and annual reporting matters pertaining to the three new authorities. Failure to grant such approvals or appointments to a particular authority, or all three, could serve

	<p>as a barrier to this policy being implemented and impact the promotion of equality of opportunity for certain groups in this s.75 category. In view of this, the Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill that could be exercised to address these issues.</p>	
Political opinion	<p>Some groups within this s.75 category may have a greater interest in or exposure to the impacts of this policy than others. They might therefore be more likely to engage with the Office or Commissioners, or benefit from their work, including the standards, initiatives and activities they may set or undertake.</p> <p>The Commissioners will be required to consult public authorities or other such persons in respectively preparing best practice standards and guidance, which may include groups affected in this s.75 category. Furthermore, all three new authorities will be designated for the purposes of s.75 Northern Ireland Act 1998, requiring them to have due regard to the need to promote equality of opportunity for groups within this s.75 category. This will support equality of opportunity for groups in this s.75 category less inclined to engage with the Irish Language or the Ulster Scots/Ulster British Tradition.</p> <p>Public authorities will be required to have regard to the Irish language best practice standards in providing services to the public. The Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition's promotion of Ulster Scots Services and published guidance will more broadly cover the relevant language, arts and literature without such a duty. In respect of equality of opportunity, this divergence could result in service providers making different provision for certain services used by groups in this s.75 category, but is necessary to support the respective requirements and development needs of the Irish language and the Ulster Scots/Ulster British tradition. Making</p>	Minor

	<p>analogous provision would therefore not constitute equality of opportunity for groups within this s.75 category to express and develop their national and cultural identity. Both Commissioners will have a comparable provision in respect of complaints. Ulster Scots and the education system is covered in the 'age' and 'dependants' s.75 categories.</p> <p>The Equality Commission for Northern Ireland (2013) considers that the use of minority languages, particularly Irish or Ulster Scots in Northern Ireland for common or official purposes would normally and objectively be considered to be a neutral act that would not be discriminatory. The Commission also considers that the speaking of any language in Northern Ireland should not be perceived as a threat to any individual or group, nor should it be used in such a manner.²⁹</p> <p>The Commission also considers that the speaking of Irish or its more general use in the community does not diminish the entitlements of those whose right to their British identity is guaranteed in the Belfast/ Good Friday Agreement. Similarly, the Commission considers that the wider use of Ulster Scots/ Ulster British tradition does not diminish the entitlements of those of an Irish identity. The Belfast/ Good Friday Agreement contains a clear commitment in this respect: "All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots..."</p> <p>Measures to repeal the Administration of Justice (Language) Act (Ireland) 1737 may support equality for groups within this s.75 category. This will depend largely on the policy of the NI Courts and Tribunals Service (NICTS) if the Bill is passed. The Act's repeal in particular carries significance for speakers of the Irish</p>	
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https://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2013/Council_of_Europe-Charter_for_Regional_Minority_Languages.pdf?ext=.pdf

	<p>language, who are more likely to be of a nationalist political opinion.</p> <p>The Bill will enshrine a series of national and cultural identity principles that public authorities will be required to have due regard to in respect of this s.75 category, and that of religious belief and racial group. This will promote the equality of opportunity for all groups in this s.75 category to (i) develop their national and cultural identity and (ii) express that identity. The principles will also promote equality of opportunity by providing that public authorities should promote parity of esteem and mutual respect between those of different national and cultural identities.</p> <p>These national and cultural identity principles will be overseen by an Office of Identity and Cultural Expression. If this legislation is passed, the Office's work on the national and cultural identity principles will also promote equality of opportunity for groups in this s.75 category. In promoting the national and cultural identity principles, the Office will be able to provide education and training programmes, research and grants that could support this outcome.</p> <p>The work of the three new authorities is substantially contingent on public appointments by the First and deputy First Minister acting jointly. In respect of the Irish language, best practice standards will require approval, as will financial, staffing and annual reporting matters pertaining to the three new authorities. Failure to grant such approvals or appointments to a particular authority, or all three, could serve as a barrier to this policy being implemented and impact the promotion of equality of opportunity for certain groups in this s.75 category. In view of this, the Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill that could be exercised to address these issues.</p>	
Racial group	Some groups within this s. 75 category may have a greater interest in or exposure to the impacts of this policy than others. They might therefore be more likely to	Minor

	<p>engage with the Office or Commissioners, or benefit from their work, including the standards, initiatives and activities they may set or undertake. Ethnic minority groups in particular are, according to statistical analysis, less likely to engage with the Commissioners.</p> <p>The Commissioners will be required to consult public authorities or other such persons in respectively preparing best practice standards and guidance, which may include groups affected in this s.75 category. Furthermore, all three new authorities will be designated for the purposes of s.75 Northern Ireland Act 1998, requiring them to have due regard to the need to promote equality of opportunity for groups within this s.75 category. This will support equality of opportunity for groups in this s.75 category less inclined to engage with the Irish Language or the Ulster Scots/Ulster British Tradition, in particular minority ethnic groups.</p> <p>Measures to repeal the Administration of Justice (Language) Act (Ireland) 1737 may support equality of opportunity for groups within this s.75 category. Survey data reveals this is particularly likely to be the case for those from minority ethnic backgrounds. This will depend largely on the policy of the NI Courts and Tribunals Service (NICTS) if the Bill is passed.</p> <p>The Bill will enshrine a series of national and cultural identity principles that public authorities will be required to have due regard to in respect of this s.75 category, and that of political opinion and religious belief. This will promote the equality of opportunity for all groups in this s.75 category to (i) develop their national and cultural identity and (ii) express that identity. The principles will also promote equality of opportunity by providing that public authorities should promote parity of esteem and mutual respect between those of different national and cultural identities.</p> <p>The Bill does not make provision for a further Commissioner for other languages,</p>	
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	<p>identities and cultures in Northern Ireland, and instead creates an Office of Identity and Cultural Expression. The Office's work on the national and cultural identity principles will also promote equality of opportunity for groups in this s.75 category through providing education and training programmes, research and grants on the national and cultural identity principles. This will raise awareness of other languages, identities and cultures in Northern Ireland.</p> <p>The work of the three new authorities is substantially contingent on public appointments by the First and deputy First Minister acting jointly. Financial, staffing and annual reporting matters pertaining to the three new authorities will also require approval. Failure to grant such approvals or appointments to a particular authority, or all three, could serve as a barrier to this policy being implemented and impact the promotion of equality of opportunity for certain groups in this s.75 category. In view of this, the Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill that could be exercised to address these issues.</p>	
Age	<p>Some groups within this s. 75 category may have a greater interest in or exposure to the impacts of this policy than others. They might therefore be more likely to engage with the Office or Commissioners, or benefit from their work, including the standards, initiatives and activities they may set or undertake. All three new authorities will be designated for the purposes of s.75 Northern Ireland Act 1998, requiring them to have due regard to the need to promote equality of opportunity for groups within this s.75 category.</p> <p>It is worth noting in the context of equality of opportunity that the Bill's provision in respect of Ulster Scots in Northern Ireland's education system differs somewhat from that on Irish-medium education, where the latter also confers a grantmaking power on the Northern Ireland Department of Education. This is because Irish-medium education is a specific type of</p>	Minor

schooling, which does not exist in respect of Ulster Scots. As there is not the same provision in the education system in respect of Ulster Scots, provision for a similar grantmaking power is not required in the Bill. This is a contributing factor to the 'minor' impact that has been identified.

The policy to introduce an Irish Language Commissioner might have a greater impact on younger people (17-44 years) as they currently have greater knowledge of the Irish language than older people (over 45 years). The reverse is true for the Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition, as knowledge of Ulster Scots is greater amongst older people. In developing best practice standards and guidance for public authorities, the commissioners' work could address this gap and support equality of opportunity.

The Bill will enshrine a series of national and cultural identity principles that public authorities will be required to have due regard to. Though these national and cultural identity principles will not apply to this s.75 category, they will be overseen by an Office of Identity and Cultural Expression. If this legislation is passed, the Office's work on the national and cultural identity principles may indirectly promote equality of opportunity for groups in this s.75 category through education and training programmes, research and grants on the national and cultural identity principles. This could include research, programmes and education to reverse a trend where those in younger age groups are less likely to feel their own cultural identity is respected by society, and that Northern Ireland is a place where people do not respect each other.

The work of the three new authorities is substantially contingent on public appointments by the First and deputy First Minister acting jointly. Financial, staffing and annual reporting matters pertaining to

	<p>the three new authorities will also require approval. Failure to grant such approvals or appointments to a particular authority, or all three, could serve as a barrier to this policy being implemented and impact the promotion of equality of opportunity for certain groups in this s.75 category. In view of this, the Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill that could be exercised to redress these issues.</p>	
Marital status	<p>Though the analysis conducted has not identified a reportable impact on those within this s.75 category, the three new authorities to be established by this Bill will be designated for the purposes of s.75 Northern Ireland Act 1998. In exercising their functions, the three new authorities will have to take into account the needs, experiences and priorities of this s.75 category.</p>	None
Sexual orientation	<p>Though the analysis conducted has not identified a reportable impact on those within this s.75 category, the three new authorities to be established by this Bill will be designated for the purposes of s.75 Northern Ireland Act 1998. In exercising their functions, the three new authorities will have to take into account the needs, experiences and priorities of this s.75 category.</p>	None
Men and women generally	<p>Some groups within this s. 75 category may have a greater interest in or exposure to the impacts of this policy than others. They might therefore be more likely to engage with the Office or a particular commissioner, or benefit from their work, including the standards, initiatives and activities they may set or undertake.</p> <p>In particular, measures in respect of the Ulster Scots/Ulster British tradition may have a differential impact on men and women, as men are more likely to have knowledge of Ulster Scots than women. As the Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition, and all three new authorities will be designated for the purposes of s.75 Northern Ireland Act 1998, they will be required to promote</p>	Minor

	<p>equality of opportunity in regards to men and women generally. They could do so, for example, by issuing guidance to public authorities on targeted programmes to address this gap.</p> <p>The Bill will enshrine a series of national and cultural identity principles that public authorities will be required to have due regard to. Though these national and cultural identity principles will not apply to this s.75 category, they will be overseen by an Office of Identity and Cultural Expression. If this legislation is passed, the Office's work on the national and cultural identity principles may indirectly promote equality of opportunity for groups in this s.75 category through promoting respect for diversity.</p> <p>The Office will be able to provide education and training programmes, research and grants. This could include providing research to support the Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition on the gap between groups in this s.75 category in respect of Ulster Scots ability.</p> <p>Survey data also revealed that males are less likely to feel that Northern Ireland society is inclusive of their own cultural identity than women, and that Northern Ireland is a place where people respect each other. The Office of Identity and Cultural Expression's research and work on the national and cultural identity principles will aim to support a Northern Ireland society that is respectful of cultural identity.</p> <p>The work of the three new authorities is substantially contingent on public appointments by the First and deputy First Minister acting jointly. Financial, staffing and annual reporting matters pertaining to the three new authorities will also require approval. Failure to grant such approvals or appointments to a particular authority, or all three, could serve as a barrier to this policy being implemented and impact the</p>	
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	<p>promotion of equality of opportunity for certain groups in this s.75 category. In view of this, the Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill that could be exercised to address these issues.</p>	
Disability	<p>Some groups within this s. 75 category may have a greater interest in or exposure to the impacts of this policy than others. They might therefore be more likely to engage with the Office or a particular commissioner, or benefit from their work, including the standards, initiatives and activities they may set or undertake.</p> <p>In particular, analysis conducted showed that those with a long-term health problem or disability are statistically marginally less likely to have some ability in Irish. The Irish Language Commissioner, and all three new authorities, will be designated for the purposes of s.75 Northern Ireland Act 1998 requiring them to promote equality of opportunity for groups in this s.75 category. They could do so, for example, by considering how best practice standards could encourage public authorities to address this gap.</p> <p>The work of the three new authorities is substantially contingent on public appointments by the First and deputy First Minister acting jointly. Financial, staffing and annual reporting matters pertaining to the three new authorities will also require approval. Failure to grant such approvals or appointments to a particular authority, or all three, could serve as a barrier to this policy being implemented and impact the promotion of equality of opportunity for certain groups in this s.75 category. In view of this, the Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill that could be exercised to address these issues.</p>	Minor
Dependants	<p>Some groups within this s. 75 category may have a greater interest in or exposure to the impacts of this policy than others. They might therefore be more likely to engage with the Office or a particular commissioner, or benefit from their work, including the standards, initiatives and</p>	Minor

activities they may set or undertake. All three new authorities will be designated for the purposes of s.75 Northern Ireland Act 1998, requiring them to have due regard to the need to promote equality of opportunity for groups within this s.75 category.

It is worth noting in the context of equality of opportunity that the Bill's provision in respect of Ulster Scots in Northern Ireland's education system differs somewhat from that on Irish-medium education, where the latter also confers a grantmaking power on the Northern Ireland Department of Education. This is because Irish-medium education is a specific type of schooling, which does not exist in respect of Ulster Scots. As there is not the same provision in the education system in respect of Ulster Scots, provision for a similar grantmaking power is not required in the Bill. This is a contributing factor to the 'minor' impact that has been identified.

The work of the three new authorities is substantially contingent on public appointments by the First and deputy First Minister acting jointly. In respect of the Irish language, best practice standards will require approval, as will financial, staffing and annual reporting matters pertaining to the three new authorities. Failure to grant such approvals or appointments to a particular authority, or all three, could serve as a barrier to this policy being implemented and impact the promotion of equality of opportunity for certain groups in this s.75 category. In view of this, the Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill that could be exercised to address these issues.

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

Section 75 category	If Yes, provide details	If No, provide reasons
Religious belief	<p>The new authorities created by the Bill will be designated as public authorities for the purposes of s.75 Northern Ireland Act 1998. As such, they will be subject to these duties, including promoting equality of opportunity, exercising their functions.</p> <p>The commissioners will be placed under a duty to consult public authorities and relevant persons in respect of developing best practice standards and guidance. The expansiveness of this consultation and the commissioners seeking the involvement of groups in this s.75 category less likely to engage with their work will better promote equality of opportunity by ensuring the measures they propose and the recommendations they make are relevant.</p> <p>Differing provision has been made for the commissioners, reflecting the requirements and development needs of the Irish Language and the Ulster Scots/Ulster British tradition as considered by the parties to New Decade New Approach at the time. The differences in respect of complaints in the original draft Bills do not seem to reflect this rationale, and could be reasonably argued to give complainants in cases pertaining to the Irish Language Best Practice Standards greater weight than those on Ulster Scots. Comparable provision has therefore been made in this respect to address this imbalance and support equality of opportunity for the respective groups in this s.75 category that are more likely to have ability in one or the other.</p>	

	<p>The Office of Identity and Cultural expression could work with the Commissioners to understand how to address gaps in knowledge of the Irish language and Ulster Scots between groups in this s.75 category.</p> <p>It would be prudent for the Executive Office to regularly review the work of the new authorities to ensure the needs of the people of Northern Ireland are being served and the work being delivered is effective in promoting and securing equality of opportunity.</p> <p>The Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill to address problems with its implementation, including appointments. In these circumstances, the exercise of these powers could help to ensure the policy supports equality of opportunity for groups in this s.75 category.</p>	
Political opinion	<p>The new authorities created by the Bill will be designated as public authorities for the purposes of s.75 Northern Ireland Act 1998. As such, they will be subject to these duties, including promoting equality of opportunity, exercising their functions.</p> <p>The commissioners will be placed under a duty to consult public authorities and relevant persons in respectively developing best practice standards and guidance. The expansiveness of this consultation and the commissioners seeking the involvement of groups in this s.75 category less likely to engage with their work will better promote equality of opportunity by ensuring the measures they propose and the recommendations they make are relevant.</p>	

Differing provision has been made for the commissioners, reflecting the requirements and development needs of the Irish Language and the Ulster Scots/Ulster British tradition as considered by the parties to New Decade New Approach at the time. The differences in respect of complaints in the original draft Bills do not seem to reflect this rationale, and could be reasonably argued to give complainants in cases pertaining to the Irish Language Best Practice Standards greater weight than those on Ulster Scots. Comparable provision has therefore been made in this respect to address this imbalance and support equality of opportunity for the respective groups in this s.75 category that are more likely to have ability in one or the other.

The implementation of the Ulster Scots duty in respect of the education system will be a matter for the NI Department of Education. This will need to be considered so as to support the particular needs of Ulster Scots in comparison to the different duty and needs for Irish-medium education, and ensure equality of opportunity for groups in this s.75 category through the use of both in the education system.

The Office of Identity and Cultural expression could work with the commissioners to understand how to address gaps in knowledge of the Irish language and Ulster Scots between groups in this s.75 category.

It would be prudent for the Executive Office to regularly review the work of the new authorities to ensure the needs of the people of Northern Ireland are being served and the work being delivered is effective in promoting and securing equality of opportunity.

	<p>The Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill to address problems with its implementation, including appointments. In these circumstances, the exercise of these powers could help to ensure the policy supports equality of opportunity for groups in this s.75 category.</p>	
Racial group	<p>The new authorities created by the Bill will be designated as public authorities for the purposes of s.75 Northern Ireland Act 1998. As such, they will be subject to these duties, including promoting equality of opportunity, exercising their functions.</p> <p>The commissioners will be placed under a duty to consult public authorities and relevant persons in respectively developing best practice standards and guidance. The expansiveness of this consultation and the commissioners seeking the involvement of groups in this s.75 category less likely to engage with their work will better promote equality of opportunity by ensuring the measures they propose and the recommendations they make are relevant.</p> <p>The Office of Identity and Cultural expression could work with the Commissioners to understand how to address gaps in knowledge of the Irish language and Ulster Scots between groups in this s.75 category.</p> <p>The Office of Identity and Cultural expression also could commit to initiatives to support the promotion of the culture, language and identity of minority ethnic communities in Northern Ireland in accordance with the national and cultural identity principles. This would address an equality of opportunity consideration</p>	

	<p>that two Commissioners are provided for in respect of this Bill, but not one that covers other languages, identities and cultures in Northern Ireland.</p> <p>If passed, and in accordance with its new duties the national and cultural identity principles, the NI Department of Education may wish to review in policy terms how it can support other national and cultural identities in Northern Ireland. The Department will be under particular duties in respect of the Irish language and Ulster Scots, and a wider review may support good relations between groups in this s.75 category.</p> <p>It would be prudent for the Executive Office to regularly review the work of the new authorities to ensure the needs of the people of Northern Ireland are being served and the work being delivered is effective in promoting and securing equality of opportunity.</p> <p>The Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill to address problems with its implementation, including appointments. In these circumstances, the exercise of these powers could help to ensure the policy supports equality of opportunity for groups in this s.75 category.</p>	
Age	<p>The new authorities created by the Bill will be designated as public authorities for the purpose of s.75 Northern Ireland Act 1998. As such, they will be subject to these duties, including promoting equality of opportunity, exercising their functions.</p> <p>The commissioners will be placed under a duty to consult public authorities and relevant persons in respectively developing best practice</p>	

	<p>standards and guidance. The expansiveness of this consultation and the commissioners seeking the involvement of groups in this s.75 category less likely to engage with their work will better promote equality of opportunity by ensuring the measures they propose and the recommendations they make are relevant.</p> <p>Addressing the gap in Irish language and Ulster Scots ability between those of the 16-44 age bracket and those aged 45 years and over will depend on the manner in which the NI Department of Education carries out the duty this Bill will place on it with regard to Ulster Scots. Policy relation to provision for Ulster Scots in the education system will be a matter for the NI Education Minister.</p> <p>It would also be prudent for the Executive Office to regularly review the work of the new authorities to ensure the needs of the people of Northern Ireland are being served and the work being delivered is effective in promoting and securing equality of opportunity.</p> <p>The Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill to address problems with its implementation, including appointments. In these circumstances, the exercise of these powers could help to ensure the policy supports equality of opportunity for groups in this s.75 category.</p>	
Marital status		<p>No impacts have been identified. However, the new authorities created by the Bill will be designated as public authorities for the purpose of s.75 Northern Ireland Act 1998. As such, they will be subject to these duties, including promoting equality</p>

		<p>of opportunity, exercising their functions.</p> <p>It would be prudent for the Executive Office to regularly review the work of the new authorities to ensure the needs of the people of Northern Ireland are being served and the work being delivered is effective in promoting and securing equality of opportunity.</p>
Sexual orientation		<p>No impacts have been identified. However, the new authorities created by the Bill will be designated as public authorities for the purpose of s.75 Northern Ireland Act 1998. As such, they will be subject to these duties, including promoting equality of opportunity, exercising their functions.</p> <p>It would be prudent for the Executive Office to regularly review the work of the new authorities to ensure the needs of the people of Northern Ireland are being served and the work being delivered is effective in promoting and securing equality of opportunity.</p>
Men and women generally	<p>The new authorities created by the Bill will be designated as public authorities for the purpose of s.75 Northern Ireland Act 1998. As such, they will be subject to these duties, including promoting equality of opportunity, exercising their functions.</p> <p>The commissioners will be placed under a duty to consult public authorities and relevant persons in respectively developing best practice standards and guidance. The expansiveness of this consultation and the commissioners seeking the involvement of groups in this s.75</p>	

	<p>category less likely to engage with their work will better promote equality of opportunity by ensuring the measures they propose and the recommendations they make are relevant.</p> <p>It would be prudent for the Executive Office to regularly review the work of the new authorities to ensure the needs of the people of Northern Ireland are being served and the work being delivered is effective in promoting and securing equality of opportunity.</p> <p>The Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill to address problems with its implementation, including appointments. In these circumstances, the exercise of these powers could help to ensure the policy supports equality of opportunity for groups in this s.75 category.</p>	
Disability	<p>The new authorities created by the Bill will be designated as public authorities for the purpose of s.75 Northern Ireland Act 1998. As such, they will be subject to these duties, including promoting equality of opportunity, exercising their functions.</p> <p>The Commissioners will be placed under a duty to consult public authorities and relevant persons in respectively developing best practice standards and guidance. The expansiveness of this consultation and the Commissioners seeking the involvement of groups in this s.75 category less likely to engage with their work will better promote equality of opportunity by ensuring the measures they propose and the recommendations they make are relevant.</p> <p>It would be prudent for the Executive Office to regularly review the work of</p>	

	<p>the new authorities to ensure the needs of the people of Northern Ireland are being served and the work being delivered is effective in promoting and securing equality of opportunity.</p> <p>The Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill to address problems with its implementation, including appointments. In these circumstances, the exercise of these powers could help to ensure the policy supports equality of opportunity for groups in this s.75 category.</p>	
Dependants	<p>The new authorities created by the Bill will be designated as public authorities for the purpose of s.75 Northern Ireland Act 1998. As such, they will be subject to these duties, including promoting equality of opportunity, exercising their functions.</p> <p>The commissioners will be placed under a duty to consult public authorities and relevant persons in respectively developing best practice standards and guidance. The expansiveness of this consultation and the commissioners seeking the involvement of groups in this s.75 category less likely to engage with their work will better promote equality of opportunity by ensuring the measures they propose and the recommendations they make are relevant.</p> <p>Addressing the gap in Irish language and Ulster Scots ability in households with dependents will substantially depend on the manner in which the NI Department of Education carries out the duty this Bill will place on it with regard to Ulster Scots. Policy relation to provision for Ulster Scots in the education system will be a matter for the NI Education Minister.</p>	

	<p>It would also be prudent for the Executive Office to regularly review the work of the new authorities to ensure the needs of the people of Northern Ireland are being served and the work being delivered is effective in promoting and securing equality of opportunity.</p> <p>The Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill to address problems with its implementation, including appointments. In these circumstances, the exercise of these powers could help to ensure the policy supports equality of opportunity for groups in this s.75 category.</p>	
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3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? (minor/major/none)

Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	<p>The Bill, and the new authorities provided for by it, will promote good relations between groups in this s.75 category.</p> <p>Differing provision has been made for the Commissioners, reflecting the requirements and development needs of the Irish Language and the Ulster Scots/Ulster British tradition as considered by the parties to New Decade New Approach at the time. There is a risk that this difference could be misunderstood as constituting a difference in practical status and have an impact on good relations amongst this s.75 category. However, this difference is necessary to support the respective requirements and development needs of the Irish language and the Ulster Scots/Ulster British tradition and making analogous provision would not do so. The parties of the Northern Ireland Executive - which come from both major religious backgrounds in Northern Ireland - negotiated this policy on a cross-communal basis in a manner that recognised these differences.</p> <p>It is worth noting that the Equality Commission for Northern Ireland (2013) considers that the use of minority languages, particularly Irish or Ulster Scots, for common or official purposes would normally and objectively be considered to be a neutral act that would not be discriminatory. The Commission also considers that the speaking of any language in Northern Ireland should not be perceived as a threat to any individual or group, nor should it be used in such a manner.</p> <p>It should be considered for wider context that the Belfast/Good Friday Agreement contains a clear commitment on these matters: “All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots...”</p>	Minor

	<p>The legislation will create a series of national and cultural identity principles that public authorities will be required to have due regard to in respect of political opinion, religious belief and racial group. This will promote good relations between all groups in this s.75 category in enshrining their freedom to (i) develop their national and cultural identity and (ii) express that identity in a matter that takes account of the sensitivities of others with different national and cultural identities.</p> <p>These national and cultural identity principles will be overseen by an Office of Identity and Cultural Expression. If this legislation is passed, the Office’s work on the national and cultural identity principles is likely to promote good relations for groups in this s.75 category through promoting cultural pluralism and respect for diversity. The Office will be able to provide education and training programmes, research and grants to this effect. This could include, for example, helping to address specific gaps identified in survey data in Irish language and Ulster Scots ability, and the underlying factors behind this.</p> <p>The work of the three new authorities is substantially contingent on public appointments by the First and deputy First Minister acting jointly. In respect of the Irish language, best practice standards will require approval, as will financial, staffing and annual reporting matters pertaining to the three new authorities. Failure to grant such approvals or appointments to a particular authority, or all three, could serve as a barrier to this policy being implemented and impact good relations between certain groups in this s.75 category. In view of this, the Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill that could be exercised to address these issues.</p>	
Political opinion	<p>The Bill, and the new authorities provided for by it, will promote good relations between groups in this s.75 category.</p> <p>The Equality Commission for Northern Ireland acknowledges the generally reported concerns among some sections of the community regarding the promotion of minority languages potentially being connected to political aims.</p>	Minor

The NIO believes this policy, which was carefully negotiated by the parties in New Decade New Approach as the basis on which they formed an NI Executive in January 2020, will address these concerns.

If passed, this legislation will establish two Commissioners that will be required to consult public authorities or other such persons in respectively preparing best practice standards and guidance, which may include groups affected in this s.75 category. Furthermore, all three new authorities will be designated for the purposes of s.75 Northern Ireland Act 1998, requiring them to have due regard to the desirability of promoting good relations between groups within this s.75 category. This will support good relations between groups in this s.75 category less inclined to engage with the Irish language or the Ulster Scots/Ulster British Tradition.

Differing provision has been made for the Commissioners, reflecting the requirements and development needs of the Irish Language and the Ulster Scots/Ulster British tradition as considered by the parties to New Decade New Approach at the time. There is a risk that this difference could be misunderstood as constituting a difference in practical status and have an impact on good relations amongst this s.75 category. However, this difference is necessary to support the respective requirements and development needs of the Irish language and the Ulster Scots/Ulster British tradition and making analogous provision would not do so. The parties of the Northern Ireland Executive - which come from both major religious backgrounds in Northern Ireland - negotiated this policy on a cross-communal basis in a manner that recognised these differences.

It is worth noting that the Equality Commission for Northern Ireland (2013) considers that the use of minority languages, particularly Irish or Ulster Scots, for common or official purposes would normally and objectively be considered to be a neutral act that would not be discriminatory. The Commission also considers that the speaking of any language in Northern Ireland should not be perceived as a threat to

any individual or group, nor should it be used in such a manner.

It should be considered for wider context that the Belfast/Good Friday Agreement contains a clear commitment on these matters: “All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots...”

The legislation will create a series of national and cultural identity principles that public authorities will be required to have due regard to in respect of political opinion, religious belief and racial group. This will promote good relations between all groups in this s.75 category in enshrining their freedom to (i) develop their national and cultural identity and (ii) express that identity in a manner that takes account of the sensitivities of others with different national and cultural identities.

These national and cultural identity principles will be overseen by an Office of Identity and Cultural Expression. If this legislation is passed, the Office’s work on the national and cultural identity principles is likely to promote good relations for groups in this s.75 category through promoting cultural pluralism and respect for diversity. The Office will be able to provide education and training programmes, research and grants to this effect. This could include, for example, helping to address specific gaps identified in survey data in Irish language and Ulster Scots ability, and the underlying factors behind this.

The Office’s work may also support the observations of the FICT Report that a range of groups from this s.75 category contributed to, which resulted in a series of recommendations on increasing positive attitudes to all Northern Ireland’s cultural identities in an appropriate manner supported by education.

The work of the three new authorities is substantially contingent on public appointments by the First and deputy First Minister acting jointly. In respect of the Irish

	<p>language, best practice standards will require approval, as will financial, staffing and annual reporting matters pertaining to the three new authorities. Failure to grant such approvals or appointments to a particular authority, or all three, could serve as a barrier to this policy being implemented and impact good relations between certain groups in this s.75 category. In view of this, the Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill that could be exercised to address these issues.</p>	
<p>Racial group</p>	<p>The Bill, and the new authorities provided for by it, will promote good relations between groups in this s.75 category.</p> <p>If passed, the legislation will establish two commissioners that will be required to consult public authorities or other such persons in respectively preparing best practice standards and guidance, which may include groups affected in this s.75 category. Furthermore, all three new authorities will be designated for the purposes of s.75 Northern Ireland Act 1998, requiring them to have due regard to the desirability of promoting good relations between groups within this s.75 category. This will support good relations between groups in this s.75 category in engaging with the Irish language or the Ulster Scots/Ulster British Tradition, and other identities, languages and cultures of Northern Ireland.</p> <p>The Bill does not make provision for a further Commissioner for other languages, identities and cultures in Northern Ireland, and instead creates an Office of Identity and Cultural Expression. This Office will oversee a series of national and cultural identity principles enshrined by the Bill that public authorities will be required to have due regard to in respect of political opinion, religious belief and racial group. The Office's work on the national and cultural identity principles will promote good relations for groups in this s.75 category through providing education and training programmes, research and grants on the national and cultural identity principles. This will raise awareness of other languages, identities and cultures in Northern Ireland, and could include, for example, helping to address specific gaps identified in survey data in</p>	<p>Minor</p>

	<p>knowledge of minority ethnic communities and their identities and cultures.</p> <p>By placing public authorities under a duty to have due regard to the national and cultural identity principles, the Bill will promote good relations between all groups in this s.75 category in enshrining their freedom to (i) develop their national and cultural identity; (ii) express that identity in a matter that takes account of the sensitivities of others with different national and cultural identities; and (iii) that public authorities should encourage reconciliation and tolerance between those of different national cultural identities.</p> <p>The work of the three new authorities is substantially contingent on public appointments by the First and deputy First Minister acting jointly. In respect of the Irish language, best practice standards will require approval, as will financial, staffing and annual reporting matters pertaining to the three new authorities. Failure to grant such approvals or appointments to a particular authority, or all three, could serve as a barrier to this policy being implemented and impact good relations between certain groups in this s.75 category. In view of this, the Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill that could be exercised to address these issues.</p>	
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4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	If Yes, provide details	If No, provide reasons
Religious belief	<p>The new authorities created by the Bill will be designated as public authorities for the purposes of s.75 Northern Ireland Act 1998. As such, they will be subject to these duties, including regard to the desirability of promoting good relations between groups within this s.75 category, when exercising their functions.</p> <p>The commissioners will be placed under a duty to consult public authorities and relevant persons in respectively developing best practice standards and guidance. The expansiveness of this consultation and the commissioners seeking the involvement of groups in this s.75 category less likely to engage with their work will better promote good relations through understanding and dialogue.</p> <p>Differing provision has been made for the commissioners, reflecting the requirements and development needs of the Irish Language and the Ulster Scots/Ulster British tradition as considered by the parties to New Decade New Approach at the time. The differences in respect of complaints in the original draft Bills do not seem to reflect this rationale, and could be reasonably argued to give complainants in cases pertaining to the Irish Language Best Practice Standards greater weight than those on Ulster Scots. Comparable provision has therefore been made in this respect to address this imbalance and support good relations between the respective groups in this s.75 category that are more likely to have ability in one or the other.</p>	

	<p>The Office of Identity and Cultural expression could work with the Commissioners to understand how to address gaps in knowledge of the Irish language and Ulster Scots between groups in this s.75 category.</p> <p>It would be prudent for the Executive Office to regularly review the work of the new authorities to ensure the needs of the people of Northern Ireland are being served and the work being delivered is effective in promoting good relations.</p> <p>The Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill to address problems with its implementation, including appointments. In these circumstances, the exercise of these powers could help to ensure the policy promotes good relations between groups in this s.75 category.</p>	
Political opinion	<p>The new authorities created by the Bill will be designated as public authorities for the purposes of s.75 Northern Ireland Act 1998. As such, they will be subject to these duties, including regard to the desirability of promoting good relations between groups within this s.75 category, when exercising their functions.</p> <p>The commissioners will be placed under a duty to consult public authorities and relevant persons in respectively developing best practice standards and guidance. The expansiveness of this consultation and the commissioners seeking the involvement of groups in this s.75 category less likely to engage with their work will better promote good relations through understanding and dialogue.</p> <p>Differing provision has been made for the commissioners, reflecting the requirements and development</p>	

needs of the Irish Language and the Ulster Scots/Ulster British tradition as considered by the parties to New Decade New Approach at the time. The differences in respect of complaints in the original draft Bills do not seem to reflect this rationale, and could be reasonably argued to give complainants in cases pertaining to the Irish Language Best Practice Standards greater weight than those on Ulster Scots. Comparable provision has therefore been made in this respect to address this imbalance and support good relations between the respective groups in this s.75 category that are more likely to have ability in one or the other.

The Office of Identity and Cultural expression could work with the Commissioners to understand how to address gaps in knowledge of the Irish language and Ulster Scots between groups in this s.75 category.

The implementation of the Ulster Scots duty in respect of the education system will be a matter for the NI Department of Education. This will need to be considered so as to support the particular needs of Ulster Scots in comparison to the different duty and needs for Irish-medium education. This will promote good relations and ensure the success of the policy.

It would be prudent for the Executive Office to regularly review the work of the new authorities to ensure the needs of the people of Northern Ireland are being served and the work being delivered is effective in promoting good relations.

The Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill to address problems with its implementation,

	<p>including appointments. In these circumstances, the exercise of these powers could help to ensure the policy promotes good relations between groups in this s.75 category.</p>	
<p>Racial group</p>	<p>The new authorities created by the Bill will be designated as public authorities for the purposes of s.75 Northern Ireland Act 1998. As such, they will be subject to these duties, including regard to the desirability of promoting good relations between groups within this s.75 category, when exercising their functions.</p> <p>The commissioners will be placed under a duty to consult public authorities and relevant persons in respectively developing best practice standards and guidance. The expansiveness of this consultation and the commissioners seeking the involvement of groups in this s.75 category less likely to engage with their work will better promote good relations through understanding and dialogue.</p> <p>The Office of Identity and Cultural expression could work with the Commissioners to understand how to address gaps in knowledge of the Irish language and Ulster Scots between groups in this s.75 category.</p> <p>The Office of Identity and Cultural expression also could commit to initiatives to support the promotion of the culture, language and identity of minority ethnic communities in Northern Ireland in accordance with the national and cultural identity principles.</p> <p>If passed, and in accordance with its new duties under the national and cultural identity principles, the NI Department of Education may wish to review in policy terms how it can support other national and cultural</p>	

	<p>identities in Northern Ireland. The Department will be under particular duties in respect of the Irish language and Ulster Scots, and a wider review may support good relations between groups in this s.75 category.</p> <p>It would be prudent for the Executive Office to regularly review the work of the new authorities to ensure the needs of the people of Northern Ireland are being served and the work being delivered is effective in promoting good relations.</p> <p>The Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill to address problems with its implementation, including appointments. In these circumstances, the exercise of these powers could help to ensure the policy promotes good relations between groups in this s.75 category.</p>	
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ADDITIONAL CONSIDERATIONS

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? (*For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people*).

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

The FICT Report released in December 2021 considered matters of identity, language and culture and highlighted that the ‘two identities’ analysis ignores the ‘rich and complex identities and cultural heritages’ of Northern Ireland, and a wider range of ethnic and faith communities. If passed, this Bill will benefit all communities in Northern Ireland across the s.75 categories and particularly in respect of political opinion, religious belief and racial group.

Minority language speaking is not limited to one particular s.75 category, and it is likely the commissioners will serve many people of different groups. In undertaking their work on the Irish language and Ulster Scots/Ulster British tradition respectively, the commissioners will serve groups in all s.75 categories.

Public authorities will be required to have regard to the Irish language best practice standards in providing services to the public. The Commissioner for the enhancement and development of the language, arts and literature associated with the Ulster Scots and Ulster British tradition's promotion of Ulster Scots Services and published guidance will more broadly cover the relevant language, arts and literature without such a duty. This difference is necessary to support the respective requirements and development needs of the Irish language and the Ulster Scots/Ulster British tradition in multiple s.75 categories - particularly religious belief and political opinion - which making analogous provision would not achieve.

The Office of Identity and Cultural Expression will serve all communities in Northern Ireland and those it engages may encompass more than one of the s.75 good relations categories. The national and cultural identity principles that public authorities will be required to have due regard to when carrying out their functions, and that the Office will promote, monitor and report on, will accordingly apply in respect of political opinion, religious belief and racial group. Its work on supporting national and cultural identity more widely will particularly be of importance to different groups in the s.75 good relations category of racial group, where those of a minority ethnic background are less likely to be served by the two Commissioners.

It is also worth noting that the Office will have the ability to provide research on matters of national and cultural identity and to do so also at the request of the Commissioners. This could support understanding of the interrelation of national and cultural identity issues between groups in different s.75 good relations categories, and indirectly to other s.75 categories more widely.

PART 3 – SCREENING DECISION

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

An equality impact assessment is not required given the impacts identified on s.75 groups are minor, and can be effectively mitigated in accordance with Section 3.2 of this screening.

If the decision is not to conduct an equality impact assessment, you should consider if the policy should be mitigated or an alternative policy be introduced.

Mitigations are set out in Section 3.2 of this screening.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

N/A

3.1. All public authorities' equality schemes must state the arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Equality Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in the Equality Commission publication: "Practical Guidance on Equality Impact Assessment".

MITIGATION

3.2. If you have concluded that the likely impact is 'minor' and an equality impact assessment is not to be conducted, you may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the reasons to support your decision, together with the proposed changes/amendments or alternative policy.

All three new authorities will be designated public authorities for the purposes of s.75 Northern Ireland Act 1998. This will mean they will become subject to the relevant equality duties, and their policies will need to be screened accordingly.

The commissioners will be placed under a duty to consult public authorities and relevant persons in respectively developing best practice standards and guidance. The expansiveness of this consultation and the commissioners seeking the involvement of s.75 groups less likely to engage with their work is a key part of ensuring the policy promotes good relations and equality of opportunity.

All three new authorities will need to consider steps they should take in exercising their functions to make the guidance, policies and advice they produce accessible, along with any programmes or initiatives they may undertake. This may include making their work available in different formats and ensuring any digital content conforms to appropriate accessibility guidelines, and following the best practice of other public authorities.

Differing provision has been made for the Commissioners reflecting the needs of the Irish language and the Ulster Scots/Ulster British tradition as considered by the parties to New Decade New Approach. The differences in respect of complaints in the original draft Bills could be reasonably argued to give complainants in cases pertaining to the Irish Language Best Practice Standards greater weight than those on Ulster Scots. Comparable provision has therefore been made in this respect to address this imbalance and support good relations and equality of opportunity.

The First Minister and deputy First Minister will have the power to direct the new authorities in the exercise of their functions and provide guidance on the development of Irish language best practice standards. This could be exercised as a mitigation in the event that consultations made by the Commissioners were not of a satisfactory standard, or failed to include relevant s.75 groups.

It would also be prudent for the Executive Office to regularly review the work of the new authorities to ensure the needs of the people of Northern Ireland are being served and the work being delivered is effective in promoting equality of opportunity and good relations.

The work of the three new authorities is substantially contingent on public appointments by the First and deputy First Minister acting jointly. In respect of the Irish language, best practice standards will require approval, as will financial, staffing and annual reporting matters pertaining to the three new authorities. Failure to implement this policy correctly could impact equality of opportunity and good relations. In view of this, the Secretary of State for Northern Ireland will have a series of powers in Part 2 of the Bill that could be exercised as a mitigation should these issues arise.

In accordance with its duties under the national and cultural identity principles and on Ulster Scots, the NI Department of Education could review in policy terms how it can support all national and cultural identities in Northern Ireland. A wider review, conducted alongside the implementation of its Ulster Scots duty, may support equality of opportunity and good relations across groups in multiple s.75 categories. The duty in respect of Ulster Scots reflects the specific needs of Ulster Scots in comparison to Irish-medium education, and should remain unchanged.

TIMETABLING AND PRIORITISING

3.3. If the policy has been ‘**screened in**’ for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	N/A
Social need	N/A
Effect on people’s daily lives	N/A
Relevance to the NIO’s functions	N/A
Total rating score (total of 12)	N/A

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist you in timetabling. Details of the NIO’s Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

N/A

If yes, please provide details.

N/A

PART 4 – MONITORING

4.1. The NIO should consider the guidance contained in the Commission’s Monitoring Guidance for Use by Public Authorities (July 2007).

4.2. The Equality Commission recommends that where the policy has been amended or an alternative policy introduced, you should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

4.3. Effective monitoring will help you identify any future adverse impact arising from the policy which may lead you to conduct an equality impact assessment, as well as help with future planning and policy development.

PART 5 - APPROVAL AND AUTHORISATION

Screened by:	Head of Identity, Citizenship & Culture Policy
Grade/Branch/Group:	Constitution & Rights Group
Date:	16 May 2022
Approved by Deputy Director:	Holly Clark
Date:	25 May 2022

Note: A copy of the Screening Template for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy and made available on request.

Any screening forms completed within the Department will be published on a six monthly basis in line with our Departmental Equality Policy monitoring arrangements. Such information will be collated and published by the Corporate Governance Team.

ANNEX A – MAIN GROUPS IDENTIFIED AS RELEVANT TO THE SECTION 75 CATEGORIES

Category	Example Groups
Religious Belief	<p>Buddhist; Catholic; Hindu; Jewish; Muslims; people of no religious belief; Protestants; Sikh; other faiths.</p> <p>For the purposes of Section 75, the term “religious belief” is the same definition as that used in the <i>Fair Employment & Treatment (NI) Order</i>. Therefore, “religious belief” also includes any <i>perceived</i> religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “<i>similar philosophical belief</i>”.</p>
Political Opinion	Nationalists 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; care of a person with disability; or the care of a dependant older person.
Sexual orientation	Bisexual people; heterosexual people; gay or lesbian people.

ANNEX B – SCREENING FLOWCHART

