



Northern Ireland Assembly Commission

Equality Impact Assessment (EQIA)

**Review of the Policy on the Flying of the Union Flag
at Parliament Buildings**

Final Decision Report

There are seven stages in the EQIA process:

- Stage 1 : Definition of the aims of the policy
- Stage 2 : Consideration of available data and research
- Stage 3 : Assessment of potential and actual impacts
- Stage 4 : Consideration of measures
- Stage 5 : Formal consultation
- Stage 6 : Decision and publication of the results of the EQIA**
- Stage 7 : Monitoring for adverse impact.

This report sets out the findings of the first five stages of the process and is designed to assist the Assembly Commission to make decisions on the review of the policy on the flying of the Union flag at Parliament Buildings **(Stage 6)**.

Contents

	<u>Page</u>
1. Introduction	6
1.1 The EQIA process	6
1.2 Definition of the aims of the policy	7
1.3 Review of the current policy	7
1.4 Parliament Buildings	8
1.5 Related policies	8
1.6 Relevant legislation and agreements	8
1.7 Advice of the Equality Commission for Northern Ireland	9
2. Assessment of available data and research	10
3. Consultation	14
3.1 Consultation methodology	14
3.2 Responses received	16
3.3 Standard response forms	16
3.4 Written responses from the public	24
3.5 Staff questionnaires	24
3.6 Combined preferences	27
3.7 Visitor questionnaire	27
3.8 Formal written submissions	30
3.9 Face-to-face meetings	32
4. Findings	34
4.1 Analysis of data and research	34
4.2 Findings from the consultation	36
5. Conclusions and recommendations	39
5.1 Policy decision	39
5.2 Mitigating measures	41
5.3 Monitoring	43
Appendix 1: Days for hoisting flags on Government buildings in Northern Ireland 2014 in accordance with the Flags Regulations	45
Appendix 2: Related policies	46
Appendix 3: Relevant legislation and agreements	49
Formal written submissions	
Appendix 4: Equality Commission for Northern Ireland	52
Appendix 5: Community Relations Council	54
Appendix 6: Disability Action	55
Appendix 7: Northern Ireland Evangelical Alliance	56
Appendix 8: Democratic Unionist Party	60

Appendix 9: Ulster Unionist Party	63
Appendix 10: Progressive Unionist Party	64
Appendix 11: Traditional Unionist Voice	65
Appendix 12: College of Arms	68
Appendix 13: Grand Orange Lodge of Ireland	69
Appendix 14: Ballyboley Loyal Orange Lodge	72
Appendix 15: Islandmagee Loyal Orange Lodge	73
Appendix 16: Larne District Loyal Orange Lodge	75

1. Introduction

The Northern Ireland Assembly Commission (“the Commission”) has determined that a review should be undertaken of the policy relating to the flying of the Union flag at Parliament Buildings. A draft EQIA Consultation Report was prepared in October 2014 and published for consultation over a 14 week period ending February 2015. This Final EQIA Decision Report has been prepared to assist the Commission to make a final decision on the review of the policy and includes:

- a summary of the evidence presented in the Consultation Report on the potential equality of opportunity and good relations impacts of any changes to the policies;
- the findings of the consultation process;
- recommendations resulting from the EQIA, including potential mitigating measures which the Commission may decide to introduce to minimise any negative impacts.

After the Commission has made a decision, details of this will be included in this report which will then be published on the Northern Ireland Assembly website.

1.1 The EQIA process

The Commission is committed to implementing the statutory duties under Section 75 of the Northern Ireland Act 1998, which require that, in carrying out its functions relating to Northern Ireland, a public authority must have due regard to the need to promote equality of opportunity:

- between persons of different -
 - religious belief;
 - political opinion;
 - racial group;
 - age;
 - marital status;
 - sexual orientation; or
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

Without prejudice to that obligation, a public authority is also required, in carrying out its functions, to have regard to the desirability of promoting good relations between people of different religious belief, political opinion or racial group.

Schedule 9 of the Act sets out the detailed procedure for implementing these duties including the carrying out of screening exercises and EQIAs. When undertaking an EQIA, the Commission closely follows the guidance published by the Equality Commission for Northern Ireland which recommends that there should be seven steps in the process :

- Step 1: Definition of the aims of the policy
- Step 2: Consideration of available data and research
- Step 3: Assessment of potential and actual impacts
- Step 4: Consideration of alternative policies and mitigating measures
- Step 5: Formal consultation
- Step 6: Decision and publication of the results of the EQIA
- Step 7: Monitoring for negative impact.

1.2 Definition of the aims of the policy

The Commission currently observes the Flags Regulations (Northern Ireland) 2000 ('the Regulations') made under the Flags (Northern Ireland) Order 2000 ('the 2000 Order'). Appendix 1 sets out the specified days for flying the Union Flag at Parliament Buildings in 2015. Parliament Buildings is not, however, a government building or courthouse within the meaning of the 2000 Order and this observance is a matter of practice rather than a legal obligation.

1.3 Review of the current policy

At the Commission meeting on 5th February 2013, the motion set out below was agreed, namely:

'That the Assembly Commission tasks officers to bring back a report, within 3 months, following consultation with Assembly parties, reviewing the number of days upon which the Union Flag flies from Parliament Buildings and detailing a range of options and how a process of public consultation could be carried out and arrangements for carrying out an EQIA.'

At the meeting on 20th November 2013 the Commission further tasked officers to table a paper detailing information on the consultation process to include timeframes and 'the way forward' concerning the motion on the flying of the Union Flag. This paper was tabled at the Commission meeting held on 29th January 2014. The Commission agreed the recommendations:

- (a) to procure an independent person/organisation to conduct an EQIA and associated consultation process, and;
- (b) the indicative timings for the EQIA and consultation process to commence.

1.4 Parliament Buildings

The Northern Ireland Assembly is the devolved legislature for Northern Ireland and has 108 Members. It is responsible for making laws on transferred matters in Northern Ireland and for scrutinising the work of Ministers and Northern Ireland Departments. The Assembly sits at Parliament Buildings, Stormont Estate, in Belfast.

Parliament Buildings has a wide significance as a public building and as home of the Northern Ireland Assembly. It is one of the best-known and most striking pieces of architecture in Northern Ireland. Parliament Buildings sits within the Stormont Estate which is a finely-landscaped public park and is popular with the public. The Stormont Estate is also home to a number of government departments.

Users of Parliament Buildings include employees, Members, party staff, suppliers and contractors, service users and visitors. At the time of writing, Parliament Buildings is the principal workplace of 385 Commission employees (which includes inward secondees, and agency staff). In addition 907 users (at the time of writing) are permanent pass holders, this total includes party support staff, service suppliers, Executive Information Service, the media etc who may not be based permanently within the building.

Parliament Buildings offers services directly accessed by the public (and officials) such as tours, events, educational visits, attendance at Assembly Committees and watching plenary debates. There was a recorded 70,328 visitors participating in a range of services between January 2013 and December 2013.

1.5 Related policies

There are a number of policies which may have an influence on the policy on the flying of the Union flag, including:

- Promotion of equality of opportunity – NI Assembly Commission Equality Scheme 2012-2016;
- Promotion of good relations – NI Assembly Commission Good Relations Strategy 2012-2016;
- NI Assembly Dignity at Work Policy;
- NI Assembly Equal Opportunities Policy;
- NI Executive - Together: Building a United Community

Further details of these policies are set out in Appendix 2.

1.6 Relevant legislation and agreements

Background information on relevant legislation and agreements is set out in Appendix 3.

1.7 Advice of the Equality Commission for Northern Ireland

The Equality Commission for Northern Ireland has issued guidance on promoting a good and harmonious working environment which distinguishes between a 'harmonious' working environment and a 'neutral' one. The guidance states that:

'a good and harmonious working environment is one where all workers are treated with dignity and respect and where no worker is subjected to harassment by conduct that is related to religious belief or political opinion....This of course does not mean that working environments must always be devoid of anything that happens to be more closely associated with one or other of the two main communities in Northern Ireland....In other words an 'harmonious' working environment does not necessarily mean a 'neutral' one.' (Promoting a Good and Harmonious Working Environment, A Guide for Employers and Employees, October 2009)

The guidance includes the following advice on workplace emblems:

'...the Commission recommends that where an employer is seeking to provide or maintain fair participation, or to ensure that all services and facilities are widely utilised by all sections of the community, there is sensitivity concerning displays wholly or mainly associated with one section of the community.' (Promoting a Good and Harmonious Working Environment, A Guide for Employers and Employees, October 2009)

The guidance also includes the following specific advice on the flying of the Union flag:

'the flying of the Union Flag must be viewed within the context in which it is flown or displayed. Factors affecting the context include the manner, location and frequency with which flags are flown. The Union Flag is the national flag of the United Kingdom and, arising therefrom, has a particular status symbolising the constitutional position of Northern Ireland. On the other hand, the Union Flag is often used to mark sectional community allegiance. There is a world of difference between these two approaches. Thus, for example, while it is acceptable and appropriate, in the Commission's view, for a local Council to fly the Union Flag at its Civic Headquarters, the rationale for its display at every Council location, facility and leisure centre would be questionable.' (Promoting a Good and Harmonious Working Environment, A Guide for Employers and Employees, October 2009)

2. Assessment of Available Data and Research

The second step of the equality impact assessment process considers whether available data and research can provide an insight into the potential impacts on people in the various Section 75 categories. This chapter summarises the available information which was presented in the Draft EQIA Consultation Report (published in October 2014).

The main stakeholders who will be affected by any change to the policy are:

- Members of the Assembly (MLAs)
- Visitors to Parliament Buildings;
- Secretariat staff;
- Party support staff;
- Contract staff;
- Trade Unions;
- The general public.

A range of relevant data and research is available including:

- data on residents of Northern Ireland;
- data on Commission staff;
- data on visitors to Parliament Buildings;
- policies of other public authorities;
- the findings of previous EQIAs on similar policies;
- legal advice;
- results from annual Life and Times Surveys;
- findings of the Commission's Good Relations Audit 2011.

In addition, as part of the EQIA process, a pre-consultation exercise was carried out in the first two weeks of October 2014 to provide an opportunity for MLAs, staff and building users (including party support and contract staff) to express their views at an early stage in the EQIA process.

The key information may be summarised as follows:

Data on users and visitors to Parliament Buildings

1. At the time of the 2001 Census, 53% of the population said that they were from a Protestant community background and 44% said they were from a Catholic community

background; by 2011, the gap had narrowed to 3%, with 48% from a Protestant community background and 45% from a Catholic community background.

2. The Commission monitors its staff on appointment in terms of community background and figures for the last four years show that around 56% of staff define their community background as Protestant and 38% of staff define themselves as being from a Roman Catholic community background.

3. There are a large number of visitors to Parliament Buildings each year (over 70,000). Whilst visitors are not monitored in terms of community background, a public engagement exercise in 2009-10 (facilitated by Ipsos MORI) showed that significantly fewer Nationalists (23%) compared with Unionists (38%) have ever visited Parliament Buildings. However, there is anecdotal evidence that this gap has decreased in recent years.

Policies of other public authorities

4. The Flags Regulations do not apply to local councils in Northern Ireland and a range of policies on the flying of the Union flag has therefore been adopted. Several councils follow the principles of the Flags Regulations and fly the Union flag at their main civic centre on designated flag days. Some fly no flag or a neutral, civic flag while others fly the Union flag on a permanent basis, some at several different locations. Several councils have carried out EQIAs on their flag flying policies with varying results; all acknowledged the possibility that people from the Nationalist community might experience a 'chill factor' in their dealings with the Council as a result of the flying of the Union flag.

5. The flying of flags is not the subject of statute law in England, Wales or Scotland but the Department for Culture, Media and Sport (DCMS) has responsibility for issuing guidance and currently designates 18 annual flag days. (This is three more days than the Flags Regulations as they include the birthdays of the Duke and Duchess of Cambridge and the Duchess of Cornwall.)

6. The DCMS guidance does not apply to the Palace of Westminster or to the buildings of the Scottish Executive, the Scottish Parliament, the Welsh Assembly Government or the National Assembly for Wales. The Union flag is flown on a permanent basis at the Palace of Westminster (since 2010). The Scottish Executive flies the Saltire each day from Executive buildings and flies the Union flag on designated flag days. The National Assembly for Wales flies the Union flag, the Red Dragon and the European flag on their main building on a daily basis.

Judgment

7. To date the only judicial review concerned with the flying of the Union flag in Northern Ireland was conducted in relation to the Secretary of State's decision to introduce

the Flags Regulations taken by Conor Murphy MLA¹. The Judge (Kerr J) ruled that the Regulations were not in conflict with the Belfast/Good Friday Agreement, stating

‘The Union flag is the flag of the United Kingdom of which Northern Ireland is a part. It is the judgment of the Secretary of State that it should be flown on government buildings only on those days on which it is flown in Great Britain. By thus confining the days on which the flag is to appear, the Secretary of State sought to strike the correct balance between, on the one hand, acknowledging Northern Ireland’s constitutional position, and, on the other, not giving offence to those who oppose it. That approach seems to me to exemplify a proper regard for “partnership, equality and mutual respect” and to fulfil the Government’s undertaking that its jurisdiction in Northern Ireland “shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions “. I do not consider, therefore, that the Regulations have been shown to be in conflict with the Belfast Agreement.’

Legal advice to Belfast City Council

8. Belfast City Council took advice from two Senior Counsel on various occasions during consideration of its policy on the flying of the Union flag. They advised that the principle of ‘striking the right balance’ was key to any decision on a flag policy and that, the more balanced the approach, the less risk there is likely to be of a successful challenge.

Life and Times surveys

9. The Northern Ireland Life and Times Survey² includes a number of key indicators that have been used consistently to monitor public perception of the state of good relations. The 2013 results showed that 48% of Protestants and 59% of Catholics considered that flags should be flown from public buildings on designated days only. 28% of Catholics preferred that the Union flag should not be flown at all and 44% of Protestants felt that the Union flag should be flown all the time. The figure for young Protestants (aged 18-34) who felt that the flag should fly all the time was particularly high, at 61%.

Good Relations Audit

10. The Assembly Commission has a Good Relations Strategy which sets out its commitment to the principles of equity, diversity and interdependence and includes a four year action plan for the period 2012-16. The latest action plan was developed as a result of an

¹ *Re Murphy’s Application* [2001] NI 425

² The *Northern Ireland Life and Times survey* (NILT) is carried out annually and documents public opinion on a wide range of social issues. NILT is a joint project involving Queen’s University Belfast and the Ulster University and aims to provide an independent source of information on what the public thinks about the social issues of the day. The web site provides full information on all survey findings (www.ark.ac.uk/nilt)

internal Good Relations Audit, carried out by consultants in 2010 through a mix of interviews, focus groups, observation, online surveys and desk research. The findings included:

- the relationships between elected representatives has softened over recent years as a result of development of contact through a well-functioning committee system and associated legislature;
- flags and emblems will continue to be a divisive issue within the Assembly;
- the location of Parliament Buildings means that it is relatively inaccessible to people in the West of Northern Ireland.

Pre-consultation

11. Informal engagement ('pre-consultation') was undertaken with MLAs, staff and users of Parliament Buildings (including party support and contract staff) in October 2014, before the EQIA Consultation Report was completed. This gave consultees an opportunity to express their opinions and identify any problem areas to be taken into account during the preparation of the report. The pre-consultation consisted of face-to-face meetings at Parliament Buildings with individuals or small groups on four separate days. In total, 65 individuals were interviewed over the four days and two others made their views known by telephone/email.

12. A wide range of views on the flying of the Union flag were put forward, reflecting the diverse political opinions that characterise both MLAs and staff. No consensus emerged on a preferred option although it was significant that while strongly held personal preferences were clearly articulated, a number of interviewees also stressed the importance of maintaining a good and harmonious environment within the building, thereby either tacitly or explicitly acknowledging that accommodations to personal preferences may be necessary to continue to help foster this environment.

13. Comments were made regarding the current impact of the flying of the Union flag on designated days; it was suggested that there is a chill factor for those of a Nationalist or Republican community which makes the building less welcoming on such days, and it was reported that visitors had regularly commented likewise. Some consultees said that, on designated days, issues of identity were raised in consciousness and there was greater sensitivity to such matters, highlighting in particular the fact that neither the fabric nor public content of Parliament Buildings contained any emblems or memorabilia reflective of the Nationalist or Republican communities in Northern Ireland.

14. There were differing views on the effectiveness of the current approach to maintain a good and harmonious working environment within Parliament Buildings, with some consultees arguing that the working environment is pleasant and welcoming while others maintained that it is still a 'cold building' for Nationalists and Republicans, albeit perhaps changing slowly.

3. Consultation

A vital stage of the EQIA process is formal consultation with interested parties to obtain their views on the various options and scenarios described in the EQIA report. The Northern Ireland Assembly Commission is committed to consultation which is timely, open and inclusive, and conducted in accordance with the Equality Commission's Guiding Principles. The consultation period in respect of this EQIA lasted for 14 weeks (from October 2014 to February 2015) and attracted a substantial response. This chapter outlines the consultation process and summarises the responses.

3.1 Consultation methodology

The Assembly Commission appointed consultants to facilitate the EQIA process and manage the consultation to ensure objectivity and confidentiality. The Commission met on 5th September 2014 and approved the consultation strategy proposed by the consultants to allow pre-consultation and formal consultation to proceed. The consultation strategy made it clear that comments would be welcomed from any individual or organisation with an interest in the policy and the methodology was designed to elicit both quantitative and qualitative feedback, and to encourage responses from all sections of the community and staff.

Information about the EQIA (including all relevant background documents) was placed on the Northern Ireland Assembly website and attention was drawn to the consultation process through the press and social media. The consultants developed two response forms as a tool to aid information-gathering; a standard response form to assist individuals and organisations to respond, and a separate response form for staff including two additional questions designed to elicit information on feelings about the flying of the Union flag.

It was anticipated that the response rate to the consultation on this EQIA would be high and it was therefore essential to target the consultation process effectively to ensure that all responses could be analysed and appropriately represented in the Final EQIA Decision Report. The standard response form was designed to facilitate speedy analysis and was therefore fairly simple with a majority of closed questions. However, consultation with staff and building users presented an opportunity to undertake qualitative research to obtain a better understanding of perceptions of the impact of the flying of the Union flag at Parliament Buildings. This element of the consultation was therefore based on a more detailed version of the response form and a series of face-to-face meetings with the consultants on pre-arranged dates.

The two response forms, along with the interim consultation report, formed part of a paper presented to the Commission at its meeting on 22nd October 2014. This paper was

approved by the Commission following a vote, as minuted at the Commission meeting on 22nd October 2014.

Although the response forms were provided to assist consultees in providing feedback, it was made clear that responses would be accepted in any format (e.g. letter, email, telephone, etc.). The response forms could be returned to the consultants by email or could be downloaded and sent by post to a P.O. Box address used by the consultants for consultation purposes.

Equality Scheme consultees

All consultees listed in Appendix 3 of the Commission's Equality Scheme were notified (by email or post) of the availability of the documentation on the website and given details of how to respond. This list includes all political parties, government departments and Trade Unions.

General public

A public notice drawing attention to the consultation was placed in the Belfast Telegraph, Irish News and Newsletter in the first week of the consultation period. This indicated that the documentation was available on the website and provided details of how to respond.

Staff and users of the building

Staff and users of the building (including MLAs, party support staff and contract staff) had already been informed by email that the EQIA was taking place and had been given an opportunity to make their preliminary views known to the consultants through the pre-consultation phase of the EQIA. At the start of the formal consultation period, staff and users of the building were informed by email of the availability of the documentation and the arrangements for responding to the consultation. The information was also placed on the Assembly intranet, the Assembly website and all relevant information was issued to key staff in business areas and Assembly service providers based in Parliament Buildings, to ensure that this information would be provided to those staff who may not have regular access to a work computer.

The consultants also arranged four half-day sessions in November 2014, when they were available at Parliament Buildings to meet with MLAs, Commission staff, contract staff and party support staff, either individually or in small groups. A response form was completed for each person attending one of these sessions and these have been included in the total number of response forms analysed below. All staff were reminded at various points during the consultation period of opportunities to respond and the opportunity to meet with the consultants.

A separate response form was emailed to staff including two additional questions designed to elicit information on feelings about the flying of the Union flag. Staff therefore had the opportunity to respond using either the standard response form or the extended one (referred to below as the 'staff questionnaire').

Visitors

The Commission distributes a questionnaire to visitors four times a year at the end of their visit (either for a tour or a special event) on issues relating to the promotion of good relations. During the formal consultation period, information was added to the visitor questionnaire outlining the EQIA process and three additional questions relating to the EQIA were inserted.

3.2 Responses received

There was a substantial response to the consultation process from both main communities. Responses included:

- 3,039 completed response forms, submitted anonymously by members of the public by post or email³;
- 31 written responses submitted by members of the public by post or email;
- 49 completed staff questionnaires, submitted anonymously by post or email;
- 152 completed visitor questionnaires;
- 13 formal written submissions from the Equality Commission, the Community Relations Council, Disability Action, the Evangelical Alliance, the Democratic Unionist Party, the Ulster Unionist Party, the Progressive Unionist Party, the Traditional Unionist Voice, the College of Arms, the Grand Orange Lodge of Ireland, Ballyboley Loyal Orange Lodge, Islandmagee Loyal Orange Lodge and Larne District Loyal Orange Lodge.

In addition the consultants met with 27 MLAs, staff and other building users at the four face-to-face sessions held in November 2014. This represents a total of 3,311 responses.

3.3 Standard response forms

Table 1: Response rate

3,039 completed response forms were received. The response form included demographic questions about gender, community background and age, although it was made clear that this information was sought on a voluntary basis and not every respondent answered every question. As respondents could self-select the categories with which they identified, the accuracy of the information cannot be verified.

³ It should be noted that a number of blank forms were received and these have not been included in the total.

It is standard practice to allow response forms of this type to be submitted anonymously in order to maximise the response rate. However, this approach does not allow for the testing of the reliability and/or validity of the data collected. It became apparent that a large percentage of the responses would appear to have been co-ordinated by a small number of individuals/organisations; for example, there were several hundred response forms where the preferences and comments had been inserted in typed form and where the personal data was either missing or recorded in the same handwriting. It is entirely possible that these responses were from individuals and simply co-ordinated by a central figure to facilitate the process; however, there is also the possibility that these were submitted simply to increase the response level in favour of a particular preference.

Table 1 shows the number of responses by gender, community background and age group.

	No. of responses	% of total responses
Total responses	3,039	100
Gender:		
Male	1,813	59.7
Female	1,083	35.6
No response	143	4.7
Community background:		
Protestant	1,289	42.4
Catholic	682	22.4
Neither Protestant nor Catholic	218	7.2
No response	850	28.0
Age:		
Young (under 25)	330	10.9
Aged 25-59 years	1,417	46.6
Older (65+)	347	11.4
No response	945	31.1

Table 2: Strength of opinion

Q.1 First of all, do you have an opinion on the flying of the Union flag at Parliament Buildings?

	No. of responses	% of total responses
A strong opinion	2,977	98.0
An opinion but not strongly held	41	1.3
No opinion	4	0.1
No response	17	0.6

Table 3: Preferences

The response form set out eight potential policy options with respect to the flying of the Union flag and respondents were asked to indicate which they would prefer. The options were:

- No change – continue to fly the Union flag at Parliament Buildings on existing designated flag days (currently 15 days per year);
- Fly the Union flag on fewer days (than the current 15 days per year);
- Adopt the 18 days determined by the DCMS for Great Britain;
- Add the days when the Assembly is sitting;
- Add days of particular local significance (e.g. Ulster Day, July 12);
- Some combination of the above (respondents were asked to write in their preference);
- Fly the Union flag on a permanent basis;
- Cease to fly the Union flag (referred to as ‘no flag’ in the tables below).

Respondents could also indicate if they preferred none of these options. In this case they were offered a choice of three scenarios (which reflected those considered in the EQIA report). These were:

- Fly the Irish Tricolour alongside the Union flag;
- Fly a neutral, civic flag;
- Other preference (respondents were asked to write in their preference).

It should be noted that nearly all of the respondents who selected ‘other preference’ indicated that they wished to see either the Irish Tricolour flown alongside the Union flag or no flags flying at all. This is referred to as ‘two flags or no flags’ in the tables below.

Tables 3a and 3b set out the preferences expressed by respondents.

Table 3a

Q.2 The EQIA considers a range of policy options for the flying of the Union flag. Which of the following options would you prefer? (Please select only one).

Q.3 The EQIA also identifies other scenarios; if you selected option 5 at Question 2, would you prefer one of the following?

	Options/Scenarios	No. of responses	% of total responses
1	No change (15 days)	51	1.7
2	Decrease the number of days	0	0
3	Increase to 18 days	33	1.1
4	Add days when Assembly is sitting	25	0.8
5	Add days of local significance	46	1.5
6	Some combination of the above	30	1.0

7	Permanent basis	1,283	42.2
8	No flag	29	1.0
9	Two flags	1,500	49.4
10	Neutral, civic flag	10	0.3
11	Fly two flags or no flags	28	0.9
12	No preference specified	4	0.1
	TOTAL	3,039	100

Option 6 allowed respondents to select a combination of options 2-5. The preferences were as follows:

Table 3b

	No. of responses	% of total responses
Decrease the number of current designated days but add days of local significance	1	0.03
Increase to 18 designated days and add days when the Assembly is sitting	5	0.16
Increase to 18 designated days and add days of local significance	12	0.40
Add days when the Assembly is sitting and days of local significance	6	0.20
Increase to 18 designated days, add days when the Assembly is sitting and days of local significance	1	0.03
Not specified	3	0.10
Follow Scotland and Wales	1	0.03
Special occasions only	1	0.03

Table 4: Preferences by gender

	Options/ scenarios	Male		Female	
		No.	%	No.	%
1	No change (15 days)	36	2.0	14	1.3
2	Decrease the number of days	0	0	0	0
3	Increase to 18 days	21	1.2	8	0.7
4	Add days when Assembly is sitting	21	1.2	4	0.4
5	Add days of local significance	34	1.9	10	0.9
6	Some combination of the above	22	1.2	7	0.6
7	Permanent basis	799	44.1	403	37.2
8	No flag	11	0.6	16	1.5
9	Two flags	842	46.4	608	56.2

10	Neutral, civic flag	8	0.4	2	0.2
11	Fly two flags or no flags	17	0.9	9	0.8
12	No preference specified	2	0.1	2	0.2
	TOTAL	1813	100	1083	100

Table 5: Preferences by community background

	Options/ scenarios	Protestant		Catholic		Neither	
		No.	%	No.	%	No.	%
1	No change (15 days)	35	2.7	10	1.5	4	1.8
2	Decrease the number of days	0	0	0	0	0	0
3	Increase to 18 days	25	1.9	3	0.4	0	0
4	Add days when Assembly is sitting	19	1.5	0	0	5	2.3
5	Add days of local significance	37	2.9	1	0.1	5	2.3
6	Some combination of the above	27	2.1	1	0.1	0	0
7	Permanent basis	1058	82.1	31	4.5	59	27.1
8	No flag	4	0.3	19	2.8	4	1.8
9	Two flags	80	6.2	585	85.8	138	63.3
10	Neutral, civic flag	1	0.1	6	0.9	3	1.4
11	Fly two flags or no flags	0	0	26	3.9	0	0
12	No preference specified	3	0.2	0	0	0	0
	TOTAL	1289	100	682	100	218	100

Table 6: Preferences by age

	Options/ scenarios	Under 25		Aged 25-64		Over 65	
		No.	%	No.	%	No.	%
1	No change (15 days)	2	0.6	35	2.5	13	3.7
2	Decrease the number of days	0	0	0	0	0	0
3	Increase to 18 days	1	0.3	19	1.4	8	2.3
4	Add days when Assembly is sitting	1	0.3	17	1.2	3	0.9
5	Add days of local significance	4	1.2	29	2.0	11	3.2
6	Some combination of the above	2	0.6	16	1.1	9	2.6
7	Permanent basis	141	42.8	682	48.1	259	74.6
8	No flag	3	0.9	23	1.6	0	0
9	Two flags	171	51.8	562	39.7	44	12.7
10	Neutral, civic flag	1	0.3	9	0.6	0	0
11	Fly two flags or no flags	4	1.2	21	1.5	0	0
12	No preference specified	0	0	4	0.3	0	0
	TOTAL	330	100	1417	100	347	100

Table 7: Reasons for preferences

The purpose of the consultation was not only to obtain people's views on their preferred option/scenario but also why they preferred it. 2,568 respondents (84.5%) gave a reason for their preference; other respondents did not answer the question.

The most common reasons given in support of each option were as follows; these have been paraphrased to allow them to be grouped together while accurately representing the general opinions offered by respondents.

- R1 No response.
- R2 The Union flag is the flag of Northern Ireland and should be flown with pride and respected by both communities.
- R3 The Good Friday Agreement determined that Northern Ireland is constitutionally part of the United Kingdom and so the flag of the UK should be flown; sovereignty should not be confused with identity.
- R4 Northern Ireland should apply the same policy as is followed in the rest of Great Britain rather than be made an exception.
- R5 To promote equality, fairness and parity of esteem and to represent both communities.
- R6 Represents a neutral position or compromise.
- R7 To improve good relations and prevent further protests.
- R8 Other reason.

Table 7 shows the number of responses for each of the reasons given in support of each option/scenario using the reference numbers listed above.

Q.5 Please tell us the reasons for your preferred option.

		R1	R2	R3	R4	R5	R6	R7	R8	Tot
No change	No.	14	9	9	2	2	4	6	5	51
	%	27.6	17.6	17.6	3.9	3.9	7.8	11.8	9.8	100
Increase to 18 days	No.	2	13	2	13	2	0	1	0	33
	%	6.1	39.4	6.1	39.4	6.1	0	3.0	0	100
Add Assembly days	No.	6	11	4	0	0	1	2	1	25
	%	24.0	44.0	16.0	0	0	4.0	8.0	4.0	100
Add days of local significance	No.	12	14	10	2	0	1	3	4	46
	%	26.1	30.4	21.7	4.3	0	2.1	6.5	8.7	100
Some combination	No.	5	12	4	3	0	2	0	4	30
	%	16.7	40.0	13.3	10.0	0	6.7	0	13.3	100
Permanent basis	No.	454	603	144	29	6	1	9	37	1283
	%	35.4	45.0	11.2	22.6	0.5	0.1	0.7	2.9	100

No flag	No.	15	1	0	0	4	3	4	2	29
	%	51.7	3.4	0	0	13.8	10.3	13.8	6.9	100
Two flags	No.	54	0	0	0	1406	9	9	22	1500
	%	3.6	0	0	0	93.7	0.6	0.6	1.5	100
Neutral, civic flag	No.	0	0	0	0	2	5	1	2	10
	%	0	0	0	0	20.0	50.0	10.0	20.0	100
Two flags or no flags	No.	12	0	1	0	11	3	1	0	28
	%	42.9	0	3.6	0	39.3	10.7	3.6	0	100
No preference specified	No	4	0	0	0	0	0	0	0	4
	%	100	0	0	0	0	0	0	0	100
TOTAL	No.	578	663	174	49	1433	29	36	77	3039
	%	19.0	21.8	5.7	1.6	47.2	1.0	1.2	2.5	100

Table 8: Acceptability of current policy

Respondents were asked, even if their preference was for a change to the current policy, whether they would be prepared to accept that the Union flag should continue to fly on the 15 designated days per year in the interests of helping to maintain good relations. 2,850 respondents (93.8%) answered the question, with 600 (21.1%) saying they would be prepared to accept the current policy and 2,206 (77.4%) saying they would not be prepared to do so. The responses are analysed in the table below in accordance with the preference expressed.

Q.4 Even if your preference is for a change to the current policy, would you be prepared to accept that the Union flag should continue to fly on 15 designated days per year in the interests of helping to maintain good relations?

	Options/scenarios		Yes	No	Don't know	Total
1	No change (15 days)	No.	35	1	0	36
		%	97.2	2.8	0	100
2	Decrease the number of days	No.	0	0	0	0
		%				
3	Increase to 18 days	No.	25	5	2	32
		%	78.1	15.6	6.3	100
4	Add days when Assembly is sitting	No.	13	10	0	23
		%	56.5	43.5	0	100
5	Add days of local significance	No.	34	5	1	40
		%	85.0	12.5	2.5	100
6	Some combination of the above	No.	22	7	1	30
		%	73.3	23.3	3.3	100

7	Permanent basis	No.	457	646	35	1138
		%	40.2	56.8	3.1	100
8	No flag	No.	5	22	1	28
		%	17.9	78.6	3.5	100
9	Two flags	No.	6	1491	1	1498
		%	0.4	99.5	0.1	100
10	Neutral, civic flag	No.	2	4	2	8
		%	25.0	50.0	25.0	100
11	Fly two flags or no flags	No.	1	15	1	17
		%	5.9	88.2	5.9	100
12	No preference specified	No.	0	0	0	0
		%				
	TOTAL	No.	600	2206	44	2850
		%	21.1	77.4	1.5	100

Table 9: Other comments

The response form gave respondents an opportunity to add other comments not related to the reasons for their preferred option/scenario. Most of these comments related to the purpose or format of the consultation or highlighted that there was nothing in the public areas of Parliament Buildings to reflect a Nationalist or Republican tradition. The latter perception was raised during the pre-consultation and referred to in the EQIA report.

Q.6 Any other comments?

	No. of responses
Nothing in Parliament Buildings reflects the Nationalist tradition	601
Nationalists are trying to undermine the Britishness of Northern Ireland	57
The EQIA consultation process was flawed because: <ul style="list-style-type: none"> it was not well publicised; or the questionnaire was biased; or there should be no mention of the Irish Tricolour 	38
There should be no need for the EQIA; it is time to move on and address issues more important than flags	26
People gave their lives under the banner of the Union flag and the review is disrespectful to their memory	24
There is a need to address the problem of unauthorised flags	14
The Assembly Commission is not the appropriate body to make a decision on this policy	4

3.4 Written responses from the public

31 members of the public chose to submit their responses in writing (by post or email) instead of using the standard response form. 20 of these respondents supported the flying of the Union flag on a permanent basis, three expressed a preference for no change and one for the flying of the Irish Tricolour alongside the Union flag. The remaining respondents did not indicate a preference but made it clear that they wished to see the Union flag continue flying.

3.5 Staff questionnaires

The staff questionnaire included the same questions as the response form but there were two additional questions designed to elicit information on feelings towards the Union flag. It should be noted that the personal data was collected by using a standard Section 75 equality monitoring form and therefore refers to religious belief rather than community background. The results of the analysis are set out in the following tables.

Table 10: Response rate

	No. of responses	% of total responses
Total responses	49	100
Gender:		
Male	20	40.8
Female	19	38.8
No response	10	20.4
Religious belief:		
Protestant	7	14.3
Roman Catholic	12	24.5
No religious belief	18	36.7
No response	12	24.5
Age:		
Young (under 25)	1	2.0
Aged 25-59 years	32	65.4
Older (65+)	1	2.0
No response	15	30.6

Table 11: Strength of opinion

Q.1 First of all, do you have an opinion on the flying of the Union flag at Parliament Buildings?

	No. of responses	% of total responses
A strong opinion	41	83.7
An opinion but not strongly held	8	16.3

Table 12: Feelings about the Union flag

Q.2 Which of the following statements best reflects your feelings regarding the Union flag?

	No. of responses	% of total responses
I feel pleased and proud to see the flag flying	11	22.4
I feel comfortable to see the flag flying	4	8.2
I have no particular feelings about the flag	7	14.3
I feel uncomfortable to see the flag flying	2	4.1
I feel offended and unwelcome because the flag is flying	25	51.0
TOTAL	49	100

Table 13: Feelings about ceasing to fly the Union flag

*Q3. The current policy is that the Union Flag flies at Parliament Buildings on days designated by the Secretary of State for government buildings (currently 15 days per year). If the policy was to be changed so that **the Union flag no longer flew** at Parliament Buildings, which of the following statements would best reflect your feelings?*

	No. of responses	% of total responses
I would feel highly satisfied because the flag no longer flew	18	36.7
I would feel pleased because the flag no longer flew	7	14.3
I would have no particular feelings about the flag	7	14.3
I would feel displeased because the flag no longer flew	6	12.2
I would feel offended and unwelcome because the flag no longer flew	10	20.4
No response	1	2.1
TOTAL	49	100

Table 14: Preferences

Q.4 The EQIA considers a range of policy options for the flying of the Union flag. Which of the following options would you prefer? (Please select only one).

Q.5 The EQIA also identifies other scenarios; if you selected option 5 at Question 2, would you prefer one of the following?

	Options/Scenarios	No. of responses	% of total responses
1	No change (15 days)	4	8.2
2	Decrease the number of days	2	4.1
3	Increase to 18 days	2	4.1
4	Add days when Assembly is sitting	0	0
5	Add days of local significance	2	4.1
6	Some combination of the above	0	0

7	Permanent basis	8	16.3
8	No flag	4	8.2
9	Two flags	11	22.4
10	Neutral, civic flag	7	14.2
11	Fly two flags or no flags	9	18.4
12	No preference specified	0	0
	TOTAL	49	100

As the overall number of responses was quite low, the preferences have not been analysed according to gender, religious belief or age group.

Table 15: Reasons for preferences

The most common reasons given in support of each option were as follows; these have been grouped together in the same way as for the standard response form. (For the key to the responses see Table 7 above).

Q7. Please tell us the reasons for your preferred option.

	R1	R2	R3	R4	R5	R6	R7	R8
No change (15 days)	1		2	1				
Decrease the number of days							2	
Increase to 18 days				2				
Add days of local significance		1						1
Permanent basis	3	4	1					
No flag					1	1		2
Two flags					8	1		1
Neutral, civic flag	1				1	3		2
Fly two flags or no flags	1				6		1	1

Table 16: Acceptability of current policy

Staff were asked, even if their preference was for a change to the current policy, whether they would be prepared to accept that the Union flag should continue to fly on the 15 designated days per year in the interests of helping to maintain good relations. 48 respondents (98.0%) answered the question, with 27 (55.1%) saying they would be prepared to accept the current policy and 21 (42.9%) saying they would not be prepared to do so.

3.6 Combined preferences

Table 17 shows the results of combining the preferences expressed by the general public through the response form and in writing and those expressed by respondents to the staff questionnaire.

Table 17: Combined preferences

	Options/Scenarios	No. of responses	% of total responses
1	No change (15 days)	58	1.9
2	Decrease the number of days	2	0.1
3	Increase to 18 days	35	1.1
4	Add days when Assembly is sitting	25	0.8
5	Add days of local significance	48	1.5
6	Some combination of the above	30	1.0
7	Permanent basis	1,311	42.1
8	No flag	33	1.1
9	Two flags	1,512	48.6
10	Neutral, civic flag	17	0.5
11	Fly two flags or no flags	37	1.2
12	No preference specified	4	0.1
	TOTAL	3,112	100

3.7 Visitor questionnaires

Consultations of this nature on politically sensitive issues tend to attract responses mainly from people with strong opinions and those with less strong opinions are often not well represented. Indeed, 98% of those who submitted response forms indicated that they had a strong opinion on the matter. The opportunity was therefore taken to secure feedback from a smaller number of visitors to Parliament Buildings who were more likely to have varying views in terms of the strength of their opinion.

The Commission distributes a questionnaire to visitors four times a year at the end of their visit (either for a tour or a special event) on issues relating to the promotion of good relations. During the EQIA consultation period three additional questions were added seeking views on the flying of the Union flag and 152 completed questionnaires were returned. The nature of the questionnaire meant that the questions had to be fairly short and it was not possible to include all the options/scenarios listed in the standard response form. It should also be noted that the personal information requested from visitors follows the format used for staff monitoring and therefore refers to religious belief rather than community background.

Table 18: Response rate

	No. of responses	% of total responses
Total responses	152	100
Gender:		
Male	41	27.0
Female	81	53.3
No response	30	19.7
Religious belief:		
Protestant	60	39.5
Roman Catholic	30	19.8
Other Christian	7	4.6
Other faith	2	1.3
No religious belief	16	10.5
No response	37	24.3
Age:		
Young (under 25)	3	2.0
Aged 25-59 years	58	38.2
Older (65+)	59	38.8
No response	32	21.0

Table 19: Strength of opinion

Q.1 First of all, do you have an opinion on the flying of the Union flag at Parliament Buildings?

	No. of responses	% of total responses
A strong opinion	57	37.5
An opinion but not strongly held	45	29.6
No opinion	31	20.4
No response	19	12.5

Table 20: Feelings about the Union flag

Visitors were asked the same question about their feelings towards the Union flag as appeared in the staff questionnaire.

Q.2 Which of the following statements best reflects your feelings regarding the Union flag?

	No. of responses	% of total responses
I feel pleased and proud to see the flag flying	60	39.5
I feel comfortable to see the flag flying	28	18.4
I have no particular feelings about the flag	42	27.6
I feel uncomfortable to see the flag flying	6	3.9
I feel offended and unwelcome because the flag is flying	5	3.3

No response	11	7.3
TOTAL	152	100

Table 21: Preferences

Visitors were asked a simplified question about their preferences in terms of whether they thought the Union flag should fly at Parliament Buildings on the 15 designated days it flies at present, more often, less often or not at all.

Q.3 Do you think the Union flag should fly at Parliament Buildings

	Options	No. of responses	% of total responses
1	On the 15 designated days it flies at present	52	34.2
2	More often	63	41.4
3	Less often	12	7.9
4	Not at all	9	5.9
5	No response	16	10.6
	TOTAL	152	100

As the overall number of responses was quite low, the preferences have not been analysed according to gender, religious belief or age group.

Table 22: Reasons for preferences

The most common reasons given in support of each option were as follows; these have been grouped together in the same format as for the standard response form. (For the key to the responses see Table 7 above). It should be noted that 62 respondents (40.8%) did not answer this question.

Q. Please tell us the reason for your answer

	R1	R2	R3	R4	R5	R6	R7	R8
15 designated days	27	9		4	2	4		5
More often	24	31	2					5
Less often	6			1	2		2	
Not at all	5				1			3

3.8 Formal written submissions

Thirteen submissions were received from organisations listed in the Commission's Equality Scheme and other bodies, expressing the views of the people they represent. A brief summary is given below and the submissions are reproduced in full in the appendices.

Equality Commission (see Appendix 4)

The Equality Commission indicated that, in making a decision on the most appropriate policy option, the appropriate level of consideration should be given to the impacts identified by the EQIA. It must be borne in mind that the EQIA is a mechanism to assist the Assembly Commission and to inform the policy review process. The EQIA is not and should not be used as a referendum on the issue of the flying of the Union flag. The Equality Commission considers that the conclusion in the EQIA report that the current policy has a positive impact on the promotion of good relations is reasonable.

Community Relations Council (see Appendix 5)

The Community Relations Council commented that the EQIA report reveals the ongoing complexity of flag flying in our society and illustrates the breadth of attitudes and positions. The CRC concludes that there is no compelling argument (based on the evidence) to move away from the current policy position. There is substantial opportunity for the current policy to promote and enhance community relations within Parliament Buildings and to have a positive impact on the transformative process from conflict to sustainable peace, equity and equality.

Disability Action (see Appendix 6)

Disability Action stated that they have no particular views on this issue.

Evangelical Alliance (see Appendix 7)

The Northern Ireland Evangelical Alliance submitted a response outlining a vision for the future of Northern Ireland as a flourishing community, a place that is truly at peace. They acknowledged the sensitivities around the flying of the Union flag and commented that there is no single biblical or morally correct solution. They suggested that to change the arrangements at this time would be unhelpful and that the whole issue would best be reviewed by the new Commission on Flags, Culture and Tradition.

Democratic Unionist Party (see Appendix 8)

The Democratic Unionist Party submitted a paper outlining their reasons for support of the flying of the Union flag on a permanent basis at Parliament Buildings which include:

- over the last 15 years the trend has been towards a greater display of the Union flag;
- in Great Britain the 18 designated days are the minimum number of days for the display of the flag and there is no bar to going beyond it;

- there is a growing gap between Northern Ireland and Great Britain which has a negative effect on the expression of Britishness and denies the political and constitutional reality;
- the display of the Union flag is the public manifestation of the principle of consent;
- as Belfast is the capital of one of the four constituent parts of the United Kingdom it is appropriate that there is at least one public building that displays the Union flag on a permanent basis and Parliament Buildings is the most appropriate building.

Ulster Unionist Party (see Appendix 9)

The Ulster Unionist Party submitted a letter indicating that they would prefer the Union flag to fly on a permanent basis but would be prepared to see Parliament Buildings follow the flag-flying regimes adopted by the devolved administrations in Scotland and Wales. They also indicated that, should designated days be defined as the way forward, the days should be in line with the list drawn up by the DCMS.

Progressive Unionist Party (see Appendix 10)

The Progressive Unionist Party indicated that, during the Good Friday Agreement negotiations, they supported the accommodation of flying the Union flag at Parliament Buildings on designated days as a goodwill gesture but that they consider that the priority has now shifted 'from focusing on the citizens of this country to propaganda of divisive politics'. They therefore consider that the Union flag should fly 365 days a year at Stormont reflecting the constitutional position of Northern Ireland within the United Kingdom.

Traditional Unionist Voice (see Appendix 11)

The Traditional Unionist Voice indicated their support for the flying of the Union flag on a permanent basis as the designated days are not adequate for the seat of government in Northern Ireland. This would be in line with the Welsh Assembly and the Houses of Parliament and recognise the trend across the UK of flying the Union flag all year round.

College of Arms (see Appendix 12)

The College of Arms has responsibility for the design and registration of Coats of Arms, Badges, Flags and other national symbols for the United Kingdom. The College indicated that it favours the approach of designated days where each day has a specific non-political meaning. This approach would be appropriate to and expressive of the constitutional position of Northern Ireland and can be seen as a compromise position.

Grand Orange Lodge of Ireland (see Appendix 13)

The Grand Orange Lodge commented that the Union flag is not a threat or a weapon to be used against anyone, it is a legitimate visual statement of fact reflecting the constitutional position of Northern Ireland. They contended that to fly the flag year-long from Parliament Buildings would have the effect of defusing community tensions, assuaging the fears of

Protestants and Unionists that their identity is under threat and would have the overall effect of mitigating the display of flags in an unofficial manner throughout Northern Ireland.

Ballyboley Loyal Orange Lodge (see Appendix 14)

The Ballyboley Loyal Orange Lodge stated that the Union flag should be flown from Parliament Buildings every day of the year and drew attention to the fact that many people have, 'fought and died on streets and battlefields at home and abroad so that we can remain living under the Union flag'.

Islandmagee Loyal Orange Lodge (see Appendix 15)

The Islandmagee Loyal Orange Lodge stated that their position is that the Union flag should be flown over Stormont Buildings 365 days a year and the Flags Regulations should be amended to replace the 15 designated days with 365 days a year. They consider that flying the Union flag on designated days only is a clear example of the on-going attempt to erode British identity for Northern Ireland.

Larne District Loyal Orange Lodge (see Appendix 16)

The Larne District Loyal Orange Lodge stated that the Union flag is a legitimate and essential expression of the current constitutional reality and should be superior to any political campaigns, statements or personalities. They support the flying of the flag on a permanent basis at Parliament Buildings and do not believe that community relations would be impacted negatively by this change.

8.9 Face-to-face meetings

The discussion at the face-to-face meetings held in November 2014 was based on the questions on the standard response form, but, obviously, participants had the opportunity to expand on their answers. Some of the key points made were:

- The sovereignty of Northern Ireland, which was accepted in the Good Friday Agreement, would best be expressed by flying the Union flag on days when the Assembly is sitting.
- It is important not to confuse sovereignty and identity.
- A policy of two flags or no flags would be destabilising to good relations.
- Any change/increase in the flying of the Union flag will make things worse; triumphalism breeds triumphalism.
- When the Union flag flies from the building it is very noticeable and very uncomfortable.

- The current policy introduces a considerable chill factor for Irish Republicans. It feeds into a culture of domination.
- The Good Friday Agreement provides a basis for the expression of different identities which would best be reflected by the two flags option.
- One community should not have a greater say than the other. Feelings have strengthened in both communities in recent years and the Union flag can send out a clear, divisive message.
- It is important to reflect the traditions of both communities, by flying two flags or none. It might be possible to identify days which have significance for both communities and build some new, shared traditions.
- Stormont should be as impartial as possible and there is no place for symbolism here.

4. Findings

The main purpose of the EQIA process is to assess whether the current policy or any changes to it may have a differential impact on people in one or more of the Section 75 groups, determine the extent of differential impact and whether that impact is adverse. This chapter sets out conclusions based on the data and research considered and the findings of the consultation process.

4.1 Analysis of data and research

The data and research gathered for the EQIA provide a large amount of evidence about the potential impact of any changes to the current policy. The evidence has been used to determine whether there are particular Section 75 groups that might be differentially impacted by the policies, in terms of:

- whether the policies have the potential to impact negatively on equality of opportunity for people in any of the Section 75 categories;
- whether the policies have the potential to affect the promotion of good relations;
- whether the policies have the potential to affect the good and harmonious working environment within Parliament Buildings.

The main points are summarised below.

1. There is no evidence to suggest that the policy on the flying of the Union flag at Parliament Buildings has a significant impact on people of different ethnic origin, age, marital status, sexual orientation or gender or on disabled people or non-disabled people or people with dependants or people without.
2. In terms of promoting a good and harmonious working environment among those who work in the building or regard the building as their place of work, there are concerns regarding the effect that the flying of the Union flag may have on those from the Nationalist or Republican communities; this may be regarded as an adverse impact on equality of opportunity.
3. In terms of promoting equality of access to goods, facilities and services for those who visit the building, there are concerns regarding the effect of the flying of the Union flag on those from the Nationalist or Republican communities; this may be regarded as an adverse impact on equality of opportunity.

4. It is evident that there are strong feelings in both communities about the flying of the Union flag and that any decision on the flying of the Union flag therefore has the potential to damage good relations.

5. Current policy: The Life and Times Survey indicates that the current policy reflects the preferences of many people in both communities; the latest survey showed that 48% of Protestants and 59% of Catholics felt that the Union flag should be flown from public buildings on designated days only. The current position also reflects the approach set out in the Flags Regulations and legal opinion provided to Belfast City Council in 2002 and 2011 makes it clear that this policy is unlikely to be successfully challenged, either by a member of the public or an employee, as it would be regarded as striking the right balance between acknowledging Northern Ireland's constitutional position and not giving offence to those who oppose it. Given a lack of consensus, as a compromise position it appears that the current policy has a positive impact on the promotion of good relations.

6. Increase the number of days on which the Union flag is flown: The courts and tribunals would be less likely to regard this option as striking the right balance, but it could be justified on the grounds that the selected occasions for flying the Union flag were appropriate and not divisive. However, this option would be likely to have a greater negative impact on good relations than the current policy.

7. Fly the Union flag on a permanent basis: previous but related legal opinion given to Belfast City Council suggests that, in the event of a complaint, a policy similar to that of the Flags Regulations would be regarded as striking the right balance, while a policy which required the flying of the Union flag more frequently may be regarded as excessive. This option would be likely to have a greater negative impact on good relations than the current policy.

8. Cease to fly the Union flag: previous but related legal opinion given to Belfast City Council suggests that a policy which banned the flying of the Union flag entirely would probably be construed as disregarding the second Section 75 duty. The reaction by elements of the loyalist community to Belfast City Council's decision to reduce the number of days on which the flag flies suggests that this approach would be unlikely to improve good relations.

9. Other scenarios: it has been suggested that flying the Irish Tricolour alongside the Union flag would provide equality/parity, although the legal opinion given to Belfast City Council suggests that that it would be very difficult to justify such a policy (which could be seen as a form of counterbalanced or mutual provocation/ irritation) as paying proper regard to the desirability of promoting good relations. The option of flying a neutral, civic

flag would be broadly similar in effect to flying no flag, provided that the flag was genuinely neutral and had cross community support.

10. The Assembly Commission has a duty to promote a good and harmonious working environment and some staff clearly perceive the building to be a 'cold building' for Nationalists and Republicans. Although legal advice suggests that the likelihood of a successful complaint based solely on the flying or absence of the Union flag is low under all the potential approaches, the Commission should give careful consideration to the potential negative impact of moving away from the current policy on the promotion of a good and harmonious working environment and good relations among staff.

4.2 Findings from the consultation

The above analysis of data and research was set out in the Draft EQIA Consultation Report which was made available during the formal consultation process. The consultation responses provide further evidence of whether the current policy or any changes to it may have a differential impact on people in one or more of the Section 75 groups.

The findings from the formal consultation are summarised below.

1. The consultation would appear to have attracted a high rate of responses (compared with other EQIAs) from both main communities. However, the Equality Commission has made it clear that an EQIA is not and should not be used as a referendum. The inability to test the source and/or veracity of the anonymous returns would also encourage a degree of caution when interpreting the findings.
2. The main purpose of the consultation was to obtain views on the preferred options/scenarios considered in the EQIA report and to find out why people expressed certain preferences. The consultation also provided evidence on the strength of feeling about this issue. The results show the opinions of respondents are strongly held; 98% of those who submitted response forms indicated this. Several respondents commented that opinions are becoming stronger and more divided.
3. The majority of respondents who expressed a preference for one of the policy options supported the flying of the Union flag on a permanent basis (42% of combined preferences).
4. The majority of respondents who did not support any of the policy options expressed a preference for flying the Irish Tricolour alongside the Union flag (49% of combined preferences).
5. As may be anticipated, the majority of those who indicated that they were from a Protestant community background expressed support for flying the Union flag on a

permanent basis (82%). The majority of those who indicated that they were from a Catholic community background expressed support for the flying of the Irish Tricolour alongside the Union flag (86%). However, there were some respondents who were reported as being from a Protestant community background who supported flying the Irish Tricolour alongside the Union flag (6%) and some from a Catholic community background who supported flying the Union flag on a permanent basis (4.5%).

6. In terms of age groups, approximately 16% of respondents were under 25 and 16% over 65. The older age group was reasonably representative of the proportion of older people in Northern Ireland as a whole, but the younger age group was under-represented as young people make up just over one third of the Northern Ireland population. Younger respondents mirrored the overall findings in terms of their preferences, but there was an older age profile for those supporting the flying of the Union flag on a permanent basis.

7. In terms of gender there was a high response from the male population (nearly 60%) but the preferences of males and females tended to simply reflect the overall results.

8. Overall just over 21% of those who answered the question said they were willing to accept the continuation of the current policy in the interests of helping to maintain good relations, whilst just over 77% said they would not. Of those who supported the flying of the Union flag on a permanent basis, just over 40% said they would accept this; of those who supported the flying of the Irish Tricolour alongside the Union flag, less than 1% said they were willing to accept this.

9. Respondents gave a wide range of reasons for their preferences but the most common reason for supporting the flying of the Union flag on a permanent basis was that the Union flag is the flag of Northern Ireland and should be flown with pride and respected by both communities (45% of those who supported this option gave this reason).

10. The most common reason for supporting the flying of the Irish Tricolour alongside the Union flag was that this would promote equality, fairness and parity of esteem and represent both communities (almost 94% of those who supported this scenario gave this reason).

11. Among staff, although there were only a small number of responses, there were some differences in terms of preferences expressed in relation to those provided in the standard response forms. There were higher percentages of staff who supported no change, the flying of a neutral civic flag and the 'two flags or no flags' scenario.

12. As the response rate from staff was quite low, the questions on feelings towards the Union flag were somewhat inconclusive.

13. Among visitors, the strength of opinion on this issue tended to be lower than evidenced by the response from staff and the public. The majority of visitors who responded supported the flying of the Union flag more often but there was also a high level of support for the current policy.

14. Overall the consultation process confirmed that there are strong opinions about the flying of the Union flag and positions between the two main communities are polarised.

5. Conclusions and recommendations

The EQIA process is designed to provide decision makers with detailed information on the potential impacts, in terms of the promotion of equality of opportunity and good relations, of any changes to the current policy. This EQIA has been carried out to assist the Commission to review the number of days on which the Union flag flies at Parliament Buildings (as agreed at its meeting on 5th February 2013).

This chapter therefore presents the conclusions of the EQIA process and makes recommendations with regard to the future flying of the Union flag at Parliament Buildings and the mitigating actions which might be taken to minimise any potential adverse impacts of the policy adopted.

5.1 Policy decision

Schedule 9 of the Northern Ireland Act 1998 requires that, in making any decision with respect to a policy, a public authority shall take into account any EQIA and consultation carried out in relation to the policy (para. 9.2). There is no strict definition of what ‘taking into account’ entails. However, the Equality Commission guidance on how decisions should be recorded makes it clear that a public authority must be able to record the decision making process (as well as the decision) and that the decision must be justified⁴.

The guidance also advises that all available information should be combined in the decision; this includes the information gathered during the research phase, the results of the consultation and the analysis of alternative policy options⁵. This information has been brought together in this report in order to ensure that the Commission is in a position to take account of all pertinent issues when making a decision.

The Equality Commission has acknowledged in the past that a highly structured approach to decision making may not be possible, but has also made it clear in their response to this consultation that:

‘It is for the Assembly to decide on the most appropriate policy option, in the context of ensuring that the appropriate level of consideration is given to the impacts identified. In considering this information, it must be borne in mind that the EQIA is a mechanism to assist the Assembly Commission and to inform the policy review process. The EQIA is not and should not be used as a referendum on the issue of the Union Flag.’

⁴ Practical Guidance on Equality Impact Assessment, ECNI 2004, p.45

⁵ Ibid

The actual number of people expressing a preference for a particular option/scenario cannot be ignored, but must be considered in the context of all other relevant concerns, including the strength and depth of feeling expressed by all respondents. It was to be expected that those who took the time and trouble to respond to the consultation would be those with strong opinions on the subject and they made their views very clear. However, it should be noted that the visitor survey produced a different profile in terms of preferences; 30% of visitor respondents said that they had an opinion on the issue but that it was not strongly held and it is significant that a much higher percentage of visitor respondents preferred no change to the current policy (34% compared with the 2% of those returning standard response forms). This, taken together with the results of the latest Life and Times Survey (which showed that 48% of Protestants and 59% of Catholics felt that the Union flag should be flown from public buildings on designated days only) suggests that there is a large group of people who may not have such strong opinions who support the flying of the Union flag on designated days only.

In relation to decision making, it should be noted that, in March 2014, the Equality Commission published the results of an investigation into a decision by Newry and Mourne District Council to retain the name 'The Raymond McCreesh Park' for a Council owned children's play park in Newry. The Equality Commission found that the Council was in breach of its Equality Scheme commitments because, although they had carried out the required process, this appeared to have been more focussed on process and maintaining the name of the play park than on paying due regard to the need to promote equality of opportunity and good relations⁶. The Commission should therefore bear in mind that the findings of the consultation process must be central to the decision making process and to the implementation of the Section 75 duties.

There is no legal requirement on the Commission to adopt any particular approach to the flying of the Union flag but the Commission must be mindful of the potential for legal challenge and the risk of such a challenge being successful. The only judicial guidance on this issue to date is that of Kerr J in the Murphy application⁷ when he stated

'The Union flag is the flag of the United Kingdom of which Northern Ireland is a part. It is the judgment of the Secretary of State that it should be flown on government buildings only on those days on which it is flown in Great Britain. By thus confining the days on which the flag is to appear, the Secretary of State sought to strike the correct balance between, on the one hand, acknowledging Northern Ireland's constitutional position, and, on the other, not giving offence to those who oppose it. That approach seems to me to exemplify a proper regard for

⁶ <http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Newry-and-Mourne-Investigation-issued-final.pdf>

⁷ *Re Murphy's Application* [2001] NI 425

“partnership, equality and mutual respect” and to fulfil the Government’s undertaking that its jurisdiction in Northern Ireland “shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions “.

In addition, the Community Relations Council (CRC) argued in their submission that there is substantial opportunity for the current policy to promote and enhance community relations within Parliament Buildings and to have a positive impact on the transformative process from conflict to sustainable peace, equity and equality.

Taking into account the evidence from the analysis of data and research and including the consultation process, it appears that there is no compelling argument at this time to move away from the current policy.

For these reasons it is recommended that the existing policy on the flying of the Union flag at Parliament Buildings on designated days should continue.

At present the Commission observes the designated days published in the Belfast Gazette in January each year by the Northern Ireland Office. The Flags Regulations (Northern Ireland) 2000 initially set out 17 days on which the Union flag should be flown on specified government buildings but the Northern Ireland Office subsequently reduced the number to the current level of 15 days following the deaths of HM Queen Elizabeth The Queen Mother and The Princess Margaret.

As there is no legal requirement on the Commission to adopt any particular approach to the flying of the Union flag, the Commission could consider observing the designated days defined each year by the Department of Culture Media and Sport (currently 18 days). The DCMS has recently added days to reflect changes within the Royal Family and is likely to continue to take a flexible approach, which might be more appropriate for Parliament Buildings.

It is therefore recommended that the Commission consider observing the days designated by the DCMS in future.

5.2 Mitigating measures

It is clear that the flying of the Union flag is a contentious issue and that, in light of the strong differences in opinion revealed during the current consultation, even the current policy could be regarded as having an adverse impact on the promotion of equality of opportunity and good relations and on the promotion of a good and harmonious working environment within Parliament Buildings.

Strong views were expressed by some consultees during the pre-consultation to the effect that there is a chill factor for those of a Nationalist or Republican community which makes the building less welcoming on days when the Union flag is flying, and it was reported that visitors had regularly commented likewise. These consultees said that, on designated days, issues of identity were raised in consciousness and there was greater sensitivity to such matters, highlighting in particular the fact that neither the fabric nor public content of Parliament Buildings contained any emblems or memorabilia reflective of the Nationalist or Republican communities in Northern Ireland. These comments were reflected (in less detail) by a large number of respondents to the formal EQIA consultation.

Whatever decision is made, the Commission may therefore wish to consider the following mitigating measures.

Communication of the decision

There is a need to ensure that the outcome of the EQIA is clearly communicated. It would be useful to incorporate a clear statement on the aims of the policy into the final decision, demonstrating that the Commission has taken due regard of the need to promote equality of opportunity and regard of the desirability of promoting good relations, and that the decision reflects current legislation and comparative data.

Promotion of a good and harmonious working environment

It may be appropriate to further review the work already carried out to promote a good and harmonious working environment within Parliament Buildings, with a particular focus on the display of emblems and memorabilia reflecting both the Unionist and Nationalist traditions. The Commission already has an established Good Relations Strategy for 2012-2016 that includes the following actions:

- development of an Exhibitions Policy and yearly exhibitions schedule;
- consideration of art works/ artefacts which symbolise the diverse nature of our society.

These actions could be expanded as part of the development of the new Good Relations Strategy which will commence in 2015.

Flying of a neutral, civic flag

The potential for the flying of a neutral, civic flag was included as a scenario in the consultation report and attracted some support from consultees, especially among staff. The Commission might consider flying a neutral, civic flag (the nature of which would need to be agreed among the political parties) to mark days when the Assembly is sitting. When these days co-incide with designated days, the neutral, civic flag could be flown on the secondary flagpole (defined as the one on the right as one looks at the building) with the

Union flag on the primary flagpole.

Alternatively, the Commission might consider some other visual display to mark days when the Assembly is sitting.

Civic occasions policy

In addition to providing for the flying of the Union flag at specified government buildings on designated days, the Flags Regulations (Northern Ireland) 2000 include provisions relating to the flying of the Union flag on civic occasions at any government building as follows:

- on the occasion of a visit to a government building by Her Majesty The Queen, the Royal Standard shall be flown at that building;
- on the occasion of a visit to a government building by a Head of State other than Her Majesty The Queen, the Union flag may be flown at that building (where the building has two flag poles, the national flag of the country of the visiting Head of State may also be flown);
- following the death of a member of the Royal Family, or of a serving or former Prime Minister of the United Kingdom, the Union flag may be flown at half mast at any government building.

However, there are other civic occasions when it may be thought appropriate to fly the Union flag and several district councils in Northern Ireland have well defined policies to govern such occasions. For example:

- the Accession of a new Monarch;
- the birth of a member of the immediate Royal Family;
- the death of a serving or former First or Deputy First Minister (half mast);
- a time of designated national disaster (half mast).

The Commission might consider adopting a similar policy for the sake of clarity.

5.3 Monitoring

The final step in the EQIA process is the establishment of a system to monitor the impact of the policy. The results of the monitoring must be reviewed on an annual basis and must be published in the Commission's annual Section 75 report to the Equality Commission⁸.

It is suggested that monitoring of the policy should include regular consideration of:

- complaints and other forms of feedback;

⁸ Practical Guidance on Equality Impact Assessment, Equality Commission for NI (2004) p50

- the results of research/surveys relating to the promotion of good relations (e.g. the ongoing visitor survey and audits of the Commission's Good Relations Policy);
- any EQIAs of related policies carried out by the Commission or other public authorities;
- any research carried out by public authorities or independent bodies into the impacts of the display of flags and emblems.

It should be noted that, soon after the publication of the Draft EQIA Consultation Report in October 2014, renewed talks began between the political parties on a range of issues including flags and emblems, finance and welfare reform. The 'Stormont House Agreement' was reached on 23rd December 2014 and included plans to establish a Commission on Flags, Identity, Culture and Tradition. This Commission, consisting of 15 members (seven nominated by the Leaders of the political parties in the Executive and eight from outside government), is to be established by June 2015 and is expected to report by December 2016.

The Assembly Commission should consider, as part of the annual monitoring process, the progress made by the Commission on Flags, Identity, Culture and Tradition. When this Commission publishes its final report, it may be appropriate for the Assembly Commission to conduct a further review of the policy on the flying of the Union flag at Parliament Buildings.

Days for Hoisting Flags on Government Buildings in Northern Ireland 2015 in accordance with the Flags Regulations

20 January	Birthday of The Countess of Wessex
6 February	Her Majesty's Accession
19 February	Birthday of The Duke of York
10 March	Birthday of The Earl of Wessex
∴10 March	Commonwealth Day#
17 March	St Patrick's Day
21 April	Birthday of Her Majesty The Queen
9 May	Europe Day
2 June	Coronation Day
10 June	Birthday of The Duke of Edinburgh
∴14 June	The Queen's Official Birthday*
15 August	Birthday of The Princess Royal
∴9 November	Remembrance Sunday**
14 November	Birthday of The Prince of Wales
20 November	Anniversary of Her Majesty's Wedding

NOTE: # Commonwealth Day is the second Monday in March
 * The day appointed for the official celebration of Her Majesty's Birthday
 ** Remembrance Sunday is the second Sunday in November. Flags should be flown right up all day and not at half mast.
 ∴ Dates confirmed by publication in the Belfast Gazette on or before 31st January annually

ON THE ABOVE DAYS FLAGS SHOULD FLY FROM 8AM UNTIL SUNSET

Related Policies

Policies of Assembly Commission

(1) *Promotion of equality of opportunity – NI Assembly Commission Equality Scheme 2012-2016*

The Commission's Equality Scheme commits the Commission to considering the promotion of equality of opportunity as part of the development or revision of every policy⁹. This means not only identifying and addressing any differential impacts on people in each of the nine equality categories, but also giving careful consideration in each case to alternative policies which might better promote equality of opportunity.

(2) *Promotion of good relations – NI Assembly Commission Good Relations Strategy 2012-2016*

The Commission is committed to equality of opportunity and good relations. In that context, the Commission will aim to ensure that the entire community can have full and fair access to, and participate in, the operations of the Northern Ireland Assembly.

To assist in achieving its vision, the Commission, at its meeting of 10 December 2009, reiterated and formalised its commitment to Good Relations; it stated:

‘The Northern Ireland Assembly Commission is committed to the promotion of good relations between persons of differing religious belief, political opinion or racial group and is committed to challenging sectarianism and racism¹⁰.’

The Commission's Good Relations Strategy¹¹ contains the Commission's Good Relations Policy and its second Good Relations Action Plan for the 2012 – 2016 period.

The principles that inform this policy are those which are common to good relations work in Northern Ireland. The Commission is committed to, and supports, the principles of equality, diversity and interdependence, through the promotion of good relations within its work, in the secretariat and with all other stakeholders affected by our policies.

(3) *NIA Dignity at Work policy*

⁹ Equality Scheme for the Northern Ireland Assembly Commission, 2012-2016 (pp. 18-19).

¹⁰ <http://www.niassembly.gov.uk/commission/2007mandate/minutes/2009/091210.htm>

¹¹ <http://www.niassembly.gov.uk/Documents/Corporate/Commission/Commission-Good-Relation-Strategy.pdf>

This policy is applicable to all Commission employees. The Commission is committed to equality of opportunity and to creating and sustaining an environment where everyone is treated with respect and dignity, free from any form of inappropriate behavior, and one in which all employees can give of their best.

The aim of the Dignity at Work policy is to ‘...make staff aware of the types of behaviour that might cause offence... and the procedures for dealing with unwanted, unreasonable and offensive behaviours. ‘

(4) NIA Equal Opportunities Policy

The Commission’s Equal Opportunities Policy, which is applicable to all Commission employees, makes clear that the Commission is opposed to all forms of unlawful and unfair discrimination; and that the Commission, through this policy, is committed to promoting a good and harmonious working environment where everyone is treated with respect and dignity and in which no form of intimidation or harassment will be tolerated. The policy recognises that diversity in the workplace is to be welcomed and also seeks to obtain and maintain the confidence of the whole community. The policy promotes equality of opportunity and fair participation and aims to achieve a workforce which is representative of the society that it serves.

Northern Ireland Executive

(1) Together: Building a United Community

This document reflects the Executive’s commitment to improving community relations and continuing the journey towards a more united and shared society. The strategy states that:

‘a united community, based on equality of opportunity, the desirability of good relations and reconciliation - one which is strengthened by its diversity, where cultural expression is celebrated and embraced and where everyone can live, learn, work and socialise together, free from prejudice, hate and intolerance¹².’

Department of Culture, Media and Sport

(1) Guidance on the flying of national flags on government buildings

The flying of flags is not the subject of statute law in England, Wales or Scotland but the Department for Culture, Media and Sport (DCMS) has responsibility for issuing guidance on the flying of national flags on government buildings. At present the DCMS designates the following annual flag days across the UK:

Dates for flying the Union Flag on UK government buildings in 2015

- 9 January Birthday of the Duchess of Cambridge

¹² Together: Building a United Community, May 2013 (pp.11)

- 20 January Birthday of the Countess of Wessex
- 6 February Her Majesty's Accession
- 19 February Birthday of the Duke of York
- 1 March St David's Day (in Wales only, see note 1)
- 10 March Birthday of the Earl of Wessex
- 10 March Commonwealth Day (second Monday in March)
- 17 March St. Patrick's Day (in Northern Ireland only, see note 5)
- 21 April Birthday of Her Majesty the Queen
- 23 April St George's Day (in England only, see note 1)
- 9 May Europe Day (see note 4)
- 2 June Coronation Day
- 10 June Birthday of the Duke of Edinburgh
- 14 June Official celebration of Her Majesty's birthday
- 21 June Birthday of the Duke of Cambridge
- 17 July Birthday of the Duchess of Cornwall
- 15 August Birthday of the Princess Royal
- 9 November Remembrance Day (second Sunday in November, see note 2)
- 14 November Birthday of the Prince of Wales
- 20 November Her Majesty's Wedding Day
- 30 November St Andrew's Day (in Scotland only, see note 1)

Also:

- The day of the opening of a Session of the Houses of Parliament by Her Majesty (see note 3)
- The day of the prorogation of a Session of the Houses of Parliament by Her Majesty (see note 3)

Notes

1. Where a building has two or more flag poles the appropriate national flag may be flown in addition to the union flag but not in a superior position. UK government buildings within the wider Whitehall area may fly the national flags alongside the union flag on their appropriate saint days.
2. Flags should be flown at full mast all day.
3. Flags should be flown on this day even if Her Majesty does not perform the ceremony in person. Flags should only be flown in the Greater London area.
4. Where the European flag is flown on this day, the Union Flag should fly alongside the European flag and, on UK government buildings that only have one flagpole, the Union Flag should take precedence.
5. The Union Flag only should be flown.

Relevant Legislation and Agreements

(a) **Belfast Agreement**

In the Belfast Agreement, the participants endorsed the commitment:

‘that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities.’

(b) **Flags (Northern Ireland) Order 2000**

The 2000 Order gives the Secretary of State the power to make regulations regulating the flying of flags at government buildings and court-houses. In exercising these powers, the 2000 Order requires that the Secretary of State shall, among other things, have regard to the Belfast Agreement.

(c) **Flags Regulations (Northern Ireland) 2000 (as amended)**

The 2000 Regulations govern the flying of the Union flag on government buildings. Under the 2000 Regulations, the Union Flag must be displayed at specified government buildings on 15 specified days per year, and on other specified occasions, e.g. on the occasion of a visit by the Queen (in certain circumstances) or other Head of State. Except as provided by the 2000 Regulations, it is not permissible to fly the Union Flag, on any government building, except on these specified days.

(d) **Fair Employment and Treatment (Northern Ireland) Order 1998 – Equality Commission for Northern Ireland Advice on flying the Union Flag in Councils**

In January 2013 the Equality Commission for Northern Ireland issued advice to Councils in relation to the flying of the Union Flag. The Equality Commission’s remit in this area stems from their duties under the Fair Employment and Treatment (Northern Ireland) Order 1998 (‘FETO’) to promote equality of opportunity, affirmative action and to work for the elimination of religious/political discrimination¹³, and their duty to offer advice to public authorities in relation to Section 75 of the 1998 Act¹⁴.

The advice included the following:

¹³ Article 7, FETO.

¹⁴ Paragraph 1(b), Schedule 9, Northern Ireland Act 1998.

‘[FETO] does not make any express reference to flags but makes discrimination on the grounds of religious belief and political opinion unlawful, both in the workplace and in the provision of goods, facilities and services. Also, in the workplace, it bans “harassment” on these grounds¹⁵. In addition to the issue of discrimination and harassment, employers also have legal obligations which require them to promote fair participation in employment and associated responsibilities to promote a good and harmonious workplace.

In the field of employment, the Fair Employment Code of Practice provides general guidance for employers on these matters. The Code has been cited with approval by the Fair Employment Tribunal when upholding complaints against employers in numerous discrimination cases. A small number of these concerned the display of flags and emblems¹⁶. The relatively new statutory definition of harassment under FETO, first enacted in 2003, has not yet been explicitly considered by the Tribunal in any case dealing specifically with flags and emblems issues. However, the case law that preceded 2003 can, with a reasonable degree of confidence, be used to predict how the Tribunal would approach these questions if raised today. It is noted that the Tribunal has not considered a complaint relating solely to the official display of a Union Flag at a Council’s premises.

In relation to fair employment obligations on the provision of goods, facilities and services, it is also not clear to what extent FETO impinges on the issue, as there has not been any case law to date in respect of these provisions in relation to the display of flags and emblems. Furthermore the coverage of the statutory provisions differs from those which apply to employment-related matters¹⁷.

(e) Section 75 of the Northern Ireland Act 1998

As a designated public authority within the meaning of section 75 of the 1998 Act the Commission is also bound by the applicable statutory duties. Under Section 75(1) designated public bodies are required, in carrying out their functions, to have due regard to the need to promote equality of opportunity between certain groups, including persons of different religious belief and political opinion. Such bodies are also required by section 75(2) to have

¹⁵ The definition is: Harassment occurs where, on the ground or religious belief or political opinion, an employee is subjected to unwanted conduct that has the purpose or effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her.

¹⁶ For example, the cases of *Brennan v-Short Brothers Plc* [1995] and *Johnston v Belfast City Council* [2000] case ref 00241/97FET.

¹⁷ In the context of the relationship between a service provider and service users there is no corresponding definition of harassment or express ban on “harassment” like that which applies in the case of the employer/employee relationship. Instead, aggrieved service users must allege that, on the ground of religious belief or political opinion, they have been subjected to less favourable treatment compared to others in relation to the quality or manner or terms on which they received a service.

regard to the desirability of promoting good relations between persons of different religious belief, political opinion and racial group.

Where a screening analysis reveals that a policy or proposed policy is likely to have a major impact on the promotion of equality of opportunity or good relations then the Commission's Equality Scheme specifies further commitments to subject those policies to a more detailed assessment through an Equality Impact Assessment (EQIA).

(f) Section 6 of the Northern Ireland Act 1998

Section 6 of the Northern Ireland Act 1998 concerns the legislative competence of the Assembly and states that a provision of an Act is not law if it is outside the legislative competence of the Assembly. A provision is outside that competence if any of the following paragraphs apply –

- (a) it would form part of the law of a country or territory other than Northern Ireland, or confer or remove functions exercisable otherwise than in or as regards Northern Ireland;
- (b) it deals with an excepted matter and is not ancillary to other provisions (whether in the Act or previously enacted) dealing with reserved or transferred matters;
- (c) it is incompatible with any of the Convention rights;
- (d) it is incompatible with community law;
- (e) it discriminates against any person or class of person on the ground of religious belief or political opinion;
- (f) it modifies an enactment in breach of section 7.¹⁸

¹⁸ Section 7 of the Northern Ireland Act 1998 lists the enactments that shall not be modified by an Act of the Assembly.

Response to the Northern Ireland Assembly Commission Equality Impact Assessment on the Flying of the Union Flag at Parliament Buildings

The Equality Commission for Northern Ireland welcomes the opportunity to respond to the Northern Ireland Assembly Commission's Equality Impact Assessment on its policy on the Flying of the Union Flag at Parliament Buildings.

The EQIA process follows the commitments given in the Assembly Commission's Equality Scheme and the process conforms with ECNI guidance.

The EQIA references Equality Commission guidance on the display of the Union Flag. This response will not therefore reiterate our guidance. The Commission would, however, wish to refer to the wider environment as it relates to this EQIA, namely the Together: Building a United Community Strategy and the more recent Stormont House Agreement. Recognising the significance of Parliament Buildings, as the home of the devolved legislature, it is trusted that this political framework will encourage increased consensus among the Members of the Assembly in terms of the promotion of good relations and the display of the Union Flag. The Assembly Commission in its work on designing a corporate symbol for the Assembly showed that it is possible to make progress on difficult and contentious issues.

The Commission welcomes the inclusion in the EQIA of preliminary findings of the impacts for each of the various policy options for both equality and good relations. It is for the Assembly to decide on the most appropriate policy option, in the context of ensuring that the appropriate level of consideration is given to the impacts identified. In considering this information, it must be borne in mind that the EQIA is a mechanism to assist the Assembly Commission and to inform the policy review

process. The EQIA is not and should not be used as a referendum on the issue of the Union Flag.

On the basis of the preliminary findings it is noted that the EQIA concludes that:

“as a compromise position it appears that the current policy has a positive impact on the promotion of good relations”.

The Commission considers that this conclusion seems reasonable.

Community Relations Council

RE: NI Assembly Commission - EQIA on the Review of the Policy on the Flying of the Union Flag at Parliament Buildings

Thank you for your letter, enclosures and request to consult with the Community Relations Council (CRC) on NI Assembly Commission - EQIA on the Review of the Policy on the Flying of the Union Flag at Parliament Buildings.

CRC has a critical interest¹⁹ in how the flying of flags intersects with the promotion and protection of good relations. CRC previously made a submission to the Haass Political talks (Appendix A) on the issue of flags, and continues to offer developmental support to organisations and communities engaged on this issue. It is within this context that we will focus our comments.

Firstly, CRC is fully committed to the full implementation of Section 75(2) and the promotion of good relations throughout Northern Ireland society. The NI Assembly Commission should ensure it fulfils its statutory duties regarding equality of opportunity and good relations.

CRC has examined the enclosed documentation, which provides a wide range of data from surveys and audits, as well as political, legal and statutory analysis. Collectively it reveals the ongoing complexity of flag flying in our society and illustrates the breadth of attitudes and positions, which has subsequently shaped the formulation of a number of options and mitigating measures set out in the documentation.

CRC has also taken into account the recently agreed Stormont House Agreement and its commitment to establish a new Commission to examine flags and other issues, reporting by December 2016.

Therefore having considered the various legal, statutory, policy and political contexts, the attitudinal data, as well as the absence of a uniform agreement, there is no compelling argument (based on evidence) to move away from the current policy position. There is substantial opportunity for the current policy, if continued with, to promote and enhance community relations within Parliament Buildings and to have a positive impact on our transformative process from conflict to sustainable peace, equity and equality. CRC hopes these comments support the Assembly Commission in finalising the EQIA process and would welcome the opportunity to discuss this response with the consultants/officials over the coming months.

¹⁹ CRC receive repeated requests for advice and guidance in relation to flag flying from individuals and groups within local communities who feel that their concerns have not been properly considered when decisions are reached. In addition to offering support to local communities, CRC sits on OFMDFM's Flags Protocol Working Group (meetings of this group are currently suspended).

Re: EQIA on the review of the policy on the Flying of the Union Flag at Parliament Buildings

Disability Action is a pioneering Northern Ireland charity working with and for people with disabilities. We work with our members to provide information, training, transport awareness programmes and representation for people regardless of their disability; whether that is a physical, mental, sensory, hidden or learning disability.

21% (369,390) of adults and 6% (105,540) of children in Northern Ireland has a disability and the incidence is higher here than in the rest of the United Kingdom. Over one quarter of all families here are affected.

As a campaigning body, we work to bring about positive change to the social, economic and cultural life of people with disabilities and consequently our entire community.

Our network of services is provided via our Headquarters in Belfast and three regional offices in Carrickfergus, Londonderry and Dungannon.

Disability Action has no particular views on the above. Disability Action recognises the time and effort that have gone into producing documents for consultation and thanks the NIA for the opportunity to respond and looks forward to continued dialogue.

Consultation Response

Review of the Policy on flying the Union Flag at Parliament Buildings

It is sometimes said that the Church has failed to show leadership or provide vision in the public square. And so before we deal very briefly with the specifics of this issue we begin by outlining a vision. It is not definitive nor exhaustive but rather descriptive of the flourishing society we are working to co-create. We build on the work of *Seeking Peace and Prosperity* - our response to the PFG 2011-2015 and *Past/Future/Now* – our response to the Haass Talks. We offer a hopeful vision centred on relationships, identity and purpose. We seek the wellbeing of this place and its people.

Our vision - One United Community

We see a flourishing community, a place that is truly at peace. It is built on strong relationships. One community shaped by generosity, hospitality and risk. We dare to see Northern Ireland as a world-leader, a place where broken things are given the opportunity to be made whole and where relationships grow healthier, stronger and deeper.

- ☐ We see **one** community.
- ☐ One community **united** around their desire for peace, wellbeing and whole-life prosperity.
- ☐ One community in which all the broken and dislocated pieces get properly fixed and fit together in **vibrant** harmonies.
- ☐ One community bound by a shared history but more so by a determination for a better future. The community is Catholic, Protestant, believers of all faiths and none, Unionist, Nationalist, Loyalist and Republican, those of all political beliefs and none. **Everyone** is respected as an image-bearer of God whether they believe in Him or not. Everyone has a voice, a vote and a part to play.
- ☐ One community where all **leaders** lead by example. Leaders in this one community treat everyone with dignity, respect and kindness.
- ☐ One community brave enough to respect **difference**.
- ☐ One community with many differences and disagreements, like any other. But this community thrives on their **agreement** to disagree well - robustly, sensitively, and maturely.
- ☐ One community marked by respect for their collective cultures, identities and political aspirations. The principle of democratic self-determination is accepted as the umbrella under which opposing loyalties are **accommodated**.
- ☐ One community more concerned with its **character** than its ultimate constitution.

- One community marked by **forgiveness**. Where all who genuinely seek it are given another chance.
- One just community. Where justice is **restorative** and mercy is outrageous. For in one community an injustice against one is an injustice against all.
- One community which views hurt, not as a weapon or an excuse for hate, but as **common ground** on which to empathise with the other. Where the weak show us strength- where victims and survivors inspire us to show grace²⁰.
- One **gracious** and humble community.
- One community which is seasoned in giving the gifts of **generosity** and unconditional love; taking the first step, in going the extra mile, being the unlikely good Samaritan and in turning the other cheek.
- One community that appreciates the cost of **peace**. Peace is not held lightly or cheaply. We see a community willing to move forward together away from lines drawn in the sand by previous generations. A community committed to creating a post-sectarian culture.
- One community who **collaborate**.
- One community who work together in health, politics, business, education and charity. Sides are put aside. There is a vibrant public square in which there is room for all. We see one community able to hold the tensions of **equity** and diversity. Where everyone is equal but accorded the respect of difference. Rights are vital but they flourish in the context of responsibility and relationship. Sectarianism, racism, homophobia, intolerance of religion and poverty are fought together.
- One community built on **relationships**. Family, community, institutionally - relationships are prioritised. The importance of good relationships is recognised at home, in school and the workplace.
- One community where the **Church** humbly lives out a radical love of our neighbour and our enemy.
- One community that **welcomes** the 'other'.
- One community in which there are no no-go areas. A community which **shares** space, housing, education and infrastructure. A community without 'peace walls' of concrete, heart and mind.
- One community where everyone can share **education**. Where the role of parents, Church and state are respected. Shared spaces where children learn and grow up together.

²⁰ Victimhood and attitudes towards dealing with the legacy of the past. Brewer, J & Hayes, B. 2014

- One community that **celebrates** culture.
- One community which **respects** each other's flags and symbols. One community where flags can be raised and lowered for a day in celebration or remembrance not left on lamp-posts as territorial markings.
- One community in which **parading** plays a positive role in our future, with the loyal orders moving from a focus on cultural preservation to the creation of new traditions for everyone based on the principles of 'The Glorious Revolution' – civil and religious freedom and democracy for all.
- One community with a **culture** of peace, unity and prosperity. Culture therefore that can be celebrated – for example in an annual joint peace parade.
- One community respectful of their forefathers but not trapped by the guilt of betraying them. A community more concerned about becoming **forebears** to new generations to come. We seek to create new culture to be celebrated in years to come, to be cultural architects and cultural pioneers instead of cultural curators.

This is our vision for this place; one hopeful future-facing community. It requires belief in a peaceful, prosperous and mutual cause. A future where everybody counts and everybody has a role to play.

Our response

In light of the above we make the following comments:-

1. There is no biblical mandate to fly a national flag on a particular building nor a prohibition against it. Opinion will vary across the evangelical constituency. There is no single biblical or morally correct solution. However, in terms of perspective, we represent many people who find their identity first and foremost in relationship with God and as a 'citizen' in His kingdom. They care more about the character of this place than it's ultimate constitution.
2. We acknowledge the constitutional reality recognised by the British and Irish Governments and the Northern Irish Assembly that Northern Ireland is constitutionally part of the United Kingdom. We acknowledge that Northern Ireland is geographically situated on the island of Ireland which historically was one country with one political jurisdiction. We acknowledge legitimate opposing political aspirations between unionism/loyalism and nationalism/republicanism. We also recognise that many do not use these categories or see them as helpful. We affirm the Good Friday Agreement and subsequent Northern Ireland Act 1998 which recognises the principle of democratic self-determination to accommodate these opposing political aspirations and identities.
3. We acknowledge the reality of the troubles and the context of the last fifty and even five hundred years. We acknowledge the sensitivities around the flying of the union flag. We also note that it is not unusual nor unreasonable, in places where flags are contentious, for there to be limits around the use of the flag including how and when they are displayed.
4. We approach this issue seeking to foster relationships of grace, forgiveness, reconciliation and restoration. We challenge an unhealthy cultural obsession on all sides with symbols of national allegiance. We want to move the conversation from language of rights to relationships. How can we be good neighbours?
5. Nationality does not have a monopoly when it comes to identity. It may form part of someone's identity but so will faith, family and community relationships, work etc. We seek to cultivate healthy personal, family and community identities.

6. We note the present political landscape, to name a few features:-

(a) The ongoing tension following the decision to fly the union flag from Belfast City Hall on designated days.

(b) The decision last month by Craigavon Borough Council to fly the union flag every day.

(c) Post Stormont House there is to be a Commission on Flags, Culture and Tradition to be established by June 2015.

(d) We note that there is an election on 7th May 2015 and that flags will be an election issue.

7. The question for EANI then is what would be wise in these specific circumstances at this specific time and place? What would be conducive to good neighbour relationships? We note the various options being considered from flying a range of flags together to flying none at all. The EQIA Consultation Report outlines how '48% of Protestants and 59% of Catholics' support the current situation. It is our view that a change at this time would not result in such widespread consensus. We conclude that there should be no change to the current flag arrangement at the Parliament Buildings in Northern Ireland. We would suggest that to change the arrangements at this time would be unhelpful and that the whole issue of flying flags on public buildings would be best reviewed and any changes ratified by the new Commission on Flags, Culture and Tradition post June 2015.

Review of the Policy on the Flying of the Union Flag at Parliament Buildings Written Submission By the Democratic Unionist Party

Introduction

The Democratic Unionist Party welcomes this consultation. The present policy in relation to the flying of the Union Flag at Parliament buildings is inappropriate, outdated and in need of review. This review is timely considering the significant harm caused by the Belfast City Council decision to end a 365 day policy. This has caused widespread and deep harm to community relations across Northern Ireland.

The Present Policy

- The existing policy is outdated and harmful to good relations.
- The practice of displaying the Union Flag from public buildings is something that has not been static but has changed over time. The trend has been towards a greater display of the Union flag in particular over the last 15 years. Thus the present approach at Parliament Buildings is outdated.
- Flag policy in Great Britain is also misrepresented in Northern Ireland. The 18 designated days are the minimum number of days the flag is to be displayed. There is no bar to going beyond it and many public buildings and bodies across the United Kingdom do so.
- Some have highlighted the College of Arms advice. However, Her Majesty the Queen does not follow its advice on Buckingham Palace at which the flag is displayed everyday when the Queen is not in residence.
- The present policy is delivering an ever lower number of flag days and a growing gap between Northern Ireland and Great Britain. This has had a negative effect on the expression of Britishness and a denial of the political and constitutional reality.

The Belfast Flag Decision and Good Relations Advice

- The context of this decision and the standard advice offered is in need of full evaluation and re-evaluation.
- The decision of Belfast City Council and the public response to it shows that the present standard advice produced by the Equality Commission and various good relations consultants is fundamentally flawed. A deeply harmful situation was created by following the standard advice. It is a disgrace and unacceptable that despite the trauma this caused to good relations that the same advice is persisted with. It is wrong. It failed. It is redundant. Reliance upon it by the Assembly Commission would be foolish.
- The ideological underpinning to this advice is the mirror image of majoritarianism, it is minoritarianism. This over-emphasises the desires and needs of various minority groups to the detriment of the majority. This is common in Western democracies through the concept of multi-culturalism but there is ever-increasing evidence that it is contributing to a disconnection between communities and government. It is a failed ideological approach that is neither delivering good relations in Northern Ireland nor elsewhere. The liberal scholar, Robert Putnam of Harvard University, documented this negative impact in 2007.²¹
- It also comes in a context of decades of reduced expression of Britishness in Northern Ireland²². This process is best described as “hollowing out Ulster’s Britishness”, (often attributed to a key Irish government adviser on Northern Ireland). For example, representations were made by the Irish government to the Northern Ireland Office that they use their influence with businesses in Belfast City centre to remove the Union flags a number of them displayed. The City Council decision was a continuation of that approach to sanitise the city centre of Britishness and was not a new approach. Thus the reaction and disillusionment was driven not just by one decision but a collection of decisions. This disconnection, disenchantment and discriminatory treatment towards Britishness must cease.
- While there have been a series of decisions to the detriment of Britishness so there has been a corresponding growth in recognition of Irishness. This is an obvious imbalance that has not gone unnoticed. There is also an ideological inconsistency in equality advice that will object to the display of

²¹ The downside of diversity,

http://www.boston.com/news/globe/ideas/articles/2007/08/05/the_downside_of_diversity/?page=full

²² This paper provides greater detail on a series of decisions harmful to expressions of Britishness

<http://cain.ulst.ac.uk/ethnopolitics/mcauley03.pdf>

a flag from one building on a 365 day basis but has no problem with displays of Irishness in multiple public buildings on a permanent basis. The contortions to facilitate this double standard are unacceptable.

- The research into users of Belfast City Hall clearly showed there was not a public objection to the policy with only 3% objecting to the practice among Catholic users. It was a politically driven process not triggered by public concern or objection.

An All Year Policy

- The display of the Union flag is the public manifestation of the principle of consent. The acceptance of this principle has consequences which flow from that. One of those is the expression of British sovereignty in Northern Ireland through the public display of the Union flag. Others may wish to run or hide from this but this desire to undermine agreements and their consequences is not behaviour that should be encouraged or facilitated.
- Parliament Buildings is one of the four legislative buildings of the United Kingdom. It is a physical manifestation of our modernised constitution with a new devolved settlement across the country. The national flag flying from such a building is thus appropriate on a permanent basis.
- As Belfast is the capital of one of the four constituent parts of the United Kingdom it is appropriate that there is at least one public building that displays the Union flag on a permanent basis. Following the disastrous decision of Belfast City Council, the most appropriate building for such a display is Parliament Buildings.
- The evidence available does not sustain the case of Parliament Buildings being a cold house. It is a building fully utilised by all parties and all sections of the community. Similar to Belfast City Hall any claims that Parliament Buildings is a cold house for some are politically driven and not raised by public concern.

EQIA of the flying of the Union Flag at Parliament Buildings

I am writing with regard to the above Equality Impact Assessment in my capacity as Leader of the Ulster Unionist Party.

The key point which must be borne in mind is that the Union Flag is a symbol of sovereignty and not identity.

The Ulster Unionist Party respects the right of all our citizens to declare their identity to be British, Irish or other; all should be respected equally. That was a core commitment in the 1998 Belfast Agreement which enshrined the principle of consent.

The sovereignty issue was settled by public referendum in 1998 following the Agreement and given legal status by the Northern Ireland Act 1998.

As Parliament Buildings is the seat of Government in Northern Ireland it is only fitting that the Union Flag should be the only National Flag to fly over Parliament Buildings to simply reflect and respect the constitutional reality of the sovereignty of the United Kingdom in Northern Ireland.

I would prefer it if the Union Flag were to fly over Parliament Buildings 365 days of the year, but am prepared to see Parliament Buildings follow the flag-flying regimes adopted by the devolved administrations in Scotland and Wales.

Further, should Designated Days be defined as the way forward, I urge an amendment to the current position. The original list of designated days as defined in the (Northern Ireland) Order 2000, amended by the Flags Regulation (Northern Ireland) Amendment 2002, relates to some members of the Royal Family who are now deceased, and has therefore reduced over time.

In order to ensure clarity and fairness, I propose that the designated days adopted by Parliament Buildings and the Northern Ireland departments should be in line with the list drawn up by the Department of Culture, Media & Sport which is a more comprehensive list and is regularly updated to take account of events such as Royal births.

Mike Nesbitt MLA

Leader, Ulster Unionist Party

Doing what's right for Northern Ireland

Progressive Unionist Party

Progressive Unionist Party response to Equality Impact Assessment: Review of the Policy on the Flying of the Union Flag at Parliament Buildings

The Good Friday Agreement states:

“It is hereby declared that Northern Ireland in its entirety remains part of the United Kingdom and shall not cease to be so without the consent of a majority of the people of Northern Ireland voting for a poll held for the purposes of this section in accordance with Schedule 1.”

Central to the whole debate around Flags, and more widely identity, culture and tradition, is the attitude of Nationalism and Republicanism, which continues to refuse to address the state by its proper name. Regardless of the signing of an international agreement, and taking an oath of office, Nationalists and Republicans still work to undermine the sovereignty of Northern Ireland. This is despite the constitutional status of Northern Ireland being settled within the Good Friday Agreement. The Good Friday Agreement does identify and protect a right to identity, but this refers to individuals, not State Institutions. The Progressive Unionist Party is pro-equality and all citizens should have the opportunity of equality, but equality must not be confused with sovereignty.

While the Progressive Unionist Party appreciates the opportunity to respond to this consultation report by the Northern Ireland Assembly Commission, we question the ill timing of the review. When the review was commissioned, the Haass talks, which were designed for the Executive to make progress on the contentious issue of flags, symbols and parades, had failed. During this time, further talks within the Executive were also planned for near future. Subsequently, the Stormont House agreement, while making progress in some areas, failed to address these core areas, which prompted the Haass talks in 2013 and resulted in postponement.

During the Good Friday Agreement negotiations, the Progressive Unionist Party supported the accommodation of flying the Union flag at Stormont buildings on designated days as a goodwill gesture - an inclusive peace and the material well being of citizens of Northern Ireland was at the centre of these discussions and ultimately ending the conflict. However, since the Good Friday Agreement, the priority has shifted from focusing on the citizens of this country to propaganda of divisive politics as evidenced by the decision in 2012 to restrict the flying of the Union Flag at Belfast's City Hall, undermining the goodwill of the Unionist community some 15 years previous.

The Progressive Unionist Party argues that as Northern Ireland is constitutionally positioned within the United Kingdom, the Union Flag should fly 365 days a year at Stormont, reflecting its similar status at the UK Parliament in Westminster.

Traditional Unionist Voice

Response to EqIA on flying of the Union Flag at Parliament Buildings from TUV

Introductory Remarks

TUV would begin by placing on record its annoyance that this review of the flying of the National Flag from Parliament Buildings is taking so long. Almost two years ago (March 2013) TUV responded to a consultation by the Assembly Commission on this issue. In that response we stated:

“The flying of the National Flag in a respectful fashion from Parliament Buildings all year round would, we believe, go some way towards calming the understandable anger in the Unionist community following Belfast City Council’s decision to tear down the National Flag from the prime civic building in our capital.

“TUV believes that this change needs to take place as soon as possible. We are opposed to any lengthy period of consultation designed merely to long-finger the issue.”

Given that we find ourselves writing this response to yet another consultation **two years later** we believe that our fears about the parties represented on the Commission dragging their heels on this issue have been manifest.

TUV would also observe that the Commission should never have allowed the flying of the National Flag from Parliament Buildings to be restricted to just a handful of days a year. For years the DUP and UUP commanded an outright majority on the Commission. During that time they should have ensured the patiently inadequate arrangements when it came to the flying of the Union Flag were addressed.

In order to cover their blushes there were suggestions initially that the blame lay with the Secretary of State and the Flag Regulations. We note that the very fact of this consolation concedes that this was misinformation and that the responsibility lies with the Commission.

Response to Consultation Questions

1. First of all, do you have an opinion on the flying of the Union flag at Parliament Buildings? Yes. TUV has a strong opinion.
2. The EQIA considers a range of policy options for the flying of the Union flag. Which of the following options would you prefer? (Please select only one).

1	No change – continue to fly the Union flag at Parliament Buildings on existing designated flag days (currently 15 days per year)	
2	Increase/decrease the number of designated days – please select one of the five sub-options below:	
	(a) fly the Union flag on fewer days (than the current 15 days per year)	
	(b) adopt the 18 days determined by the DCMS for Great Britain	

	(c) add the days when the Assembly is sitting	
	(d) add days of particular local significance (e.g. Ulster Day, July 12)	
	(e) some combination of the above – please outline below	
3	Fly the Union flag on a permanent basis	✓
4	Cease to fly the Union flag	
5	None of the above	

3. The EQIA also identifies other scenarios; if you selected option 5 at Question 2, would you prefer one of the following?

1	Fly the Irish Tricolour alongside the Union flag	
2	Fly a neutral, civic flag	
3	Other preference – please outline below	

None of these options should be even under consideration. Northern Ireland is part of the United Kingdom. A flag is a symbol of sovereignty and therefore the flag of the nation and it alone should fly.

4. Even if your preference is for a change to the current policy, would you be prepared to accept that the Union flag should continue to fly on 15 designated days per year in the interests of helping to maintain good relations?

Yes	
No	✓
Don't know	

5. Please tell us the reasons for your preferred option.

The current arrangements adopted by the Commission as set out by the Flags Regulations (NI) 2000 are manifestly inadequate. They allow for the Union Flag to be flown for a mere 15 days a year. This falls short even of the designated days set by the Department for Culture, Media and Sport, for Government buildings across the UK. Indeed as most of the days listed in the Flag Regulations relate to events in the lives of current members of the Royal Family, we will ultimately be left with the Union Flag flying from Government buildings on only 4 days a year.

The gross inadequacy of the Flags Regulations was illustrated recently when the Assembly failed to fly the Union Flag on 9th January this year – the birthday of the Duchess of Cambridge.

It is inexcusable that those Unionist parties represented on the commission did not, **as a minimum**, have ensure that the Union Flag flew from Parliament Buildings on the Designated Days announced by the Department for Culture, Media and Sport before now.

TUV wishes to make it clear, however, that we do not believe that designated days are adequate for the seat of government in Northern Ireland.

We strongly believe that the Union Flag should fly from Parliament Buildings all year round.

This would bring Parliament Buildings into line with practice both at Westminster Palace and the Welsh Assembly.

Until 2010 the Union Flag was flown from the Victoria Tower of the Palace of Westminster only when Parliament was sitting and on the appointed days. However, since early 2010 the National Flag has been flown all the time.

The Welsh Assembly flies the Union Flag, the Red Dragon and the EU Flag on a daily basis.

Up until 2006 the Union Flag was flown 365 days a year at the Scottish Parliament. Since then the SNP has implemented a designated days policy although, interestingly, it continues to fly the Saltire every day. However, even under Nationalist control the Union Flag flies on occasions which are omitted from the Designated Days listed by the Commission - such as the birthday of the Duchess of Cambridge and the birthday of Prince William.

The flying of the Union Flag all year round would also be in line with the advice issued following the publication of the green paper, The Governance of Britain, in July 2007 after which Government Departments were encouraged to fly the Union Flag all year round and not just on designated days.

TUV therefore believe that, in common with the practice at the Welsh Assembly and the Houses of Parliament the Union Flag should fly from Parliament Buildings 365 days a year. Such a policy would also bring us into line with the practice in Scotland because the only national flag recognised for Northern Ireland is the Union Flag.

As demonstrated by the facts cited above, the trend across the United Kingdom is towards flying the Union Flag all year round rather than merely on a few select days. Stormont, as the seat of Government in Northern Ireland, should follow this example.

College of Arms

As Garter King of Arms I am the Officer of the Royal Household with responsibility for the design and registration of Coats of Arms, Badges, Flags and other national symbols for the United Kingdom, including Northern Ireland. I also advise national and local governments about the use of Arms, Flags and other devices.

It might be helpful if I let you have my response to the Equality Impact Assessment put forward by the Commission for its Review of the Policy on the Flying of the Union Flag at Parliament Buildings.

Decisions over the details of flag-flying policy in Northern Ireland should be taken in Northern Ireland, having regard to the terms of the Belfast Agreement as well as the other relevant Orders and policies and the feelings of the people.

Once taken, it is advisable for such decisions to be communicated to the College of Arms and placed on official record here, as the College is the central communications point for Flags and other national symbols for the United Kingdom, and where the records of such symbols are created and preserved.

The College of Arms favours in general the approach of designated days for the flying of the Union Flag. This is a traditional approach widely followed throughout the UK. Each day that the Flag is flown has a specific non-political meaning.

The designated days approach is appropriate to and expressive of the constitutional position of Northern Ireland. It can also be seen to be a compromise position between those groups who find the presence of the Flag chilling or off-putting; and those who find it cheering and inviting.

I should like to suggest that the present status quo be preserved. An alternative would be that the present regulations be updated to match the rest of the United Kingdom flag-flying days. This would mean adding 9 January, 21 June, and 17 July, which are the birthdays of the Duchess of Cambridge, the Duke of Cambridge, and the Duchess of Cornwall. I do not suggest that 1 and 12 July are added.

It might be appropriate to consider the establishment of a Flag for Northern Ireland. This would have to be a very carefully chosen and neutral design and it may prove very difficult to arrive at a design acceptable to all parties.

The College of Arms is responsible for advising on the design of new official and national Flags and for arranging for their approval by The Queen and their registration. If this course is to be pursued further communications will be necessary as to what a design process might entail.

Yours faithfully,

Thomas Woodcock

Garter King of Arms
College of Arms
Queen Victoria Street
London EC4V 4BT

Submission to the Northern Ireland Assembly on Review of Flying of the Union Flag at Parliament Buildings

Introduction

When considering the implications of maintaining or revising the policy in respect of flag-flying, the Assembly is much better equipped to make any decision in light of the constitutional settlement achieved as a result of the Belfast Agreement in 1998. For the first time, those from *both* religious and political backgrounds accepted the total and irrefutable legitimacy of Northern Ireland's constitutional status and position within the United Kingdom. The magnitude of Republicans and Nationalists' acceptance of this principle, one which has been espoused by Unionists since Northern Ireland's establishment in 1921 must not be underestimated.

This consultation is taking place in 2015 and not 1975. There is no ambiguity as to whether Northern Ireland's constitutional position is acceptable to all. This matter has been resolved. In light of this reality, our view is and remains that symbols of the state to which we all belong and assent to must remain in their rightful place in our society. These symbols do not discriminate against or chill a section of the community – they are visual representations of and testament to the constitutional settlement which was ratified by the population by open ballot.

We recognise that certain flags, symbols, emblems and even colours can be divisive in Northern Ireland. This is often exacerbated by localised tensions and history in particular areas. Paramilitary flags, mastheads of groups that have no place within a modern, democratic society are one such example. Undoubtedly these create a chill factor, not just from an opposing community but within the very community which such groups operate. The Union Flag is the total antipathy of such an icon. It is a symbol of unity between four nations and is testament to the legitimacy of a sovereign and democratic state to which its people have consented. It is not sectarian, it represents all in Northern Ireland and elsewhere in the United Kingdom.

Shared Space versus Neutral Space

Northern Ireland must not be devoid of any sense of identity or history, which benefits neither community, instead harming both. There must be a distinction between this position and that of one which allows individual expression and mutual respect. This core principle is at the centre of our understanding and one which we hope the Assembly shares. Removing symbols of identity from their legitimate and correct positions within our society does not improve community relations, reduce tensions or facilitate values such as freedom of expression. Instead, it has the opposite effect.

The Life and Times Survey 2013 alludes to the overwhelming sensitivity the Unionist community has to the flying of the Union Flag. Just 3% of Protestants surveyed felt that the Union Flag shouldn't be flown from public buildings. An overwhelming 44% felt that it should fly every day. Comparatively, just 28% of Catholics felt that it shouldn't be flown. The desirability of maintaining good community relations needs to balance the general apathy Catholics have to the flying of the Union Flag with the sensitivity Protestants have to this issue.

Striking the right balance between acknowledging Northern Ireland's constitutional position and not giving offence to those who oppose it, has been notoriously difficult. It must be noted, however, that

those who oppose it are in a minority, not just of the population of Northern Ireland as a whole, but also within the Roman Catholic / Nationalist community in the Province. We would contend that those who find the flying of the flag offensive are as likely to find the very existence of the Northern Ireland Assembly as offensive, be it as the administration of regional Government within the United Kingdom in Northern Ireland. If 'not causing offence' is the main criteria, one wonders what issue if any would not offend a section of the population.

In the past, Sinn Féin have expressed what they regard as 'an imbalance in the widespread use of symbols of Britishness and unionism at official level...contrasting with a lack of symbols reflecting the Irish nationalist and republican political tradition'. We feel that this statement is deliberately misleading and an entirely separate issue in point. The Union Flag's place on public buildings and places in the United Kingdom does not come from a desire to display something reflective of one political or religious tradition in an official manner. It exists as a statement of fact and does not share an opinion. Consequently, there is no need to 'balance' this flag's display with a counter symbol from an opposing tradition.

We hold the view that there is nothing offensive about the Union Flag being flown. It is not 'territory marking' as it is shared space. By flying the Union Flag 365 days a year, the Assembly is not choosing sides: it is a legitimate symbolic demonstration of the Constitutional System within which the Northern Ireland Assembly operates. We share the view of the Equality Commission of Northern Ireland that the presence of the Union Flag was 'within the general context of a policy which symbolises the constitutional position of Northern Ireland'.

Unofficial Flag Flying

We believe there is merit in the argument that flying an official Union flag on a year round basis may help to reduce the number of unauthorised flags in the Province. We do not wish to see a tattered and disrespected Union flag flying anywhere in Northern Ireland. We believe the rightful place of the Union flag is on official flagpoles on Government buildings or flown from homes in celebration of important events of National importance. Sadly, this vision is rarely realised due to the ever-increasing erosion of things associated with the official constitutional position or 'Britishness' of Northern Ireland. Public and private bodies alike are evermore animated to take down such symbols, be they Union flags or royal portraits as two examples. As a result, Unionists take personal insult to these actions which perpetuates the notion that their culture and identity are being eroded in the face of placating the potentially offended. Little notice is ever taken to the offence taken by the majority at these symbols' removal as opposed to the minority who support the practice.

As a result, there ensues a vicious cycle of flags coming down from official positions and being replaced ten-fold on lampposts and streets all year round. To the 28% of Catholics who feel the flag shouldn't be flown, what of them now? Are they not further aggrieved by the sight of a Union flag now flown not on their Government building but on their streets or places of work? And what of the 44% of Protestants who wish it to be flown every day from Parliament Buildings? Are they not more likely to feel their identity is not welcome in official life in Northern Ireland, that their view has been ignored or side-lined by their Assembly?

Community relations since December 2012 (when Belfast City Council voted to restrict the flying of the Union Flag from City Hall) have dramatically deteriorated. This deterioration is not limited to Belfast but to Northern Ireland as a whole. There are more Union flags flying unofficially in Northern Ireland from lampposts and elsewhere than before the December decision. The Protestant community continues to perceive that decision as a direct attack on their identity. As a result, Protestants have lost faith, not just in the Council concerned, but in local and regional Government

generally. Increasing the flag flying policy to 365 days would be a hugely symbolic gesture to Unionists in Northern Ireland. Rather than create community tensions, it would defuse them.

Conclusion

In conclusion, we contend that the Union Flag is not a threat or weapon to be used against anyone, it is a legitimate visual statement of fact reflecting the Constitutional position of Northern Ireland within the United Kingdom under whose authority the Northern Ireland Assembly operates. We contend that to fly the flag year-long from Parliament Buildings would have the effect of defusing community tensions, assuage the fears of those Protestants and Unionists within the Province that their identity is 'under threat' and would have the overall effect of mitigating the display of flags in an unofficial manner throughout Northern Ireland. This flag represents *all* people within Northern Ireland and the Assembly should avoid allowing the Union Flag and other symbols of Northern Ireland's legitimate constitutional position being marginalised to one section of the community and subsequently being undermined in the interests of misplaced concerns over Community Relations.

Ballyboley Loyal Orange Lodge

I am writing to you in response to the public consultation which is currently being held on the flying of the Union Flag on Parliament Buildings at Stormont and on the behalf of the Officers and Members of Ballyboley Loyal Orange Lodge. It is the feeling of our Lodge (which consists of a membership of 60 men) that the Union Flag, the flag which we as Unionists see as our national flag, should be flown from our Parliament Buildings every day of the year.

Our view is reinforced by the fact that many people from our community and from our nation have fought and died on streets and battlefields at home and abroad so that we can remain living under the Union Flag. Furthermore, following the unjust hurt which has been caused to our people after our national flag was torn down from Belfast City Hall, it would be an abomination that this situation would be somewhat rectified by flying the Union Flag at Stormont 365 days each year.

Yours sincerely

R.G.M. Sharp
(Secretary)

Islandmagee Loyal Orange Lodge

Stormont Union Flag Policy Consultation EQIA

Islandmagee LOL 1962 welcomes the opportunity to respond to the consultation on the flying of the Union Flag at parliament buildings. Islandmagee LOL 1962 is responding to this consultation being a member of the Orange fraternity and the wider unionist community, both of whom form an integral part of Northern Ireland and the United Kingdom. To this effect our position is that the Union Flag should be flown over Stormont Buildings 365 days a year.

Furthermore, and in addition to this, the Flags Regulations (Northern Ireland) 2000 made under the Flags (Northern Ireland) Order 2000, needs to be amended whereby the 15 designated days it refers to are replaced by 365 days a year. All government buildings and courthouses to which this regulation refers are situated in Northern Ireland (a part of the UK) and should fly the Union Flag all year round. As stated in the consultation paper, Stormont Buildings does not fall under the above mentioned regulations and no legal obligation exists to adhere to its protocols.

Flying the Union Flag on designated days only, when not legislated to, is a clear example of the on-going attempt to erode British identity from Northern Ireland and depress the voice and vision of the unionist community. Another example of this is the on-going dispute and standoff at Twaddell Avenue²³, where Orange brethren continue to be denied their right to return home from the 2013 twelfth of July demonstration. This is a clear example of 'authorities' giving in to threats of violence from republicans.

The proposed exclusion of the Union Flag from Northern Ireland driving licences going forward is another blatant attempt to remove the British identity from NI and differentiate it from other parts of the UK. Northern Ireland should not be treated differently to England, Wales or Scotland in this respect.

With this back drop in mind, praise must be given to Craigavon Borough Council who recently voted to fly the Union Flag from their civic centre 365 days a year. This is a protocol that should be replicated when the 11 super councils come to fruition in NI in April 2015. Prior to this Parliament Buildings must take the lead and set an example by following the same approach.

²³ Along with Drumcree and other so called 'contentious' parades orchestrated and defined by the republican movement

In summary, the Union Flag should be flown over Parliament buildings and all other buildings specified under the Flags (NI) regulations 365 days a year.

Yours sincerely

Philip Carson
Worshipful Master
Islandmagee LOL 1962

Michael Dunbar
Secretary
Islandmagee LOL 1962

Larne District Loyal Orange Lodge

Review of the Policy on the Flying of the Union Flag at Parliament Buildings – Equality Impact Assessment

Larne District LOL No. 1 (hereafter "the District") welcomes the opportunity to respond to and participate in this consultation process.

In informing its response, the District is mindful of the great hurt caused to many by the removal of the Union Flag from Belfast City Hall, and the damage done to community relations following this decision.

The District reaffirms the position of Northern Ireland as an integral part of the United Kingdom and the Union Flag is an emblematic symbol of this. The Union Flag is therefore both a legitimate and essential expression of the current constitutional reality. For this reason, the District believes that the flying of the Union Flag should be superior to any political campaigns, statements, or personalities.

It is also regrettable that the image of the Union Flag has been damaged and attacked by a range of sources over many years. The District believes that the Union Flag should be flown with the appropriate dignity and respect expected of a national symbol.

By means of response to the particular question of this consultation, the District believes that the Union Flag should fly permanently on Parliament Buildings, being the most senior administrative building in Northern Ireland. It also believes that the flag should be flown under the same conditions on all Departmental headquarters, local council administrative centres, and any other relevant public buildings of important standing. This situation is consistent with practice elsewhere in Europe and around the world, such as in the United States of America, where the national flag is flown with pride and is above party politics.

The District strongly opposes the complete removal of the Union Flag from Parliament Buildings, and believes that the Irish Tricolor should not be considered for flying given that it is the national emblem of another country under whose jurisdiction the territorial area of Northern Ireland does not fall.

Should the policy change to the permanent flying of the Union Flag, the District does not believe that community relations would be impacted negatively, being merely a constitutional

expression which recent surveys have confirmed to be the desire of the vast majority of residents in Northern Ireland.

Mark McKinty (District Secretary)
for and on behalf of Larne District Loyal Orange Lodge No. 1