



Northern Ireland
Assembly

Equality Scheme for Northern Ireland Assembly Commission

2012 - 2016

Drawn up in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998

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Approved by the Equality Commission for Northern Ireland
on 28 March 2012.

Contact Details

Commission and Corporate Support Unit
Room 152
Parliament Buildings
Ballymiscaw
Stormont
BT4 3XX

Email: equality@niassembly.gov.uk

Web: www.niassembly.gov.uk

Tel: 028 90418377

Textphone: 028 90521209

Head of the Commission and Corporate Support Unit: Tony Logue

Equality Manager: Maria Bannon

Assistant Assembly Clerk: James Gilsean

Foreword

Section 75 of the Northern Ireland Act 1998 (the Act) requires Public Authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined in the Act.¹



The Speaker



The Clerk /
Director General

In our Equality Scheme we set out how the Northern Ireland Assembly Commission (Assembly Commission) proposes to continue to fulfil the Section 75 statutory duties.

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

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

We will continue to develop and deliver a programme of communication and training with the aim of ensuring that all our staff and Directors are made fully aware of our revised Equality Scheme and understand the commitments and obligations within it. We will develop a programme of awareness raising for our consultees on the Section 75 statutory duties and our commitments in our Equality Scheme.

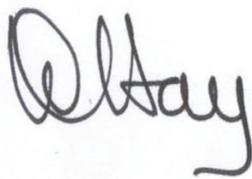
We, the Speaker and the Clerk / Director General of the Northern Ireland Assembly, remain fully committed to effectively fulfilling our Section 75 statutory duties across all our functions (including service provision, employment and procurement) through the effective implementation of our Equality Scheme.

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

¹ See section 1.1 of our Equality Scheme.

Scheme demonstrates how determined we are to ensure there are opportunities, for people affected by our work, to positively influence how we carry out our functions in line with our Section 75 statutory duties. It also offers the means whereby persons directly affected by what they consider to be a failure, on our part, to comply with our Equality Scheme, can make complaints.

On behalf of the Assembly Commission and our staff we are pleased to support and endorse this Equality Scheme which has been drawn up in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998 and Equality Commission guidelines.



The Speaker of the
Northern Ireland Assembly

2011



The Clerk / Director General

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Chapter 1 – Introduction

Section 75 of the Northern Ireland Act 1998

- 1.1 Section 75 of the Northern Ireland Act 1998 (the Act) requires the Assembly Commission to comply with two statutory duties:

Section 75 (1)

In carrying out our functions relating to Northern Ireland we are required to have due regard to the need to promote equality of opportunity between

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

Section 75 (2)

In addition, without prejudice to the obligations above, in carrying out our functions in relation to Northern Ireland we are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

“Functions” include the “powers and duties” of a Public Authority². This includes our employment and procurement functions.

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

How we propose to fulfil the Section 75 duties in relation to the relevant functions of the Assembly Commission.

- 1.2 Schedule 9 4. (1) of the Act requires The Assembly Commission as a designated Public Authority to set out in an Equality Scheme how it proposes to fulfil the duties imposed by Section 75 in relation to its relevant functions. This Equality Scheme is intended to fulfil that statutory requirement. It is both a statement of our arrangements for fulfilling the Section 75 statutory duties and our plan for their implementation.

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

- 1.3 The Assembly Commission is committed to the discharge of its Section 75 obligations in all parts of our organisation and we will commit the necessary available resources in terms of people, time and money to ensure that the Section 75 statutory duties are complied with and that our Equality Scheme can be implemented effectively.

Who we are and what we do

The Assembly is the devolved legislature for Northern Ireland. It is responsible for making laws on transferred matters in Northern Ireland and for scrutinising the work of Ministers and Government Departments. The Assembly sits at Parliament Buildings, Stormont, in Belfast. Members (MLAs) meet to debate issues; question Ministers and make laws for the benefit of people in Northern Ireland. Each MLA represents her or his constituency, and there are six MLAs for each of the eighteen constituencies.

- 1.4 The Assembly Commission finds its statutory basis in Section 40 and Schedule 5 of the Northern Ireland Act 1998. As the body corporate, it is responsible for providing the property, services and staff required for the Northern Ireland Assembly's purposes. It has four principal roles. These are:
- The allocation of resources
 - The provision of property to support the Members, support staff and secretariat staff for a full functioning Assembly;
 - The provision of services and
 - The provision of a fully staffed Secretariat to support the administration of the Assembly

Functions

- 1.5 In exercising the above roles the Assembly Commission carries out the following functions:
- The acquisition and maintenance of premises and equipment to provide suitable accommodation, facilities and support services in which a fully functioning Assembly can operate;
 - The recruitment and ongoing development of suitably qualified and experienced staff to support the work of the Assembly.

Membership

1.6 The Assembly Commission membership comprises the Speaker to the Northern Ireland Assembly as Chair and five other Members appointed by the Northern Ireland Assembly. Current Members are:

- Mr William Hay MLA (Speaker)
- Mr Peter Weir MLA
- Mr Barry McElduff MLA
- Mr Leslie Cree MBE MLA
- Mr Pat Ramsey MLA
- Mrs Judith Cochrane MLA

Clerk to The Assembly / Director General

1.7 The Assembly Secretariat is led by the Clerk to the Assembly / Director General Mr Trevor Reaney, who is a full time Assembly official. This dual role confers the following responsibilities:

- As Clerk to The Assembly, Mr Reaney is the principal adviser to the Speaker and The Assembly on procedural matters;
- As the Director General, Mr Reaney manages the Assembly Secretariat staff, co-ordinates the essential procedural and corporate support services and acts as Accounting Officer for the Assembly's budget.

Secretariat Management Group

The Secretariat Management Group comprises the following officers:

- Clerk to the Assembly / Director General
- Director of Clerking and Reporting
- Director of Information and Outreach
- Director of Facilities / Keeper of the House
- Director of Corporate Services
- Director of Legal and Governance Services

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

- 2.1 Some of our arrangements for assessing our compliance with the Section 75 statutory duties are outlined in other relevant parts of this Equality Scheme, for example arrangements for monitoring, Equality Impact Assessments, complaints, review and access to information and services.

In addition we have the following arrangements in place for assessing our compliance:

Responsibilities and reporting

- 2.2 The Assembly Commission remains committed to the fulfilment of our Section 75 obligations in all parts of our work.
- 2.3 Responsibility for the effective implementation of our Equality Scheme lies with the Clerk / Director General, Trevor Reaney as leader of the Secretariat staff. The Clerk / Director General is accountable to the Assembly Commission for the development, implementation, maintenance and review of the Equality Scheme in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998, including any good practice or guidance that has been or may be issued by the Equality Commission.
- 2.4 If you have any questions or comments regarding our Equality Scheme, please contact in the first instance Tony Logue at the address given below and he will respond to you as soon as possible:

Commission and Corporate Support Unit
Room 152
Parliament Buildings
Ballymiscaw
Stormont
BT4 3XX

Email: equality@niassembly.gov.uk
Web: www.niassembly.gov.uk
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Textphone: 028 90521209

Head of the Commission and Corporate Support Unit: Tony Logue
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Assistant Assembly Clerk: James Gilsenan

- 2.5 Objectives and targets relating to the statutory duties are integrated into our strategic and operational business plans.³
- 2.6 Employees' job descriptions and performance plans reflect their contributions to the discharge of the Section 75 statutory duties and implementation of the Equality Scheme, where relevant. The personal performance plans are subject to appraisal in the annual performance review.
- 2.7 The Equality Team prepares an annual report on the progress we have made on implementing the arrangements set out in this Equality Scheme to discharge our Section 75 statutory duties (Section 75 annual progress report).

The Section 75 annual progress report will be sent to the Equality Commission by 31 August each year and will follow any guidance on annual reporting issued by the Equality Commission.

Progress on the delivery of Section 75 statutory duties will also be included in our (organisational) annual report.

- 2.8 The latest Section 75 annual progress report is available on our website

www.niassembly.gov.uk

or by contacting:

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3 See Appendix 4 'Timetable for measures proposed' and section 2.11 of this Equality Scheme.

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- 2.9 The Assembly Commission liaises closely with the Equality Commission to ensure that progress on the implementation of our Equality Scheme is maintained.

Action plan/action measures

- 2.10 The Assembly Commission developed an action plan to promote equality of opportunity and good relations. This action plan is set out in Appendix 6 to this Equality Scheme.
- 2.11 The action measures that will make up our action plan will be relevant to our functions. They will be developed and prioritised on the basis of an audit of inequalities. The audit of inequalities gathered and analysed information across the Section 75 categories⁴ to identify the inequalities that exist for our service users and those affected by our policies.⁵
- 2.12 Action measures will be specific, measurable, linked to achievable outcomes, realistic and time bound. Action measures will include performance indicators and timescales for their achievement.
- 2.13 We will develop any action plans for a period of between one and five years in order to align them with our corporate and business planning cycles. Implementation of the action measures will be incorporated into our business planning process.
- 2.14 We will seek input from our stakeholders and consult on our action plan before we send it to the Equality Commission and thereafter when reviewing the plan as per 2.16 below.
- 2.15 We will monitor our progress on the delivery of our action measures annually and update the action plan as necessary to ensure that it remains effective and relevant to our functions and work.
- 2.16 The Assembly Commission will inform the Equality Commission of any changes or amendments to our action plan and will also include this information in our Section 75 annual progress report to the Commission. Our Section 75 annual progress

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

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

report will incorporate information on progress we have made in implementing our action plans/action measures.

2.17 Once finalised, our action plan will be available on our website:

www.niassembly.gov.uk

or by contacting:

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If you require the action plan in an alternative format please contact us on the details provided.

Chapter 3 – Our arrangements for consulting

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

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

3.1 We recognise the importance of consultation in all aspects of the implementation of our statutory equality duties. We will consult on our Equality Scheme, action measures, Equality Impact Assessments and other matters relevant to the Section 75 statutory duties.

3.2 We are committed to carrying out consultation in accordance with the following principles (as contained in the Equality Commission's guidance 'Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)'):

3.2.1 All consultations will seek the views of those directly affected by the matter/policy, the Equality Commission, representative groups of Section 75 categories, other Public Authorities, voluntary and community groups, our staff and their trades unions and such other groups who have a legitimate interest in the matter, whether or not they have a direct economic or personal interest.

Initially all consultees (see Appendix 3), as a matter of course, will be notified (by email or post) of the matter/policy being consulted upon to ensure they are aware of all consultations. Thereafter, to ensure the most effective use of our and our consultees' resources, we will take a targeted approach to consultation for those consultees that may have a particular interest in the matter/policy being consulted upon and to whom the matter/policy is of particular relevance. This may include for example regional or local consultations, sectoral or thematic consultation etc.

3.2.2 Consultation with all stakeholders will begin as early as possible. We will engage with affected individuals and representative groups to identify how best to consult or engage with them. We will ask our consultees what their preferred consultation methods are and will give consideration to these. Methods of consultation and pre-consultation could include:

- Face-to-face meetings

- Focus groups
- Written documents with the opportunity to comment in writing
- Questionnaires
- Information/notification by email with an opportunity to opt in/opt out of the consultation
- Internet discussions or
- Telephone consultations.

This list is not exhaustive and we may develop other additional methods of consultation more appropriate to key stakeholders and the matter being consulted upon.

3.2.3 We are committed to ensuring that the accessibility and format of every method of consultation we use contributes to the removal of barriers to the consultation process. Specific consideration will be given as to how best to communicate with children and young people, people with disabilities (in particular people with learning disabilities) and minority ethnic communities. We take account of existing and developing good practice, including the Equality Commission's guidance *Let's Talk Let's Listen – Guidance for public authorities on consulting and involving children and young people* (2008).

Information will be made available in alternative formats⁶, in a timely manner, usually within one week of receiving a request. We will ensure that such consultees have equal time to respond.

3.2.4 Specific training is provided (where appropriate) to those facilitating consultations to ensure that they have the necessary skills to communicate effectively with consultees.

3.2.5 To ensure effective consultation with consultees⁷ on Section 75 matters, we will continue the programme of awareness raising on the Section 75 statutory duties and the commitments in our Equality Scheme through mandatory staff training and regular meetings of the Disability Advisory Group and the Equality Working Group.

3.2.6 The consultation period lasts for a minimum of twelve weeks to allow adequate time for groups to consult amongst themselves as part of the process of forming a view. However, in exceptional

6 See Chapter 6 of our Equality Scheme for further information on alternative formats of information we provide.

7 Please see Appendix 3 for a list of our consultees.

circumstances when this timescale is not feasible (for example implementing EU Directives or UK wide legislation, meeting Health and Safety requirements, addressing urgent public health matters or complying with Court judgements), we may shorten timescales to eight weeks or less before the policy is implemented. We may continue consultation thereafter and will review the policy as part of our monitoring commitments.⁸

Where, under these exceptional circumstances, we must implement a policy immediately, as it is beyond our authority's control, we may consult after implementation of the policy, in order to ensure that any impacts of the policy are considered.

- 3.2.7 If a consultation exercise is to take place over a period when consultees are less able to respond, for example, over the summer or Christmas break, or if the policy under consideration is particularly complex, we will give consideration to the feasibility of allowing a longer period for the consultation.
- 3.2.8 We are conscious of the fact that affected individuals and representative groups may have different needs. We will take appropriate measures to ensure full participation in any meetings that are held. We will consider for example the time of day, the appropriateness of the venue, in particular whether it can be accessed by those with disabilities, how the meeting is to be conducted, the use of appropriate language, whether a signer and/or interpreter is necessary, and whether the provision of childcare and support for other carers is required.
- 3.2.9 We make all relevant information available to consultees in appropriate formats to ensure meaningful consultation. This includes detailed information on the policy proposal being consulted upon and any relevant quantitative and qualitative data.
- 3.2.10 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy.
- 3.2.11 We provide feedback to consultees in a timely manner. A feedback report is prepared which includes summary information on the policy consulted upon, a summary of consultees' comments and a summary of our consideration of and response to consultees' input. The feedback is provided in formats suitable to consultees. (Please see also 6.3)

8 Please see below at 4.27 to 4.31 for details on monitoring.

- 3.3 A list of our consultees is included in this Equality Scheme at Appendix 3. It can also be obtained from our website at

www.niassembly.gov.uk

or by contacting

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- 3.4 Our consultation list is not exhaustive and is reviewed on an annual basis to ensure it remains relevant to our functions and policies.

We welcome enquiries from any person/s or organisations wishing to be added to the list of consultees. Please contact a member of staff at the Commission and Corporate Support Unit to provide your contact details and have your areas of interest noted or have your name/details removed or amended. Please also inform us at this stage if you would like information sent to you in a particular format or language.

Chapter 4 – Our arrangements for assessing, monitoring and publishing the impact of policies

(Schedule 9 4. (2) (b); Schedule 9 4. (2) (c); Schedule 9 4. (2) (d); Schedule 9 9. (1); Schedule 9 9.(2))

Our arrangements for assessing the likely impact of policies adopted or proposed to be adopted on the promotion of equality of opportunity

(Schedule 9 4. (2) (b))

- 4.1 In the context of Section 75, ‘policy’ is very broadly defined and it covers all the ways in which we carry out or propose to carry out our functions in relation to Northern Ireland. In respect of this Equality Scheme, the term policy is used for any (proposed/ amended/existing) strategy, policy initiative or practice and/or decision, whether written or unwritten and irrespective of the label given to it, eg, ‘draft’, ‘pilot’, ‘high level’ or ‘sectoral’.
- 4.2 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9 9. (2) of the Northern Ireland Act 1998.
- 4.3 The Assembly Commission uses the tools of screening and equality impact assessment to assess the likely impact of a policy on the promotion of equality of opportunity and good relations. In carrying out these assessments we relate them to the intended outcomes of the policy in question and follow Equality Commission guidance:
 - the guidance on screening, including the screening template, as detailed in the Equality Commission’s guidance ‘*Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)*’ and
 - on undertaking an equality impact assessment as detailed in the Equality Commission’s guidance ‘*Practical guidance on equality impact assessment (February 2005)*’.

Screening

- 4.4 The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations.

- 4.5 Screening is completed at the earliest opportunity in the policy development/review process. Policies which we propose to adopt will be subject to screening prior to implementation. For more detailed strategies or policies that are to be put in place through a series of stages, we will screen at various stages during implementation.
- 4.6 The lead role in the screening of a policy is taken by the policy decision maker who has the authority to make changes to that policy. However, screening will also involve other relevant team members, for example, equality specialists, those who implement the policy and staff members from other relevant work areas. Where possible we will include key stakeholders in the screening process.
- 4.7 The following questions are applied to all our policies as part of the screening process:
- What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor/major/none)
 - Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?
 - To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group? (minor/major/none)
 - Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?
- 4.8 In order to answer the screening questions, we gather all relevant information and data, both qualitative and quantitative. In taking this evidence into account we consider the different needs, experiences and priorities for each of the Section 75 equality categories. Any screening decision will be informed by this evidence.
- 4.9 Completion of screening, taking into account our consideration of the answers to all four screening questions set out in 4.7 above, will lead to one of the following three outcomes:
1. the policy has been ‘screened in’ for equality impact assessment

2. the policy has been ‘screened out’ with mitigation⁹ or an alternative policy proposed to be adopted
3. the policy has been ‘screened out’ without mitigation or an alternative policy proposed to be adopted.

4.10 If our screening concludes that the likely impact of a policy is ‘minor’ in respect of one, or more, of the equality of opportunity and/or good relations categories, we may on occasion decide to proceed with an equality impact assessment, depending on the policy. If an EQIA is not to be conducted we will nonetheless consider measures that might mitigate the policy impact as well as alternative policies that might better achieve the promotion of equality of opportunity and/or good relations.

Where we mitigate we will outline in our screening template the reasons to support this decision together with the proposed changes, amendments or alternative policy.

This screening decision will be ‘signed off’ by the appropriate policy lead within The Assembly Secretariat.

4.11 If our screening concludes that the likely impact of a policy is ‘major’ in respect of one, or more, of the equality of opportunity and/or good relations categories, we will subject the policy to an equality impact assessment. This screening decision will be ‘signed off’ by the appropriate policy lead within The Assembly Secretariat.

4.12 If our screening concludes that the likely impact of a policy is ‘none’, in respect of all of the equality of opportunity and/or good relations categories, we may decide to screen the policy out. If a policy is ‘screened out’ as having no relevance to equality of opportunity or good relations, we will give details of the reasons for the decision taken. This screening decision will be ‘signed off’ by the appropriate policy lead within The Assembly Secretariat.

4.13 As soon as possible following the completion of the screening process, the screening template, signed off and approved by the senior manager responsible for the policy, will be made available on our website

<http://www.niassembly.gov.uk>

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

and on request from:

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- 4.14 If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, we will review the screening decision.
- 4.15 Our screening reports are published quarterly [see below at 4.20 - 4.22 and 4.23 for details].

Equality impact assessment

- 4.16 An equality impact assessment (EQIA) is a thorough and systematic analysis of a policy, whether that policy is formal or informal, and irrespective of the scope of that policy. The primary function of an EQIA is to determine the extent of any impact of a policy upon the Section 75 categories and to determine if the impact is an adverse one. It is also an opportunity to demonstrate the likely positive outcomes of a policy and to seek ways to more effectively promote equality of opportunity and good relations.
- 4.17 Once a policy is screened and screening has identified that an equality impact assessment is necessary, we will carry out the EQIA in accordance with Equality Commission guidance. The equality impact assessment will be carried out as part of the policy development process, before the policy is implemented.
- 4.18 Any equality impact assessment will be subject to consultation at the appropriate stage(s). (For details see above Chapter 3 “Our Arrangements for Consulting”).

Our arrangements for publishing the results of the assessments of the likely impact of policies we have adopted or propose to adopt on the promotion of equality of opportunity (Schedule 9 4. (2) (d); Schedule 9 9. (1))

- 4.19 We make publicly available the results of our assessments (screening and EQIA) of the likely impact of our policies on the promotion of equality of opportunity and good relations.

What we publish

- 4.20 Screening reports

These are published quarterly. Screening reports detail:

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

- 4.21 Screening templates

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

- 4.22 Equality impact assessments

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

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

How we publish the information

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

Where we publish the information

- 4.24 The results of our assessments (screening reports and completed templates, the results of equality impact assessments etc) are available on our website

<http://www.niassembly.gov.uk>

and by contacting:

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- 4.25 In addition to the above, screening reports (electronic link or hard copy on request if more suitable for recipients) which include all

policies screened over a 3 month period are also sent directly to all consultees on a quarterly basis.

- 4.26 We will inform the general public about the availability of this material through communications such as press releases where appropriate.

Our arrangements for monitoring any adverse impact of policies we have adopted on equality of opportunity
(Schedule 9 4. (2) (c))

- 4.27 Monitoring can assist us to deliver better public services and continuous improvements. Monitoring Section 75 information involves the processing of sensitive personal data (data relating to the racial or ethnic origin of individuals, sexual orientation, political opinion, religious belief, etc). In order to carry out monitoring in a confidential and effective manner, the Assembly Commission follows guidance from the Office of the Information Commissioner and the Equality Commission.

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

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

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

- 4.30 If over a two year period monitoring and evaluation show that a policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of

opportunity to be promoted, we will ensure that the policy is revised to achieve better outcomes for relevant equality groups.

- 4.31 We review our EQIA monitoring information on an annual basis. Other monitoring information is reviewed four times a year by the Equality Working Group and the members of the Equality Group have been trained in policy screening and will ensure new policies are robustly screened.

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

- 4.32 Schedule 9 4. (2) (d) requires us to publish the results of the monitoring of adverse impacts of policies we have adopted. However, we are committed to monitoring more broadly and the results of our policy monitoring are published as follows:
- 4.33 EQIA monitoring information is published as part of our Section 75 annual progress report [see 2.7]
- 4.34 Quarterly updates on policies screened will be published on the Assembly website and will be available in alternative formats.
- 4.35 All information published is accessible and can be made available in alternative formats on request. Please see below at 6.3 for details.

Chapter 5 – Staff training (Schedule 9 4.(2) (e))

Commitment to staff training

- 5.1 We recognise that awareness raising and training play a crucial role in the effective implementation of our Section 75 duties.
- 5.2 Our Clerk / Director General wishes to positively communicate the commitment of the Assembly Commission to the Section 75 statutory duties, both internally and externally.

To this end we have introduced an effective communication and training programme for all staff and will ensure that our commitment to the Section 75 statutory duties is made clear in all relevant publications.

Training objectives

- 5.3 The Assembly Commission provides training, advice and information for its staff to achieve the following objectives:
- to raise awareness of the provisions of Section 75 of the Northern Ireland Act 1998, our Equality Scheme commitments and the particular issues likely to affect people across the range of Section 75 categories, to ensure that our staff fully understand their role in implementing the scheme
 - to provide those staff involved in the assessment of policies (screening and EQIA) with the necessary skills and knowledge to do this work effectively
 - to provide those staff who deal with complaints in relation to compliance with our Equality Scheme with the necessary skills and knowledge to investigate and monitor complaints effectively
 - to provide those staff involved in consultation processes with the necessary skills and knowledge to do this work effectively
 - to provide those staff involved in the implementation and monitoring of the effective implementation of the Assembly Commission Equality Scheme with the necessary skills and knowledge to do this work effectively.

Awareness raising and training arrangements

- 5.4 The following arrangements are in place to ensure members of the Assembly Commission, staff on the Secretariat Management Group and all Secretariat staff are aware of and understand our equality obligations.
- We will develop a summary of this Equality Scheme and make it available to all staff.
 - We will provide access to copies of the full Equality Scheme for all staff; ensure that any queries or questions of clarification from staff are addressed effectively.
 - Secretariat staff will receive a briefing on this Equality Scheme within one month of approval by the Equality Commission.
 - The Section 75 statutory duties form part of induction training for all new staff. The half day course titled Equality and Disability Awareness Training is delivered by the secretariat's training provider Bray Leino.
 - Focused training as well as information and advice is provided for key Secretariat staff who are directly engaged in taking forward the implementation of our Equality Scheme commitments (for example those involved in research and data collection, policy development, service design, conducting equality impact assessments, consultation, monitoring and evaluation). The Equality Working Group received training in 2010 on policy screening and equality impact assessments.
 - Where appropriate, training will be provided to ensure staff are aware of the issues experienced by the range of Section 75 groups.
 - When appropriate and on an ongoing basis, arrangements will be made to ensure staff are kept up to date with Section 75 developments.
 - All staff working with the public (for example Ushers, Security staff and Outreach staff) have received three additional half day courses: deaf awareness, visual awareness and disability awareness.
- 5.5 Training and awareness raising programmes will, where relevant, be developed in association with the appropriate Section 75 groups, Assembly Secretariat staff and the Assembly Commission's training provider Bray Leino.

In order to share resources and expertise, the Assembly Commission will, where possible, work closely with other bodies and agencies in the development and delivery of training.

Monitoring and evaluation

5.6 Our training programme is subject to the following monitoring and evaluation arrangements:

- The extent to which training objectives have been met will be reported on as part of the Section 75 annual progress report, which will be sent to the Equality Commission.
- All Secretariat staff complete feedback forms on completion of training. The feedback data is used to review training on an ongoing basis.
- Secretariat staff discuss the extent to which training has met their needs as part of the Assembly Performance Management System through which each member of staff has an annually agreed Performance Development Plan (PDP).

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

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

- 6.1 The Assembly Commission is committed to ensuring that the information we disseminate and the services we provide are fully accessible to all parts of the community in Northern Ireland. We keep our arrangements under review to ensure that this remains the case.
- 6.2 We are aware that some groups will not have the same access to information as others. In particular: People with sensory, learning, communication and mobility disabilities may require printed information in other formats.
- Members of ethnic minority groups, whose first language is not English, may have difficulties with information provided only in English.
 - Children and young people may not be able to fully access or understand information.

Access to information

- 6.3 To ensure equality of opportunity in accessing information, we provide information in alternative formats on request, where reasonably practicable. Where the exact request cannot be met we will ensure a reasonable alternative is provided.

Alternative formats will include Easy Read, Braille, audio formats (CD, mp3 or DAISY), large print or minority languages to meet the needs of those for whom English is not their first language.

The Assembly Commission liaises with representatives of young people and disability and minority ethnic organisations and takes account of existing and developing good practice.

We will respond to requests for information in alternative formats in a timely manner, usually within one week of receiving the request.

The Assembly Commission runs school visits and has a fully accessible ground floor education room with video conferencing facilities to allow full participation in school projects for Special

Schools and cross community school events. Signage and information leaflets are available in a total of eleven languages. Schools are asked to report if disability issues have prevented any students from attending to shape future policy. Please refer to the Action Plan for details of work in progress at Appendix 6.

- 6.4 In disseminating information through the media we will seek to advertise in the press, including specialist press, where appropriate.
- 6.5 The Assembly Commission is committed to the use of social networking sites to facilitate the dissemination of information.

Access to services

- 6.6 The Assembly Commission is committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories.

The Assembly Commission also adheres to the relevant provisions of current anti-discrimination legislation.

- 6.7 The Assembly Commission has an ongoing programme of work to improve access to Parliament Buildings (such as gaining the RNID Louder than Words Charter Mark in 2011).

Please refer to the Action Plan for details of work in progress.

Assessing public access to information and services

- 6.8 We monitor routinely and regularly across all our functions, in relation to access to information and services, to ensure equality of opportunity and good relations are promoted.

- 6.9 To assist in this monitoring, the following are in place:

- Members (MLAs) surveys
- Secretariat staff surveys
- Article 55 reporting
- Complaints procedure
- Comments box for visitors
- Director General's Questions and Responses intranet page

This list is illustrative and is not meant to be exhaustive

Chapter 7 - Timetable for measures we propose in this Equality Scheme (Schedule 9 4. (3) (b))

- 7.1 Appendix 4 outlines our timetable for all measures proposed within this Equality Scheme. The measures outlined in this timetable will be incorporated into our business planning processes.
- 7.2 This timetable is different from and in addition to our commitment to developing action plans/action measures to specifically address inequalities and further promote equality of opportunity and good relations. We have included in our Equality Scheme a commitment to develop an action plan. Accordingly, this commitment is listed in the timetable of measures at Appendix 4. For information on these action measures please see above at 2.11 – 2.18.

Chapter 8 - Our complaints procedure (Schedule 9 10.)

- 8.1 The Assembly Commission is responsive to the views of members of the public and takes any complaint very seriously. The Assembly Commission will endeavour to resolve all complaints made to us.
- 8.2 Schedule 9 paragraph 10 of the Act refers to complaints. A person can make a complaint to a Public Authority if the complainant believes he or she may have been directly affected by an alleged failure of the authority to comply with its approved Equality Scheme.

If the complaint has not been resolved within a reasonable timescale, the complaint can be brought to the Equality Commission within twelve months of the complainant's first being aware of the alleged compliance failure.

- 8.3 A person wishing to make a complaint that the Assembly Commission has failed to comply with its approved Equality Scheme should contact:

The Equality Manager
Room 152
Parliament Buildings
Stormont
Ballymiscaw
Belfast
BT4 3XX

Tel: 028 90418377

Email: equality@niassembly.gov.uk

The Assembly Commission prefers to receive complaints in writing but appreciates that this may not always be possible. Please contact the Equality Manager if you wish to make a complaint through another medium.

- 8.4 We will in the first instance acknowledge receipt of each complaint within three working days of receipt.
- 8.5 The Equality Manager will carry out an internal investigation of the complaint and will respond substantively to the complainant within one (1) month of the date of receiving the letter of complaint. Under certain circumstances, if the complexity of the matter requires a longer period, the period for response to

the complainant may be extended to two (2) months. In those circumstances, the complainant will be advised of the extended period within one month of making the complaint.

- 8.6 During this process the complainant will be kept fully informed of the progress of the investigation into the complaint and of any outcomes.
- 8.7 In any subsequent investigation by the Equality Commission, the Assembly Commission will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require.

Similarly, The Assembly Commission will co-operate fully with any investigation by the Equality Commission under sub-paragraph 11 (1) (b) of Schedule 9 to the Northern Ireland Act 1998.

- 8.8 The Assembly Commission will make all efforts to implement promptly and in full any recommendations arising out of any Commission investigation.
- 8.9 When the Assembly Commission receives complaints about its services, they, and any related correspondence is held on a shared directory, access to which is controlled by the relevant Director.

When the Assembly Commission receives complaints about the behaviour of named or otherwise identifiable members of staff, additional safeguards are in place to ensure confidentiality. Details of these complaints are not held on the shared directory but are instead held securely and locally by the head of the relevant office.

Personal data associated with a complaint is never disclosed further or used for any other purpose other than the complaint

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

- 9.1 The Assembly Commission's Equality Scheme is available free of charge in print form and alternative formats from:

Commission and Corporate Support Unit
Room 152
Parliament Buildings
Ballymiscaw
Stormont
BT4 3XX

Email: equality@niassembly.gov.uk

Web: www.niassembly.gov.uk

Tel: 028 90418377

Textphone: 028 90521209

Head of the Commission and Corporate Support Unit: Tony Logue

Equality Manager: Maria Bannon

Assistant Assembly Clerk: James Gilsenan

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

<http://www.niassembly.gov.uk>

- 9.3 The following arrangements are in place for the prompt publication of our Equality Scheme to ensure equality of access:

- We will make every effort to communicate widely the existence and content of our Equality Scheme. This may include press releases, prominent advertisements in the press, including specialist press, the internet and direct mail shots to groups representing the various categories in Section 75.
- We will email a link to our approved Equality Scheme to our consultees on our consultation lists. Other consultees without e-mail will be notified by letter that the scheme is available on request. We will respond to requests for the Equality Scheme in alternative formats in a timely manner, usually within one week of a request being received.
- Our Equality Scheme is available on request in alternative formats such as Easy Read, Braille, large print, audio formats (CD, mp3, DAISY) and in minority languages to meet the needs of those not fluent in English.

- 9.4 For a list of our stakeholders and consultees please see Appendix 3 of the Equality Scheme, visit our website at

<http://www.niassembly.gov.uk/>

or contact

Commission and Corporate Support Unit
Room 152
Parliament Buildings
Ballymiscaw
Stormont
BT4 3XX

Email: equality@niassembly.gov.uk

Web: www.niassembly.gov.uk

Tel: 028 90418377

Textphone: 028 90521209

Head of the Commission and Corporate Support Unit: Tony Logue

Equality Manager: Maria Bannon

Assistant Assembly Clerk: James Gilsenan

Chapter 10 – Review of our Equality Scheme (Schedule 9 8. (3))

- 10.1 As required by Schedule 9 paragraph 8 (3) of the Northern Ireland Act 1998 we will conduct a thorough review of this Equality Scheme. This review will take place either within five years of submission of this Equality Scheme to the Equality Commission or within a shorter timescale to allow alignment with the review of other planning cycles.

The review will evaluate the effectiveness of our scheme in relation to the implementation of the Section 75 statutory duties relevant to our functions in Northern Ireland.

- 10.2 In undertaking this review we will follow any guidance issued by the Equality Commission. A report of this review will be made public and sent to the Equality Commission:

<http://www.niassembly.gov.uk/>

or from:

Commission and Corporate Support Unit
Room 152
Parliament Buildings
Ballymiscaw
Stormont
BT4 3XX

Email: equality@niassembly.gov.uk

Web: www.niassembly.gov.uk

Tel: 028 90418377

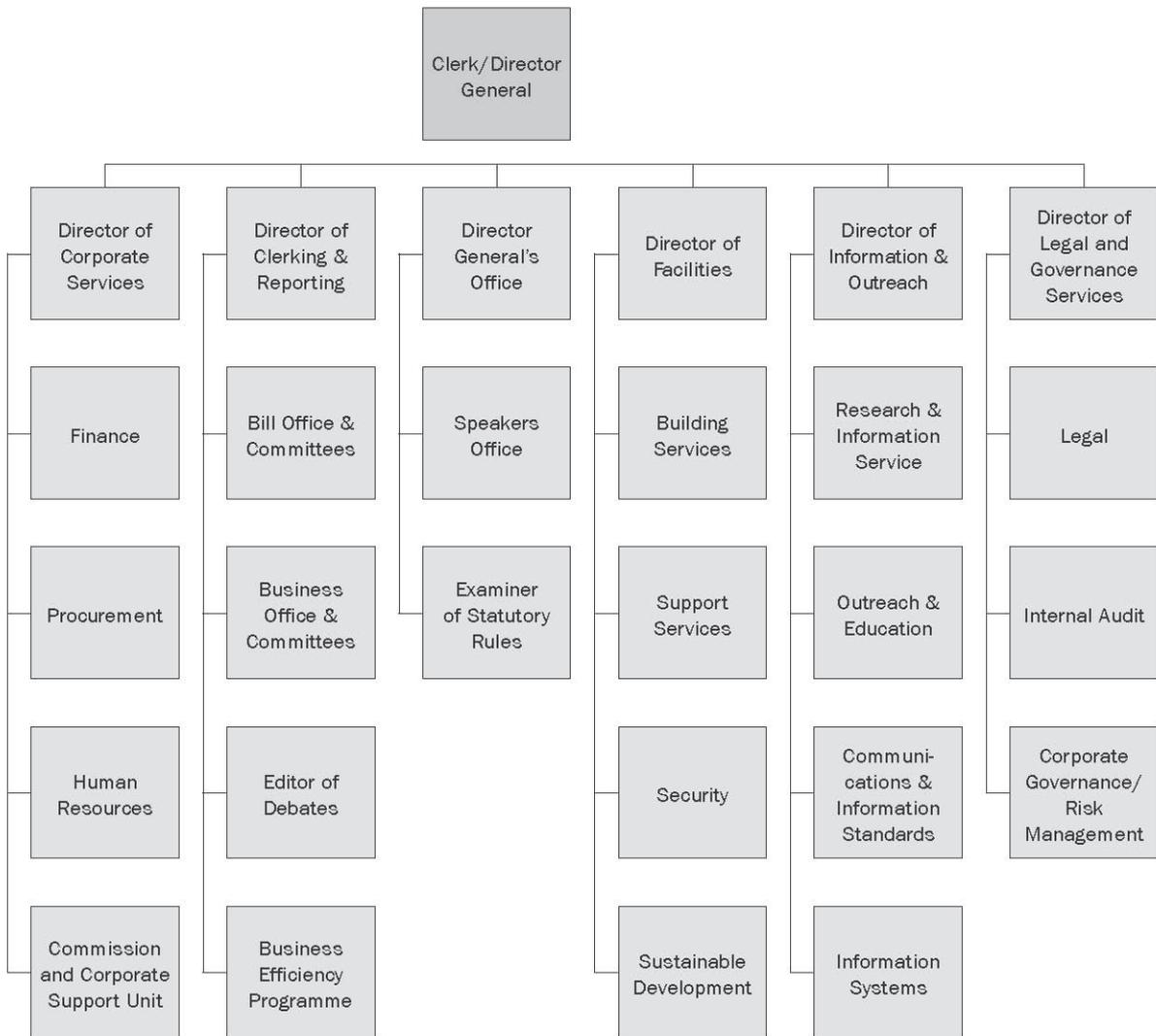
Textphone: 028 90521209

Head of the Commission and Corporate Support Unit: Tony Logue

Equality Manager: Maria Bannon

Assistant Assembly Clerk: James Gilsenan

Appendix 1 – Organisational Chart



Appendix 2 – Example groups relevant to the Section 75 categories for Northern Ireland purposes

Please note, this list is for illustration purposes only, it is not exhaustive.

Category	Example groups
Religious belief	<p>Buddhist; Catholic; Hindu; Jewish; Muslims, people of no religious belief; Protestants; Sikh; other faiths.</p> <p>For the purposes of Section 75, the term “religious belief” is the same definition as that used in the Fair Employment & Treatment (NI) Order . Therefore, “religious belief” also includes any perceived religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “similar philosophical belief”.</p>
Political opinion	Nationalist generally; Unionists generally; members/supporters of other political parties.
Racial group	Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; Travellers; White people.
Men and women generally	Men (including boys); Trans-gendered people; Transsexual people; women (including girls).
Marital status	Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.
Age	Children and young people; older people.
Persons with a disability	Persons with disabilities as defined by the Disability Discrimination Act 1995 and subsequent amendments.
Persons with dependants	Persons with personal responsibility for the care of a child; for the care of a person with a disability; or the care of a dependant older person.

Category	Example groups
Sexual orientation	Bisexual people; heterosexual people; gay or lesbian people.

Appendix 3 — List of consultees (Schedule 9 4. (2) (a))

The Assembly Commission reviews its list of consultees annually. However, if mail is not received or is returned, we check with the organisation as to whether they wish to remain on the list.

- Action on Hearing Loss
- Age NI
- Alliance Party
- Al-Nisa Association NI
- An Munia Tober
- Association for Spina Bifida & Hydrocephalus
- Autism NI
- Aware Defeat Depression
- Baha’I Community of Belfast
- Bahai Council for NI
- Baha’I Council for NI
- Ballymena Inter-Ethnic Forum
- Barnardos
- Belfast Chinese Christian Church
- Belfast City Council Youth Forum
- Belfast Hebrew Congregation
- Belfast Islamic Centre
- Belfast Jewish Community
- Bulgarian Association NI
- Cara-Friend
- Care in NI
- Carers Northern Ireland
- CCMS
- Children in Need NI
- Childrens Law Centre
- Chinese Chamber of Commerce
- Chinese Welfare Association
- Church of Ireland
- CO3
- Community Development & Health Network NI
- Craigavon Traveller Support Committee
- DARD
- DCAL
- DEL
- Department of Justice
- Derry Travellers Support Group
- Derry Well Woman
- DETI
- DFP
- DHSSPS
- Disability Action
- DOE
- Down’s Syndrome Association
- DRD
- DSD

- DUP
- Early Years
- East Belfast Community Development Agency
- Employers Forum on Disability
- Equality Coalition
- Equality Commission for Northern Ireland
- Equality Forum NI
- Falls Community Council
- FPA
- Gingerbread Northern Ireland
- GMB
- Green Party
- Guru Nanak Dev Ji Sikh Community Association
- Hare Krishna Community
- Hungarian Community Association
- Include Youth
- Indian Community Centre
- Lasi (Lesbian Advocacy Services Initiative)
- Latino America Unida
- Lesbian Line
- Mandarin Speakers Association
- MENCAP
- Methodist Church in Ireland
- Mid Ulster International Cultural Group
- Multi-Cultural Resource Centre
- Newry & Mourne Senior Citizens Consortium
- Newtownabbey Senior Citizens Forum
- NI Anti-Poverty Network
- NI Council for Integrated Schools
- NI Filipino Community in Action
- NI Human Rights Commission
- NI Mediation Service
- NI Multicultural Association
- NI Muslim Family Association
- NI Somali Community Association
- NI Women's Aid Federation
- NI Youth Forum
- NIACRO
- NICEM
- NIC-ICTU
- NICVA
- NIPSA
- NISRA
- NIWEP
- North West Community Network
- Northern Ireland Association for Mental Health
- NSPCC

- NUS USI
- OFMDFM
- Oi kwan Chinese Women's Group
- Oi Wah Chinese Women's Group
- Oi Yin Women's Group
- Older Peoples Advocate
- Omagh Access Forum
- Omagh Ethnic Minorities Community Association
- Opportunity Youth
- Pakistani Community Association
- Polish Association NI
- Presbyterian Church in Ireland
- Probation Board for Northern Ireland
- Public Achievement
- RNIB
- Roman Catholic Church
- Rural Community Network
- Sai Pak Chinese Community Project
- Save the Children
- SDLP
- Sense NI
- Sikh Cultural Centre
- Sikh Women & Children's Association
- Sinn Fein
- Staff Commission for Education & Library Boards
- Staff Commission for Local Government
- Strabane Ethnic Community Association
- The Cedar Foundation
- The Community Relations Council
- The Egyptian Society of NI
- The Guide Dogs for the Blind Association
- The Rainbow Project
- Trademark
- Tuar Ceatha
- Tuar/Barnardos
- Tuar/Barnardos
- Ulster Scots Agency
- Ulster Teachers Union
- Ulster Unionist Party
- UNISON
- VOYPIC
- Wah-Hip Chinese Community Association
- Women of the World
- Women's Forum NI
- Women's Information Group
- Women's Resource & Development Agency
- Women's Support Network
- Youth Action NI
- Youth Council for Northern Ireland
- Youth Link Northern Ireland
- Youthnet

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

Measure	Lead responsibility	Timetable
Section 75 Annual Progress Report [2.7]	Clerk / Director General to the Northern Ireland Assembly and the Speaker of the Northern Ireland Assembly	31 August (annually)
Action plan		
Conduct Audit of Inequalities	Equality Manager	Complete
Consultation on draft action plan [2.15]	Equality Manager	TBC
Finalised action plan published [2.18]	Equality Manager	TBC
Arrangements for monitoring progress in place [2.16]	Equality Manager	In place via Equality Working Group
Consultation list reviewed and updated [3.4]	Equality Manager	September (annually) and ongoing adjustments as required
Screening timetable [4.4]	Equality Manager	Screening Reports will be published quarterly and consultees informed.
Screening Reports [4.15]		The Equality Working Group will meet quarterly.

Measure	Lead responsibility	Timetable
EQIA timetable [4.16]	Equality Manager	The Assembly Commission will alert consultees to forthcoming EQIAs and the consultation periods for each.
Monitoring	Equality Manager	Policies are systematically monitored to assess their impact on the relevant groups and sub groups within the equality categories. Ongoing monitoring will be reviewed annually. The Assembly Commission will publish the results of this monitoring (Schedule 9 paragraph 4 (2)(d)) in the public authorities' annual review on progress to the Equality Commission. This will be published on the Assembly website and will be available in alternative formats.
Review of monitoring information [4.31] Publication of monitoring information [4.33;4.34]		If the monitoring and analysis of results over a two year period show that the policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the Assembly Commission will ensure that the policy is revised to achieve better outcomes for the relevant equality groups

Measure	Lead responsibility	Timetable
<p>Training</p> <p>Development of summary scheme [5.4]</p> <p>Development of overall training programme [5.5]</p> <p>Focussed training [5.4]</p> <p>Update training [5.4]</p> <p>Evaluation of training [5.6]</p>	<p>Equality Manager</p>	<p>On approval, the full Equality Scheme will be available to consultees and staff via the website and the intranet. A summary scheme will be generated as soon as possible after approval of the scheme by the Northern Ireland Equality Commission.</p> <p>Dates TBC.</p> <p>All Assembly Secretariat staff receive mandatory training in their, and the Assembly Commission's Section 75 responsibilities on joining. This content is reviewed when changes in legislation or responsibility are introduced.</p>
<p>Assessing access to information and services [6.9]</p>		<p>Review of the uptake of alternative formats , translation and braille services (for example) will be carried out quarterly.</p>
<p>Communication of Equality Scheme [9.3]</p> <p>Notification of consultees [9.3]</p>	<p>Equality Manager</p>	<p>All relevant material regarding the Equality Scheme, consultations, screening and monitoring will be published on the website at the earliest opportunity. Consultees will be alerted by email to any changes or additions to published material.</p>

Measure	Lead responsibility	Timetable
Review of Equality Scheme [10.1]	Equality Manager	As required by Schedule 9 paragraph 8 (3) of the Northern Ireland Act 1998 the Assembly Commission will conduct a thorough review of this Equality Scheme. This review will take place either within five years of submission of this Equality Scheme to the Equality Commission or within a shorter timescale to allow alignment with the review of other planning cycles.

Appendix 5 – Glossary of terms

Action plan

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

Action measures and outcomes

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

Adverse impact

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

Affirmative action

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

Article 55 Review

Under the Fair Employment and Treatment (NI) Order 1998, all registered employers must conduct periodic reviews of the composition of their workforces and of their employment practices for the purposes of determining whether members of the Protestant and Roman Catholic communities are enjoying, and are

likely to continue to enjoy, fair participation in employment in each employer's concern.

These reviews, which are commonly known as Article 55 Reviews, must be conducted at least once every three years.

Audit of inequalities

An audit of inequalities is a systematic review and analysis of inequalities which exist for service users and those affected by a public authority's policies. An audit can be used by a public authority to inform its work in relation to the Section 75 equality and good relations duties. It can also enable public authorities to assess progress on the implementation of the Section 75 statutory duties, as it provides baseline information on existing inequalities relevant to a public authority's functions.

Consultation

In the context of Section 75, consultation is the process of asking those affected by a policy (ie, service users, staff, the general public) for their views on how the policy could be implemented more effectively to promote equality of opportunity across the 9 categories. Different circumstances will call for different types of consultation. Consultations could, for example, include meetings, focus groups, surveys and questionnaires.

Council of Europe

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

Desk audit

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

Differential impact

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

Discrimination

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

- Direct discrimination
- Indirect Discrimination
- Disability Discrimination
- Victimisation
- Harassment

Brief descriptions of these above terms follow:

Direct discrimination

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

Indirect discrimination

The definition of this term varies across some of the anti-discrimination laws, but indirect discrimination generally occurs where a public authority applies to all persons a particular provision, criterion or practice, but which is one that has the effect of placing people who share a particular equality characteristic

(e.g. the same sex, or religious belief, or race) at a particular disadvantage compared to other people. A provision, criterion or practice that is indirectly discriminatory will normally be unlawful unless (a) it can be objectively justified, or (b) the public authority can rely on a statutory exception that permits it.

Disability discrimination

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

- (a) Disability-related discrimination generally occurs where a public authority, without lawful justification, and for a reason which relates to a disabled person's disability, treats that person less favourably than it treats (or, would treat) other people to whom that reason does not (or, would not) apply.
- (b) Failure to comply with a duty to make reasonable adjustments: One of the most notable features of the disability discrimination legislation is that in prescribed circumstances it imposes a duty on employers, service providers and public authorities to take such steps as are reasonable to remove or reduce particular disadvantages experienced by disabled people in those circumstances.

Victimisation

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

Harassment

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

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

Economic appraisal

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

Equality impact assessment

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

Equality of opportunity

The prevention, elimination or regulation of discrimination between people on grounds of characteristics including sex, marital status, age, disability, religious belief, political opinion, dependants, race and sexual orientation.

The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive measures to be taken to secure equality of opportunity between the categories identified under Section 75.

Equality Scheme

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

Good relations

Although not defined in the legislation, the Commission has agreed the following working definition of good relations: 'the growth of relations and structures for Northern Ireland that acknowledge the

religious, political and racial context of this society, and that seek to promote respect, equity and trust, and embrace diversity in all its forms’.

Mainstreaming equality

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

Mitigation of adverse impact

Where an equality impact assessment reveals that a particular policy has an adverse impact on equality of opportunity, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant Section 75 categories; this is known as mitigating adverse impact.

Monitoring

Monitoring consists of continuously scrutinising and evaluating a policy to assess its impact on the Section 75 categories. Monitoring must be sensitive to the issues associated with human rights and privacy. Public authorities should seek advice from consultees and Section 75 representative groups when setting up monitoring systems.

Monitoring consists of the collection of relevant information and evaluation of policies. It is not solely about the collection of data, it can also take the form of regular meetings and reporting of research undertaken. Monitoring is not an end in itself but provides the data for the next cycle of policy screening.

Northern Ireland Act

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

Northern Ireland Human Rights Commission

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

Northern Ireland Statistics & Research Agency (NISRA)

The Northern Ireland Statistics and Research Agency (NISRA) is an Executive Agency within the Department of Finance and Personnel (DFP).

They provide statistical and research information regarding Northern Ireland issues and provide registration services to the public in the most effective and efficient way.

OFMdFM

The Office of the First Minister and Deputy First Minister is responsible for providing advice, guidance, challenge and support to other NI Civil Service Departments on Section 75 issues.

PAFT

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

Policy

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

Positive action

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

Positive discrimination differs from positive action in that positive action involves the taking of lawful actions whereas positive discrimination involves the taking of unlawful actions. Consequently, positive action is by definition lawful whereas positive discrimination is unlawful.

Qualitative data

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

Quantitative data

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

SACHR

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

Screening

The procedure for identifying which policies will be subject to equality impact assessment, and how these equality impact assessments will be prioritised. The purpose of screening is to identify the policies which are likely to have a minor/major impact on equality of opportunity so that greatest resources can be devoted to improving these policies. Screening requires a systematic review of existing and proposed policies.

Schedule 9

Schedule 9 of the Northern Ireland Act 1998 sets out detailed provisions for the enforcement of the Section 75 statutory duties, including an outline of what should be included in an Equality Scheme.

Section 75

Section 75 of the Northern Ireland Act provides that each public authority is required, in carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:-

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

Without prejudice to these obligations, each public authority in carrying out its functions relating to Northern Ireland must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Section 75 investigation

An investigation carried out by the Equality Commission, under Schedule 9 of the NI Act 1998, arising from the failure of a public authority to comply with the commitments set out in its approved Equality Scheme.

There are two types of Commission investigation, these are as follows:

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

