



Northern Ireland
Assembly

Committee for the Office of the First Minister
and deputy First Minister

OFFICIAL REPORT (Hansard)

Sexual Orientation Strategy Consultation:
OFMDFM

19 February 2014

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Mr Leslie Cree
Ms Megan Fearon
Mrs Brenda Hale
Mr Alex Maskey
Ms Bronwyn McGahan
Mr Stephen Moutray
Mr George Robinson
Mr Jimmy Spratt

Witnesses:

Ms Patricia Carey	Office of the First Minister and deputy First Minister
Mrs Martina Hanna	Office of the First Minister and deputy First Minister
Ms Margaret Rose McNaughton	Office of the First Minister and deputy First Minister

The Chairperson: We welcome Margaret Rose McNaughton; Patricia Carey, who is head of equality and human rights and social change; and Martina Hanna, the acting head of gender equality policy. The three officials were with us last week, so members will recall that Martina may need to lip-read, which we need to take into account. Let me know if you have any issues.

Ms Margaret Rose McNaughton (Office of the First Minister and deputy First Minister): Thank you for giving us the opportunity to come along today to talk about the developments in the sexual orientation strategy. You will have received a draft document as well as an outline of how we propose to take forward the development of a strategy.

Ministers have given a commitment and asked us to commence consultation. The document that you have is intended to initiate public consultation, and, along with that document, we plan to have an online survey available within the next week or so.

We plan to take forward the consultation in two phases. Phase 1 would see the establishment of a steering group. We hope to work with that steering group to develop the strategy itself over the course of 12 weeks. Phase 2 will be the analysis of all the consultation responses and the development of a final strategy or a period of further consultation.

Martina will walk us through the process from now until the end of an 18-week period. We are very happy to take any further questions that you have on those documents after that.

Mrs Martina Hanna (Office of the First Minister and deputy First Minister): As I said last week, I was delighted to be up here to talk about the gender equality strategy, and I am really delighted to be here about the sexual orientation strategy.

Over the last year, we have engaged very closely with the sector and with Ministers, and as you know, Ministers have instructed us to move towards the development of the strategy through a public consultation exercise. So, on 24 February, the steering group will come together for the first time. We would have liked to have had that steering group meeting a little bit earlier, but we wanted to engage with the Committee before we held the steering group meeting.

The steering group consists of the key stakeholders in the sector: the Rainbow Project; Cara-Friend; and Here NI, which is the lesbian organisation in Northern Ireland. We also have representation on the steering group from the University of Ulster and trade unions. In addition, we have, of course, the officials and our research colleagues in OFMDFM. As I said, the group will meet on 24 February. After this meeting today, we will issue our terms of reference to the steering group, and we will be issuing the draft document that you now have.

A survey is under development, which will accompany that document. When the steering group meets, it will work a little bit more on that survey because it is at draft stage. We will share that survey with the Committee, in line with good practice, before it goes out for public consultation. We will be looking for further comments or anybody who wants to comment to the steering group on it.

On 24 February, we will meet with the steering group. In the first or second week in March, but no later, we will advertise the public consultation. The consultation will commence at that time and will last for 12 weeks. The consultation — it is part of the survey — will allow people to give written comments to us, and we will set up a telephone line for people who find the written format or the survey format challenging. We will also offer to meet groups of people who want to meet us to discuss the strategy. That is all part of the consultation process.

At the end of the 12 weeks, we and the OFMDFM research team will do a full analysis of the consultation responses. We will share that information with the Committee at that time. Just to step back one little bit, I should say that the documents that the steering group will sign off on will include a project document, but will also include a project plan. In the detail of that project plan, which will span the period of months that we will be working on the issue, we will highlight the key stages at which we need to come back to the Committee to inform it what is happening, development-wise, and seek further guidance and advice. We are very conducive to that. So, at the end of the 12 weeks, we will have all the responses. We urge the Committee to please encourage as many people as possible to participate in the consultation process. We want everybody across the sectors in Northern Ireland to be involved. When we then develop a sexual orientation strategy document based on the research and consultation process, we will put the strategy itself out for a further six-week consultation. That is the process that Ministers have signed off on for us to follow and one that we are delighted to be moving forward with at this stage.

We have been very engaged with the sector, as I said. The sector has very much said that it is content with the process that we are following. We have attended every LGB forum meeting in the past year. We have met representatives from the sector on several occasions and engaged directly with the Ministers and the sector in getting to this stage.

That is it in a nutshell. There is more detail on the process. If you want to ask me any questions about it, I am more than happy to discuss it.

The Chairperson: Thank you both.

How did you choose your partners for the steering group?

Mrs Hanna: The key partner in the sector is Rainbow, the organisation that represents LGB and T issues. It has done a lot of research and been very involved with us over the past year. Here NI is the only lesbian organisation in Northern Ireland at the moment. There have been organisations in the past, but they are no longer involved with us and some of them do not exist anymore. Here NI is the new name for the organisation that used to be referred to as LASI. That is that part of the sector, and

we could not forge ahead without it. Cara-Friend is an organisation that looks after young LGB and T people; although, as we are all aware, the "T" comes under the gender equality strategy. That is why we chose it. We have had very strong engagement with that organisation. The vision for when the strategy is up and running is to have not a panel as such — I do not like the word "panel" — but a group of people who will have ownership of developing the strategy and overseeing its implementation.

The Chairperson: You mentioned the University of Ulster. The obvious question is this: with two physical universities, why one and not the other?

Mrs Hanna: It was not a case of one or the other. A particular person from the University of Ulster is engaged with us on the strategy at this stage. As we move forward, we will consult a range of academics who have an interest in the sector. However, the person from the University of Ulster who is on the steering group said that they had a desire to bring all their gender equality and sexual orientation experience to the table. They agreed to sit with us in developing the strategy. That is not going to cost anything. They are giving their services completely free of charge.

The Chairperson: I hope you do not think it an odd question, but, as a sexual orientation strategy, lesbians, gays, bisexuals and transgender —

Mrs Hanna: No, transgender does not fit within the sexual orientation strategy.

I apologise. I cut across you.

The Chairperson: That is OK.

Mrs Hanna: The transgender community is another community in our society that I work exceptionally closely with, and we have had great engagement with it. It is very clear about its wish to be identified with the gender equality strategy and, in legal terms, transgender is a gender equality issue. It is a very clear definition. The transgender community is very aware of where it sits in our strategies, and that is its desire. It quite rightly associates with the LGB sector, but it is as a minority voice joining with other minority voices to give strength of voice on minority issues. However, it is only for that reason.

The Chairperson: You reference it on page 2 of the document.

Mrs Hanna: Yes, it is rightly referenced on page 2 from the point of view that it associates with the sector but simply because of the minority voice. However, the issue clearly and absolutely sits in the gender equality strategy.

The Chairperson: That is very clear. It was not the question. I hope that this does not sound odd but, as there are lesbians, gays and bisexuals, is there a role for heterosexuals in the sexual orientation strategy?

Mrs Hanna: We were talking about that earlier, and the answer is yes because, regardless of whether you are heterosexual, lesbian, gay or bisexual, it is about sexual orientation. You are correct. We have not given an awful lot of clarity on that, but we will talk about it as we move forward.

The Chairperson: How will that voice be represented on the steering group?

Mrs Hanna: I will be honest with you. We raised that issue this morning, but if we feel that it needs to be developed in the steering group, we will do it.

Ms McNaughton: Can I make a comment? If there are other sections of the community that you feel should be represented on the group, we would be very happy to look at your views on that. We want to get as many people on the steering group as possible to give us a wide range of views.

Mr Maskey: Chair, it was an odd question because nobody is saying that the generic heterosexual community faces specific areas of discrimination. However, other communities do, and that is evidence-based.

The paper mentions phase 1 and the steering group, and you said that the steering group has not met and that you would like it to have met. I would like to be looking at something that the steering group has looked at and endorsed because it is representative of the sectors that are feeling those forms of discrimination or facing barriers. At what point will we have sight of something that will go out for consultation and is endorsed by the steering group?

Mrs Hanna: The document has been developed in line with our consultation with the people who will be members of the steering group, but it has not physically met as a steering group to endorse those papers. However, after this meeting today, the papers will be issued in advance of the steering group meeting so that, when we come together on 24 February, we can do proper business rather than waiting closer to that date and having discussions at that point. Obviously, we will have discussions, but we will give them advance notice.

Mr Maskey: The document is there and, theoretically, the steering group might decide that it does not like it and not endorse it.

Mrs Hanna: Yes, that was one of the things that I said earlier. I have very close working relationships with the sector, and we discussed what may or may not be in the document before it was produced. So, my feeling and my understanding of how the sector will react to the document at the moment is based on the conversations that we have had. So, I am very confident that it will accept the document.

Mr Maskey: Thanks, Martina. I do welcome it and think it will be a much better product if people from the specific sectors are directly involved in it in a more organic way.

The Chairperson: I worked with the Rainbow Project on a health event a few weeks ago, and it estimated that, UK-wide, the percentage of the population that would be classified as LGBT is 6% to 10%, which would translate into 108,000 to 180,000 people in Northern Ireland. Is that your reading?

Mrs Hanna: Our reading is that there are no definitive figures at the moment. There is a range of different figures that have been produced, but there are no definitive figures. For me, a very clear challenge of the sexual orientation strategy when it is produced will be that it will direct that there is good data collection and data analysis on a regular basis within the boundaries of Northern Ireland. In fact, I would go as far as to say that it is the one equality area where there are no complete statistics gathered at the moment.

The Chairperson: I should add that I think it got those figures from Her Majesty's Government, who were researching the impact of same-sex marriage and came to the 6% to 10%, and then it has just extrapolated.

Ms McNaughton: I will reiterate a little bit of what Martina was saying. That is one of the key issues for us in the development of a strategy. We need to have good information systems and good data collected. In a number of the documents that have been produced recently, in some cases people say that there are up to 10,000 people in the lesbian, gay and bisexual community. Another document I read stated it could be up to 120,000. That is a huge difference. I think it will be one of the priorities for the strategy.

The Chairperson: What about reported cases from that sector of harassment and the rest?

Ms McNaughton: There is data available at the moment. The PSNI records figures relating to the number of incidents and how they translate into hate crimes. The figures that I have seen so far suggest an increase. That could be because people are becoming more confident in reporting or because there are more incidents and hate crimes are increasing. The PSNI has been quite proactive in producing those figures.

Mrs Hanna: I have the figures for 2012-13 here. The number of reported incidents in 2012-13 was 246 in Northern Ireland, of which 149 translated as criminal offences. It is quite a stark statistic for a small community.

The Chairperson: In what way do you think a strategy and an action plan will tackle those statistics?

Mrs Hanna: The way I see the strategy tackling those statistics is by giving effect to the laws that we have. We have a range of laws that say that it is not acceptable to treat people differently because of their race, religion or sexual orientation. We have those laws in place, but the strategy, by its very presence, helps to raise the awareness of what is and is not acceptable and makes life for the community more acceptable regarding visibility. That is a known statistic. It is a factual statistic, but it may not be a correct statistic, because there may be a range of incidents that have not been reported simply because of fear in the community. As the strategy progresses, we will have a team that will be able to gather more solid information and analyse it in a range of ways to help us move forward.

The Chairperson: If 149 of the 246 were criminal, the other 97 were not. Can you give us some sort of flavour of what they were and whether this will address them?

Mrs Hanna: We asked the PSNI to describe them for us. I am really glad that you asked the question. The PSNI said that a homophobic hate incident is defined as any incident that may or may not constitute a criminal offence but that has raised the awareness of the police. Like any other incident, if the police are called out, it may or may not be a criminal offence. A homophobic hate crime is defined as any hate incident that constitutes a criminal offence perceived to be homophobic by the victim or another person. That is the description that we have. As you move forward with a strategy, it raises the visibility of the issue and the concern that the public and the Government have in addressing the issues. By its presence alone, it says, "This is not acceptable".

The Chairperson: To what extent do you think it is a cross-cutting strategy?

Mrs Hanna: It is very much a cross-cutting strategy. As you said, since we got the instruction to move forward with it, which is fabulous, we have been working with our race equality lead. We are going to be working with our policy leads on age and on poverty, because sexual orientation by its very nature can impact on older people in a different way than it does on a younger generation that fits within the sector. When it comes to black and minority ethnic (BME) groups, that also has another range of connotations that are unique to that particular group of people. So, yes, as we develop the strategy, we will be asking our other policy leads in the directorate not just to work with us but to encourage their stakeholders to participate in the feedback that we get from the survey.

The Chairperson: I note your delight at the green light for taking it forward. It has been a long time coming. Can you explain the delay?

Ms McNaughton: All I can say is that, over the past year, since we have taken over the work of that particular unit, there has been a considerable amount of work carried out. I know that it was first mentioned around 2006 or pre-devolution, but I cannot explain why there has been such a delay. All I can say now is that we have dedicated resources to this strategy and the gender equality strategy. I know that Ministers are very keen that we make as much progress as possible on it and get a strategy that — I do not like the phrase "fit for purpose" — can make a difference to the lives of the LGB community as well as being a reasonable strategy that people can agree to and sign up to. Our aim is to develop that within the next 18 weeks.

The Chairperson: The consultation document itself is a draft. I accept that. It is 10 pages long with eight lines on vision. Is that a good balance?

Mrs Hanna: I suggest that the document is to animate discussion and the interest of the public across Northern Ireland so that, when we get the feedback on the survey, the survey and the analysis of what that produces will inform the direction of the sexual orientation strategy and it will develop on the objectives that we mentioned, or it might generate something slightly different, something more or something less. What we are having is true public engagement and true sector engagement in the development of the policy.

The Chairperson: As Margaret Rose said, we have been waiting since 2006, so the LGB community has been waiting for eight years. So, you could equally argue that it has got one line per year.

Mrs Hanna: The LGB community is very much engaged with us. As we move forward with this, the LGB community will be the key stakeholder on the steering group that will guide and direct us and work with us.

Mr Lyttle: Thanks very much for your presentation. Notwithstanding the Chair's well articulated comments about length of delay in its arrival, I welcome today's announcement. My party colleagues and I brought a number of motions to the Assembly on this issue, so I am hoping that this is a positive step in the right direction. I think I agree with you about the phased approach being a positive one, but I hope that it is communicated as clearly as possible. In effect, you are saying that phase 1 is a call for ideas on a strategy.

Ms McNaughton: We hope that it will be more than that. In sitting down with the steering group, we intend to come up with very clear outcomes for the strategy and that they will contribute to the writing of the strategy. So, we will have agreed outcomes that we can take back and put out for further public consultation. Only by working with the sector can we turn the objectives that are part of the current consultation document into clear outcomes that we are all aiming to meet. So, it is more than about just looking for ideas; we want to sit down with the sector and make sure that we develop clear outcomes for it.

Mr Lyttle: How do you avoid confusing the public and explain that it is not a consultation on a strategy? I am not 100% clear on what you are asking the general public for in the phase 1 part of the process.

Mrs Hanna: My idea of this, and the way we have been presenting it, at the direction of Ministers, as you will be aware, is that it is best practice in the production of a good Government policy document, because it is public policy, Government and stakeholder interaction in developing a document. It would be fundamentally wrong if I, as the policy person in OFMDFM, sat and wrote a strategy without that engagement and without knowing the current feelings of the public in Northern Ireland and what they would want in the strategy.

So, very clearly, the first 12-week consultation will inform the development of the strategy, and we will be very clear about that in our adverts. We will clearly advertise in all the papers, on our website, through this Committee and through our stakeholders. That will be done with a view to getting a robust — I do not like using that word, but it is what I mean on this occasion — document. Once we have the document, we will go out for further public consultation to see whether we have missed anything and whether there is anything that we have not done that we should have done. That is best practice in public consultation.

Mr Lyttle: Will the survey make slightly clearer what type of response you are looking for from the public in phase 1?

Mrs Hanna: Yes, it absolutely will. This document is the advertisement for the consultation.

Mr Lyttle: Is there any reason why it will be six weeks for the full final consultation, rather than slightly longer?

Mrs Hanna: My thinking was that we would have the 12-week period to consult on what should be in the document and how the document would look. I hold my hands up, because I suggested the further six weeks. I am not precious about that. We are going to ask whether we need a 12-week full consultation, and if the Committee says to me, "We think you should do another 12 weeks", I will listen. However, that would mean spending half a year on public consultation.

Mr Lyttle: I am conscious of that.

Mrs Hanna: I am not precious about that. If that is felt to be the best way forward, we will do it.

Mr Lyttle: The best practice framework you are putting in place is a positive thing. Why has it not been used in any of the other key strategies in relation to this, such as T: BUC?

Mrs Hanna: This is my engagement with the sector. We developed a draft business plan for managing this consultation. You review the different things you have done in the past: and we have been able to use some of our experiences in the gender equality strategy and translate them across to this work. Likewise, we will analyse what we do on this at the end of the period to see whether it was best practice or whether we should do something slightly different next time round. If this works out really well, we will recommend it as a best practice exercise.

Mr Lyttle: At the moment, as far as I am aware, the good relations indicators do not involve those relating to sexual orientation. Are other Departments with clear remits for working on this being included in the steering group? For example, is DE being included when it comes to bullying in schools, or DEL, which has undertaken work on sexual orientation equality in the workplace?

Mrs Hanna: They will be included as we move forward. We cannot move forward without them, and we are very clear on that. The purpose of the steering group is to gather the public consultation. We will go to the Departments, because, although they are our colleagues, they are also to be publicly consulted. Our Departments have been in touch with us. Some have already developed their own action plans, and we have gathered all that information. As I said, much as we work closely with stakeholders, the Department, the Committee and Ministers are also key stakeholders. So, in a nutshell, we work with Departments.

Mr Lyttle: What about the good relations indicators?

Mrs Hanna: As we said, the data on LGB is not what it should be. That is something that the strategy will aim to put right.

Mr Maskey: On Chris's point about the period of consultation, the delay has been at the back-end of the process. Therefore, I am conscious that, for example, the stakeholder, the panel, thought that there should be a lengthier public consultation. That should be the key.

Ms McNaughton: We are happy to do that.

The Chairperson: Martina, Margaret Rose and Patricia, thank you very much.