



Northern Ireland  
Assembly

## Research and Information Service Briefing Note

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# Revised approach to the Equality Scheme

## 1 Introduction

All public authorities, including the Department of Education (the Department), are required 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 Section 75 of the N.I. Act 1998, as outlined in Table 1.<sup>1</sup>

**Table 1: Statutory Duties in regard to Section 75**

Duties	Requirements
Section 75 (1) Duties	<p>In carrying out its functions, the Department is required to have due regard to the need to promote equality of opportunity between:</p> <ul style="list-style-type: none"><li>• Persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;</li><li>• Men and women generally;</li></ul>

<sup>1</sup> Equality Commission (2010) *Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities* Belfast: Equality Commission

Duties	Requirements
	<ul style="list-style-type: none"> <li>• Persons with a disability and persons without; and</li> <li>• Persons with dependents and persons without.</li> </ul>
Section 75 (2) Duties	In carrying out its functions the Department is required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

### The Equality Scheme

Public authorities are required to produce an equality scheme stating how they propose to fulfil the Section 75 duties. They must consult on the scheme and submit it to the Equality Commission for approval. The Commission either approves the scheme or refers it to the Secretary of State.<sup>2</sup>

In line with these requirements, the Department's Equality Scheme sets out how it proposes to fulfil its duties around Section 75. In particular, it outlines arrangements for:

- Assessing compliance with the duties under Section 75;
- Assessing and consulting on the likely impact of policies on the promotion of equality of opportunity;
- Monitoring any adverse impact of policies on the promotion of equality of opportunity;
- Publishing the results of such assessments;
- Training staff on issues relevant to the duties; and
- Ensuring and assessing public access to information and services.

### Inequalities in education

In 2008 the Equality Commission published *Every Child an Equal Child*, setting out the key inequalities in education. The report states that there is clear evidence that children and young people who are already at risk of being marginalised in society often have lower levels of educational attainment. It sets out the following groups as at risk of facing inequalities in education:<sup>3</sup>

- Children from the Irish Traveller community;
- Children with disabilities;

<sup>2</sup> Equality Commission (2010) *Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities* Belfast: Equality Commission

<sup>3</sup> Equality Commission (2008) *Every Child an Equal Child: An Equality Commission Statement on Key Inequalities in Education and a Strategy for Intervention* Belfast: Equality Commission

- Children living in or at risk of poverty;
- Protestant working class boys;
- Looked after children and young people;
- Children from minority ethnic backgrounds;
- Children of new residents and migrant workers;
- Boys (in comparison to girls);
- Young carers; and
- Gay, lesbian and bisexual children and young people.

## 2 The revised approach to the Equality Scheme

### Background

A review of the effectiveness of Section 75 legislation published in 2007 found that public authorities were focusing primarily on the process of implementing the statutory duties in relation to Section 75 rather than on achieving outcomes for individuals. The review set out a number of recommendations to address this.<sup>4</sup>

One of the recommendations was that public authorities should take a systematic approach to examining their functions and how these relate to the promotion of equality of opportunity and good relations. The report noted that public authorities should outline actions for the promotion of equality of opportunity and good relations in the context of their functions and policies, and that this should be based on an analysis of the inequalities that exist in society, and experiences of inequality amongst service users.

Following the review, the Equality Commission published revised guidance on Section 75 in April 2010, highlighting a shift in emphasis from process to outcomes. The key recommendations included:<sup>5</sup>

- Public authorities should develop action plans or measures to promote equality of opportunity and good relations that are implemented through the framework of equality schemes;
- Action measures should be developed on the basis of a systematic review and audit or analysis of inequalities that exist for the authority's service users and those affected by its policies; and

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<sup>4</sup> Equality Commission (2007) *Section 75 Keeping it Effective* Belfast: Equality Commission

<sup>5</sup> Equality Commission (2010) *Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities* Belfast: Equality Commission

- Public authorities should link the development of action measures/ action plans to their corporate planning cycle so that equality of opportunity and good relations are incorporated at a strategic level.

### **Equality scheme**

The form and content of equality schemes remains largely unchanged with the new approach. However, equality schemes should now be linked to the public authority's planning cycle so that the scheme coincides with corporate plans and disability action plans. As such, authorities will be permitted to develop equality schemes for a period of three years.<sup>6</sup> This is in contrast to the previous approach whereby equality schemes contained a five year plan for performance against the duties.

### **Audit of inequalities, action plans and action measures**

The Equality Commission recommends that public authorities should undertake an audit of inequalities to identify the key inequalities that the authority's functions are intended to or are likely to address. It states that an audit of inequalities is a systematic review and analysis of the inequalities that exist for service users, and that public authorities can use the audit to inform their work and assess their progress against the Section 75 duties.

The Commission states that the audit should identify areas for further or better discharge of the Section 75 duties, and that flexible action plans or action measures should be developed in order of priority on the basis of the audit.<sup>7</sup>

### **The Department's Audit of Inequalities and Action Plan**

The Department states that it will use its Audit of Inequalities to assess its progress on the implementation of its statutory duties and to identify key inequalities.<sup>8</sup>

The Audit sets out the various policies the Department has in place to address educational inequalities. These include *Every School a Good School*, extended schools and the revised curriculum. Other policies outlined include the *Achieving Belfast* and *Achieving Derry Bright Futures* programmes that aim to address the particularly high levels of underachievement in those areas.

The Department has developed an Action Plan for the period 2011-2016. The action plan is detailed, however the following table provides a broad overview of the key inequalities that it aims to address, and examples of the proposed actions and intended outcomes.

<sup>6</sup> Equality Commission (2010) *Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities* Belfast: Equality Commission

<sup>7</sup> Equality Commission (2010) *Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities* Belfast: Equality Commission

<sup>8</sup> Department of Education (2011) *Section 75 Audit of Inequalities and Action Plan* Bangor: DE

**Table 2: Key inequalities to be addressed in the action plan, intended outcomes and examples of proposed actions**

Inequality	Examples of action measures	Intended outcomes
The wide gap in achievement between the highest and lowest achieving pupils	<ul style="list-style-type: none"> <li>Continued implementation of <i>Every School a Good School</i> and the literacy and numeracy strategy</li> <li>Pupil record regulations will be updated to support more effective transitions for pupils</li> <li>Evaluation of how effectively teachers and principals are using InCAS assessments</li> </ul>	Detailed targets for education outcomes in literacy and numeracy set out
The bureaucracy of the current SEN framework, inconsistencies in and rising cost of provision, increases in the number of statements and need for clear accountability	<ul style="list-style-type: none"> <li>A SEN capacity building programme for schools</li> <li>The development of two pilot initiatives focusing on early identification and intervention for SEN Coordinators</li> </ul>	To ensure that every learner is given a fair and equal chance and that all children are provided with the necessary support
Educational underachievement of children from the Traveller community	<ul style="list-style-type: none"> <li>Action plan to improve educational outcomes of Traveller children</li> </ul>	Improved attendance
Educational challenges faced by children from a Newcomer background	<ul style="list-style-type: none"> <li>Review ESaGS – Supporting Newcomer Pupils to ensure the additional support is meeting the needs of pupils</li> </ul>	Improved attainment and inclusion
Need to have a shared or agreed understanding of what is meant by “pupils’ emotional health and well-being	<ul style="list-style-type: none"> <li>Finalise proposals for the implementation of a pupils’ emotional health and well-being programme in the primary sector</li> </ul>	Not specified
Educational underachievement of looked after children	<ul style="list-style-type: none"> <li>Examine the findings of research on the underlying causes of poor post-primary school attendance to establish if guidance for schools is required</li> </ul>	Not specified

### Potential impact of the new approach

This approach is different to that in place previously whereby the focus was primarily on equality schemes without the addition of action plans. The Equality Commission states that the additional development of action measures or plans can effectively demonstrate that a public authority has paid due regard to equality and to promoting good relations through the implementation of its equality scheme.<sup>9</sup>

Under the new approach public authorities should place a greater emphasis on impacts and outcomes rather than on the process of implementation. The development of action plans aims to give meaning to this shift in emphasis, particularly so that the results of the statutory duties in action can be seen more easily.<sup>10</sup>

The new approach has implications for the Department, in line with other public authorities. When preparing the action plan, public authorities are now required to consider the likely outcome or impact the action measure will have on the promotion of equality of opportunity and good relations; what monitoring information they need to collect to evaluate whether the outcome has been achieved; and once the action measure has been taken, the degree to which the outcome was achieved.<sup>11</sup>

## 3 Summary

This briefing note has described the revised approach to the equality scheme, which places much greater emphasis on outcomes for individuals, rather than on the process of implementing the statutory duties in relation to Section 75.

In regard to the new approach, consideration could be given to the extent to which the Department's Action Plan seeks to address the inequalities in education set out by the Equality Commission's document *Every Child an Equal Child*. In addition, the extent to which the Department's Equality Scheme and Action Plan comply with Equality Commission guidance recommending that public authorities' focus should be on outcomes rather than on the process of implementation could be considered.

Another potential area for consideration might be the extent to which the action plan is linked to the Department's corporate planning cycle and mainstreamed at a strategic level to its work, in line with Equality Commission guidance.

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<sup>9</sup> Equality Commission (2010) *Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities* Belfast: Equality Commission

<sup>10</sup> Equality Commission (2011) *Realising outcomes from Section 75 equality duties: advice to public authorities* Belfast: Equality Commission

<sup>11</sup> Equality Commission (2010) *Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities* Belfast: Equality Commission