



Historical Institutional Abuse  
**Redress Board**

## ***Equality Scheme for the Redress Board***

***Prepared in accordance with Section 75 of, and  
Schedule 9 to, the Northern Ireland Act 1998***

***This document can be made available in a range of formats on request.  
Please contact us with your requirements***

<i>Version</i>	<i>1.4</i>
<i>Date Created</i>	<i>15<sup>th</sup> August 2020</i>
<i>Date of Review</i>	<i>4<sup>th</sup> September 2020</i>
<i>Date of 2<sup>nd</sup> Review</i>	<i>19<sup>th</sup> May 2021</i>
<i>Date of 3<sup>rd</sup> Review</i>	<i>4<sup>th</sup> July 2021</i>
<i>Date of 4<sup>th</sup> Review</i>	<i>11<sup>th</sup> October 2021</i>
<i>Date of Approval</i>	<i>24<sup>th</sup> November 2021</i>

### **Contact Details**

Email: admin@hiaredressni.uk

Postal Address: PO Box 2266, Belfast, BT1 9ZP

Website: [www.hiaredressni.uk](http://www.hiaredressni.uk)

Telephone Number: 02890 569147

## **FOREWORD**

Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions relating to Northern Ireland to have due regard to the need to promote equality of opportunity between nine equality categories and to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

This Equality Scheme illustrates how the Historical Institutional Abuse (HIA) Redress Board proposes to fulfil its Section 75 statutory duties across all functions and demonstrates the opportunities, for people affected by our work, to positively influence how we carry out our functions.

Paragraph 8(3) of Schedule 9 to the Northern Ireland 1998 requires a public authority to review its Equality Scheme every 5 years.

This Equality Scheme has been developed in accordance with Section 75 of, and Schedule 9 to, the Northern Ireland Act 1998 and Equality Commission guidelines.

It should be noted that the wider policy and legislative responsibility for the Redress Board continues to reside with the Executive Office.

The Department of Justice (DoJ) is responsible for providing the administrative staff to the Redress Board.

The Redress Board is operationally independent of both the above departments and in regard of the exercise of its statutory functions as set out in the Historical Institutional Abuse (Act) NI 2019 (“the Act”).



**Mr Justice Huddleston**

**President to the Redress Board**



**Jim Coffey**

**Secretary to the Redress Board**

# CONTENTS

Please note that the Foreword and Appendices 3 and 4 form part of this Equality Scheme.

	Page
Foreword	2
Chapter 1	Introduction
	<ul style="list-style-type: none"><li>• Section 75 of the Northern Ireland Act 1998 6</li><li>• How we propose to fulfil the Section 75 duties in relation to the relevant functions of the Redress Board 7</li><li>• Who we are and what we do. 7</li></ul>
Chapter 2	Our arrangements for assessing our compliance with the Section 75 duties
	<ul style="list-style-type: none"><li>• Introduction 9</li><li>• Responsibilities and reporting 9</li><li>• Action plan/action measures 11</li></ul>
Chapter 3	Our arrangements for consulting 13
Chapter 4	Our arrangements for assessing, monitoring and publishing the impact of policies
	<ul style="list-style-type: none"><li>• Our arrangements for assessing the likely impact adopted or proposed to be adopted on the promotion of equality of opportunity of policies 17</li><li>• Screening 18</li><li>• Equality impact assessment 20</li><li>• Our arrangements for publishing the results of 21</li></ul>

the assessments of the likely impact of policies we have adopted or propose to adopt on the promotion of equality of opportunity

	• What we publish	21
	• How we publish the information	22
	• Where we publish the information	22
	• Our arrangements for monitoring any adverse impact of policies we have adopted on equality of opportunity	23
	• Our arrangements for publishing the results of our monitoring	25
Chapter 5	Staff training	
	• Commitment to staff training	26
	• Training objectives	26
	• Awareness raising and training arrangements	27
	• Monitoring and evaluation	28
Chapter 6	Our arrangements for ensuring and assessing public access to information and services we provide	
	• Introduction	29
	• Access to information	29
	• Access to services	30
	• Assessing public access to information and services	30
Chapter 7	Timetable for measures we propose in this equality scheme	31
Chapter 8	Our complaints procedure	32

Chapter 9	Publication of our Equality Scheme	34
Chapter 10	Review of our Equality Scheme	36
Appendix 1	The Redress Board - organisational chart	
Appendix 2	Example groups relevant to the Section 75 categories for Northern Ireland purposes	
Appendix 3	List of consultees	
Appendix 4	Timetable for measures proposed	
Appendix 5	Glossary of Terms	
Appendix 6	Action Plan	

## 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 Historical Institutional Abuse (HIA) Redress Board 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<sup>1</sup> 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; and*
- *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.*

1.2 Whilst Section 75 contains the general duties by which the Redress Board will operate, Schedule 9 to the Act sets out additional detailed enforcement duties. “Functions” include the “powers and duties” of a public authority<sup>2</sup>. 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.

---

<sup>1</sup> NI case law, (Neutral Citation No.[2005] NIQB 66) Justice Girvan in the Neill judgment set out four interlocking requirements to demonstrate that “due regard” has been observed. These are “structured assessment, consultation, monitoring and publicity” and that “equality of opportunity” is a wide, undefined concept which refers to “social as well as economic life”.

<sup>2</sup> Section 98(1) of the Northern Ireland Act 1998

## **How we propose to fulfil the Section 75 duties in relation to the relevant functions of the Redress Board**

- 1.3 Paragraph 4(1) of Schedule 9 to the Act requires the Redress Board 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 fulfils that statutory requirement. It is both a statement of our arrangements for fulfilling the Section 75 statutory duties and our plan for their implementation.
- 1.4 The Redress Board is committed to the discharge of its Section 75 obligations in all parts of the organisation. We will continue to commit the necessary available resources in terms of people, time and money to ensure that our Section 75 statutory duties are complied with and that our Equality Scheme can be implemented effectively.

## **Who we are and what we do**

- 1.5 The Redress Board's overarching aim is to:

Ensure the efficient and effective processing of applications for compensation from those who experienced abuse while a child and while resident in an institution in Northern Ireland between 1922 and 1995.

- 1.6 The Redress Board undertakes a wide range of statutory functions, duties and its powers, which are set out in the Act, and are summarised as follows:

- Receiving, processing and determining applications for compensation;
- The governance of the Redress Board;
- Appointing judicial and non-judicial Redress Board members to form panels to make determinations;
- Appointing advisors to assist the Redress Board;
- Developing and reviewing legislatively compliant policy and procedures;
- Developing guidance for the assessment of the levels of compensation to be awarded;
- Compelling the giving of evidence where it is considered necessary in the interests of justice to do so; and.

- Issuing restriction orders to prevent the disclosure of personal information.

The structure of the Redress Board is set out in **Appendix 1**.

## **CHAPTER 2 - OUR ARRANGEMENTS FOR ASSESSING OUR COMPLIANCE WITH SECTION 75 DUTIES**

Paragraph 4(2)(a) of Schedule 9

### **Introduction**

- 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. See:
- Chapter 3 on consultation;
  - Chapter 4 on monitoring arrangements and assessment of impact of policies arrangements;
  - Chapter 8 on complaints; and
  - Chapter 9 on publication.
- 2.2 Whilst we will use equality screening and Equality Impact Assessments as policy tools it is also important to emphasise that we view the requirement that having due regard for the need to promote equality of opportunity and regard for the desirability of promoting good relations as policy objectives. In addition, we have the following arrangements in place for assessing our compliance (see paragraphs 2.3 to 2.21 below).

### **Responsibilities and reporting**

- 2.3 We are committed to the fulfilment of our Section 75 obligations in all aspects of our work.
- 2.4 Responsibility for the effective implementation of our Equality Scheme lies with the Redress Board Management Board. The Management Board, chaired by the President of the Redress Board, is accountable for the development, implementation, maintenance and review of the Equality Scheme in accordance with Section 75 of, and Schedule 9 to, the Northern Ireland Act 1998, including any good practice or guidance that has been or may be issued by the Equality Commission.

- 2.5 If you have any questions or comments regarding our Equality Scheme please contact the Equality Officer at the address given below and we will respond to you as soon as possible:

**Equality Officer**

Email; [admin@hiadressni.uk](mailto:admin@hiadressni.uk)  
Telephone; 02890 569147  
Post; PO Box 2266, Belfast, BT1 9ZP

- 2.6 Objectives and targets relating to the statutory duties will be integrated into our strategic and operational business plans.
- 2.7 Employee job descriptions and personal performance plans reflect, and will continue to reflect, their contributions to the discharge of the Section 75 statutory duties and implementation of the equality scheme, where relevant. Personal performance plans are subject to appraisal as part of the annual performance review process.
- 2.8 The Redress Board prepares an annual report on the progress it has made in implementing the arrangements set out in this Equality Scheme to discharge our Section 75 statutory duties (Section 75 annual progress report<sup>3</sup>). 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 Redress Board annual report.
- 2.9 Any future section 75 annual progress report can be found on our website ([www.hiadressni.uk](http://www.hiadressni.uk)) or by contacting the address shown on the front cover of this Equality Scheme. Any action plan or progress report can be made available in a range of formats on request.
- 2.10 The Redress Board will liaise closely with the Equality Commission to ensure that progress on the implementation of our Equality Scheme is maintained.
- 2.11 The Redress Board will conduct an annual review of progress made in implementing the arrangements specified in this Scheme and in complying with the statutory duties. A report on this review will be submitted to the Management

Board and will then be sent to the Equality Commission to assist it in compiling its own annual report, as required by paragraph 5(1)(b) of Schedule 8 to the Act. It will be made available publicly.

- 2.12 The Redress Board will monitor complaints that it has not fulfilled its statutory obligations and will seek to resolve such complaints bilaterally (see chapter 10).
- 2.13 The Redress Board will conduct a comprehensive review of this scheme within five years of its submission to, and approval by, the Equality Commission. The review will take account of any guidance, which the Equality Commission may issue on such reviews. This review will include an assessment of how the Redress Board has complied with its Section 75 obligations and how equality of opportunity and good relations have been advanced in relation to the main policy areas for which it has responsibility. The Redress Board will consult with the bodies listed at **Appendix 3** before submission of the review to the Equality Commission.

### **Action plan/action measures**

- 2.14 The Redress Board has developed an action plan to promote equality of opportunity and good relations. This action plan, along with the audit of key inequalities that informed it will be issued to the Equality Commission within three months of the publication of this Equality Scheme.
- 2.15 The action measures that will make up our action plan will be relevant to our functions. They have been developed and prioritised on the basis of an audit of inequalities. The audit of inequalities has gathered and analysed information across the Section 75 categories<sup>4</sup> to identify the inequalities that exist for our service users and those affected by our policies<sup>5</sup>.
- 2.16 Action measures are intended to be SMART i.e. specific, measurable, linked to achievable outcomes, realistic and time bound. Action measures include performance indicators and timescales for their achievement.
- 2.17 We will develop our 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.

- 2.18 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 set out in paragraph 2.19 below.
- 2.19 We will monitor our progress on the delivery of our action measures and update the action plan as necessary to ensure that it remains effective and relevant to our functions and work.
- 2.20 The Redress Board will inform the Equality Commission of any changes or amendments to its action plan and will also forward this information at the same time as our Section 75 annual progress report to the Commission. We will provide information on progress we have made in implementing our action plans/action measures.
- 2.21 Once finalised, our action plan will be found on our website ([www.hiaredressni.uk](http://www.hiaredressni.uk)) or will be available by contacting us at the address shown on the front cover of this Equality Scheme.

---

<sup>4</sup> See Paragraph 1.1 of this Equality Scheme for a list of these categories.

<sup>5</sup> See Paragraph 4.1 of this Equality Scheme for a definition of policies

## CHAPTER 3 - OUR ARRANGEMENTS FOR CONSULTING

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

Paragraph 4(2)(b) of Schedule 9 - 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 general on 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)*').
- 3.3 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 economical or personal interest.
- 3.4 Initially all Section 75 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.

3.5 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 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 methods of consultation more appropriate to key stakeholders and the matter being consulted upon.

3.6 We will consider the accessibility and format of every method of consultation we use in order to remove 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)*.

3.7 Information will be made available, on request, in alternative formats, including child friendly versions<sup>6</sup>, in a timely manner, usually within four to six weeks. We will ensure that such consultees have equal time to respond.

3.8 Specific training is provided to those facilitating consultations to ensure that they have the necessary skills to communicate effectively with consultees.

- 3.9 To ensure effective consultation with consultees<sup>7</sup> on Section 75 matters, we will continue to keep our consultees informed as appropriate and necessary on the Section 75 statutory duties and our commitments in our Equality Scheme.
- 3.10 The consultation period for equality issues will last for twelve weeks to allow adequate time for groups to consult amongst themselves as part of the process of forming a view. However, in exceptional 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 judgments), 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<sup>8</sup>. Where, under these exceptional circumstances, we must implement a policy immediately, as it is beyond our control, we may consult after implementation of the policy, in order to ensure that any impacts of the policy are considered.
- 3.11 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.
- 3.12 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.
- 3.13 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 relevant quantitative and qualitative data.

- 3.14 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.
- 3.15 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 Chapter 6 paragraph 6.3).
- 3.16 A list of our consultees is included in this equality scheme at **Appendix 3**. It will also be found on our website ([www.hiaredressni.uk](http://www.hiaredressni.uk)) or obtained by contacting us via email ([admin@hiaredressni.uk](mailto:admin@hiaredressni.uk)), telephone (02890 569147) or post (PO Box 2266, Belfast, BT1 9ZP).
- 3.17 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 also inform us at this stage if you would like information sent to you in a particular format or language.

---

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

<sup>7</sup> Please see Appendix 4 for a list of our consultees

<sup>8</sup> Please see below at paragraphs 4.26 to 4.34 for details on monitoring

## CHAPTER 4: OUR ARRANGEMENTS FOR ASSESSING, MONITORING AND PUBLISHING THE IMPACT OF POLICIES

Paragraphs 4(2)(b); 4(2)(c); 4(2)(d); and 9(2) of Schedule 9

### **Our arrangements for assessing the likely impact of policies adopted or proposed to be adopted on the promotion of equality of opportunity (Paragraph 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 paragraph 9(2) of Schedule 9 to the Northern Ireland Act 1998.
- 4.3 The Redress Board 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 will relate them to the intended outcomes of the policy in question and will also follow Equality Commission guidance:
- the guidance on screening, including the screening template, as detailed in the Commission’s guidance *‘Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)’*;
  - on undertaking an equality impact assessment as detailed in the Commission’s guidance *‘Practical guidance on equality impact assessment (February 2005)’* and
  - *“Effective Section 75 Equality Assessments: Screening and Equality Assessments” (2017).*

## 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 that 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 staff 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 different religious belief, political opinion or racial group?
- 4.8 In order to answer the screening questions, we gather relevant information and data, both qualitative and quantitative or use existing data sets. 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:

- the policy has been ‘screened in’ for equality impact assessment;
- the policy has been ‘screened out’ with mitigation<sup>9</sup> or an alternative policy proposed to be adopted;
- 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.

4.11 Where a decision is made to screen out a policy, we will record the evidence used to make the assessment and the rationale for the decision. The decision will be ‘signed off’ by the appropriate policy lead within the Redress Board.

4.12 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

---

<sup>9</sup> 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.

normally subject the policy to an equality impact assessment. This screening decision will be 'signed off' by the Secretary to the Redress Board.

- 4.13 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 record the evidence used to make the assessment and the rationale for the decision. The decision will be "signed off" by the Secretary of the Redress Board and will inform the President of the Redress Board, of any such decision and the rationale for it.
- 4.14 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 and on request from us at the address shown on the front cover of this Equality Scheme.
- 4.15 If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, we will review the screening decision. Our screening reports are published quarterly (see below at paragraphs 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 EQIA is necessary, we will carry out the EQIA in accordance with Equality Commission guidance. The EQIA will be carried out as part of the policy development process, before the policy is implemented.
- 4.18 Any EQIA will be subject to consultation at the appropriate stage(s). (For details see 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**

Paragraphs 4(2)(d) and 9(1) of Schedule 9

- 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 Redress Board 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; or
  - 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; and
- 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 paragraph 4.14.

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 paragraph 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) are available on our website ([www.hiaredressni.uk](http://www.hiaredressni.uk)) or by contacting us via email ([admin@hiaredressni.uk](mailto:admin@hiaredressni.uk)), telephone (02890 569147) or post (PO Box 2266, Belfast, BT1 9ZP).

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.

#### Paragraph 4(2)(c) of Schedule 9

4.26 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 Redress Board follows guidance from the Office of the Information Commissioner and the Equality Commission.

4.27 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.

4.28 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; and

- undertaking or commissioning new data if necessary.

4.29 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 as soon as practicable to achieve better outcomes for relevant equality groups.

4.30 We review our EQIA monitoring information on an annual basis and report that information to the Equality Commission in our Section 75 Annual Report.

4.31 The Redress Board will continue to monitor policies following their implementation, to ensure that if any adverse impacts on Section 75 groups are identified they can be dealt with in a timely manner. The preparation of EQIA's themselves may identify an adverse impact on particular groups within Section 75 categories. Where no other policy is feasible, we will take steps, where we can, to mitigate such adverse impact. In circumstances such as these the Redress Board will commission special monitoring arrangements and analysis of both qualitative and quantitative information. This is to ensure the Redress Board is aware of the extent of the adverse impact and/or the success of any mitigating measures.

4.32 The Redress Board will usually collect and analyse statistical data, but information may be available from other sources e.g. non- governmental organisations or the Equality Commission. Any information collected through special monitoring procedures would be taken into account in any future review of the policy. Where it is clear from the monitoring of a policy that a greater impact than anticipated has arisen, the Redress Board will ensure that the policy is reviewed and revised as required.

4.33 The Redress Board will work closely with the Northern Ireland Statistics and Research Agency (NISRA) in its review of existing monitoring arrangements and its consideration of special monitoring arrangements of anticipated adverse impacts. This work will be taken forward

generally, but also through the Redress Board Audit of Inequalities and Action Plan.

4.34 Monitoring can also have a greater benefit than only highlighting adverse impacts. It can help identify policies to better promote equality of opportunity and good relations relevant to Section 75. The Redress Board is committed to working with NISRA and others, through the Audit of Inequalities, to identify such policies.

### **Our arrangements for publishing the results of our monitoring**

#### **Paragraph 4(2)(d) of Schedule 9**

4.35 Paragraph 4(2)(d) of Schedule 9 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:

- EQIA monitoring information is published as part of our Section 75 annual progress report [see paragraph 2.8 above].
- Monitoring information is also published on our website and where appropriate/requested sent to consultees.

4.36 All information published is accessible and can be made available in alternative formats on request. Please see paragraph 6.3 below for details.

## CHAPTER 5: STAFF TRAINING

### Paragraph 4(2)(e) of Schedule 9

#### **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 We will continue to positively communicate the commitment of the Redress Board to its Section 75 statutory duties, both internally and externally. The Redress Board staff are civil servants appointed from within the Department of Justice (DoJ) and as such follow their communication and training programme.

#### **Training objectives**

- 5.3 The Redress Board will ensure that staff, and relevant Board members, receive the appropriate training through DOJ, 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

Redress Board 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 all our staff are aware of and understand our equality obligations.

- We will provide all staff with copies of the full Equality Scheme and ensure that any queries or questions from staff are effectively addressed;
- We will ensure that all staff receive Section 75 training as part of an induction programme;
- Staff will be briefed, through the team brief process, on this Equality Scheme within 6 weeks of its approval;
- Focused training is provided for key staff within the Redress Board 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);
- Where appropriate, training will be provided to ensure that all staff are aware of the issues experienced by the range of Section 75 groups; and
- When appropriate, and on an ongoing basis, arrangements will be made to ensure that all staff are kept up to date with Section 75 developments.

5.5 The Redress Board will arrange consultation, screening and EQIA training in response to demands, which are identified through the normal annual business planning cycle.

5.6 Section 75 training courses are provided centrally for the NICS by the Centre for Applied Learning (CAL). CAL currently offers three policy courses, which cover Section 75 groups:

- Introduction to Section 75 (e-learning);
- Equality Impact Assessment Workshop; and
- Public Consultation and Engagement.

All three courses have been reviewed to ensure compliance

with ECNI revised Section 75 guidance.

- 5.7 Training and awareness raising programmes will, where relevant, be developed in association with the appropriate Section 75 groups and our staff. In order to share resources and expertise, the Redress Board will, where possible, work closely with other bodies and agencies in the development and delivery of any further necessary training.

### **Monitoring and evaluation**

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

- we evaluate, as part of the annual reporting cycle, the extent to which all participants in this training programme have acquired the necessary skills and knowledge to achieve each of the above objectives.
- 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. We will provide details of the number of staff trained, the equality profile of staff trained and the job roles of staff trained.

## **CHAPTER 6 OUR ARRANGEMENTS FOR ENSURING AND ASSESSING PUBLIC ACCESS TO INFORMATION AND SERVICES WE PROVIDE**

### Paragraph 4(2)(f) of Schedule 9

#### **Introduction**

- 6.1 The Redress Board 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 minority ethnic groups, whose first language is not English, may have difficulties with information provided only in English; and
  - children and young people may not be able fully to access or understand information.

#### **Access to information**

- 6.3 To ensure equality of opportunity in accessing information, we provide information in alternative formats, where there is a need and it is reasonably practicable to do so. Where the exact request cannot be met we will ensure a reasonable alternative is provided.
- 6.4 Alternative formats may include easy read, braille, child friendly versions, 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.
- 6.5 We will respond to requests for information in alternative formats in a timely manner, usually within four to six weeks.

6.6 The Redress Board is committed to achieve effective communication with the public. Recognising the growing range of communications channels and the differing needs and preferences of different groups, the Redress Board will ensure the evidence-based evaluation and use of a range of communications channels to enable wide access to information, to mitigate the risk that some sections of the public might not enjoy equality of opportunity in accessing information provided by the Redress Board.

### **Access to services**

6.7 The Redress Board is committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories.

6.8 The Redress Board also adheres to the relevant provisions of current anti- discrimination legislation.

6.9 The Redress Board intends that all of its services are fully accessible to all parts of the community. EQIAs will highlight any factors, which create differential impact by making a service linked to a particular policy less accessible to particular groups. This includes an access audit of services, an accessible communications policy and procedure and an audit of website accessibility.

### **Assessing public access to information and services**

6.10 We monitor annually across all our functions, in relation to access to information and services, to ensure equality of opportunity and good relations are promoted. This will take account of the statutory requirements of the Disability Discrimination Act 1995; the likely demand for information in such formats across its main policy areas; and resource implications. Measures to assess public access to information and services will include service users' surveys and the monitoring of both feedback and complaints.

## CHAPTER 7 TIMETABLE FOR MEASURES WE PROPOSE IN THIS EQUALITY SCHEME

### Paragraph 4(3)(b) of Schedule 9

- 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 5**. For information on these action measures please see paragraphs 2.14 – 2.21 above.

## **CHAPTER 8 OUR COMPLAINTS PROCEDURE**

### Paragraph 10 of Schedule 9

- 8.1 The Redress Board is responsive to the views of members of the public. We will endeavour to resolve all complaints made to us.
- 8.2 Paragraph 10 of Schedule 9 to 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.
- 8.3 A person wishing to make a complaint that the Redress Board has failed to comply with its approved Equality Scheme should, in the first instance, bring their complaint to the attention of the Equality Officer at the address shown at paragraph 2.5 above.
- 8.4 We will in the first instance acknowledge receipt of each complaint within seven days. If required we will provide appropriate support to assist the individual in bringing forward their complaint.
- 8.5 The Equality Officer will carry out an internal investigation of the complaint and will respond substantively to the complainant within one 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 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 Redress Board will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require. Similarly, the Redress Board will co- operate fully with any investigation by the Equality Commission under paragraph 11(1)(b) of Schedule 9 to the Northern Ireland Act 1998.

- 8.8 The Redress Board will make all efforts to implement promptly and in full any recommendations arising out of any Equality Commission investigation.

## CHAPTER 9 PUBLICATION OF OUR EQUALITY SCHEME

### Paragraph 4(3)(c) of Schedule 9

- 9.1 The Redress Board's Equality Scheme is available free of charge in print form and can be made available in alternative formats by contacting us via email ([admin@hiaredressni.uk](mailto:admin@hiaredressni.uk)), telephone (02890 569147) or post (PO Box 2266, Belfast, BT1 9ZP).
- 9.2 Our Equality Scheme is also available on our website at [www.hiaredressni.uk](http://www.hiaredressni.uk)
- 9.3 The following arrangements are in place for the publication in a timely manner 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, the internet and direct mail shots to groups representing the various categories in Section 75;
  - We will e-mail 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 four to six weeks; and
  - Our Equality Scheme will be made available on request, where there is a need and it is reasonably practicable to do so, in alternative formats.

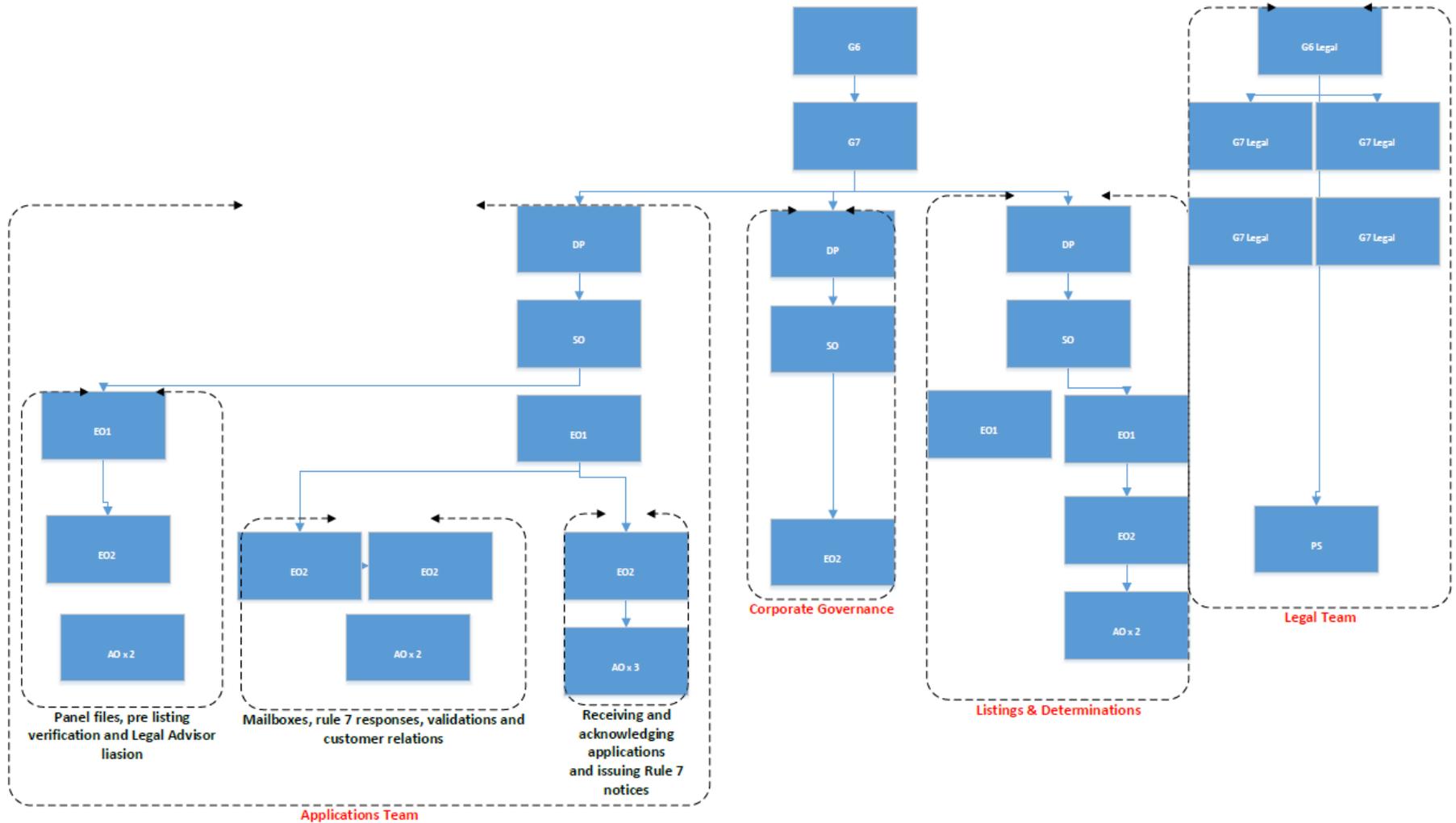
9.4 For a list of our stakeholders and consultees please see **Appendix 3** of the Equality Scheme, or by contacting us via email ([admin@hiaredressni.uk](mailto:admin@hiaredressni.uk)), telephone (02890 569147) or post (PO Box 2266, Belfast, BT1 9ZP).

## CHAPTER 10 REVIEW OF OUR EQUALITY SCHEME

### Paragraph 8(3) of Schedule 9

- 10.1 As required by paragraph 8(3) of Schedule 9 to 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 to, and approval of, this Equality Scheme to the Equality Commission or within a shorter timescale to allow alignment with the review of other planning cycles.
- 10.2 The review will evaluate the effectiveness of our Equality Scheme in relation to the implementation of the Section 75 statutory duties relevant to our functions in Northern Ireland.
- 10.3 In undertaking this review, we will follow any guidance issued by the Equality Commission. A report of this review will be made public on the Redress Board website and copies sent to the individuals and organisations listed at **Appendix 3**. A copy will also be sent to the Equality Commission.

# APPENDIX 1: THE REDRESS BOARD - ORGANISATION CHART



**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	Buddhist; Catholic; Hindu; Jewish; Muslims, people of no religious belief; Protestants; Sikh; other faiths.  For the purposes of Section 75, the term “religious belief” is the same definition as that used in the <i>Fair Employment &amp; Treatment (NI) Order</i> <sup>12</sup> . Therefore, “religious belief” also includes any <i>perceived</i> religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “ <i>similar philosophical belief</i> ”.
Political opinion <sup>13</sup>	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; Jewish; Sikh; White people.

<sup>12</sup> See Section 98 of the Northern Ireland Act 1998, which states: “*In this Act... “political opinion” and “religious belief” shall be construed in accordance with Article 2(3) and (4) of the Fair Employment & Treatment (NI) Order 1998.*”

<sup>13</sup> *ibid*

---

Men and women generally	Men (including boys); Trans-gendered people; Transsexual people; women (including girls).
Marital status	Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.
Age	Children and young people; older people.
Persons with a disability	Persons with disabilities as defined by the Disability Discrimination Act 1995.
Persons with dependants	Persons with personal responsibility for the care of a child; for the care of a person with a disability; or the care of a dependant older person.
Sexual orientation	Bisexual people; heterosexual people; gay or lesbian people.

---

## APPENDIX 3

### LIST OF CONSULTEES

<b>Organisation</b>
Action for Children NI
Action Mental Health
Action on Hearing Loss
Advice NI
Age NI
Age Sector Platform
Ageing Research and Development Division of the Institute of Public Health in Ireland (IPH)
Amnesty
Autism NI
Barnardos
Belfast Health & Social Care Trust
Belfast Health Development Unit
Belfast Law Centre
British Deaf Association (NI)
British Dyslexia Association
British Medical Association (NI)
Campaign for Survivors of Abuse
Carers Northern Ireland
Catholic Bishops of NI
Child Accident Prevention Trust
Child Migrant Trust
Child Poverty Action Group
Children and Young People's Strategic Partnership
Children in Northern Ireland
Children's Law Centre
Clerk to the Executive Committee
College of Occupational Therapists
Colleges Northern Ireland
Commission for Victims and Survivors
Commissioner for Older People for Northern Ireland
Committee on the Administration of Justice
Community NI
COSICA
Council for Catholic Maintained Schools
Cruse Bereavement Care (NI)
CVSNI
DAERA
DE
De La Salle
Democratic Unionist Party
Department of Justice

DfC
DfE
DfI
Director of Universal Credit
Disability Action
Disability Equality – NI
DoF
DoH
DOJ
Education Authority Northern Ireland
Engage with Age
Equality Coalition
Equality Commission NI
First Division Association
Health& Social Care Board
HSCB
Include Youth
Institute of Public Health in Ireland (IPH)
Labour Party
Law Centre
Methodist Church in Ireland
MLA's
National Children's Bureau NI
National Pensioners Convention Northern Ireland
Newtownabbey Senior Citizens Forum
Nexus Research
NI Human Rights Commission
NI Youth Forum
NIACRO
NICMA
NICVA
NIHE
NIPPA
NIPS
NIPSA
NIUSE
North Belfast Senior Citizens Consortium
Norther Ireland Committee Irish Congress of Trade Unions (NICICTU)
Northern Health& Social Care Trust
Northern Ireland Commission for Children & Young People (NICCY)
Northern Ireland Commission for Children and Young People
Northern Ireland Committee, Irish Congress of Trade Unions
Northern Ireland Committee, Irish Congress of Trade Unions(NIC/ICTU)
Northern Ireland Human Rights Commission
NSPCC
Participation and Practice of Rights,

Participation Network
Police Service of Northern Ireland
Presbyterian Church in Ireland
Probation Board for Northern Ireland
PSNI
Public Health Agency
Public Record Office of Northern Ireland
Research officer (Green Party)
Rosetta Trust
Salvation Army
Save the Children
SAVIA
SDLP
Sinn Fein
Sisters Of Nazareth
Sisters of St Louis
South Eastern Health & Social Care Trust
Southern Health & Social Care Trust
Survivors Northwest
Survivors Together
TEO
The Alliance Party of Northern Ireland
The Workers Party
Traditional Unionist Voice
Tuart Place
Ulster Unionist Party
UNISON
UNITE
Victims and Survivors Service
VSB Foundation
Western Health & Social Care Trust
Youth Justice Agency

**This list is not exhaustive: additional bodies may be added during the lifetime of the scheme to reflect the establishment of new organisations.**

**APPENDIX 4****TIMETABLE FOR MEASURES PROPOSED**

Paragraph 4(3)(b) of Schedule 9

<b>Measure</b>	<b>Lead responsibility</b>	<b>Timetable</b>
Section 75 Annual Progress Report	Secretary to Redress Board	31 August (annually)
Action plan		
Consultation on draft action plan [2.15]		In line with consultation on equality scheme
Finalised action plan published [2.18]	Deputy Secretary to Redress Board	Within 6 months
Arrangements for monitoring progress in place [2.16]		On approval
Consultation list reviewed and updated [3.4]	Equality Officer	September (annually)
Screening timetable [4.4]	Equality Manager Equality	Annually as part of S75 Annual Report
Screening Reports [4.15]	Manager	Quarterly

EQIA timetable [4.16]	Equality Officer	Annually as part of S75 Annual Report
Monitoring Review of monitoring information [4.30] Publication of monitoring information [4.30]	Equality Officer	Annually as part of S75 Annual Report
Assessing access to information and services [6.8]	Equality Officer assisted by the Executive Information Service	Ongoing
Communication of equality scheme [9.3] Notification of consultees [9.3]	Equality Officer	As and when necessary, either to communicate new scheme, or revisions to scheme.
Review of equality scheme [10.1]	Equality Officer	Every 5 years, as per the Equality Scheme (or earlier if requested/deemed)

### 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.

**ACTION PLAN**