



Equality Scheme for the Department of the Environment

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

***This document is available in a range of formats on request.
Please contact us with your requirements at the address
below:-***

The Private Office and Equality Team
8th Floor
Goodwood House
44-58 May Street
Belfast
BT1 4NN

Tel: 028 9025 6060 or 028 9025 6061

Textphone: 028 9054 0642

Email: equality@doeni.gov.uk

Foreword

Section 75 of the Northern Ireland Act 1998 (the Act) requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined in the Act¹.

This equality scheme sets out how the Department of the Environment proposes to fulfil the Section 75 statutory duties.

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

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

We will work with the Centre for Applied Learning (CAL) to develop and deliver a programme of communication and training with the aim of ensuring that all our staff and board members are made fully aware of our equality scheme and understand the commitments and obligations within it. We will take action to raise awareness with our consultees on the Section 75 statutory duties and our commitments in our equality scheme.

We, the Minister and Permanent Secretary of the Department of the Environment, are fully committed to effectively fulfilling our Section 75 statutory duties across all our functions (including service provision, employment and procurement) through the effective implementation of our equality scheme.

We realise the important role that the community and voluntary sector and the general public have to play to ensure the Section 75 statutory duties are effectively implemented. Our equality scheme demonstrates how determined we are to ensure there are opportunities, for people affected by our work, to positively influence how we carry out our functions in line with our Section 75 statutory duties. It also offers the means whereby persons directly affected by what they consider to be a

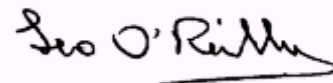
¹ See section 1.1 of our Equality Scheme.

failure, on our part, to comply with our equality scheme, can make complaints.

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



Alex Attwood MLA
Minister of the Environment



Leo O'Reilly
Permanent Secretary

Date 26 September 2011

Contents

Please note: Foreword and Appendices 3 and 4 form part of this equality scheme.

	Page
Foreword	1
Chapter 1	Introduction
	5
	Section 75 of the Northern Ireland Act 1998
	How we propose to fulfil the Section 75
	duties in relation to the relevant functions of
	the Department of the Environment
	Who we are and what we do
	6
	Departmental functions
	6
Chapter 2	Our arrangements for assessing our compliance
	with the Section 75 Duties
	10
	Responsibilities and reporting
	10
	Action plan/action measures
	13
Chapter 3	Our arrangements for consulting
	15
Chapter 4	Our arrangements for assessing, monitoring and
	publishing the impact of policies
	20
	Our arrangements for assessing the likely
	impact adopted or proposed to be adopted
	on the promotion of equality of opportunity of
	policies
	20
	Screening
	21
	Equality impact assessment
	23
	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
	24
	What we publish
	24
	How we publish the information
	25
	Where we publish the information
	25
	Our arrangements for monitoring any
	26

	adverse impact of policies we have adopted on equality of opportunity	
	Our arrangements for publishing the results of our monitoring	27
Chapter 5	Staff training	28
	Commitment to staff training	28
	Training objectives	28
	Awareness raising	29
	Training arrangements	30
	Monitoring and evaluation	31
Chapter 6	Our arrangements for ensuring and assessing public access to information and services we provide	32
	Access to information	32
	Access to services	33
	Assessing public access to information and services	33
Chapter 7	Timetable for measures we propose in this equality scheme	34
Chapter 8	Our S75 complaints procedure	35
Chapter 9	Publication of our equality scheme	37
Chapter 10	Review of our equality scheme	38
Appendix 1	Organisational chart	39
Appendix 2	Example groups relevant to the Section 75 categories for Northern Ireland purposes	40
Appendix 3	List of S75 consultees	41
Appendix 4	Timetable for measures proposed	44
Appendix 5	Glossary of terms	46
Appendix 6	Action plan/action measures (This will not form part of the approved Equality Scheme)	52

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 Department of the Environment (the Department) to comply with two statutory duties:-

Section 75 (1)

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

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

“Functions” include the “powers and duties” of a public authority². This includes our employment and procurement functions. Please see below under “Who we are and what we do” for an explanation of our functions.

How we propose to fulfil the Section 75 duties in relation to the relevant functions of the Department of the Environment

1.2 Schedule 9 4. (1) of the Act requires the Department, as a designated public authority, to set out in an equality scheme how it proposes to fulfil the duties imposed by Section 75 in relation to its relevant functions. This equality scheme is intended to fulfil that statutory requirement. It is both a statement of our arrangements for fulfilling the Section 75 statutory duties and our plan for their implementation.

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

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

Who we are and what we do

1.4 The Department's vision is to make Northern Ireland 'a better place to live, work and invest' and its aim is 'to protect and improve the environment, promote well being, support strong and effective local government and a thriving economy'.

1.5 The Department is headed by a Minister who has overall political responsibility and accountability for all of the Department's activities, which include:-

- Planning development and control;
- Driver and vehicle licensing and testing;
- Protection, conservation and promotion of the natural environment and built heritage;
- Planning and environmental policy and legislation;
- Road safety policy, including strategies to reduce the number of people killed or seriously injured on our roads; and
- Local government policy.

Departmental Functions

1.6 The Department is organised into three Business Groups who work in close partnership under the direction of the Minister to achieve the Department's overall vision and strategic objectives.

- **Environmental Group**

- Environmental Policy Division

- Northern Ireland Environment Agency (NIEA)

Environmental Policy Division:

Environmental Policy Division (EPD) is responsible for developing policy and legislation in relation to water quality, waste management, air quality, biodiversity and climate change to protect and enhance Northern Ireland's natural and built environment and to promote sustainable development.

Northern Ireland Environment Agency (NIEA):

The aim of the NIEA is to protect, conserve and promote the natural environment and built heritage for the benefit of present and future generations.

- **Planning and Local Government Group:**

- Planning Policy Division (PPD)

- Strategic Planning Division (SPD)

- Local Planning Division (LPD)

- Local Government Policy Division (LGPD)

Planning Policy Division:

To provide a planning system that directs and manages development in a sustainable way, supporting the economy and responsive to community needs whilst protecting the environment and built heritage. To complete the legal and policy framework necessary to restructure to 11 Councils and enable eventual transfer of planning to Councils.

Strategic Planning Division:

SPD, which is based in Millennium House Belfast, has responsibility for: the provision of advice and guidance to staff on development plan and development management procedure and practice; the monitoring of their progress and the NI Marine Plan and Conservation, Landscape and Design services. In addition, SPD processes all large scale investment planning applications (including those designated under Article 31 of the Planning (NI) Order 1991); all wind-farm applications where 2 or more turbines are involved, or where the turbine will be connected to the National Grid; major waste applications; landfill and waste-water treatment proposals; and those involving mineral extraction. SPD also enforces planning control in relation to these applications.

Local Planning Division:

LPD is responsible for the development plan programme and development management including the determination of major (excluding those above), intermediate and minor applications. LPD also looks after the enforcement of planning control and processing planning and enforcement appeals. Staff are based in a number of planning offices across Northern Ireland.

Local Government Policy Division:

Local Government Policy Division aims to support a system of local government which meets the needs of residents, ratepayers and users of district council services and facilities. The division is also responsible for developing policy and legislation for restructuring and modernising local government, following the Executive's decision, as part of the Review of Public Administration, to reduce the number of councils from 26 to 11.

- **Road Safety and Corporate Services Group:**

- Road Safety Division & Vehicle Regulation Division (RSVRD)
 - Driver & Vehicle Agency (DVA)
 - Finance & Business Planning Division
 - HR& Organisational Change Division

Road Safety Division & Vehicle Regulation Division (RSVRD) is responsible for promoting road safety, training and educating road users, producing the Highway Code and producing policy and legislation.

Driver & Vehicle Agency (DVA):

DVA was created under RPA on 1 April 2007 by the merger of DVLNI and DVTA. DVA is responsible for:-

- Vehicle and driver testing
- Vehicle registration and licensing
- Collection and enforcement of Vehicle Excise Duty
- Driver Licensing
- Driving Instructor registration
- Road transport licensing
- Enforcement of licensing, roadworthiness and other legal requirements
- Technical policy
- Research and development.

Finance & Business Planning Division:

The aim of Finance and Business Planning Division is to support the Minister, Permanent Secretary and senior management, and oversee the securing and allocation of resources to enable the Department to achieve its business aims and meet its legal and equity obligations. Finance and Business Planning Division is responsible for financial

planning, monitoring and reporting; corporate governance; procurement and contract management; business planning; equality; and machinery of government.

HR & Organisational Change Division:

Human Resources & Organisational Change Division is responsible for human resources, organisational change, ICT support (systems development and delivery), information management (including electronic record management and freedom of information issues), customer service and communications.

- 2.5 Objectives and targets relating to the statutory duties will be integrated into our corporate and operational business plans³.
- 2.6 Employees' job descriptions and performance plans reflect their contributions to the discharge of the Section 75 statutory duties and implementation of the equality scheme, where relevant. The personal performance plans are subject to appraisal in the annual performance review.
- 2.7 The Department will continue to prepare annual reports on the progress we have made on implementing the arrangements set out in this equality scheme to discharge our Section 75 statutory duties (Section 75 annual progress report).
- 2.8 Where possible, this 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. The Department's commitment to adhere to its Section 75 statutory duties will also be included in our (organisational) annual report.
- 2.9 The Department's latest Section 75 annual progress report is available on our website at: <http://www.doeni.gov.uk>

or by contacting:

The Private Office and Equality Team
8th Floor
Goodwood House
44-58 May Street
Belfast BT1 4NN

Tel: 028 9025 6060 or 028 9025 6061

Textphone: 028 9054 0642

Email: equality@doeni.gov.uk

³ See Appendix 4 'Timetable for measures proposed' and section 2.17 of this equality scheme.

- 2.10 The Department will continue to liaise closely with the Equality Commission to ensure that progress on the implementation of our equality scheme is maintained.
- 2.11 The Director of Finance and Business Planning Division has overall responsibility for the Equality Team, in which a Deputy Principal and Staff Officer work on equality issues and report to a Principal Equality Officer.
- 2.12 The Equality Team will continue to provide a bi-annual progress report on S75 commitments contained within the Equality Scheme, action plan and EQIA programme for the Permanent Secretary, Departmental Board and Senior Management Team.
- 2.13 The Equality Team will continue to be assisted by an Equality Working Group, made up of officials representing all business areas across the Department, who will help drive forward and monitor the practical implementation of the commitments set out in this equality scheme.
- 2.14 The Equality Working Group will continue to meet on an annual basis with representatives from the Section 75 groups at the Department's Equality Forum. This forum provides an opportunity for policymakers to update S75 groups on policy progress and issues of concern and provides Section 75 representatives with the opportunity to highlight any of their own areas of concern. The Forum provides an excellent source for provision of feedback and advice on resolving issues around difficulties and problems such as accessing information. The lessons learned and good practice is then promulgated across the Department through the Equality Working Group.
- 2.15 The Department will continue to play an active role in the various Inter-Departmental groups which have been set up to drive forward the equality agenda such as the Voluntary and Community Sector Joint Forum, Racial Equality Forum and Equality Practitioners Group.
- 2.16 The Department will continue to emphasise the requirement to mainstream equality and good relations into policy development in an effort to eliminate or minimise any unintentional adverse consequences at early stages.

Action plan/action measures

- 2.17 The Department has developed an action plan to promote equality of opportunity and good relations. This action plan is attached at Appendix 6 and is available on our website at <http://www.doeni.gov.uk>
- 2.18 The action measures that make up our action plan are relevant to our functions. They will be developed and prioritised on the basis of an audit of inequalities. Through the data gathered by an audit of inequalities the Department will continue to analyse information across the Section 75 categories⁴ to identify the inequalities that exist for our service users and those affected by our policies⁵.
- 2.19 Action measures are specific, measurable, linked to achievable outcomes, realistic and time bound. Action measures include performance indicators and timescales for their achievement.
- 2.20 We will develop any action plans for a period of between one and five years in order to align them with our corporate and business planning cycles. Implementation of the action measures will be incorporated into our business planning process.
- 2.21 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.
- 2.22 We will monitor progress on the delivery of our action measures annually and update the action plan as necessary to ensure that it remains effective and relevant to our functions and work.
- 2.23 The Department will inform the Commission of any changes or amendments to our action plan and will also include this information in our Section 75 annual progress report to the Commission. Our Section 75 annual progress report will incorporate information on progress we have made in implementing our action plans/action measures.
- 2.24 Once finalised, our action plan will be available on the Department's website at: <http://www.doeni.gov.uk> If you require it

⁴ See section 1.1 of this equality scheme for a list of these categories.

⁵ See section 4.1 of this equality scheme for a definition of policies.

in an alternative format please contact us using the details provided at paragraph 2.9.

- 2.25 The Department will continue to monitor progress in complying with its obligations in respect of Equality of Opportunity (including good relations), providing guidance and reporting progress.
- 2.26 The Equality Team will continue to provide a bi-annual progress report on S75 commitments contained within the Equality Scheme, action plan and EQIA programme for the Permanent Secretary, Departmental Board and Senior Management Team.

Chapter 3 Our arrangements for consulting

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

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

- 3.1 We recognise the importance of consultation in all aspects of the implementation of our statutory equality duties. We will consult on our equality scheme, action measures, equality impact assessments and other matters relevant to the Section 75 statutory duties.
- 3.2 We are committed to carrying out consultation in accordance with the following principles (as contained in the Equality Commission's guidance *'Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)'*):
- 3.3 All consultations will seek the views of those directly affected by the matter/policy, for example, the Equality Commission, representative groups of Section 75 categories, other public authorities, our staff and their trades unions and such other groups who have a legitimate interest in the matter, whether or not they have a direct economic or personal interest.
- 3.4 Initially all S75 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 additional 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.
- 3.7 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)* to try to meet the expectations and needs of all sections of the public to ensure equality of opportunity.
- 3.8 The Department has produced a *Guide to Making Information Accessible* in consultation with its Equality Forum. This guide, which is circulated to all staff and made available on the Department's Intranet site, ensures that information provided to the public is available in a range of formats which meet the needs of all those who wish to access our services. The Guide is reviewed on an annual basis.
- 3.9 Consultation is a standing agenda item at the Department's Equality Forum.

- 3.10 Information will be made available, on request, in alternative formats⁶, in a timely manner, usually within 20 working days. We will ensure that such consultees have sufficient time to respond.
- 3.11 Specific training is provided as required for those facilitating consultations to ensure that they have the necessary skills to communicate effectively with consultees.
- 3.12 To ensure effective consultation with consultees on Section 75 matters, we will raise awareness of the Section 75 statutory duties and the commitments in our equality scheme by:
- Sending our equality scheme to all Section 75 consultees within 1 month of approval by the Equality Commission;
 - Holding our Equality Forum on an annual basis; and
 - Consulting annually with relevant Section 75 groups on the review of the Department's Guide to Making Information Accessible.
- 3.13 The consultation period lasts for a minimum of twelve weeks to allow adequate time for groups to consult amongst themselves as part of the process of forming a view. However, in exceptional circumstances when this timescale is not feasible (for example implementing EU Directives or UK wide legislation, meeting Health and Safety requirements, addressing urgent public health matters or complying with Court judgements), we may shorten timescales to eight weeks or less before the policy is implemented. We may continue consultation thereafter and will review the policy as part of our monitoring commitments⁷.
- 3.14 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.
- 3.15 If a consultation exercise is to take place over a period when consultees are less able to respond, for example, over the summer

⁶ See Chapter 6 of our equality scheme for further information on alternative formats of information we provide.

⁷ Please see below at 4.28 to 4.32 for details on monitoring.

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.

- 3.16 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 and whether a signer and/or interpreter is necessary, and whether the provision of childcare and support for other carers is required.
- 3.17 We make all relevant information available to consultees in appropriate formats to ensure meaningful consultation. This includes detailed information on the policy proposal being consulted upon and any relevant quantitative and qualitative data.
- 3.18 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.
- 3.19 We provide feedback to consultees in a timely manner. A feedback report is prepared which includes summary information on the policy consulted upon, consultees' comments and our consideration of and response to consultees' input. The feedback is provided in formats suitable to consultees. (Please see also paragraph 6.3)
- 3.20 A list of our S75 consultees is included in this equality scheme at Appendix 3, or can be made available by contacting the Equality Team at the address set out at paragraph 2.9.
- 3.21 Our S75 consultation list is maintained by the Equality Team. This list is not exhaustive and is reviewed on an annual basis to ensure it remains up-to-date. Individual business areas are responsible for maintaining their own consultation lists outside of this S75 list and reviewing them on an annual basis.
- 3.22 We welcome enquiries from any person/s or organisations wishing to be added to the list of Section 75 consultees. Please contact the Equality Team at the address set out in paragraph 2.9 to provide

your contact details and have your areas of interest noted or have your name/details removed or amended. Please also inform us at this stage if you would like information sent to you in a particular format or language.

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

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

Our arrangements for assessing the likely impact of policies adopted or proposed to be adopted on the promotion of equality of opportunity (Schedule 9 4. (2) (b))

- 4.1 In the context of Section 75, 'policy' is very broadly defined and it covers all the ways in which we carry out or propose to carry out our functions in relation to Northern Ireland. In respect of this equality scheme, the term policy is used for any (proposed/amended/existing) strategy, policy initiative or practice and/or decision, whether written or unwritten and irrespective of the label given to it, eg, 'draft', 'pilot', 'high level' or 'sectoral'.
- 4.2 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9 9. (2) of the Northern Ireland Act 1998.
- 4.3 The Department 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)*'; and
 - on undertaking an equality impact assessment as detailed in the Commission's guidance '*Practical guidance on equality impact assessment (February 2005)*'.

Screening

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

categories. Any screening decision will be informed by this evidence.

4.9 Completion of screening, taking into account our consideration of the answers to all four screening questions set out in 4.7 above, will lead to one of the following three outcomes:

1. the policy has been 'screened in' for equality impact assessment;
2. the policy has been 'screened out' with mitigation⁸ or an alternative policy proposed to be adopted; or,
3. the policy has been 'screened out' without mitigation or an alternative policy proposed to be adopted.

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

4.11 Where we mitigate we will outline in our screening template the reasons to support this decision together with the proposed changes, amendments or alternative policy. This screening decision will be 'signed off' by the appropriate policy lead within the Department.

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 normally subject the policy to an equality impact assessment. This screening decision will be 'signed off' by the appropriate policy lead within the Department.

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

⁸ 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.

relations categories, we may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, we will give details of the reasons for the decision taken. This screening decision will be 'signed off' by the appropriate policy lead within the Department.

- 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 at: <http://www.doeni.gov.uk> and on request from the Equality Team at the contact address set out in paragraph 2.9.
- 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.
- 4.16 Our screening reports are published quarterly [see paragraphs 4.21 - 4.22 for details].

Equality Impact Assessment (EQIA)

- 4.17 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.
- 4.18 Once a policy is screened and screening has identified that an EQIA is necessary, we will carry it out in accordance with Equality Commission guidance. The EQIA will be carried out as part of the policy development process, before the policy is implemented.
- 4.19 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
(Schedule 9 4. (2) (d); Schedule 9 9. (1))

4.20 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

○ **Screening Reports**

4.21 These will issue quarterly, along with advance notice of the consultation exercises which the Department intends to carry out. Screening reports contain:-

- A list of all policies screened by the Department over the three month period;
- A statement of the aim(s) of the policy/policies to which the assessment relates; and
- A link to the completed screening template(s) on our website.

○ **Screening Templates**

4.22 Each screening exercise carried out by the Department is available on our website at: <http://www.doeni.gov.uk>. Paragraph 4.14 refers.

These screening templates each contain details of:-

- 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, an indication of priority and timing for conducting an EQIA.

- **Equality Impact Assessments**

4.23 EQIA reports are published once the EQIA 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; and
- Future monitoring plans.

How we publish the information

4.24 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

4.25 Screening templates, screening reports and the results of equality impact assessments are all available on our website at <http://www.doeni.gov.uk> and by contacting the Equality Team at the contact address set out at paragraph 2.9.

- 4.26 In addition to the above, the screening reports are sent directly to all S75 consultees on a quarterly basis along with advance notice of the consultation exercises the Department intends to carry out.
- 4.27 We will inform the general public about the availability of this material through communications such as press releases where appropriate.

Our arrangements for monitoring any adverse impact of policies we have adopted on equality of opportunity

(Schedule 9 4. (2) (c))

- 4.28 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 Department follows guidance from the Office of the Information Commissioner and the Equality Commission.
- 4.29 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.
- 4.30 The systems which 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 1 year of approval of this equality scheme to identify the extent of current monitoring and to consider taking action to address

any gaps where possible, in order to have the necessary information on which to base decisions; and

- Undertaking or commissioning new data if necessary.

4.31 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 reviewed and revised, where possible, to achieve better outcomes for relevant equality groups.

4.32 We review our EQIA monitoring information on an annual basis. The Equality Team works closely with Departmental statisticians and business areas to ensure monitoring is mainstreamed.

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

4.33 Schedule 9 4. (2) (d) requires us to publish the results of the monitoring of adverse impacts of policies we have adopted. However, we are committed to monitoring more broadly and the results of our policy monitoring are published as follows:-

- EQIA monitoring reports will be included as part of our Section 75 annual progress report [see 2.7];
- Once published on our website, Section 75 Groups will be informed of the availability of our annual report; and
- All information published is accessible and, where possible, can be made available in alternative formats on request. Please see below at paragraph 6.3 for details.

Chapter 5 Staff training

(Schedule 9 4.(2) (e))

Commitment to staff training

- 5.1 We recognise that awareness raising and training play a crucial role in the effective implementation of our Section 75 duties.
- 5.2 Our Permanent Secretary wishes to positively communicate the commitment of the Department to the Section 75 statutory duties, both internally and externally. To this end the Department, in association with the Centre for Applied Learning (CAL), offers an effective communication and training programme for all staff to help ensure that our commitment to the Section 75 statutory duties is made clear.

Training objectives

- 5.3 The Department, in association with CAL, produces a detailed training plan for its staff which includes equality training aimed at achieving the following objectives:-
- to raise awareness of the provisions of Section 75 of the Northern Ireland Act 1998; our equality scheme commitments; the particular issues likely to affect people across the range of Section 75 categories; and to help 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; and

- to provide those staff involved in the implementation and monitoring of the effective implementation of the Department's equality scheme with the necessary skills and knowledge to do this work effectively.

Awareness raising

5.4 The following arrangements are in place to help ensure that all our staff and board members are aware of and understand our equality obligations:-

- We will provide access to copies of the full equality scheme for all staff and ensure that any queries or questions of clarification from staff are addressed effectively;
- Staff in the Department will receive a briefing on this equality scheme within one month after approval of the scheme;
- The Section 75 statutory duties form part of the Department's induction training for new staff;
- When appropriate and on an ongoing basis, arrangements will be made to ensure staff are kept up to date with Section 75 developments;
- The Department ensures all staff are kept advised of changes to the equality scheme by:
 - dissemination of information to staff via Departmental briefs and articles included in the staff magazine as and when required;
 - briefings and presentations at meetings of the Equality Working Group and Equality Forum; and
 - training seminars for key staff provided by the Equality Team on the new equality scheme and Section 75 screening procedures.

Training arrangements

5.5 The following arrangements are in place within the Department to ensure that adequate training is available to help achieve the effective implementation of our Section 75 duties:-

- Focused training is provided by CAL and others for key staff within the Department 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 by or sourced through CAL to ensure staff are aware of the issues experienced by the range of Section 75 groups; and
- The Department liaises regularly with CAL to quality assure training courses to ensure that the content and delivery of courses meet the needs of staff.

5.6 Generic Equality training is provided for the Department by CAL, which is the sole provider of generic training to the Northern Ireland Civil Service (NICS). Section 75 related training courses provided by CAL include:

- **An Introduction to Section 75 and Schedule 9** – the aim of this course is to familiarise participants with the two statutory duties as outlined in Section 75 and Schedule 9, and the guidance provided by the Equality Commission;
- **Equality Impact Assessment (EQIA) Workshop** - This course builds on participants' knowledge of Section 75 by giving them the opportunity to consider how to carry out an EQIA, in accordance with statutory guidance, and appropriate monitoring and consultation strategies; and
- **Public Consultation and Engagement in the Northern Ireland Context** - The aim of this course is to develop knowledge and understanding of the consultation process for policymaking in Northern Ireland and to develop skills in carrying out consultations.

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

Monitoring and evaluation

5.8 Training programmes are subject to the following monitoring and evaluation arrangements:

- We evaluate the extent to which all participants in this training programme have acquired the necessary skills and knowledge to achieve each of the objectives at paragraph 5.3. Participants attending CAL training courses are required to complete a post course evaluation questionnaire, the results of which are analysed and a summary report produced. The post course evaluation also informs the regular course reviews and courses are revised accordingly, where appropriate; and
- 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.

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

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

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

Access to information

- 6.3 To ensure equality of opportunity in accessing information, we provide information in alternative formats on request, where reasonably practicable. Where the exact request cannot be met we will ensure a reasonable alternative is provided. Alternative formats may include Easy Read, Braille, audio formats (eg CD or DAISY), large print or minority languages to meet the needs of those for whom English is not their first language.
- 6.4 The Department's *Guide to Making Information Accessible* advises staff how to provide information to all Section 75 groups, including children and young people, people with a learning difficulty and minority ethnic groups. This is updated annually and is quality assured by members of the Department's Equality Forum.
- 6.5 The Department liaises with representatives of young people, disability and minority ethnic organisations and takes account of existing and developing good practice. We will respond to requests

for information in alternative formats in a timely manner, usually within 20 working days.

- 6.6 In disseminating information through the media we will seek to advertise in the press where appropriate.
- 6.7 The Department is committed to achieving effective communication with the public. In recognising the growing range of communications channels and the differing needs and preferences of different groups, we will use 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 Department.

Access to services

- 6.8 The Department is committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories. The Department also adheres to the relevant provisions of current anti-discrimination legislation.

Assessing public access to information and services

- 6.9 The Department monitors annually across all its functions, in relation to access to information and services, to ensure equality of opportunity and good relations are promoted.
- 6.10 The Equality Working Group, meeting bi-annually, considers all complaints and issues raised with the Department regarding access to information and services.
- 6.11 Accessibility issues are reviewed annually with the Section 75 representative groups who attend the Equality Forum in the context of the Department's *Guide to Making Information Accessible*.
- 6.12 The accessibility of the services we support is also reviewed regularly through customer satisfaction surveys and other Section 75 surveys.

Chapter 7 Timetable for measures we propose in this equality scheme

(Schedule 9 4. (3) (b))

- 7.1 Appendix 4 outlines our timetable for all measures proposed within this equality scheme. The measures outlined in this timetable will be incorporated into our business planning processes.
- 7.2 This timetable is different from and in addition to our commitment to developing action plans/action measures to specifically address inequalities and further promote equality of opportunity and good relations. We have included in our equality scheme a commitment to develop an action plan. Accordingly, this commitment is listed in the timetable of measures at Appendix 4. For information on these action measures please refer to Chapter 2.

Chapter 8 **Our Section 75 complaints procedure** (Schedule 9 10.)

- 8.1 The Department is responsive to the views of members of the public. We will endeavour to resolve all complaints made to us.
- 8.2 Schedule 9 paragraph 10 of the Act refers to complaints. A person can make a complaint to a public authority if the complainant believes he or she may have been directly affected by an alleged failure of the authority to comply with its approved equality scheme.
- 8.3 The Department has in place a complaints procedure for Section 75 equality of opportunity and good relations issues. Full details are available on the Department's website at:
<http://www.doeni.gov.uk>
- 8.4 If the complaint has not been resolved within a reasonable timescale, the complaint can be brought to the Equality Commission.
- 8.5 A person wishing to make a complaint that the Department has failed to comply with its approved equality scheme should contact:
- The Director of Finance and Business Planning Division
- 6th Floor, Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB
- Telephone number: 028 9054 0820
Email: equality@doeni.gov.uk
Textphone: 028 9054 0642
- 8.6 We will in the first instance acknowledge receipt of each complaint within 3 working days of receipt.
- 8.7 The Director of Finance and Business Planning 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.

- 8.8 During this process the complainant will be kept fully informed of the progress of the investigation into the complaint and of any outcomes.
- 8.9 In any subsequent investigation by the Equality Commission, the Department will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require. Similarly, the Department will co-operate fully with any investigation carried out by the Equality Commission under sub-paragraph 11 (1) (b) of Schedule 9 to the Northern Ireland Act 1998.
- 8.10 The Department 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

(Schedule 9 4. (3) (c))

9.1 The Department's equality scheme is available free of charge in print form and alternative formats from:-

The Private Office and Equality Team
8th Floor
Goodwood House
44-58 May Street
Belfast BT1 4NN

Tel: 028 9025 6060 or 028 9025 6061
Textphone: 028 90540642

9.2 The Department's equality scheme is also available on our website at: <http://www.doeni.gov.uk>

9.3 The following arrangements are in place for the timely publication of our equality scheme to ensure equality of access:-

- We will make every effort to communicate widely the existence and content of our equality scheme to all relevant stakeholders;
- Our equality scheme is available on request in alternative formats and in minority languages to meet the needs of those not fluent in English; and
- We will notify our Section 75 consultees of the availability of our revised equality scheme once it has been approved by the Equality Commission. We will respond to requests for the equality scheme in alternative formats in a timely manner, usually within 20 working days.

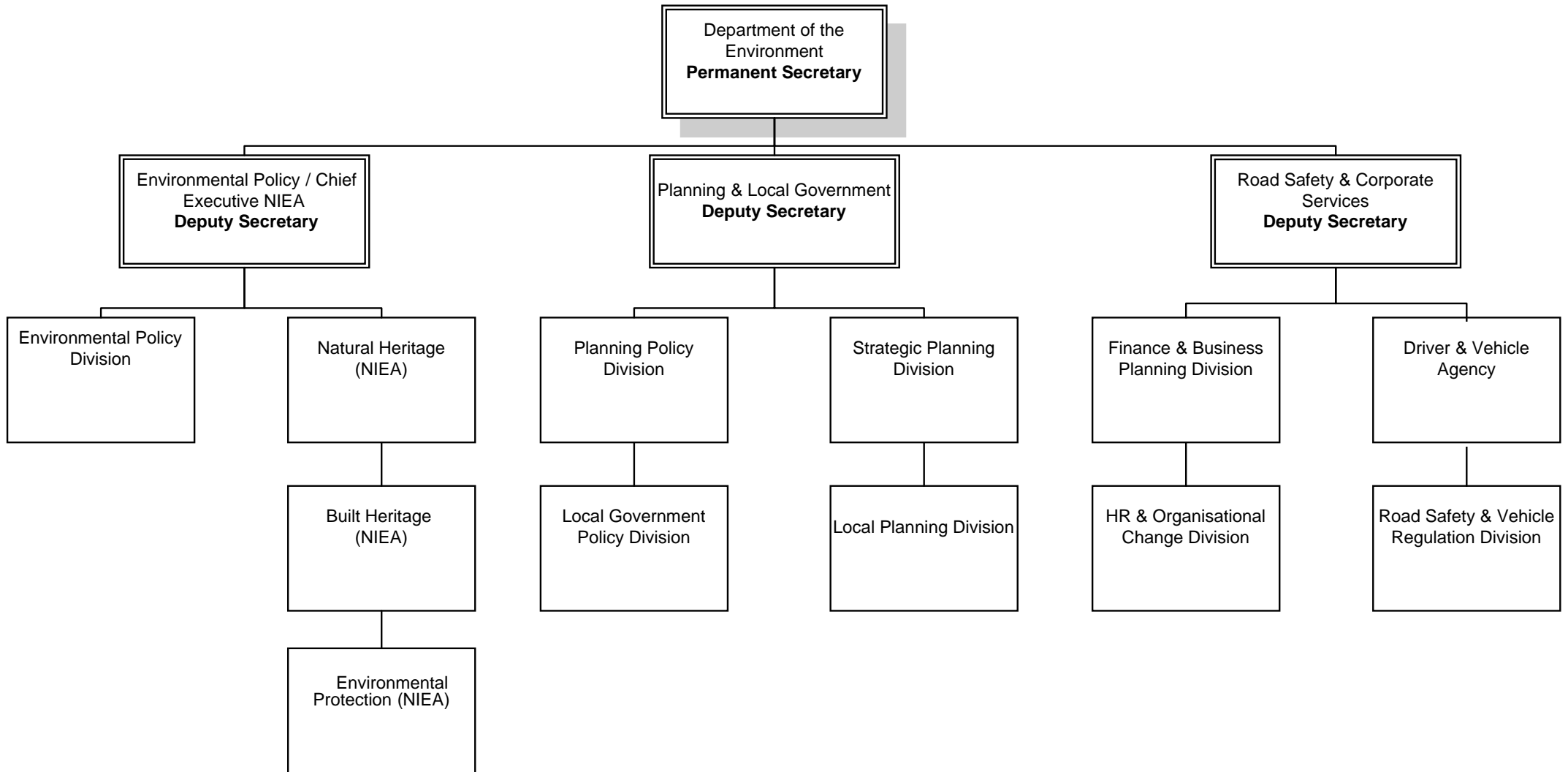
9.4 For a list of our Section 75 consultees please see Appendix 3 of the equality scheme or contact the Equality Team at the address shown above in paragraph 9.1.

Chapter 10 Review of our equality scheme

(Schedule 9 8. (3))

- 10.1 As required by Schedule 9 paragraph 8 (3) of the Northern Ireland Act 1998 we will conduct a thorough review of this equality scheme. This review will take place within five years of submission of this equality scheme to the Equality Commission.
- 10.2 The review will evaluate the effectiveness of our scheme in relation to the implementation of the Section 75 statutory duties relevant to our functions in Northern Ireland.
- 10.3 In undertaking this review we will follow any guidance issued by the Equality Commission. A report of this review will be made available on our website and sent to the Equality Commission.

Appendix 1 DEPARTMENT OF ENVIRONMENT MANAGEMENT STRUCTURE



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

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

Category	Example groups
Religious belief	<p>Buddhist; Catholic; Hindu; Jewish; Muslims, people of no religious belief; Protestants; Sikh; other faiths.</p> <p>For the purposes of Section 75, the term “religious belief” is the same definition as that used in the <i>Fair Employment & Treatment (NI) Order</i>⁹. 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>”.</p>
Political opinion	Nationalist generally; Unionists generally; members/supporters of other political parties.
Racial group	Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; Travellers; White people.
Men and women generally	Men (including boys); Trans-gendered people; Transsexual people; women (including girls).
Marital status	Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.
Age	Children and young people; older people.
Persons with a disability	Persons with disabilities as defined by the Disability Discrimination Act 1995.
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.

⁹ 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.*”

Appendix 3 List of Section 75 consultees (Schedule 9 4. (2) (a))

Age Concern Help the Aged Northern Ireland
Alliance Party of Northern Ireland
An Munia Tober
Bahai Council for NI
Barnardos NI
Belfast Butterfly Club
Belfast Hebrew Congregation
Bishop of Down and Connor
British Deaf Association (NI)
Bryson Charitable Group
Carafriend
Carers Northern Ireland
Children's Law Centre
Chinese Welfare Association
Chrysalis Womens Centre
CO3 Chief Officers 3 rd Sector
Coiste-na n-iarchimi
Commissioner for Children & Young People
Committee on the Administration of Justice
Community Development and Health Network (NI)
Community Relations Council
Community Places
Cruse Bereavement Care (NI)
Democratic Unionist Party
Derry Well Woman
Disability Action
Down's Syndrome Association
Employers Forum on Disability
Equality Commission for NI
Belfast Health
Falls Community Council
Falls Women Centre
Foyle Women's Information Network
FPA NI (formerly Family Planning Association)
Gingerbread NI
Green Party
Indian Community Centre
Institute of Directors

Irish Congress Of Trade Unions - NI Committee (ICTUNI)
Law Centre (NI)
Local Government Staff Commission for NI (LGSC)
Lower North Belfast Community Council
Magherafelt Women's Group
MENCAP
Men's Project
Methodist Church in Ireland
Multi- Cultural Resource Centre
Newry & Mourne Women
NI Anti-Poverty Network
NI Committee of the Irish Congress of Trade Unions
NI Council for Voluntary Action (NICVA)
NI Human Rights Commission
NI Islamic Centre
Northern Ireland Rural Women's Network
NI Women's Aid Federation
NIACRO (Northern Ireland Association for the Care and Resettlement of Offenders)
NIPSA
North West Forum of People with Disabilities (Derry)
Niamh
Northern Ireland Council for Ethnic Minorities
National Society for Prevention of Cruelty to Children
Older People's Advocate
POBAL
Polish Association Northern Ireland
Presbyterian Church In Ireland
Progressive Unionist Party
Royal National Institute for the Blind (NI)
Royal National Institute for the Deaf (NI)
Rural Community Network
Rural Development Council
Rural Support
Save the Children
SDLP
SENSE NI
Sinn Fein
The Senior Citizens Consortium
The Cedar Foundation
The Guide Dogs for the Blind Association
The Rainbow Project

The Women's Centre
Training for Women Network Ltd
Ulster Unionist Party
ULTACH
UNISON Northern Ireland
Volunteer Development Agency
West Belfast Economic Forum
Women's Resource and Development Agency
Women's Support Network
Women's Forum Northern Ireland
Workers Party
Youthnet

This Section 75 consultation list is not exhaustive and is reviewed on an annual basis.

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

Measure	Lead responsibility	Timetable
<p>Reporting</p> <p>Section 75 Annual Progress Report [2.7]</p> <p>Progress reports to Departmental Board [2.12]</p> <p>Equality Working Group meetings [2.13]</p> <p>Equality Forum [2.14]</p>	<p>Director of Finance and Business Planning</p> <p>Director of Finance and Business Planning</p> <p>Equality Team</p> <p>Equality Team</p>	<p>31 August (annually)</p> <p>Bi-annually</p> <p>Bi-annually</p> <p>Annually</p>
<p>Action plan</p> <p>Develop an action plan. [2.17]</p> <p>Consultation on draft action plan [2.21]</p> <p>Finalised action plan published [2.24]</p> <p>Arrangements for monitoring progress in place [2.22] & [2.23]</p>	<p>Equality Team</p> <p>Equality Team</p> <p>Equality Team</p> <p>Equality Team</p>	<p>May 2011</p> <p>February to April 2011</p> <p>May 2011</p> <p>31 August (annually) with Annual Progress Report to ECNI.</p>
<p>Consultation list reviewed and updated [3.21] & [3.22]</p>	<p>Equality Team</p>	<p>Annually</p>
<p>Awareness Raising</p> <p>Inform Section 75</p>		

consultees and Departmental staff of publication of our equality scheme [3.12] [5.4]	Equality Team	Within 1 month of approval by the Equality Commission
Monitoring		
Screening reports [4.21]	Equality Team	Quarterly
Review of monitoring information [4.30]	Equality Team and Departmental statisticians	Within 1 year of approval of scheme.
Publication of monitoring information [4.33]	Equality Team and Departmental statisticians	31 August - Annually with annual progress report
Training		
Development of overall training programme [5.5]	DOE Training Commissioner in association with CAL	Ongoing
Update training [5.7]	DOE Training Commissioner in association with CAL	Ongoing
Evaluation of training [5.8]	DOE Training Commissioner in association with CAL	Ongoing
Assessing access to information and services [6.9]	Equality Team	Annually
Communication of equality scheme [9.3]	Equality Team	Within one month of approval of scheme by ECNI
Notification of consultees [9.3]	Equality Team	Within one month of approval of scheme by ECNI
Review of equality scheme [10.1]	Equality Team	Within 5 years

Appendix 5 Glossary of terms

Action plan

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

Action measures and outcomes

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

Adverse impact

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

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.

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.

Equality impact assessment (EQIA)

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

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.

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.

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.



Department of the Environment

**Section 75 Action Plan
For the period 2011 – 2016**

Background

In April 2010 the Equality Commission for Northern Ireland published new statutory guidance “Section 75 of the Northern Ireland Act 1998: A guide for Public Authorities” (2010). In compliance with this new guidance public authorities were required to produce a new Equality Scheme and an associated Action Plan. This Action Plan was to be informed by carrying out an Audit of Inequalities.

A formal request to carry out the Audit of Inequalities was received by the Permanent Secretary of the Department of the Environment in July 2010. This facilitated a three month period to carry out some initial work in advance of the formal request for a new Equality Scheme which was made by the Equality Commission on 1 November 2010. As provided in the Northern Ireland Act 1998 the deadline for submission of the new scheme to the Commission is 6 months from the date of the call which is therefore 1 May 2011.

The Equality Commission recommended that public authorities took a systematic approach to examining their functions and how these relate to the promotion of equality of opportunity and good relations. It recommended that public authorities undertake an audit of inequalities to identify any inequalities that existed. Specific actions to address the inequalities identified were to be detailed in an Action Plan.

Audit of Inequalities

The Department’s Equality Team co-ordinated input from its business areas in preparation of an Audit of Inequalities.

To undertake an audit of inequalities it was necessary to gather information as an evidence base to inform the audit.

To try to identify any inequalities we used the following sources:

- PSNI road casualty statistics
- Road Safety Monitor
- NI Multiple Deprivation Measure (2010)
- Young Persons Behaviour & Attitude Survey
- NI Travel Survey
- Seat Belt Survey
- DOE Research projects eg ‘Motorcycle Casualties in NI – Statistical Analysis, Causes and Influencing Factors 2009’

- Travellers' Accommodation – Needs Assessment in NI 2008
- 2001 Census
- 2005 Local Government Election Results
- Customer Surveys

In this Action Plan we have classified the key inequalities identified in our Audit as they relate to the functions of the Department. We have set out the actions we are taking in respect of each and the type of measurement we will use to assess progress in tackling these inequalities. We have also set out the monitoring mechanism which we will use together with the timescale involved.

It should be noted that this Action Plan will not form part of the Department's approved Equality Scheme.

This Action Plan will be monitored annually with an update provided to the Equality Commission within the Department's Annual Progress Report on Section 75 which will be published on the Department's website.

Responsibility for monitoring and review of this Action Plan will rest with the Equality Team in association with business areas.

**Department of the Environment – Action Plan 2011-2016
Policy Area – Road Safety and Vehicle Regulation**

Inequality	Action Measures	Performance Indicator	Timescale	Monitoring mechanism
<p>Age (S75(1))</p> <p>Young (17-24 years) male drivers/riders are overrepresented in road collision/casualty statistics allowing for the proportion of driving licences they hold.</p> <p>(New action)</p>	<p>Reduce numbers of young male drivers/riders killed and seriously injured through a coordinated programme of road safety activities, measures and initiatives in line with Northern Ireland's Road Safety Strategy to 2020.</p>	<p>Number of young drivers/riders split by gender killed & seriously injured in collisions.</p> <p>Novice driver casualties: deaths & serious injuries within 6, 12 & 24 months of passing test.</p>	<p>The road safety strategy includes a target to reduce the number of young people (aged 16 to 24) killed or seriously injured in road collisions by at least 55% by 2020.</p>	<p>Annual monitoring and reporting on casualty statistics, performance indicators & progress towards casualty reduction target for 16-24 year old road users.</p>
<p>Age (S75(1))</p> <p>Children & Young People aged up to 24 in rural areas, particularly males, are over represented in casualty & collision statistics.</p> <p>(New action)</p>	<p>Conduct research into the road safety of children and young people in rural areas in NI and recommend action measures to reduce collisions and casualties involving children and young people in rural areas.</p> <p>Consider and, as</p>	<p>Number of children & young people, split by gender, killed & seriously injured in collisions in rural areas.</p>	<p>Carry out research by March 2011.</p>	<p>Annual monitoring and reporting on casualty statistics and performance indicators.</p>

	appropriate, implement recommendations of the research as part of the delivery of the Road Safety Strategy.			
Age (S75(1)) Motorcyclists (particularly young males aged up to 24), are over represented in casualty & collision statistics. (New action)	Consider and, as appropriate, implement recommendations from research into motorcycle casualties as part of the delivery of NI Road Safety Strategy.	Number of young motorcyclists (split by gender) killed & seriously injured in collisions.	Timescales will vary dependent on the complexity of each associated measure. However, the targets in the strategy are for 2020.	Annual monitoring and reporting on casualty statistics and performance indicators.
Age (S75(1)) Children in the most deprived areas are 5 times more likely to be injured in a collision than those in a less deprived area. (New action)	Carry out further research into the link between child deprivation and road safety and identify and develop a range of potential remedial measures. Consider and, as appropriate, implement recommendations of the research as part of the delivery of the Road Safety Strategy.	The new road safety strategy includes a performance indicator to measure the number of child pedestrians killed or seriously injured per capita in 10% most deprived areas compared with 10% least	Carry out research by March 2011. Timescales for implementation will vary dependent on the complexity of each associated measure. However, the targets in the strategy are for 2020.	Annual monitoring and reporting on casualty statistics, performance indicators & progress towards targets.

		deprived.		
<p>People with disabilities (S75(1))</p> <p>Blanket ban on applicants with insulin-treated diabetes for Taxi Driver Licences.</p> <p>(New action)</p>	<p>Consider making changes to legislation following outcome of UK-wide consultation on changes to minimum medical standards for driver licensing, due to be issued in February 2011.</p> <p>Revised minimum medical standards for driver licensing for applicants with insulin-treated diabetes.</p>	<p>DVA statistics showing number of applicants refused taxi driver licence due to insulin-treated diabetes.</p> <p>Statistics showing number of taxi driver licences issued to applicants with insulin-treated diabetes (assuming standards are revised).</p>	<p>Member States must comply with the Directives no later than 25 August 2010 – NI already compliant but under EU Directive, may relax requirements, dependent on outcome of consultation. Any changes would be made later in 2011.</p>	<p>S75 complaints or legal action taken due to current standards.</p> <p>UK case law.</p> <p>Review of outcome.</p>

Policy Area – Driver and Vehicle Agency

Inequality	Action Measures	Performance Indicator	Timescale	Monitoring mechanism
<p>People with disabilities/ Race/ Age/ Gender/ People with dependants (S75(1&2))</p> <p>The Driving Theory Test pass rate for candidates with disabilities, those over 25 years of age, those from ethnic minorities and those who are women with dependants is lower than average.</p> <p>(Ongoing action)</p>	<p>For candidates with disabilities – extra time, reader/ recorder assistance, British Sign Language on-screen video, Lip Speaker, Sign Language Interpreter. Candidates from ethnic minorities – 21 voiceover languages and translator assistance. For women with dependants – varied opening hours including evening and weekend facilities.</p>	<p>% increase in pass rates</p>	<p>Ongoing.</p>	<p>Weekly and monthly operational data.</p>

Policy Area – NI Environment Agency – Public Access (Outreach)

Inequality	Action Measures	Performance Indicator	Timescale	Monitoring mechanism
<p>People with disabilities (S75(1))</p> <p>Visitors with a disability unable to access some NIEA properties or parts of them.</p> <p>(New action)</p>	<p>Review accessibility of major NIEA sites.</p> <p>Collate and provide online information on access for people with disabilities at major NIEA sites.</p>	<p>Report to NIEA Board.</p> <p>Accurate information provided online.</p>	<p>September 2011.</p> <p>March 2012.</p>	<p>On site/online feedback.</p> <p>Section 75 complaints.</p>
<p>Race (S75(2))</p> <p>Language barrier/ lack of awareness deters some ethnic minority groups from visiting NIEA properties.</p> <p>(New action)</p>	<p>Engage with representatives of ethnic minority groups to identify what barriers exist and develop proposals to overcome these.</p> <p>Issue publicity material to ethnic minority groups.</p>	<p>Increased engagement with and use of properties by ethnic minority groups and positive feedback.</p>	<p>March 2012</p> <p>May 2011.</p>	<p>On site/online feedback.</p> <p>Section 75 complaints.</p>

Policy Area – Planning

Inequality	Action Measures	Performance Indicator	Timescale	Monitoring mechanism
<p>Race (S75(2))</p> <p>A recent EQIA monitor on Planning Policy Statement (PPS) 12 indicated that Policy HS 3 could have been perceived as disadvantaging an applicant wishing to obtain planning permission for a ‘Serviced’ site <i>which cannot be accommodated within a settlement, a site adjoining, or in close proximity to a settlement.</i></p> <p>(New action)</p>	<p>Subject to Executive clearance a draft Amendment Policy to Policy HS 3 – Travellers Accommodation will be published for public consultation. It is intended that this amendment will provide appropriate policy provision for all housing tenures for Travellers Accommodation.</p>	<p>% reduction in the number of complaints received.</p>	<p>Spring 2011.</p>	<p>Monitoring of applications for Travellers Accommodation.</p> <p>Section 75 complaints.</p>

Policy Area – Public Appointments

Inequality	Action Measures	Performance Indicator	Timescale	Monitoring mechanism
<p>All S75 Groups. (S75(1&2))</p> <p>Increase the numbers of people across Section 75 groups applying for the Department’s public appointments.</p> <p>(New action)</p>	<p>At the outset of each public appointments competition the Department will consider the best method in which to encourage persons of different religious belief, political opinion, racial group, age, marital status, gender, sexual orientation, and people with disabilities and with dependants to apply for public appointments.</p>	<p>Increase in applications from Section 75 groups.</p>	<p>For each public appointments competition.</p>	<p>OFMDFM Central Appointments Unit Public Appointments Annual Report.</p>