



## **Equality Scheme for Antrim and Newtownabbey Borough Council**

**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 (see page 9 for contact details).**

Approved by the Equality Commission for Northern Ireland on 25 March 2015

## Foreword

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

This equality scheme states the commitment of Antrim and Newtownabbey Borough Council to fulfilling Section 75 statutory duties and the arrangements for this.

We will commit the necessary available 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 will have 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 develop and deliver a programme of communication and training with the aim of ensuring that all our councillors and staff are made fully aware of our equality scheme and understand the commitments and obligations within it. We will develop a programme of awareness raising for our consultees on the Section 75 statutory duties and our commitments in the equality scheme.

We, the Mayor and Chief Executive of Antrim and Newtownabbey Borough Council, 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 duties. It also

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<sup>1</sup> See section 1.1 of our Equality Scheme.

provides a complaints procedure for anyone directly affected by what they consider to be a failure to comply with our equality scheme.

On behalf of Antrim and Newtownabbey Borough Council 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.

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*Councillor T Hogg*  
*Mayor*

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*Mrs J Dixon*  
*Chief Executive*

*Date* \_\_\_\_\_

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# 1 Introduction

## **Section 75 of the Northern Ireland Act 1998**

1.1 Section 75 of the Northern Ireland Act 1998 (the Act) requires Antrim and Newtownabbey Borough Council to comply with two statutory duties:

### Section 75 (1)

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

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

The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive measures to be taken to facilitate the promotion of equality of opportunity between the categories identified in Section 75 (1). The equality duty should not deter a public authority from taking action to address disadvantage among particular sections of society – indeed such action may be an appropriate response to addressing inequalities. There is no conflict between the Section 75 statutory duties and other affirmative action measures or positive action measures which a public authority may undertake under anti-discrimination laws.’

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<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 Antrim and Newtownabbey Borough Council**

1.2 Schedule 9 4. (1) of the Act requires Antrim and Newtownabbey Borough Council 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 a statement of our arrangements for fulfilling the Section 75 statutory duties and our plan for their implementation.

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

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

The roles and functions of councils were established in the Local Government Act 1972 and in other legislation.

The roles and functions of Councils fall within three types - Direct, Representative and Consultative.

- the direct provision of a number of services and facilities
- the promotion of the arts, tourism, community and economic development
- the regulation and licensing of certain activities relating to environmental health, consumer protection and public safety
- a representative role on a number of bodies and boards including Education and Health
- a consultative role in relation to functions conducted by other Government bodies and agencies on issues such as planning, water, roads and housing
- an advocacy role for the people of the Borough

In the performance of the above roles the Council carries out functions in the following areas: (This is not an exhaustive list)

- the provision and maintenance of facilities for recreational, social and cultural activities including leisure centres, community centres,

parks, open spaces, sports and playgrounds and places of entertainment

- street cleansing
- waste collection and disposal
- the provision of burial grounds
- the provision of grant aid to support the Arts, community development, good relations and the promotion of tourism and economic development
- the administration and regulation of certain matters relating to the environment, public health and public safety including building control, food safety, statutory nuisance, dangerous buildings, air pollution, noise pollution, dog control, consumer protection and health and safety
- the licensing and regulation of street trading, places of entertainment, amusement centres, sex establishments, society lotteries, cinemas and petroleum stations
- the making of bye-laws and regulation of same

Under the Review of Public Administration, the two existing Councils of Antrim and Newtownabbey merged on 1 April 2015. Elections to the Council took place on 22 May 2014. Antrim and Newtownabbey Borough Council has 40 Councillors representing 7 District Electoral Areas. The Council operated in shadow form until 31 March 2015 and appointed senior staff, struck rates, and approved business and financial plans for the new council taking on full powers and responsibilities on 1 April 2015.

Powers agreed by the Executive that transferred to local councils in April 2015 included:

### **Planning**

- Local development plan functions
- Development control and enforcement

### **Roads**

- Off street parking (except Park and Ride)



### **Urban regeneration and community development (these powers will transfer in April 2016)**

- Functions associated with physical development (e.g. environmental improvement schemes)
- Area based regeneration (such as Neighbourhood Renewal)
- Some community development programmes for the voluntary and community sectors

### **Local Economic Development (transfer from Invest NI)**

- Start a Business Programme and Enterprise Shows
- Youth Entrepreneurship (such as Prince's Trust and Shell Livewire)
- Social Entrepreneurship
- Investing for Women
- Neighbourhood Renewal funding relating to enterprises initiatives

### **Local Tourism**

- Small scale tourism accommodation development
- Providing business support including business start up advice along with training and
- delivery of customer care schemes
- Providing advice to developers on tourism policies and related issues

### **Other**

- Some elements of the delivery of the EU Rural Development Programme;
- Authority to Spot List to enable Councils to add a building to the statutory list on a temporary basis, subject to ratification by the DOE;
- Authority to draw up local lists of buildings that are of architectural and/or historic interest;
- Armagh County Museum;
- Local water recreational facilities;
- Local sports (greater involvement of local government

## **Functions to transfer from central to local government**

### **Community planning**

- This will provide a framework within which Councils, departments, statutory bodies and other relevant agencies and sectors can work together to develop and implement a shared vision for promoting the economic, social and environmental well-being of their area based on effective engagement with the community.

### **General Power of Competence**

- This will enable a council, in broad terms, to act with similar freedom to an individual, unless there is a law to prevent it from doing so. It would provide a council with the ability to act in its own interest and to develop innovative approaches to addressing issues in its area.

### **Contact Details**

If you have any queries regarding the Equality Scheme or wish to make a complaint alleging a potential failure to comply with the scheme please contact:

Mrs Helen McBride  
Corporate Improvement Manager  
Antrim and Newtownabbey Borough Council  
Mossley Mill  
Newtownabbey  
BT36 5QA

Tel: 028 9034 0038

Text Relay: 18001 028 9034 0038

Email: [helen.mcbride@antrimandnewtownabbey.gov.uk](mailto:helen.mcbride@antrimandnewtownabbey.gov.uk)

Since this Scheme has been approved the Equality contact has changed to the one highlighted below:

Ms Ellen Boyd  
Customer Accessibility and Equality Officer  
Antrim and Newtownabbey Borough Council  
Antrim Civic Centre  
BT41 2UB

028 9446 3113 Ext31020

Email: [ellen.boyd@antrimandnewtownabbey.gov.uk](mailto:ellen.boyd@antrimandnewtownabbey.gov.uk)

The Equality Scheme and relevant documents will be made available as appropriate on the Council website:

[www.antrimandnewtownabbey.gov.uk](http://www.antrimandnewtownabbey.gov.uk)

## **2 Our arrangements for assessing our compliance with the section 75 duties**

(Schedule 9 4. (2) (a))

Some of our arrangements for assessing our compliance with the Section 75 statutory duties are outlined in other relevant parts of this equality scheme eg consulting at section 3, complaints at section 8 (please see contents on page 3 for full list)

### **Responsibilities and reporting**

2.1 We are committed to the fulfilment of our Section 75 obligations in all parts of our work.

2.2 Responsibility for the effective implementation of our equality scheme lies with the Chief Executive. The Chief Executive is accountable to the Council for the development, implementation, maintenance and review of the equality scheme in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998, including any good practice or guidance that has been or may be issued by the Equality Commission.

2.3 If you have any questions or comments regarding our equality scheme, please use the contact details given on page 9.

2.4 Objectives and targets relating to the statutory duties will be integrated into our strategic and operational business plans<sup>3</sup>.

2.5 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.

2.6 Antrim and Newtownabbey Borough Council will liaise closely with the Equality Commission to ensure that progress on the implementation of our Equality Scheme is maintained. The Council will prepare a Section 75 annual progress report which will be sent to the

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<sup>3</sup> See Appendix 4 'Timetable for measures proposed' and section 2.11 of this equality scheme.

Equality Commission in the required format and by the required deadline (currently 31 August). Progress on the delivery of Section 75 statutory duties will also be included in reports on progress against our Corporate Strategy and Business Plans.

2.7 The Section 75 annual progress report will be available on the Council website or on request (see page 9 for contact details).

2.8 Section 75 is mainstreamed across all of the Council Departments. Directors and Heads of Service are responsible for ensuring that Section 75 duties and responsibilities are considered as an integral part of developing and implementing policy.

2.9 Operational responsibility for the delivery of Antrim and Newtownabbey Borough Council's Section 75 duties lies with the Chief Executive.

2.10 The Equality Manager of Antrim and Newtownabbey Borough Council will provide reports to the Management Team and the Council detailing the progress and relevant issues relating to the Section 75 duties.

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

2.11 An action plan to promote equality of opportunity and good relations will be developed within 6 months of 1 April 2015 ie from the date of the new Council taking on full functions.

2.12 The action measures that will make up our action plan will be relevant to the Council functions and will be based on an audit of inequalities. The audit of inequalities will gather and analyse information across the Section 75 categories<sup>4</sup> to identify the inequalities that exist for service users and those affected by Council policies<sup>5</sup>.

2.13 Action measures will be specific, measurable, linked to achievable outcomes, realistic and time bound. Action measures will include performance indicators and timescales for their achievement.

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<sup>4</sup> See section 1.1 of this equality scheme for a list of these categories.

<sup>5</sup> See section 4.1 of this equality scheme for a definition of policies.

2.14 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.

2.15 We will seek input from our stakeholders and consult on our action plan before we send it to the Equality Commission and thereafter when reviewing the plan as per 2.16 below.

2.16 We will monitor our progress on the delivery of our action measures annually and update the action plan as necessary to ensure that it remains effective and relevant to our functions and work ie it is a living document.

2.17 The Council 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.

2.18 Once finalised, our action plan will be available on our website or on request (see contact details on page 9). Please contact us if you require it in an alternative format.

### **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. A list of consultees is provided at Appendix 3 and is also available on our website and on request (see contact details on page 9). Our consultation list is not exhaustive and is reviewed on an annual basis to ensure it remains relevant to our functions and policies.

We welcome enquiries from any person/s or organisations wishing to be added to the list of consultees. Please contact the Equality Manager 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.

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

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

All consultees will initially be made aware of any consultations by email or post. To ensure the most effective use of our and our consultees' resources we will then take a targeted approach to

consultation for those consultees for whom the matter/policy is of particular relevance. This may include for example regional or local consultations, sectoral or thematic consultation etc.

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

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

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

3.2.3 We will consider the accessibility and format of every method of consultation we use in order to remove barriers to the consultation process. Antrim and Newtownabbey Borough Council is committed to achieving effective two way communication with customers and will take account of best practice and guidance. We will evaluate the range of tools and technological innovations which may be used to communicate with customers. 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 will respond to requests for information in alternative formats<sup>6</sup>, in a timely manner, usually within 3 working days. We will ensure that such consultees have equal time to respond.

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



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

3.2.5 To ensure effective consultation with consultees<sup>7</sup> on Section 75 matters, we will develop a programme of awareness raising on the Section 75 statutory duties and the commitments in our equality scheme by undertaking the following:

- Issue a press release when the Equality Scheme is approved by the Equality Commission for Northern Ireland;
- Inform all consultees of how to access a copy of the final Equality Scheme and Action Plan within one month of approval by the Equality Commission for Northern Ireland in a manner suitable to each consultee's needs;
- Provide information in the Council magazines distributed to all homes and businesses in the Antrim and Newtownabbey Borough .

3.2.6 Our aim will be to have consultation periods that last 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 commitments<sup>8</sup>.

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

3.2.7 If a consultation exercise is to take place over a period when consultees are less able to respond, for example, over the summer or

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<sup>7</sup> Please see Appendix 3 for a list of our consultees.

<sup>8</sup> Please see below at 4.27 to 4.31 for details on monitoring.

Christmas break, or if the policy under consideration is particularly complex, we will give consideration to allowing a longer period for the consultation.

3.2.8 We recognise that affected individuals and representative groups may have different needs and will take appropriate measures to ensure full participation in any meetings that are held. We will consider for example the time of day, the appropriateness of the venue, in particular whether it can be accessed by those with disabilities, how the meeting is to be conducted, the use of appropriate language, whether a signer and/or interpreter is necessary, and whether the provision of childcare and support for other carers is required.

3.2.9 We make all relevant information available to consultees in appropriate formats to ensure meaningful consultation. This includes detailed information on the policy proposal being consulted upon and any relevant qualitative and quantitative data. In the case of large volumes of information this may not be circulated but will be available via the Council website, an email link or on request.

3.2.10 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy.

3.2.11 Feedback will be provided to consultees in a timely manner and in a suitable format and will include summary information on the policy consulted upon, a summary of consultees' comments and a summary of our consideration of and response to consultees' input.

## **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 Antrim and Newtownabbey Borough Council will use 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 take account of Equality Commission guidance.

### **Screening**

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

4.5 Screening is completed at the earliest opportunity in the policy development/review process. Policies which we propose to adopt will be subject to screening prior to implementation. For more detailed strategies or policies that are to be put in place through a series of stages, we will screen at various stages during implementation.

4.6 The lead role in the screening of a policy is taken at an operational level by the officer who develops the policy. The Equality Manager will have an advisory role. Where possible stakeholders will be included in the screening process.

4.7 The following questions will be 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 will gather relevant information and data, both qualitative and quantitative and 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 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 mitigation<sup>9</sup> or an alternative policy proposed to be adopted
3. the policy has been 'screened out' without mitigation or an alternative policy proposed to be adopted.

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<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.

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 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 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.

4.12 If our screening concludes that the likely impact of a policy is 'none', in respect of all of the equality of opportunity and/or good relations categories, we may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, we will give details of the reasons for the decision taken.

All screening decisions will be 'signed off' by the appropriate Head of Service/Director within the Council.

4.13 Screening templates will be available on the Council website and on request (see page 9 for contact details).

4.14 If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, we will review the screening decision.

4.15 Our screening reports will be published quarterly.

## **Equality impact assessment**

4.16 An equality impact assessment (EQIA) is a thorough and systematic analysis of a policy whether that policy is formal or informal, and irrespective of the scope of that policy. The primary function of an EQIA is to determine the extent of any impact of a policy upon the Section 75 categories and to determine if the impact is an adverse one. It is also an opportunity to demonstrate the likely positive outcomes of a policy and to seek ways to more effectively promote equality of opportunity and good relations.

4.17 Once a policy is screened and screening has identified that an equality impact assessment is necessary, we will carry out the EQIA in accordance with Equality Commission guidance. Apart from exceptional circumstances (section 3.2.6 refers) 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). (See section 3 "Our Arrangements for Consulting").

## **Our arrangements for publishing the results of the assessments of the likely impact of policies we have adopted or propose to adopt on the promotion of equality of opportunity**

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

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

## **What we publish**

4.20 Screening reports -These are published quarterly and include:

- All policies screened by the Council over that period
- A statement of the aim(s) of the policies
- 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: 'screened in' for equality impact assessment, 'screened out' with or without mitigation or an alternative policy proposed to be adopted.
- Where applicable, a timetable for conducting equality impact assessments
- A link to the completed screening template(s) on our website

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

4.22 Equality impact assessments - EQIA reports are published once the impact assessment has been completed. These reports include:

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

### **How we publish the information**

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

### **Where we publish the information**

4.24 The results of our assessments (screening reports and completed templates, the results of equality impact assessments) will be available on the Council website and on request (see page 9).

4.25 In addition to the above, screening reports will be also sent directly to all consultees on a quarterly basis.

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

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

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

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

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

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

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

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



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

4.31 We will review our EQIA monitoring information on an annual basis. Other monitoring information is reviewed by relevant managers on an on-going basis and at least annually.

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

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

4.33 EQIA monitoring information is published as part of our Section 75 annual progress report [see 2.7]

4.34 All information published is accessible and can be made available in alternative formats on request.

## **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 Chief Executive wishes to positively communicate the commitment of Antrim and Newtownabbey Borough Council to the Section 75 statutory duties, both internally and externally.

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

### **Training objectives**

5.3 Antrim and Newtownabbey Borough Council will draw up a detailed training plan for its staff and elected members which will aim 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 and elected members 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 Antrim and Newtownabbey Borough Council's equality scheme with the necessary skills and knowledge to do this work effectively.

Training programmes are drawn up on the basis of annual staff appraisals.

### **Awareness raising and training arrangements**

5.4 The following arrangements are in place to ensure all our staff and elected members are aware of and understand our equality obligations.

- We will develop a summary of this equality scheme and make it available to all staff.
- We will provide access to copies of the full equality scheme for all staff; ensure that any queries or questions of clarification from staff are addressed effectively.
- Council staff will receive a briefing on this equality scheme within six months of the approval of the scheme.
- The Section 75 statutory duties form part of induction training for new staff.
- Focused training is provided for key staff within the Council 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 staff are aware of the issues experienced by the range of Section 75 groups.
- When appropriate and on an ongoing basis, arrangements will be made to ensure staff are kept up to date with Section 75 developments.

5.5 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, Antrim and Newtownabbey Borough Council will, where possible, work closely with other bodies and agencies in the development and delivery of training.

### **Monitoring and evaluation**

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

- We evaluate the extent to which all participants in the 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.

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

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

6.1 Antrim and Newtownabbey Borough Council is committed to ensuring that the information we disseminate and the services we provide are fully accessible to all parts of the community in Northern Ireland. We keep our arrangements under review to ensure that this remains the case.

6.2 We are aware that some groups will not have the same access to information as others.

In particular:

- People with sensory, learning, communication and mobility disabilities may require printed information in other formats.
- Members of ethnic minority groups, whose first language is not English, may have difficulties with information provided only in English.
- Children and young people may not be able to fully access or understand information.

### **Access to information**

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

Alternative formats may include Easy Read, Braille, audio formats (CD, mp3 or DAISY), large print or minority languages to meet the needs of those for whom English is not their first language. The Council will take account of existing and developing good practice.

We will respond to requests for information in alternative formats in a timely manner, usually within three working days.

Managers will consider how best to provide information to ensure that it reaches and is appropriate for the target audience.

6.4 In disseminating information through the media we will seek to advertise in the press where appropriate.

6.5 Information will be available on the Council website and will also be disseminated through Council magazines distributed to all homes and businesses in the Antrim and Newtownabbey Borough.

### **Access to services**

6.6 Antrim and Newtownabbey Borough Council is committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories. Antrim and Newtownabbey Borough Council also adheres to the relevant provisions of current anti-discrimination legislation.

6.7 Antrim and Newtownabbey Councils have carried out accessibility audits and taken appropriate action based on these to ensure public access to services. Information is also available on accessibility of venues within the Antrim and Newtownabbey Borough. This has been developed in conjunction with DisabledGo.

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

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

6.9 Monitoring will be co-ordinated by the Equality Manager, Antrim and Newtownabbey Borough Council and information will be included in the Annual Progress Report.

## **7 Timetable for measures we propose in this equality scheme**

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

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

## **8 Our complaints procedure**

(Schedule 9 10.)

8.1 Antrim and Newtownabbey Borough Council 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. 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 Antrim and Newtownabbey Borough Council has failed to comply with its approved equality scheme should contact the Council as indicated on page 9.

8.4 We will in the first instance acknowledge receipt of each complaint within three working days.

8.5 The appropriate officers will carry out an internal investigation of the complaint and will respond substantively to the complainant within one (1) month of the date of receiving the letter of complaint. Under certain circumstances, if the complexity of the matter requires a longer period, the period for response to the complainant may be extended to two (2) months. In those circumstances, the complainant will be advised of the extended period within one month of making the complaint.

8.6 During this process the complainant will be kept fully informed of the progress of the investigation into the complaint and of any outcomes.

8.7 In any subsequent investigation by the Equality Commission, Antrim and Newtownabbey Borough Council will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require.



Similarly, Antrim and Newtownabbey Borough Council will co-operate fully with any investigation by the Equality Commission under subparagraph 11 (1) (b) of Schedule 9 to the Northern Ireland Act 1998.

8.8 Antrim and Newtownabbey Borough Council will make all efforts to implement promptly and in full any recommendations arising out of any Commission investigation.

Since this Scheme has been approved we have updated our complaints procedure. Please follow the link to new procedure:  
<https://antrimandnewtownabbey.gov.uk/report/formal-complaint/>

## **9 Publication of our equality scheme**

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

9.1 Our equality scheme is available free of charge in print form and alternative formats on request from Antrim and Newtownabbey Borough Council (see page 9):

9.2 Our equality scheme is also available on our website at:

[www.antrimandnewtownabbey.gov.uk](http://www.antrimandnewtownabbey.gov.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, prominent advertisements in the press, the internet and direct mail shots to groups representing the various categories in Section 75.
- Where possible we will email a link to our approved equality scheme to our consultees on our consultation lists. Other consultees without e-mail will be notified by letter that the scheme is available on request. We will respond to requests for the equality scheme in alternative formats in a timely manner, usually within 3 working days.
- Our equality scheme is available on request in alternative formats such as Easy Read, Braille, large print, audio formats ( CD, mp3, DAISY) and in minority languages to meet the needs of those not fluent in English.
- A summary of the equality scheme will be written and made available to all Council Members and employees and will be available in a range of formats on request.

## **10 Review of our equality scheme**

(Schedule 9 8. (3))

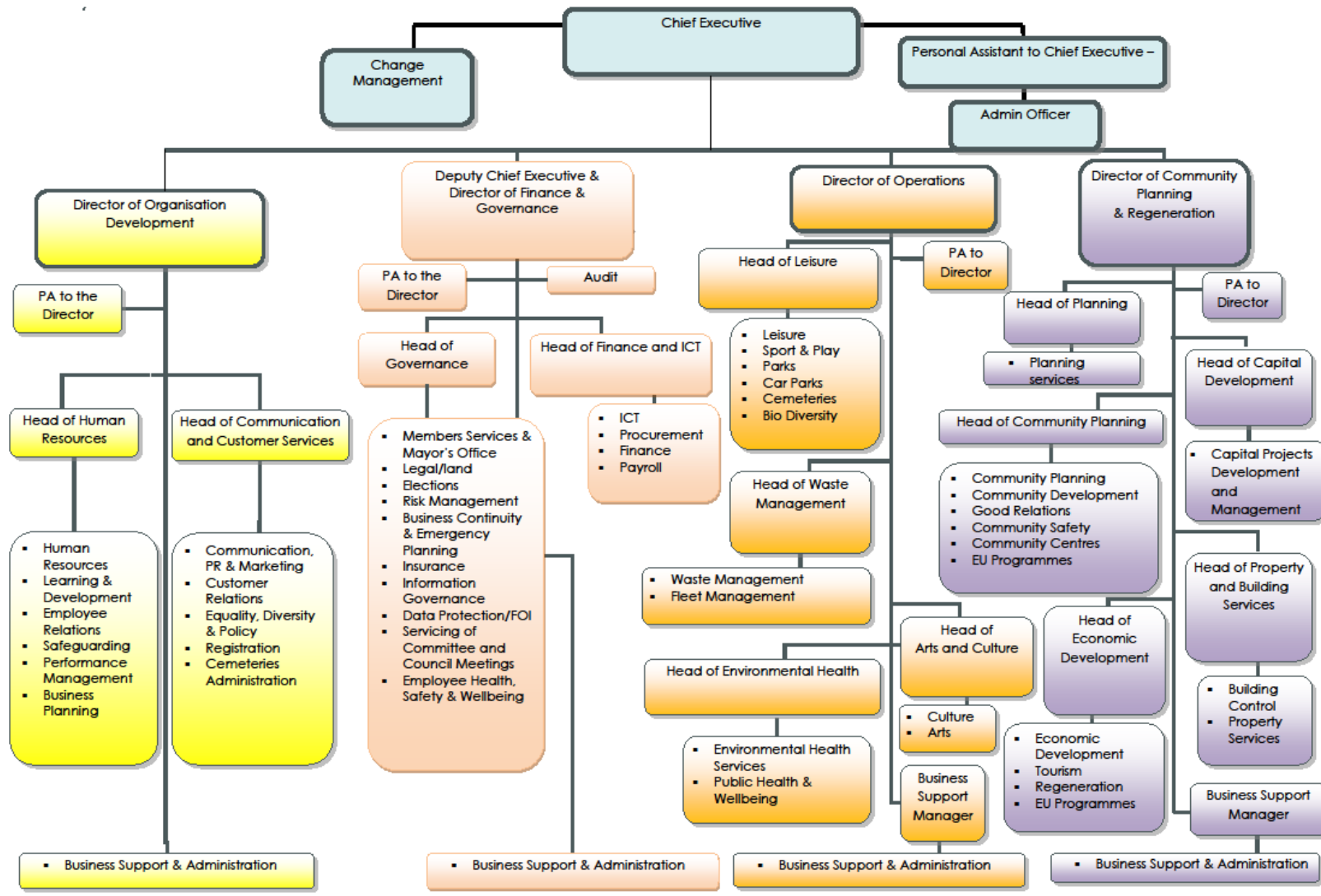
10.1 As required by Schedule 9 paragraph 8 (3) of the Northern Ireland Act 1998 we will conduct a thorough review of this equality scheme. This review will take place either within five years of submission of this equality scheme to the Equality Commission or within a shorter timescale to allow alignment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

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

10.2 In undertaking this review we will follow the relevant guidance issued by the Equality Commission. A report of this review will be made public by inclusion on the Council's website and sent to the Equality Commission.

# Appendix 1 Organisational chart \*

**ANDC Updated Structure March 2015**



\*This is the current draft organisational chart which will be refined over time.

## 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 &amp; Treatment (NI) Order</i><sup>10</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>”.</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.

<sup>10</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.*”

## **Appendix 3 List of consultees**

(Schedule 9 4. (2) (a))

The consultation list given below is indicative and will be reviewed as appropriate to ensure it remains relevant to the functions of Council.

### **Religious Belief**

1st Antrim Presbyterian Church  
1st Donegore Presbyterian Church  
1st Randalstown & Duneane Presbyterian Church  
2nd Donegore Presbyterian Church  
2nd Randalstown Presbyterian Church  
Antrim Baptist Church  
Antrim Community Churches  
Antrim Congregation of Jehovah's Witnesses  
Antrim Free Presbyterian Church  
Antrim Gospel Hall  
Antrim Methodist Church  
Antrim Old Presbyterian (Non Subscribing) Church  
Apostolic Church  
Apostolic Work  
Association of Baptist Churches in Ireland  
Bahá'í Community of Newtownabbey  
Belfast Hebrew Congregation  
Belfast Islamic Centre  
Christian Fellowship Church  
Church of Ireland - Glenavy Parish  
Church of Ireland Bishop of Connor  
Church of Jesus Christ and Latter Day Saints  
Church of St MacNissi  
Clonkeen Gospel Hall  
Drummaul, Duneane & Ballyscullion Parish Churches  
Eilm Pentecostal  
Free Presbyterian Church in Newtownabbey  
Greystone Road Presbyterian Church  
Haven Christian Centre  
High Street Presbyterian Church  
Killead and Loanends Presbyterian Churches  
Meeting House  
Muckamore Presbyterian Church  
Parish of Antrim  
Quakers Religious Society of Friends  
Randalstown Free Presbyterian Church  
Randalstown Presbyterian Church (Old Congregation)  
St Joseph's Church  
St Judes Church of Ireland  
Templepatrick Presbyterian Church  
The Church of Jesus Christ of Latter Day Saints  
The Methodist President  
The Presbyterian Moderator  
The Roman Catholic Bishop of Down & Connor  
United Parishes of Templepatrick & Donegore

**Political Opinion**

Alliance Party  
Democratic Unionist Party  
Green Party  
Labour Party NI  
Sinn Fein  
Social Democratic & Labour Party  
Traditional Unionist Voice  
Ulster Unionist Party  
Workers Party

**Racial Group**

African & Caribbean Support Organisation  
An Munia Tober  
Chinese Welfare Association  
Indian Community Centre  
Multi-Cultural Resource Centre  
NI Council for Ethnic Minorities (NICEM)  
NI Filipino Association  
NI Muslim Family Association

**Age**

Age NI  
Age Sector Platform  
Antrim Youth Information & Counselling Centre  
Ballymena Area Children's Contact Service  
Barnardos  
Child Poverty Action Group NI  
Children in Northern Ireland  
Children's Law Centre  
Commissioner For Older People for N.I.  
NEELB Youth Service  
Newtownabbey Senior Citizens' Forum  
NSPCC  
Save the Children  
Youth Council for Northern Ireland

**Marital Status**

Mediation NI  
Relate NI

**Sexual Orientation**

Belfast Butterfly Club  
Cara-friend  
Coalition on Sexual Orientation (COSO)  
Gay & Lesbian Youth NI  
GLYNI/Cara-Friend  
Lesbian Line  
NIGRA (NI Gay Rights Association)

## **Gender**

All Saints Mothers' Union  
Antrim Trefoil Guild  
Antrim Women's Institute  
Association of Baha'i Women  
Caddy Women's Group  
Crumlin Flower Club  
Crumlin Mothers' Union  
Crumlin Presbyterian Women's Association  
Crumlin Women's Institute  
Empowering Women in the Community  
Family Planning Association NI  
Head Quarters Randalstown Women's Institute  
Men's Shed Antrim  
Millmount Craft Group  
Muckamore Women's Institute  
NI Rural Women's Network  
NI Women's Aid Federation  
NI Women's European Platform (NIWEP)  
St Jude's Mothers' Union Muckamore  
Steeple Wives Club  
Templepatrick Women's Institute  
Time for Me  
Toomebridge & District Women's Group  
Women's Forum NI  
Women's Information Group NI (WINI)  
Women's Resource and Development Agency (WRDA)  
Women's Support Network

## **Disability**

Action Mental Health  
Action on Hearing Loss  
AFASIC NI  
Alzheimer's Society  
Alzheimer's Society  
AMH New Horizons  
Antrim Borough Council Multiple Sclerosis Support Group  
Arthritis Care  
Autism NI (PAPA)  
Autism NI Antrim Community Group  
Bringing Hope to People with Cancer  
Deaf Association (NI)  
Disability Action  
Down's Syndrome Association  
M S Society  
MacMillan Cancer Support - Antrim  
Marie Curie Cancer Care  
MENCAP (Royal Society for Mentally Handicapped Children and Adults)  
Mindwise  
MS Society of GB & NI - Antrim Branch  
Newtownabbey Access Group



Consultee Categories      Organisation  
NHSCT MacMillan Volunteer Service  
NI Association for Mental Health  
NI Dyslexia Association  
Parkinson Disease Society  
Parkinson's UK Northern Ireland  
PHAB  
Praxis Mental Health  
Rehability  
RNIB  
RNIB  
Royal National Institute for the Blind (NI)  
Sense NI  
Society of Parents and Friends of Muckamore Abbey  
Stroke Association  
The Bridge Association  
The Cedar Foundation  
The Guide Dogs for the Blind Association

### **Dependents**

Antrim Family Centre  
Carers Northern Ireland  
Family Caring Centre  
Gingerbread NI  
Homestart - Antrim & Outreach  
Kinship Care NI - Caring for Kin

### **Equality and Good Relations Organisations**

Committee on the Administration of Justice  
Community Relations Forum  
Equality Coalition  
Equality Commission for NI  
Equality Forum  
Labour Relations Agency  
NI Human Rights Commission (NIHRC)  
NICRC (Community Relations Council)  
Northern Ireland Commissioner for Children & Young People  
Rural Community Network

### **Community and Voluntary Organisations**

Chief Officers Third Sector  
Community Development & Health Network NI  
NI Council for Voluntary Action (NICVA)

### **Education Bodies**

Council for Catholic Maintained Schools  
Department of Education  
International Students Society at Jordanstown  
North Eastern Education & Library Board  
NUS/USI NI

### **Trade Unions**

GMB Trade Union  
NI Committee Irish Congress of Trade Unions (NIC-ICTU)  
NIPSA  
Union of Construction Allied Traders & Technicians  
UNISON NI  
Unite the Union

### **Councils**

All Borough, District and City Councils in Northern Ireland

### **Health Trusts**

Belfast Health & Social Care Trust  
Northern Health & Social Care Trust

### **Government Departments etc**

DOE Local Government Division  
NI Office Human Rights & Equality Unit  
Northern Ireland Office  
Office of the First Minister and Deputy First Minister

### **Councillors, MLAs and MPs**

All Newtownabbey Councillors  
Local MLAs  
MPs

### **Other Organisations**

Antrim Voluntary Welfare Group  
Antrim Bands Forum  
Antrim Borough Arts & Heritage Committee  
Antrim Borough Council Home Accident Prevention Group  
Antrim Civic Forum  
Antrim Community Development Association  
Antrim Community Forum  
Antrim District Citizens Advice Bureau  
Antrim Enterprise Agency  
Antrim Lions Club  
Antrim Rotary Club  
Antrim Sports Advisory Association  
Ballydunmaul Community Association  
Camlin Credit Union  
Community Group  
Community Rescue Service, Antrim Branch  
Crumlin Initiatives Group  
Crumlin Together  
Dunadry Community Association

Dundrod & District Rural Community Association  
Farranshane Community Trust  
Greystone Residents Association  
Harper Adams in Ireland  
Heritage Lottery Fund NI  
Hope & a Future: Ethiopian Schools Project  
Information Commissioner  
Inter Estate Partnership  
League of Friend of Antrim Area Hospital  
Living Rivers Lighthouse  
Moneyglass Community Centre  
Muckamore Parish Development Association  
Newpark & Caulside Community Association  
NI Housing Executive Newtownabbey 1  
NI Housing Executive Newtownabbey 2  
NI Statistics and Research Agency (NISRA)  
NI Tourist Board  
NILGOSC  
Parkgate & District Community Group  
Parkhall Community Association  
POBAL  
Police Service of Northern Ireland  
Randalstown ARCHES Association  
Randalstown Chamber of Trade  
Royal British Legion - Randalstown Branch  
SELB, Room 304  
Sixmile Water Trust  
South Antrim Community Network  
South Antrim Community Transport  
Special EU Programmes Body  
St Vincent De Paul - St Comgalls  
St Vincent De Paul - St Josephs  
Steeple Community Association  
Templepatrick Action Community Association  
The Local Government Staff Commission for NI (LGSC)  
TIDAL Ltd  
Toome Association of Community Groups  
Ulster Scots Agency  
Ulster Scots Agency  
Volunteer Now, Broughshane House

## Appendix 4 Timetable for measures proposed

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

<b>Measure</b>	<b>Lead responsibility</b> (subject to change due to restructuring)	<b>Timetable</b>
<b>Annual Review</b> Section 75 Annual Progress Report [2.7]	Corporate Improvement Manager, Newtownabbey Borough Council/ Chief Executive Antrim and Newtownabbey Borough Council	31 August (annually)
<b>Action plan</b> Consultation on draft action plan [2.15]  Arrangements for monitoring progress in place [2.16]  Finalised action plan published [2.18]	Corporate Improvement Manager  Corporate Improvement Manager  Corporate Improvement Manager	June– August 2015  Sept 2015  Sept 2015
<b>Consultation</b> Consultation list reviewed and updated [3.1]	Corporate Improvement Manager	September (annually)
<b>Screening</b> Screening Reports [4.15]	Corporate Improvement Manager	Quarterly
<b>Monitoring</b> Review of monitoring information [4.31]	Corporate Improvement Manager	Annually
<b>Training</b>		

<b>Measure</b>	<b>Lead responsibility</b> (subject to change due to restructuring)	<b>Timetable</b>
Development of summary scheme [5.4]	Corporate Improvement Manager	Within 2 months of approval of Scheme
Development of overall training programme [5.5]	Corporate Improvement Manager/Training and Development Manager	Within 6 months of new Council
Evaluation of training [5.6]	Training and Development Manager	Annually
<b>Information access</b>		
Assessing access to information and services [6.9]	Corporate Improvement Manager	Annually
<b>Publication</b>		
Communication of equality scheme [9.3]	Corporate Improvement Manager	Within one month of approval of scheme
Notification of consultees [9.3]	Corporate Improvement Manager	Within one month of approval of scheme
<b>Review of scheme</b>		
Review of equality scheme [10.1]	Corporate Improvement Manager	In conjunction with timescale for Corporate Plan

## **Appendix 5 Glossary of terms**

### **Action plan**

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

### **Action measures and outcomes**

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

### **Adverse impact**

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

### **Affirmative action**

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

### **Article 55 Review**

Under the Fair Employment and Treatment (NI) Order 1998, all registered employers must conduct periodic reviews of the composition of their workforces and of their employment practices for the purposes of determining whether members of the Protestant and Roman Catholic communities are enjoying, and are likely to continue to enjoy, fair participation in employment in each employer's concern.

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

## **Audit of inequalities**

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

## **Consultation**

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

## **Council of Europe**

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

## **Desk audit**

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

## **Differential impact**

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

## **Discrimination**

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

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

Brief descriptions of these above terms follow:

#### Direct discrimination

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

#### Indirect discrimination

The definition of this term varies across some of the anti-discrimination laws, but indirect discrimination generally occurs where a public authority applies to all persons a particular provision, criterion or practice, but which is one that has the effect of placing people who share a particular equality characteristic (e.g. the same sex, or religious belief, or race) at a particular disadvantage compared to other people. A provision, criterion or practice that is indirectly discriminatory will normally be unlawful unless (a) it can be objectively justified, or (b) the public authority can rely on a statutory exception that permits it.

#### Disability discrimination

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

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



disadvantages experienced by disabled people in those circumstances.

### Victimisation

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

### Harassment

Harassment generally occurs where a person is subjected to unwanted conduct that is related to a non-discrimination ground with the purpose, or which has the effect, of violating their dignity or of creating for them an intimidating, hostile, degrading, humiliating or offensive environment. Harassment cannot be justified and is always unlawful.

## **Economic appraisal**

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

## **Equality impact assessment**

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

## **Equality of opportunity**

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

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

## **Equality scheme**

A document which outlines a public authority's arrangements for complying with its Section 75 obligations. An equality scheme must include an outline of

the public authority's arrangements for carrying out consultations, screening, equality impact assessments, monitoring, training and arrangements for ensuring access to information and services.

### **Good relations**

Although not defined in the legislation, the Commission has agreed the following working definition of good relations: 'the growth of relations and structures for Northern Ireland that acknowledge the religious, political and racial context of this society, and that seek to promote respect, equity and trust, and embrace diversity in all its forms'.

### **Mainstreaming equality**

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

### **Mitigation of adverse impact**

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

### **Monitoring**

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

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

### **Northern Ireland Act**

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

## **Northern Ireland Human Rights Commission**

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

## **Northern Ireland Statistics & Research Agency (NISRA)**

The Northern Ireland Statistics and Research Agency (NISRA) is an Executive Agency within the Department of Finance and Personnel (DFP). They provide statistical and research information regarding Northern Ireland issues and provide registration services to the public in the most effective and efficient way.

## **OFM/dFM**

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.