

***Equality scheme for the Arts Council of
Northern Ireland (ACNI)***

***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 8 for
contact details).***

Approved by the Equality Commission for Northern Ireland February 2013

Updated August 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 Act¹.

In our equality scheme we set out how ACNI proposes to fulfill the Section 75 statutory duties.

We will 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 commit 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 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 develop a programme of awareness raising for our consultees on the Section 75 statutory duties and our commitments in our equality scheme.

We, Bob Collins (chair) and Roisin McDonough (CEO) of ACNI, 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 failure, on our part, to comply with our equality scheme, can make complaints.

¹ See section 1.1 of our Equality Scheme

On behalf of ACNI 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.

Chair

Bob Collins

Chief Executive

Roisín McDonough

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Chapter 1 Introduction

Section 75 of the Northern Ireland Act 1998

1.1 Section 75 of the Northern Ireland Act 1998 (the Act) requires ACNI 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 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 a detailed explanation of our functions.

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

1.2 Schedule 9 4. (1) of the Act requires ACNI 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.

1.3 ACNI is committed to the discharge of its 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

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

and that our equality scheme can be implemented effectively.

Who we are and what we do

ACNI is a non-departmental public body (NDPB) of the Department of Culture Art and Leisure (DCAL). It is governed by a board, known as the Council, which sets the strategic direction for the Arts Council and oversees the work of the Executive.

It is the lead development agency for the arts in Northern Ireland and the main support for artists and arts organisations, offering a broad range of funding opportunities through our Exchequer and National Lottery funds.

ACNI was established in 1962 as a successor to the Committee for the Encouragement of Music and the Arts (CEMA) which had operated since 1942. It became a statutory body on 1st September 1995. Its functions are set out in Article 4 (1) of the Arts Council (Northern Ireland) Order 1995 and include developing appreciation of and access to the arts, encouraging the provision of arts facilities, advising government departments on matters relating to the arts and advocating the causes of arts to government and other significant stakeholders.

ACNI's mission is to place the arts at the heart of our social, economic and creative life.

ACNI currently employs 66 staff. ACNI strives to comply with good practice in procurement policy, closely liaising with the Central Procurement Directorate (CPD) within the Department for Finance and Personnel (DfP).

Chapter 2 Our arrangements for assessing our compliance with the section 75 duties (Schedule 9 4. (2) (a))

2.1 Some of our arrangements for assessing our compliance with the Section 75 statutory duties are outlined in other relevant parts of this equality scheme.

In addition we have the following arrangements in place for assessing our compliance:

Responsibilities and reporting

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

2.3 Responsibility for the effective implementation of our equality scheme lies with the Chief Executive. The Chief Executive is accountable to the Board of ACNI 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.

2.4 If you have any questions or comments regarding our equality scheme, please contact in the first instance the Policy and Research Team at the address given below and we will respond to you as soon as possible:

Policy and Research Team
MacNeice House
77 Malone Road
Belfast
BT9 6AQ

Tel: 028 9038 5243
Fax: 028 9066 1715
Textphone: 18001 028 9038 5200
Email: gstevenson@artscouncil-ni.org or
 alilley@artscouncil-ni.org

2.5 Objectives and targets relating to the statutory duties will be integrated into our strategic 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 ACNI prepares an annual report 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).

The Section 75 annual progress report will be sent to the Equality Commission by 31 August each year and will follow any guidance on annual reporting issued by the Equality Commission.

Progress on the delivery of Section 75 statutory duties will also be included in our (organisational) annual report.

2.8 The latest Section 75 annual progress report is available on our website (www.artscouncil-ni.org) or by contacting the Policy and Research Team.

2.9 ACNI liaises closely with the Equality Commission to ensure that progress on the implementation of our equality scheme is maintained.

2.10 Section 75 is mainstreamed across all ACNI's business areas. The Director of Strategic Development is responsible for ensuring all Section 75 obligations are taken into account in developing and implementing policy. Day to day responsibility for driving forward implementation within ACNI lies with the Policy Development Officer.

An internal Equality Monitoring Working Group drawn from representatives of each business area will provide strategic leadership for the outworkings of the Equality Scheme and its

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

associated Action Plan. The latter document contains details of lead officers responsible for delivery of Equality commitments.

Quarterly meetings of the Equality Monitoring Working Group will take place to oversee and ensure implementation of the Action Plan and adherence to the Equality Scheme. Minutes on progress will be forwarded to the Board of ACNI.

Objectives and targets relating to the statutory duties are integrated into ACNI's strategic and operational plans.

Action plan/action measures

2.11 ACNI has developed an action plan to promote equality of opportunity and good relations. This action plan is set out in Appendix 6 to this equality scheme.

2.12 The action measures that will make up our action plan will be relevant to our functions. They will be developed and prioritised on the basis of an audit of inequalities. The audit of inequalities will gather and analyse information across the Section 75 categories⁴ to identify the inequalities that exist for our service users and those affected by our policies⁵.

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.

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.

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.

2.17 ACNI 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 Our action plan is available on our website at: www.artscouncil-ni.org or by contacting the Policy and Research Team using the details provided above. If you require it in an alternative format please contact us on the details provided. Action Plan progress will be reported in the annual report to the Equality Commission. It will also be reviewed by the ACNI Board.

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)*')

3.2.1 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.

Initially all 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.

3.2.2 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. Specific consideration will be given as to how best to communicate with children and young people, people with disabilities (in particular people with learning disabilities) and minority ethnic communities. We take account of existing and developing good practice, including the Equality Commission's guidance *Let's Talk Let's Listen – Guidance for public authorities on consulting and involving children and young people (2008)*.

ACNI will continue to work closely with The Participation Network which supports the public sector to engage effectively with children and young people.

ACNI is committed to achieve effective communications with the public. Recognising the growing range of communication channels including social media and the differing needs and preferences of groups, ACNI will ensure the use of a range of communication channels to widen access to information and to mitigate the risk that some sections of the public might not enjoy equality of opportunity when accessing information.

Particular care will be taken to ensure that ACNI takes full account of the communication needs of Section 75 groups.

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 equal time to respond.

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 consultees⁶ 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 Statement when the Equality Scheme is approved by the Equality Commission
- Circulate a link to the final Equality Scheme and Action Plan to all consultees within one month of approval by the Equality Commission by email or post
- Arrange pre-consultation meetings with Section 75 representative groups and stakeholders to discuss specific policies as required.

3.2.6 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, addressing impending legislation or exchequer funding decisions), 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.

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.

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

3.2.7 a consultation exercise is to take place over a period when consultees are less able to respond, for example, over the summer or Christmas break, or if the policy under consideration is particularly complex, we will give consideration to the feasibility of allowing a longer period for the consultation.

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

3.2.9 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 quantitative and qualitative data.

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 We provide feedback to consultees in a timely manner. A feedback report is prepared which includes summary information on the policy consulted upon, a summary of consultees' comments and a summary of our consideration of and response to consultees' input. The feedback is provided in formats suitable to consultees. (Please see also 6.3)

3.3 A list of our consultees is included in this equality scheme at Appendix 3.

3.4 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 Policy Development Officer at the address above 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 ACNI 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 various stages during implementation.

4.6 The lead role in the screening of a policy is taken by the policy decision maker who has the authority to make changes to that policy. However, screening will also involve other relevant 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 all 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 mitigation⁷ 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.

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

Where we mitigate we will outline in our screening template the reasons to support this decision together with the proposed changes, amendments or alternative policy.

This screening decision will be 'signed off' by the appropriate policy lead within ACNI.

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. This screening decision will be 'signed off' by the appropriate policy lead within ACNI.

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

⁷ 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

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 ACNI.

4.13 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 or on request from the Policy Research Team.

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 are published quarterly [see below at 4.20 - 4.22 and 4.23 for details].

Equality impact assessment

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

4.17 Once a policy is screened and screening has identified that an equality impact assessment is necessary, we will carry out the EQIA in accordance with Equality Commission guidance. The equality impact assessment will be carried out as part of the policy development process, before the policy is implemented.

4.18 Any equality impact assessment will be subject to consultation at the appropriate stage(s). (For details see above 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))

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

What we publish

4.20 Screening reports

These are published quarterly. Screening reports detail:

- All policies screened by ACNI over the three month period
- A statement of the aim(s) of the policy/policies to which the assessment relates
- Consideration given to measures which might mitigate any adverse impact
- Consideration given to alternative policies which might better achieve the promotion of equality of opportunity
- Screening decisions, i.e.:
 - whether the policy has been ‘screened in’ for equality impact assessment.
 - whether the policy has been ‘screened out’ with mitigation or an alternative policy proposed to be adopted.
 - whether the policy has been ‘screened out’ without mitigation or an alternative policy proposed to be adopted.

- Where applicable, a timetable for conducting equality impact assessments
- 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) are available on our website at www.artscouncil-ni.org or by contacting the Policy and Research Team.

4.25 In addition to the above, screening reports (electronic link or hard copy on request if more suitable for recipients) which include all policies screened over a 3 month period are also sent directly to all consultees on 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 ACNI follows guidance from the Office of the Information Commissioner and the Equality Commission.

4.28 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.

4.29 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 if necessary.

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 review our EQIA monitoring information on an annual basis. The Policy Development Officer is based within the Strategic Development Department which is responsible for ACNI research functions. This ensures monitoring is mainstreamed.

Other actions include:

- Monitoring undertaken by business areas is reviewed on a quarterly basis by the Equality Monitoring Working Group
- The Equality Monitoring Working Group report to the ACNI Board on progress
- Processes are in place to review all data collected at point of use. In policy and strategy development ad-hoc surveys have been carried out
- Complaints are reviewed to ensure issues raised by stakeholders are addressed, where appropriate
- The Annual Report to the Equality Commission includes an update on monitoring action undertaken and results
- Results from monitoring will be taken into account in reviewing progress of the Action Plan

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

4.34 Any monitoring undertaken is published on ACNI's website: www.artscouncil-ni.org

4.35 All information published is accessible and can be made available in alternative formats on request. Please see below at 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 Chief Executive wishes to positively communicate the commitment of the ACNI 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 will ensure that our commitment to the Section 75 statutory duties is made clear in all relevant publications.

Training objectives

5.3 ACNI will draw up a detailed training plan for its staff 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 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 ACNI's equality scheme with the necessary skills and knowledge to do this work effectively.

Awareness raising and training arrangements

5.4 The following arrangements are in place to ensure all our staff and Board 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.
- Staff in ACNI will receive a briefing on this equality scheme within one month of after approval of the equality scheme
- The Section 75 statutory duties form part of induction training for new staff.
- Focused training is provided for key staff within ACNI 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.
- Generic equality training is provided by the Centre for Applied Learning (CAL) which is the sole provider of generic training to the public sector.
- Section 75 training courses provided by CAL include: An Introduction to Section 75 and Schedule 9; Equality Impact Assessment Workshop; and Public Consultation and Engagement in the Northern Ireland context.
- Bespoke autism awareness training will be provided to ensure staff are aware of the needs of individuals with ASD

ACNI ensures all staff are kept advised of changes to the Equality Scheme by:

- Dissemination of information to staff via Departmental meetings and internal email

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, ACNI 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 this training programme have acquired the necessary skills and knowledge to achieve each of the above objectives.
- The extent to which training objectives have been met will be reported on as part of the Section 75 annual progress report, which will be sent to the Equality Commission.
- Participants attending CAL courses and any other training are required to complete a post-course evaluation questionnaire. The post course evaluation also informs the regular course reviews and courses are revised accordingly, where appropriate.
- As part of the Performance Management Framework, it is a requirement that line managers discuss training course objectives with their staff and arranger for the appropriate training to take place.
- Annual Personal Development Plans (PDPs) are discussed, agreed and monitored by ACNI line managers and the staff for whom they are responsible. These PDPs are collated within each business area to produce organisational training plans.
- The Equality Monitoring Working Group will monitor attendance at courses and evaluate the extent to which Section 75 training objectives have been met.

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

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

6.1 ACNI 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.

ACNI liaises with representatives of young people and 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 20 working days

- ACNI works with The Participation Network to plan engagement sessions with children and young people and also to publish young person friendly documents

- 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
- ACNI will liaise with representatives of young people, people with disabilities and minority ethnic organisations and take account of existing and developing good practice

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

6.5 ACNI is committed to achieve effective communications with the public. Recognising the growing range of communication channels including social media and the differing needs and preferences of groups, ACNI will ensure the use of a range of communication channels to widen access to information and to mitigate the risk that some sections of the public might not enjoy equality of opportunity when accessing information.

Access to services

6.6 ACNI is committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories.

ACNI also adheres to the relevant provisions of current anti-discrimination legislation.

6.7 Through artform strategies, ACNI strives to increase opportunities for individuals to engage in the arts. In particular, through thematic strategies such as the Arts and Older People Strategy, Intercultural Arts Strategy and Youth Arts Strategy, ACNI seeks to target Section 75 groups. For more detail on these strategies, please visit our website at www.artscouncil-ni.org

Assessing public access to information and services

6.8 ACNI monitors quarterly across all our functions, in relation to access to information and services, to ensure equality of opportunity and good relations are promoted.

6.9 The Equality Monitoring Working Group meets to oversee and ensure implementation of the Action Plan and adherence to the

Equality Scheme as well as to monitor access to information and services to ensure equality of opportunity and good relations are promoted. This will be done by:

- Reporting on the number of publications requested and produced in alternative formats.
- Evidence captured through in house survey tools, including the RFO survey in relation to methods to support access to services provided by funded organisations.
- Report on the progress made/ number of organisations having achieved a Charter Mark.
- Monitoring the number and disaggregation of Premium Payments awarded through the Premium Payments Scheme.
- Monitoring qualitative data provided by our funded organisations.

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 it is listed in the timetable of measures at Appendix 4. For information on these action measures please see above at 2.11 – 2.18.

Chapter 8 Our complaints procedure (Schedule 9 10.)

8.1 ACNI is responsive to the views of members of the public. We will endeavor 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 ACNI has failed to comply with its approved equality scheme should contact:

Chief Executive
MacNeice House 77 Malone
Road Belfast
BT9 6AQ

Tel:	028 9038 5200
Fax:	028 9066 1715
Textphone:	18001 028 9038 5200
Email:	rmcdonough@artscouncil-ni.org

8.4 We will in the first instance acknowledge receipt of each complaint within 3 working days.

8.5 ACNI 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, ACNI will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require.

Similarly, ACNI will co-operate fully with any investigation by the Equality Commission under sub-paragraph 11 (1) (b) of Schedule 9 to the Northern Ireland Act 1998.

8.8 ACNI will make all efforts to implement promptly and in full any recommendations arising out of any Commission investigation.

Chapter 9 Publication of our equality scheme (Schedule 9 4. (3) (c))

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

Policy and Research Team
MacNeice House
77 Malone Road
Belfast
BT9 6AQ

Tel: 028 9038 5243
Fax: 028 9066 1715
Textphone: 18001 028 9038 5200
Email: [gstevenson@artscouncil-ni.org/](mailto:gstevenson@artscouncil-ni.org)
 alilley@artscouncil-ni.org

9.2 Our equality scheme is also available on our website at:
www.artscouncil-ni.org

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.
- 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 20 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.

- ACNI is committed to achieve effective communications with the public. Recognising the growing range of communication channels including social media and the differing needs and preferences of groups, ACNI will ensure the use of a range of communication channels to widen access to information and to mitigate the risk that some sections of the public might not enjoy equality of opportunity when accessing information.

9.4 For a list of our stakeholders and consultees please see Appendix 3 of the equality scheme, visit our website at www.artscouncil-ni.org or contact the Policy and Research Team

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 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.

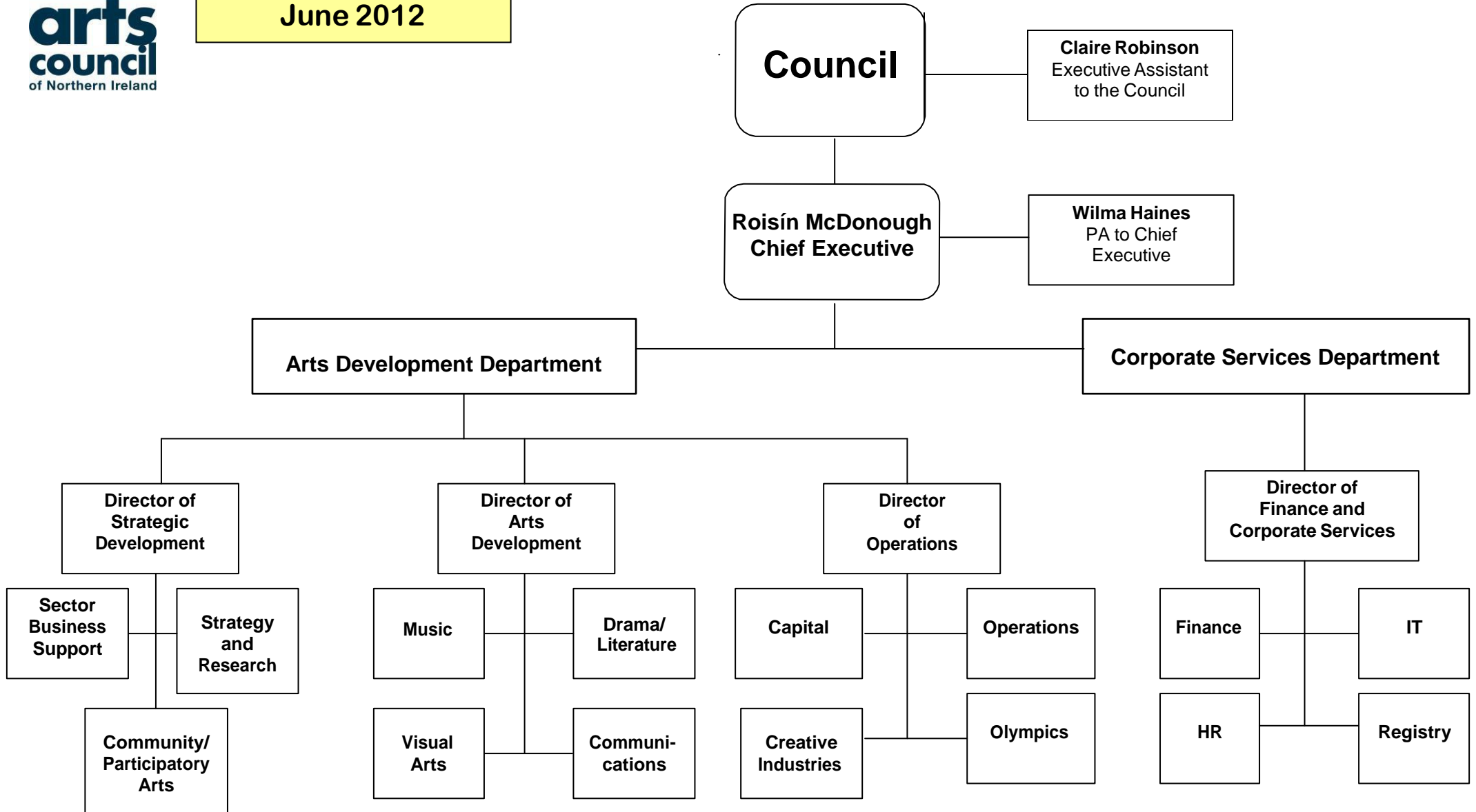
The review will evaluate the effectiveness of our scheme in relation to the implementation of the Section 75 statutory duties relevant to our functions in Northern Ireland.

10.2 In undertaking this review we will follow any guidance issued by the Equality Commission. A report of this review will be made public by publication on ACNI's website with consultees notified of the link by email and sent to the Equality Commission.

Appendix 1 Organisational chart



Organisation Chart
June 2012



Arts Development Department

Noirín McKinney
Director of
Arts Development

Nick Livingston
Director of
Strategic Development

Grainne McCann
Communications
Manager
(part-time)

Suzanne Lyle
Head of
Visual Arts

Rosa Solinas
Head of
Music

Damian Smyth
Head of Drama
& Literature

Fionnuala Walsh
Head of Community/
Participatory Arts
(part-time)

Debra Mulholland
Sector Business
Development Manager

Matthew Hendry
Communications Officer

Sarah Coburn
Media Relations Officer

Claire Hutchinson
Media and
Communications Officer
(part-time)

Meghan Mulligan
Student Placement

Joanna Harvey

Arts *(part-time)*

ADO: Visual
Arts

Maria
ADO:
Traditional Arts

Gilly Campbell

Dance
(maternity leave)

**Joan Dempster/
Lizzie Devlin**
ADO: Community Arts
(job share)

Gavin O'Connor
ADO: Youth Arts

Sonya Whitefield
Development Officer

Ashleigh Craig
Research and

Graeme Stevenson
Policy Officer

Jacqueline Witherow
Policy Development

**Patricia
Curran**
Departmental
Support
Officer

**Anne
Shipton**
AADO

**Julie
McBride**
AADO

**Maria
O'Kane**
AADO & to
Capital
Projects
Officer

**Craig
Corsar**
AADO

**Debbie
Young**
AADO

Arts & Older People
Emma Dargan
Community Development
Officer *(part-time)*

ADO = Arts Development Officer
AADO = Assistant Arts Development Officer

Corporate Services Department

Geoffrey Troughton
Director of Finance and
Corporate Services

Linda Gallagher
Finance Manager
(maternity cover)

Ken Bartley
IT Manager

James McCumiskey
Assistant
Accountant
(temporary)

John Paul Fitzsimons
Assistant Finance
Officer

Paul Houston
Assistant Finance
Officer

Keelam Matthews
Student
Placement

Shanon Downey
HR Officer
(part-time)

HR Officer
(part-time)

Departmental
Support Officer

Louise Richardson
Procurement &
Premises Officer
(temporary)

Francis Pill
IT Officer

Brian Byrne

Joseph Rafferty

IT Officer

Vacancy
Student
Placement

Joe Reilly
Registry Officer

Siobhan McDowell

(part-time)

Toni Cully
Registry Officer

Jenny Gallon
Receptionist

Arts Development Department

Lorraine McDowell
Director of
Operations

Lorraine Calderwood
Capital Projects Officer

Maria Lynch
Operations Officer

Small Grants
Programme Officer

Arts Support Officers:

Joanne Forsyth
Robert Stephenson

Cian Smyth
Creative Programmer

Legacy Trust UK
Programme Co-ordinator
Marlyn Beck
Support Officer

Creative Industries

David McConnell
Officer
Beverly Coomber
Assistant Programme
Officer

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>. 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; Travelers; 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 dependents	Persons with personal responsibility for the care of a child; for the care of a person with a disability; or the care of a dependent older person.
Sexual orientation	Bisexual people; heterosexual people; gay or lesbian people.

Appendix 3 List of consultees

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

EQUALITY OF OPPORTUNITY: LIST OF CONSULTEES
(Note that this list is not exhaustive and is reviewed on an annual basis to ensure it remains relevant.)
ADAPT Northern Ireland
Age NI
Age Sector Platform
Aisling Ghéar
AI – Nisa Association NI
Alliance Party of Northern Ireland
An Gaeláras
An Munia Tober
Antrim Borough Council
Archbishops of Armagh
Ards Borough Council
Armagh City & District Council
Armagh Local Strategy Partnership
Arts & Business Northern Ireland
Association of Chief Officers of Voluntary Organisations
Association of NI Colleges
Bahá'í Faith Northern Ireland
Ballymena Borough Council
Ballymoney Borough Council
Banbridge District Council
Banbridge Local Strategy Partnership
Barnardo's Northern Ireland
BBC Children in Need Trust
Belfast Butterfly Club
Belfast City Council
Belfast Civic Trust
Belfast Education & Library Board
Belfast Hebrew Congregation
Belfast Islamic Centre
Belfast Jewish Community Centre
Belfast Music Society
Bishop of Down & Connor
Bishop of Down and Dromore
Blackie Community Group Association
British Council

Bryson House
Cara-Friend
Carers Northern Ireland
Carrickfergus Borough Council
Castlereagh Borough Council
Cedar Foundation
Child Poverty Action Group
Children in Northern Ireland
Children's Law Centre
Children with Disabilities Strategic Alliance
Chinese Welfare Association
Coalition on Sexual Orientation
Coiste Forbatha Charn Tóchair
Coiste na n-iarchimí
Coleraine Borough Council
Comhaltas Uladh
Commissioner for Older People
Committee for Culture, Arts & Leisure
Committee on the Administration of Justice
Community Foundation for Northern Ireland
Community Development and Health Network NI
Community Relations Council
Conradh na Gaeilge
Conservative Party of Northern Ireland
Cookstown District Council
Council for Maintained Schools
Council for the Homeless
Craigavon Borough Council
Cultúrlann McAdam Ó Fiaich
Cumann Cultúrtha Mhic Reachtain
Deaf Self Help
Democratic Unionist Party
Derry City Council
Derry Well Woman
Disability Action
Down District Council
Down Syndrome Association
Drake Music Project
Dungannon Disability Arts Studio
Dungannon & South Tyrone Borough Council
East Belfast Community Development Agency

Employers' Forum on Disability
Equality Commission for Northern Ireland
Equality Unit, DCAL
European Commission Office in Northern Ireland
Evangelical Alliance Northern Ireland
Falls Community Council
Falls Women's Centre
Fermanagh District Council
Fermanagh Local Strategy Partnership
Foras na Gaeilge (Belfast)
Foyle Friend
Gael Linn
Gay and Lesbian Youth (NI)
Gingerbread NI
Glór na nGael
Grand Orange Lodge of Ireland
Green Party
Guide Dogs for the Blind Association Northern Ireland
Heritage Lottery Fund
Heritage Council of Ireland
ILEX Ltd
Indian Community Centre
Institute of Ulster-Scots Studies
Irish Congress of Trade Unions
Knights of Columbanus
Larne Borough Council
Lesbian Advocacy Services Initiative
Lesbian Line
Limavady Borough Council
Lisburn City Council
Live Music Now!
Local Government Staff Commission for Northern Ireland
Magherafelt District Council
Mencap Northern Ireland
Methodist Church in Ireland
Mid-Ulster Women's Network
Moyle District Council
Multi-Cultural Resource Centre
Museums Association
National Art Collections Fund
National Museums & Galleries of Northern Ireland

Newry & Mourne District Council
Newry & Mourne Women
Newry and Mourne Senior Citizens Consortium
Newtownabbey Borough Council
Newtownabbey Senior Citizens Forum
NIACRO
NICVA
NIFHA
North Down Borough Council
North Eastern Education and Library Board
North West Community Network
North West Forum of People with Disabilities
Northern Ireland Anti-Poverty Network
Northern Ireland Assembly
Northern Ireland Association for Mental Health
Northern Ireland Committee, Irish Congress of Trade Unions
Northern Ireland Council for Ethnic Minorities
Northern Ireland Deaf Youth Association
Northern Ireland Gay Rights Association
Northern Ireland Human Rights Commission
Northern Ireland Local Government Association
Northern Ireland Public Services Alliance
Northern Ireland Rural Development Council
Northern Ireland Rural Women's Network
Northern Ireland Sikh Cultural and Community Centre
Northern Ireland Tourist Board
Northern Ireland Women's Aid Federation
Northern Ireland Women's European Platform
NSPCC Northern Ireland
NUS-USI
Office of the NI Commissioner for Children & Young People
Omagh District Council
Omagh Women's Area Network
Open Arts
Pobal
Presbyterian Church in Ireland
Progressive Unionist Party
Public Health Agency
Queen's University, Belfast
Queer Space
Rainbow Project
Royal National Institute for Blind

Royal National Institute of the Deaf People
Rural Community Network
Rural Development Council NI
Save the Children
Sense Northern Ireland
Share Centre
Simon Community
Sinn Féin
Social Democratic and Labour Party
South Armagh Rural Women's Network
South Eastern Education & Library Board
Southern Education & Library Board
Sperrin Lakeland Senior Citizen Consortium
Strabane District Council
Teach an Cheoil
Tha Boord o Ulster Scots
The National Deaf Children's Society
The Representative Church Body – Church of Ireland
Tí Chulainn
Ulster People's College
Ulster Scots Academy
Ulster Scots Language Society
Ulster Unionist Party
Ulster Scots Heritage Council
Ultach Trust
University of Ulster
Volunteer Development Agency
West Belfast Economic Forum
Western Education & Library Board
Wheelworks
Women into Politics
Women Together for Peace
Women's Centre
Women's Information Group
Women's Resource and Development Agency
Women's Support Network
Workers' Educational Association (Northern Ireland)
Workers Party
Youth Council for Northern Ireland
Youthnet
Youth Action

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

Scheme paragraph	Measure	Lead responsibility	Timetable
2.5	Reflect Section 75 objectives and targets in Corporate and Business Plans	Strategic Development	Annually
2.6	Annual staff appraisals	Line managers	Annually
2.7	Section 75 Annual Progress Report	Strategic Development	31 August (annually)
2.10	Quarterly meetings of the Equality Monitoring Working Group. Minutes forwarded to ACNI's Board and shared with staff	Strategic Development	Quarterly
2.15	Implement/ deliver Action Plan	Strategic Development	Annually
2.16	Monitor progress of Action Plan	Strategic Development	Annually (August)
2.17	Inform Commission of any changes and amendments to the Action Plan	Strategic Development	As required
2.18	Publish final Action Plan	Strategic Development	One month following scheme approval
3.2.5	Programme of awareness raising	Strategic Development	One month following

	on Section 75 and Scheme commitments in place		scheme approval
3.4	Review consultation list of Section 75 contacts	Strategic Development	Annually (August)
4.15	Publication of Screening reports	Strategic Development	Quarterly
4.29	Review of existing information systems and gap analysis	Research and Policy	Within one year of scheme approval
4.31	Annual review of monitoring information	Strategic Development	Annual
4.33	Publication of monitoring information	Strategic Development	By 31 August each year
4.34	Notify consultees of publication of Annual report	Strategic Development	By 30 September each year
5.3	Development of detailed training programme	Human Resources	Within 3 Months of scheme approval. Reviewed annually
5.4	Development of summary scheme	Strategic Development	Within one Month of scheme approval
5.4	Check availability/suitability of focused training for key staff	Human Resources	Annually
5.4	Review/ organised update training	Human Resources	Annually

5.6	Evaluation of training	Human Resources	As required
6.9	Assessing access to information and services	Equality Monitoring Working Group	Annually
9.3	Communication of Equality Scheme	Strategic Development	Ongoing
9.3	Notification of approved scheme to consultees	Strategic Development	Within 3 months of scheme approval
10.1	Review of Equality Scheme	Strategic Development	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 (i.e. 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.

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; and
- 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

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 Equality 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 ever 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.

OFMdFM

The Office of the First Minister and deputy First Minister is responsible for providing advice, guidance, challenge and support to other NI Civil Service Departments on Section 75 issues.

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.

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 Equality 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 Equality Commission, where it believes that a public authority may have failed to comply with its approved Equality Scheme.

Appendix 6 Action plan

Please see separate Action Plan document