

**DRAFT**

**Revised Equality scheme for  
Newry and Mourne District 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).**



**Newry and Mourne District Council  
O'Hagan House  
Monaghan Row  
NEWRY  
BT35 8DJ  
Tel. 028 3031 3031  
Fax. 028 3031 3077  
Website: [www.newryandmourne.gov.uk](http://www.newryandmourne.gov.uk)**

Approved by the Equality Commission for Northern Ireland on XXXXXXXX 2012.

## 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>.

In our equality scheme we set out how Newry and Mourne District Council proposes to fulfil 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, the Mayor and Clerk & Chief Executive of Newry and Mourne District 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 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.

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

On behalf of Newry and Mourne District Council 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.

Signed:

\_\_\_\_\_  
*Mayor*  
*Cllr Charlie Casey*

\_\_\_\_\_  
*Clerk & Chief Executive*  
*Thomas McCall*

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

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

## Contents

	<i>Page</i>
<b>Foreword</b>	<b>1</b>
<b>Chapter 1 Introduction</b>	<b>5</b>
Section 75 of the Northern Ireland Act 1998	<b>5</b>
How we propose to fulfil the Section 75 duties in relation to the relevant functions of Newry and Mourne District Council	<b>5</b>
Who we are and what we do	<b>6</b>
<b>Chapter 2 Our arrangements for assessing our compliance with the Section 75 Duties</b>	<b>8</b>
Responsibilities and reporting	<b>8</b>
Action plan/action measures	<b>11</b>
<b>Chapter 3 Our arrangements for consulting</b>	<b>13</b>
<b>Chapter 4 Our arrangements for assessing, monitoring and publishing the impact of policies</b>	<b>18</b>
Our arrangements for assessing the likely impact adopted or proposed to be adopted on the promotion of equality of opportunity of policies	<b>18</b>
Screening	<b>19</b>
Equality impact assessment	<b>21</b>
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	<b>22</b>
What we publish	<b>22</b>
How we publish the information	<b>23</b>
Where we publish the information	<b>23</b>
Our arrangements for monitoring any adverse impact of policies we have adopted on equality of opportunity	<b>24</b>
Our arrangements for publishing the results of our monitoring	<b>25</b>

<b>Chapter 5</b>	<b>Staff training</b>	<b>27</b>
	Commitment to staff training	27
	Training objectives	27
	Awareness raising and training arrangements	28
	Monitoring and evaluation	29
<b>Chapter 6</b>	<b>Our arrangements for ensuring and assessing public access to information and services we provide</b>	<b>30</b>
<b>Chapter 7</b>	<b>Timetable for measures we propose in this equality scheme</b>	<b>32</b>
<b>Chapter 8</b>	<b>Our complaints procedure</b>	<b>33</b>
<b>Chapter 9</b>	<b>Publication of our equality scheme</b>	<b>35</b>
<b>Chapter 10</b>	<b>Review of our equality scheme</b>	<b>37</b>
<b>Appendix 1</b>	<b>Organisational chart</b>	<b>38</b>
<b>Appendix 2</b>	<b>Example groups relevant to the Section 75 categories for Northern Ireland purposes</b>	<b>39</b>
<b>Appendix 3</b>	<b>List of consultees</b>	<b>40</b>
<b>Appendix 4</b>	<b>Timetable for measures proposed</b>	<b>44</b>
<b>Appendix 5</b>	<b>Glossary of terms</b>	<b>46</b>
<b>Appendix 6</b>	<b>Action plan/action measures</b>	<b>53</b>

## **Chapter 1 Introduction**

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

- 1.1 Section 75 of the Northern Ireland Act 1998 (the Act) requires Newry and Mourne District 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 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 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.

### **How we propose to fulfil the Section 75 duties in relation to the relevant functions of Newry and Mourne District Council**

- 1.2 Schedule 9 4. (1) of the Act requires Newry and Mourne District 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 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.

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

- 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**

- 1.4 The roles and functions of councils, established in the Local Government Act 1972 and in other legislation, fall into three types:
- **Direct** - councils are responsible for the provision and management of services
  - **Representative** - council nominees sit on statutory bodies
  - **Consultative** - councils reflect community views in the operation of range of statutory bodies, community concerns or give views on proposed admin decisions

Newry and Mourne District Council is currently responsible for:

- Refuse Collection and Disposal
- Civic Amenity Provision
- Street Cleansing
- Air Quality
- Public Conveniences
- Grounds Maintenance
- Cemeteries
- Recycling and Waste Management
- Parks, Open Spaces, Playgrounds
- Sport and Recreational facilities
- Promotion of Equality of Opportunity and Good Relations
- Dog Control
- Sundry Licensing
- Food Safety
- Building Control
- Estates Management Building
- Inspection/Regulation of New Construction
- Design and Maintenance
- Environmental Improvement
- Environmental Protection
- Community Centres
- Registration of Births, Deaths and Marriages
- Sports and Leisure Services
- Enforcement Byelaws, Litter etc
- Arts, Heritage and Cultural Facilities
- Health & Safety

Newry and Mourne District Council also has a role in:

- Economic Development
- Community Development
- Sports Development
- Summer Schemes
- Tourism

1.5 To enable the Council to provide the above services and perform its other functions, the Council must levy an annual rate and has the power to:-

- acquire and dispose of land;
- borrow money
- employ staff
- procure goods and services

1.6 Council provides its services through the employment of around 500 employees who are full time, part time permanent and casual employees, dependent on the services they provide.

1.7 Council carries out its functions through a range of Council Committees and working groups.

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

### **(Schedule 9 paragraph 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. Consultation is in chapter 3, monitoring arrangements, assessment of impact of policies and publication arrangements in chapter 4, staff training in chapter 5, access to information in chapter 6, the Council's complaints procedure in chapter 8, and publication and annual Review of Council's Equality Scheme in chapters 9 and 10.

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

### **Responsibilities and reporting**

- 2.2 Newry and Mourne District Council is 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 Clerk & Chief Executive.

Operational responsibility for the delivery of the equality scheme is placed with the Assistant Director of Administration (Equality) and Equality Officer under the Director of Administration who reports directly to the Clerk & Chief Executive.

This is delivered through the Council's Equality Unit, led by the Assistant Director of Administration (Equality), and located in the Council's Administration Department, which provides specialist support and advice to Council and Officers in matters relating to the promotion of Equality of Opportunity and Good Relations. The Strategic Planning/Performance Management, Communications/Public Relations and Member Services functions are also located in this Unit.

The Assistant Director of Administration (Equality) is responsible for all issues in the day-to-day implementation of administrative arrangements to ensure the equality scheme is implemented effectively. The Council's Equality Officer is accountable 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.

The Equality Officer provides a quarterly report to the Staff and Policy and Equality Committee detailing the progress and relevant issues of the last three month period. This enables the Section 75 duties and responsibilities to be kept on the agenda.

- 2.4 If you have any questions or comments regarding our equality scheme, please contact in the first instance our Assistant Director of Administration (Equality) at the address given below and we will respond to you as soon as possible:

Regina Mackin  
Assistant Director of Administration (Equality)  
Equality Unit  
Newry & Mourne District Council  
O'Hagan House  
Monaghan Row  
NEWRY  
BT35 8DJ

Tel: 028 3031 3095  
Fax: 028 3031 3076  
Mob: 07752089417  
Email: [regina.mackin@newryandmourne.gov.uk](mailto:regina.mackin@newryandmourne.gov.uk)  
Website: [www.newryandmourne.gov.uk](http://www.newryandmourne.gov.uk)

- 2.5 Section 75 is maintained across all of the Council's Directorates and 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.

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

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

- 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.
- 2.7 Newry and Mourne District Council 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.newryandmourne.gov.uk](http://www.newryandmourne.gov.uk)

or by contacting:

Regina Mackin  
Assistant Director of Administration (Equality)  
Equality Unit  
Newry & Mourne District Council  
O'Hagan House  
Monaghan Row  
NEWRY  
BT35 8DJ

Tel: 028 3031 3095

Fax: 028 3031 3076

Mob: 07752089417

Email: [regina.mackin@newryandmourne.gov.uk](mailto:regina.mackin@newryandmourne.gov.uk)

Website: [www.newryandmourne.gov.uk](http://www.newryandmourne.gov.uk)

- 2.9 Newry and Mourne District Council liaises closely with the Equality Commission for Northern Ireland to ensure that progress on the implementation of our equality scheme is maintained.

## **Action plan/action measures**

- 2.11 Newry and Mourne District Council 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 categories<sup>4</sup> to identify the inequalities that exist for our service users and those affected by our 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.
- 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 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 for download from our website:

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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.

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

or by contacting:

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Assistant Director of Administration (Equality)  
Equality Unit  
Newry & Mourne District Council  
O'Hagan House  
Monaghan Row  
NEWRY  
BT35 8DJ

Tel: 028 3031 3095

Fax: 028 3031 3076

Mob: 07752089417

Email: [regina.mackin@newryandmourne.gov.uk](mailto:regina.mackin@newryandmourne.gov.uk)

Website: [www.newryandmourne.gov.uk](http://www.newryandmourne.gov.uk)

The action plan will be available in alternative formats upon request.

## Chapter 3 Our arrangements for consulting

**(Schedule 9 paragraph 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 paragraph 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 and social media
- 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)*.

Information will be made available, on request, in alternative formats<sup>6</sup>, in a timely manner. We will ensure that such consultees have equal time to respond.

3.2.4 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:

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

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

- Issue of a press release, which will also be placed as a news item on the Council’s website, when the equality scheme is approved by the Equality Commission for Northern Ireland;
- Communicating through the use of social media;
- Inform all consultees of how to access a copy of our approved equality scheme and action plan following the equality scheme’s approval by the Equality Commission for Northern Ireland.

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), 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 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.

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

- 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. It can also be obtained from our website at

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

or by contacting  
Regina Mackin  
Assistant Director of Administration (Equality)  
Equality Unit  
Newry & Mourne District Council  
O'Hagan House  
Monaghan Row  
NEWRY  
BT35 8DJ

Tel: 028 3031 3095  
Fax: 028 3031 3076  
Mob: 07752089417  
Email: [regina.mackin@newryandmourne.gov.uk](mailto:regina.mackin@newryandmourne.gov.uk)  
Website: [www.newryandmourne.gov.uk](http://www.newryandmourne.gov.uk)

- 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 Assistant Director of Administration (Equality), as detailed 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 paragraph 4 (2) (b); Schedule 9 paragraph 4 (2) (c); Schedule 9 paragraph 4 (2) (d); Schedule 9 paragraph 9 (1); Schedule 9 paragraph 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 paragraph 4 (2) (b))**

- 4.1 In the context of Section 75, ‘policy’ is very broadly defined and it covers all the ways in which we carry out or propose to carry out our functions in relation to Northern Ireland. In respect of this equality scheme, the term policy is used for any (proposed/amended/existing) strategy, policy initiative or practice and/or decision, whether written or unwritten and irrespective of the label given to it, eg, ‘draft’, ‘pilot’, ‘high level’ or ‘sectoral’.
- 4.2 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9 paragraph 9 (2) of the Northern Ireland Act 1998.
- 4.3 Newry and Mourne District Council 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 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.
- 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 Director within the Council.

- 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 Director within the Council.
- 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

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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.

for the decision taken. This screening decision will be ‘signed off’ by the appropriate Director within the Council.

- 4.13 A list of all screening reports / policies screened by Newry and Mourne District Council is placed annually on our website [www.newryandmourne.gov.uk](http://www.newryandmourne.gov.uk) and be detailed in our Section 75 Annual Progress Report to the Equality Commission for Northern Ireland.

Further details can be obtained by contacting the Council’s Assistant Director of Administration (Equality)

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

- 4.14 Our screening reports are published annually.

### **Equality impact assessment**

- 4.15 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.
- 4.16 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.
- 4.17 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 paragraph 4 (2) (d); Schedule 9 paragraph 9 (1))**

4.18 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**

4.19 Screening reports:

These are published annually. Screening reports detail:

- All policies screened by the Council over the 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.

4.20 Screening templates:

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

4.21 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**

4.22 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**

4.23 The results of our assessments (screening reports and completed templates, and the results of equality impact assessments) are available on our website

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

and on request by contacting:

Regina Mackin  
 Assistant Director of Administration (Equality)  
 Equality Unit  
 Newry & Mourne District Council  
 O'Hagan House  
 Monaghan Row  
 NEWRY  
 BT35 8DJ

Tel: 028 3031 3095

Fax: 028 3031 3076

Mob: 07752089417

Email: [regina.mackin@newryandmourne.gov.uk](mailto:regina.mackin@newryandmourne.gov.uk)

Website: [www.newryandmourne.gov.uk](http://www.newryandmourne.gov.uk)

- 4.24 In addition to the above, screening reports (electronic link or hard copy on request if more suitable for recipients) which include all policies screened annually are also sent directly to all consultees.
- 4.25 We will inform the general public about the availability of this material through communications such as press releases and use of social media where appropriate.

**Our arrangements for monitoring any adverse impact of policies we have adopted on equality of opportunity (Schedule 9 paragraph 4 (2) (c))**

- 4.26 Monitoring can assist us to deliver better public services and continuous improvements. Monitoring Section 75 information involves the processing of sensitive personal data (data relating to the racial or ethnic origin of individuals, sexual orientation, political opinion, religious belief, etc). In order to carry out monitoring in a confidential and effective manner, the Council follows guidance from the Office of the Information Commissioner and the Equality Commission.
- 4.27 We monitor any adverse impact on the promotion of equality of opportunity of policies we have adopted. We are also committed to monitoring more broadly to identify opportunities to better promote equality of opportunity and good relations in line with Equality Commission guidance.
- 4.28 The systems we have established to monitor the impact of policies and identify opportunities to better promote equality of opportunity and good relations are:
- The collection, collation and analysis of existing relevant primary quantitative and qualitative data across all nine equality categories on an ongoing basis
  - The collection, collation and analysis of existing relevant secondary sources of quantitative and qualitative data across all nine equality categories on an ongoing basis
  - An audit of existing information systems within one year of approval of this equality scheme, to identify the extent of current monitoring and take action to address any gaps in order to have the necessary information on which to base decisions
  - Undertaking or commissioning new data if necessary.

- 4.29 If over a two year period monitoring and evaluation show that a policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, we will ensure that the policy is revised to achieve better outcomes for relevant equality groups.
- 4.30 We review our EQIA monitoring information on an annual basis. Other monitoring information is reviewed. Other monitoring information is reviewed as often as deemed necessary to ensure the data, both quantitative and qualitative, is relevant and timely.

Other additional arrangements for monitoring include:

- All completed job applications for positions with Newry and Mourne District Council include a monitoring form. This data is collated and compiled by the Council's Human Resources Section.
- The Council's Human Resources Section operates a PAMS system that stores, updates and analyses data on employees. This system provides valuable data on the profile of employees and applicants.

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

- 4.31 Schedule 9 paragraph 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:
- 4.32 EQIA monitoring information is published as part of our Section 75 annual progress report [see 2.7]
- 4.33 As monitoring of Council EQIA's is contained within the Council's Annual Report to the Equality Commission for Northern Ireland, the information is available on the Council's website where each annual report is made available following its consideration by the Council's Staff and Policy and Equality Committee and ratification by Council.

4.34 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 paragraph 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 Clerk and Chief Executive wishes to positively communicate the commitment of the 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 Newry and Mourne District Council has drawn up a detailed training plan for our 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 mainstream the principles of the Section 75 statutory duties within the Council's policy development framework and to provide those staff involved in drafting Council policies with the necessary skills and knowledge to ensure a consistent corporate approach to policy formulation.
  - to provide those staff involved in the assessment of policies (screening and EQIA) with the necessary skills and knowledge to do this work effectively

- to provide those staff who deal with complaints in relation to compliance with our equality scheme with the necessary skills and knowledge to investigate and monitor complaints effectively
- to provide those staff involved in consultation processes with the necessary skills and knowledge to do this work effectively
- to provide those staff involved in the implementation and monitoring of the effective implementation of the Council'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 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.
- Employees and Elected Members will receive a briefing on this equality scheme within three months of the approval of the scheme.
- The Section 75 statutory duties form part of induction training for new employees and Elected Members.
- Focused training is provided for key employees 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 employees and Elected Members 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 employees and Elected Members are kept up to date with Section 75 developments.
  - Training in Section 75 statutory duties and related issues is developed and provided by the Council's Equality Officer and arranged through the Human Resources Section.
- 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, the 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 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 Report, which will be sent to the Equality Commission.
  - The extent to which training objectives have been met will be reported as part of the Council's Section 75 Annual Report to the Equality Commission.
  - Attendance at all training courses is recorded to enable monitoring of attendees. This will ensure employees are credited with attending and therefore receive training appropriate to their needs and those of the Council.
  - The Council's Human Resources Section retain a record of all employees' training attendance. This data will be used to inform the Council's Annual Report to the Equality Commission.

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

### **(Schedule 9 paragraph 4 (2) (f))**

- 6.1 Newry and Mourne District 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.
- 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, Irish Language or minority languages to meet the needs of those for whom English is not their first language. Newry and Mourne District Council 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.

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

- 6.5 Newry and Mourne District Council are committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories. The Council also adheres to the relevant provisions of current anti-discrimination legislation.
  
- 6.6 We monitor annually across all our functions, in relation to access to information and services, to ensure equality of opportunity and good relations are promoted.

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

### **(Schedule 9 paragraph 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.

## **Chapter 8 Our complaints procedure**

### **(Schedule 9 paragraph 10)**

8.1 The Council are 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 Complaints may be made orally or in writing and can also be accepted via the telephone or electronically.

A person wishing to make a complaint that the Council has failed to comply with its approved equality scheme should contact:

Regina Mackin  
Assistant Director of Administration (Equality)  
Equality Unit  
Newry & Mourne District Council  
O'Hagan House  
Monaghan Row  
NEWRY  
BT35 8DJ

Tel: 028 3031 3095

Fax: 028 3031 3076

Mob: 07752089417

Email: [regina.mackin@newryandmourne.gov.uk](mailto:regina.mackin@newryandmourne.gov.uk)

Website: [www.newryandmourne.gov.uk](http://www.newryandmourne.gov.uk)

8.4 We will in the first instance acknowledge receipt of each complaint within 5 working days.

8.5 The Council's Equality Officer will carry out an internal investigation of the complaint and will respond substantively to the complainant within 15 working days of the date of receiving

the letter of complaint. Under certain circumstances, if the complexity of the matter requires a longer period, due to the need to undertake further investigation, the complainant will be informed of that situation within 15 working days.

- 8.6 During this process the complainant will be kept fully informed of the progress of the investigation into the complaint and of any outcomes.
- 8.7 In any subsequent investigation by the Equality Commission, the Council will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require.

Similarly, the Council 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 The Council 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 paragraph 4 (3) (c))

- 9.1 Our equality scheme is available free of charge in print form and alternative formats from:

Regina Mackin  
Assistant Director of Administration (Equality)  
Equality Unit  
Newry & Mourne District Council  
O'Hagan House  
Monaghan Row  
NEWRY  
BT35 8DJ

Tel: 028 3031 3095  
Fax: 028 3031 3076  
Mob: 07752089417  
Email: [regina.mackin@newryandmourne.gov.uk](mailto:regina.mackin@newryandmourne.gov.uk)  
Website: [www.newryandmourne.gov.uk](http://www.newryandmourne.gov.uk)

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

[www.newryandmourne.gov.uk](http://www.newryandmourne.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 social media, 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.

- Our equality scheme is available on request in alternative formats such as Easy Read, Braille, large print, audio formats (CD, mp3, DAISY), Irish Language and in other minority languages to meet the needs of those not fluent in English.

9.4 For a list of our stakeholders and consultees please see Appendix 3 of the equality scheme, visit our website at [www.newryandmourne.gov.uk](http://www.newryandmourne.gov.uk) or contact:

Regina Mackin  
Assistant Director of Administration (Equality)  
Equality Unit  
Newry & Mourne District Council  
O'Hagan House  
Monaghan Row  
NEWRY  
BT35 8DJ

Tel: 028 3031 3095  
Fax: 028 3031 3076  
Mob: 07752089417  
Email: [regina.mackin@newryandmourne.gov.uk](mailto:regina.mackin@newryandmourne.gov.uk)  
Website: [www.newryandmourne.gov.uk](http://www.newryandmourne.gov.uk)

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

### **(Schedule 9 paragraph 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.

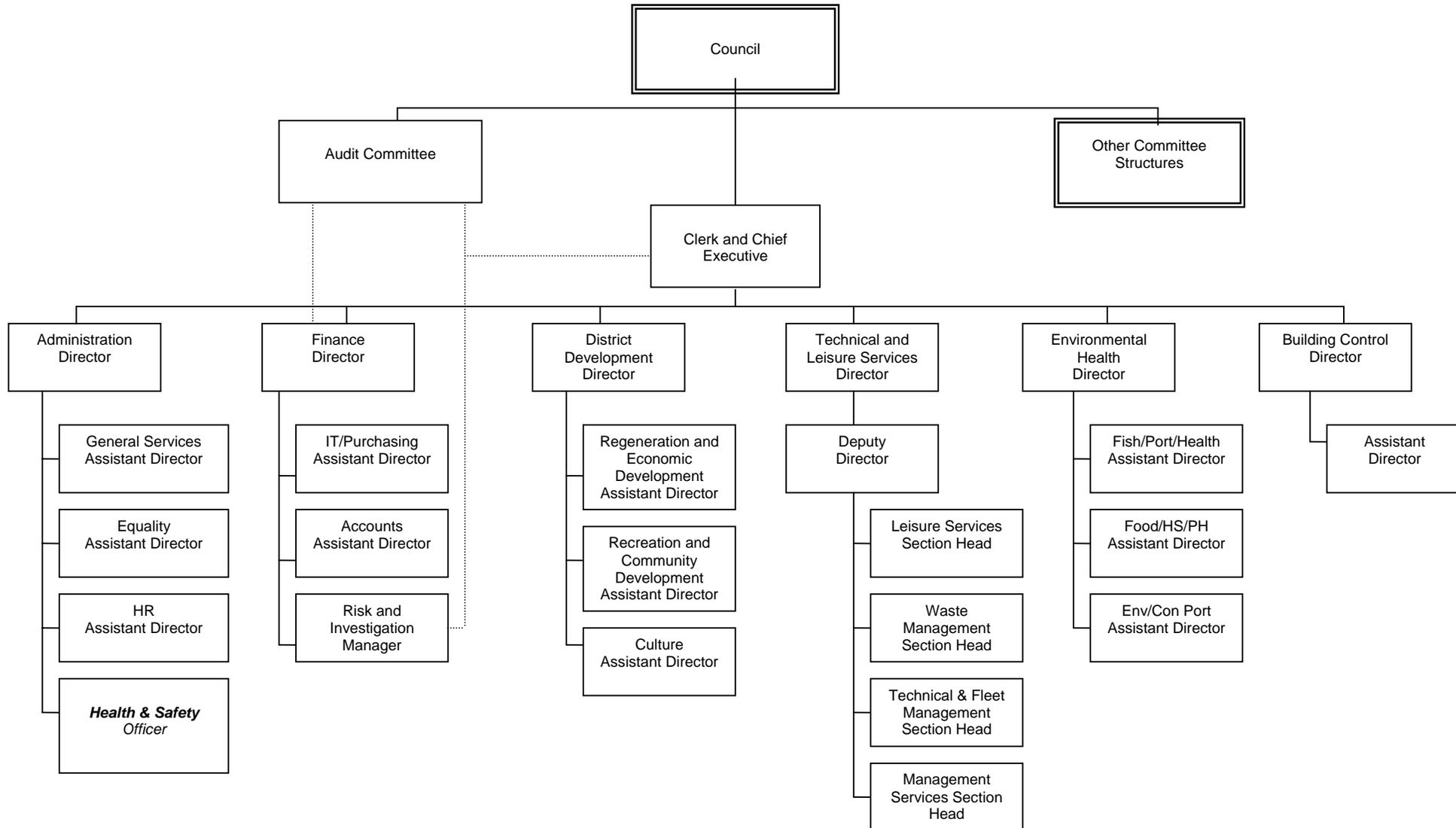
10.2 In undertaking this review we will follow any guidance issued by the Equality Commission. A report of this review will be made available to the public by publication on the Council's website, with consultees notified of the link by email, in hard copy or appropriate alternative format and sent to the Equality Commission.



# Appendix 1 Organisational chart

Please insert a diagrammatical overview of your organisation (including people and functions).

## Newry & Mourne District Council





## 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 <sup>11</sup>	Nationalist generally; Unionists generally; members/supporters of other political parties.
Racial group	Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; Travellers; 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.*”

<sup>11</sup> *ibid*

## **Appendix 3 List of consultees**

### **(Schedule 9 paragraph 4 (2) (a))**

*This consultation list is not exhaustive and will be reviewed on an annual basis to ensure it remains relevant to our Council's functions and policies.*

Action Cancer  
Action MS  
Action Mental Health  
Adapt NI  
Age NI  
Alliance Party of Northern Ireland  
Altnaveigh House  
Antrim Borough Council  
Ards Borough Council  
Armagh City and District Council  
Arts Council of Northern Ireland  
Association of Chief Officers of Voluntary Associations  
Association of NI Colleges of Further Education  
Baha'i Council for NI  
Ballymena Borough Council  
Ballymoney Borough Council  
Banbridge District Council  
Barnardo's NI  
Belfast City Council  
British Deaf Association (Northern Ireland)  
Carers Northern Ireland  
Carrickfergus Borough Council  
Castlereagh Borough Council  
Cedar Foundation  
Children in Northern Ireland  
Children's Law Centre  
Child Poverty Action Group  
Chinese Welfare Association  
Coalition on Sexual Orientation  
Coleraine Borough Council  
Commission on the Administration of Justice  
Community Relations Council  
Confederation of Community Groups  
Cookstown District Council  
Council for Catholic Maintained Schools

Craigavon District Council  
Democratic Unionist Party  
Department of Agricultural and Rural Development  
Department of Culture, Arts and Leisure  
Department of Education for Northern Ireland  
Department of Employment and Learning  
Department of Enterprise, Trade and Investment  
Department of Environment  
Department of Finance and Personnel  
Department of Health, Social Services and Public Safety  
Department of Justice  
Department for Regional Development  
Department for Social Development  
Derry City Council  
Disability Action  
Disability Sports NI  
Down District Council  
Dungannon and South Tyrone Borough Council  
Employers Forum for Disability NI  
Equality Commission for Northern Ireland  
Fermanagh District Council  
Gay and Lesbian Youth NI  
General Consumer Council for Northern Ireland  
GMB  
Grand Orange Lodge of Ireland  
Green Party for Northern Ireland  
Guide Dogs for the Blind Association  
Health and Safety Executive Northern Ireland  
Homestart  
Kilkeel Development Association  
Labour Relations Agency  
Larne Borough Council  
Limavady Borough Council  
Lisburn City Council  
Magherafelt District Council  
Magnet Centre  
Mencap  
Mourne Heritage Trust  
Moyle District Council  
Multiple Sclerosis Society  
Newry and Mourne Carers  
Newry Chamber of Commerce and Trade  
Newry Citizen's Advice Bureau  
Newry PSNI

Newry Rainbow Community  
Newtownabbey Borough Council  
NIACRO  
NILGA  
NILGOSC  
NIPSA  
North Down Borough Council  
Northern Ireland Association for Mental Health  
Northern Ireland Ambulance Service  
Northern Ireland Commission for Children and Young People  
Northern Ireland Committee, Irish Congress of Trade Unions  
Northern Ireland Council for Ethnic Minorities  
Northern Ireland Housing Executive  
Northern Ireland Council for Voluntary Action  
Northern Ireland Federation of Housing Associations  
Northern Ireland Human Rights Commission  
Northern Ireland Local Government Staff Commission  
Northern Ireland Statistical Research Unit  
Northern Ireland Tourist Board  
Northern Ireland Office  
NSPCC  
Office of the Commissioner for Children and Young People  
OFM/dFM  
Omagh District Council  
Participation Network  
POBAL  
Polish Association NI  
Probation Board NI  
Progressive Unionist Party  
Rainbow Project  
RNIB Northern Ireland  
RNID Northern Ireland  
Rural Community Network  
Rural Development Council for Northern Ireland  
Save the Children  
SDLP  
Sinn Fein  
SIPTU  
SOLACE  
Southern Cluster PEACE III Partnership  
Southern Education and Library Board  
Southern Health and Social Care Trust  
Southern Regional College  
Special EU Programmes Body

Sports Council for Northern Ireland  
Staff Commission for Education and Library Boards  
Sticky Fingers  
Strabane District Council  
The Workers Party  
Traditional Unionist Voice  
Ulster Deaf Sports Council  
Ulster Scots Agency  
Ulster Unionist Party  
UNISON Northern Ireland  
U3A  
Victim Support  
William Keown Trust  
Women into Politics  
Women's Resource and Development Agency  
Women's Support Network  
Youth Council for Northern Ireland  
Youth Net

## Appendix 4 Timetable for measures proposed

### (Schedule 9 paragraph 4 (3) (b))

Measure	Lead responsibility	Timetable
Annual review:  Section 75 Annual Progress Report [2.7]	Equality Officer / Clerk and Chief Executive	31 August (annually)
Action plan:  Consultation on draft action plan [2.15]	Equality Officer	November – January 2011
Arrangements for monitoring progress in place [2.16]	Equality Officer	December (annually)
Finalised action plan published [2.18]	Equality Officer/ Assistant Director of Administration (Equality) / Clerk and Chief Executive	February 2012
Consultation:  Consultation list reviewed and updated [3.4]	Equality Officer	September (annually)
Screening:  Screening Reports [4.15]	Equality Officer	September (annually)
Monitoring:  Review of monitoring information [4.31]	Equality Officer	November (annually)
Training:  Development of summary scheme [5.4]	Equality Officer	Within three months of approval of revised Equality Scheme

Development of overall training programme [5.5]	Equality Officer / Assistant Director of Administration (Equality) / Assistant Director of Administration (Human Resources) / Good Relations Officers	January (annually)
Focussed training [5.4]	Equality Officer	Ongoing
Update training [5.4]	Equality Officer	Ongoing
Evaluation of training [5.6]	Equality Officer	Annually
Information access: Assessing access to information and services [6.6]	Equality Officer	Annually
Publication: Communication of Equality Scheme [9.3]	Equality Officer	Within three months of approval of scheme
Notification to consultees [9.3]	Equality Officer	Within three months of approval of scheme
Review: Review of Equality Scheme [10.1]	Equality Officer /	Within 5 years of approval of scheme
Include Section 75 objectives and targets In Corporate Plan Performance Management Review	Clerk and Chief Executive / Directors /Assistant Director of Administration (Equality)	Annually

## **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.

### **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.

## **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.

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

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

### **OFMDFM**

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

### **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 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.

## **Appendix 6    Action plan/action measures**

Newry and Mourne District Council will include the Council's Action Plan for the period April 2012 – March 2015 in this section of the final document.

The document will be informed by an Inequalities Audit. Each draft document is available on request from the contact details listed within the draft Revised Equality Scheme.