

Equality Scheme
for
Mid Ulster District Council
2021 - 2026

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

This information can be made available in alternative formats, such as audio, braille, easy read or large print and may be provided in alternative languages, upon request. Please contact Mid Ulster District Council's Corporate Policy & Equality Officer on 03000 132 132 Ex 24612 or via ann.mcaleer@midulstercouncil.org

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 1 . In our equality scheme we set out how Mid Ulster 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 continue to develop and deliver a programme of communication and training with the aim of ensuring that all our Councillors and staff are made fully aware of our equality scheme and understand the commitments and obligations within it. We will continue to deliver a programme of awareness raising for our consultees on the Section 75 statutory duties and our commitments in our equality scheme. We 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 1 See section 1.1 of our Equality Scheme. 2 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.

On behalf of Mid Ulster 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.



Councillor Cathal Mallaghan

Chair
Mid Ulster District Council



Adrian McCreesh

Chief Executive
Mid Ulster District Council

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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 the 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 authority¹. This includes our employment and procurement functions.

Please see below under “Who we are and what we do” for a detailed explanation of our current functions.

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

How we propose to fulfil the Section 75 duties in relation to the relevant functions of Mid Ulster Council

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

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.

1.4 Through the production of our community plan, we will promote equality of opportunity and, without prejudice to this, we will have regard to the desirability to promote good relations and social well-being².

Who we are and what we do

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

Mid Ulster District Council is responsible for:

Refuse Collection and Disposal	Recycling and Waste Management
Civic Amenity Provision	Grounds Maintenance
Street Cleansing	Cemeteries
Public Conveniences	Food Safety

² Section 66(2)(a)(i) and (3)(a) of the Local Government Act (Northern Ireland) 2014

Health & Safety
Environmental Improvement
Building Control
Dog Control
Sundry Licensing
Leisure Centres
Parks, Open Space, Play
Arts, Heritage, Cultural Activities
Community Development
Planning Regulation

Environmental Protection
Estates Management & Maintenance
Inspection/Regulation of Buildings
Enforcement Byelaws, Litter etc.
Sports and Leisure Services
Sports and Recreational facilities
Community facilities
Registration Births/Deaths/Marriages
Good Relations
Area Plan Development

The Council also has a role in:

- Community Planning
- Economic Development
- Community Safety & police monitoring
- Sports Development
- Local Tourism
- Rural Development and Regeneration
- Urban Regeneration
- Local Parking

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 (see paragraphs 4.1, 4.3, 5.3, 5.6, 6.8, 6.9, 10.1 and 10.2 below).

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

Responsibilities and reporting

The management structure put in place to enable the Council to carry out its statutory responsibilities and to conduct its business are illustrated at Appendix 1.

Management Structure

(a) Elected Members form the statutory body responsible for all the activities of the Council. The Chief Executive discharges the implementation of the Equality Scheme on behalf of the Council and has overall management responsibility in doing so.

(b) Chief Executive is responsible for the overall performance of the executive functions of the Council. He is the designated Accounting Officer with responsibility for maintaining a sound system of internal control that supports the achievement of Council policies, aims and objectives, whilst safeguarding public funds and assets. The Chief Executive is also the accountable Equal Opportunities Officer which includes accountability for delivery of the Section 75 statutory duties.

The day-to-day implementation of the Equality Scheme will be undertaken by a senior officer in the Council.

(c) Senior Management Team

A Senior Management Team will assist the Chief Executive in the implementation of Council strategies and policies for key operational matters. It also plans and develops service delivery for and makes recommendations within national and local policy frameworks and

guidelines. The Senior Management Team ensures that equality considerations are included in Corporate Plans and Annual Business Plans. Performance of each Departmental area in relation to corporate business plans is reported to the Council. Implementation of equality and fairness is considered a corporate function for all members of the Senior Management Team.

(d) Individual Directorates

The organisational structure of the Council is based on outcomes and maximization of performance and service delivery and compliance. The quality of our service delivery and compliance is monitored regularly within the organisation. We are also accountable through both external audit (N I Audit Office) and internal auditor arrangements to ensure that standards are met in relation to 'Value for Money' and financial statements.

External Relationships

We will continue to develop links with other Government agencies, independent sector providers, and voluntary and community groups representing all categories of persons specified in Section 75 of the Northern Ireland Act 1998, including Trade Unions and professional organisations and individuals.

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 Council for the development, implementation, maintenance and review of the equality scheme in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998, including any good practice or guidance that has been or may be issued by the Equality Commission.

2.4 If you have any questions or comments regarding our equality scheme, please contact in the first instance the Equality Contact(s) outlined at the beginning of the document and we will respond to you as soon as possible.

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 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 Annual Section 75 progress reports for Mid Ulster Council will be made available on the Mid Ulster website, in due course, or by contacting the current nominated equality contacts on Page 5:

2.9 The Council will liaise closely with the Equality Commission to ensure that progress on the implementation of our equality scheme is maintained.

2.10 Progress on implementing this Equality Scheme will be reported annually to the Council. Progress will also be reported to the Senior Management Team as part of routine updates on implementation of Corporate and Annual Business Plans.

We will continue with our established meetings with members of the Statutory Duty Unit of the Local Government Staff Commission and will liaise with them on common issues with the Equality Commission on Section 75 matters as they arise.

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

Action plan/action measures

2.11 The Council will develop an action plan to promote equality of opportunity. This action plan will be developed commencing following completion of the Audit of Inequalities. The Action Plan will include measures spanning both duties, equality of opportunity and good relations (Section 75(1) and (2)), where appropriate.

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.

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 on the Council's

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.

website or by contacting, the nominated Equality Officer. Alternative formats will be made available, by contacting the nominated Equality Officer.

It will also be made available for staff on the Council's Intranet Site.

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 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)*.

We will liaise across the Mid Ulster Region with as wide a representation as possible, including the consultation list as attached. Consultation will include all Section 75 groupings.

Information will be made available, on request, in alternative formats⁶, in a timely manner, usually within 15 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 consultees⁷ 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 displaying information in this regard on the Mid Ulster website and providing this to any service user or other User groups / engagement / consultative panels established.

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

⁷ Please see Appendix 3 for a list of our consultees.

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 commitments⁸.

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.

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.

⁸ Please see below at 4.27 to 4.31 for details on monitoring.

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 or by contacting the **nominated contacts** at Page 1 of this document.

3.4 Our consultation list is not exhaustive and will be 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 any of the **nominated contacts** on Page 5 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, e.g., 'draft', 'pilot', 'high level' or 'sectoral'.

4.2 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9 9. (2) of the Northern Ireland Act 1998.

4.3 The Council uses the tools of screening and EQIA to assess the likely impact of a policy on the promotion of equality of opportunity.

In carrying out these assessments we will relate them to the intended outcomes of the policy in question and will also follow:-

- the Equality Commission guidance on screening 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)*'.
- The Council's screening template is available for download from the Council's website at www.midulstercouncil.org/Council/Equality or by contacting the Equality Scheme Contact detailed on the front page of this Scheme.

Screening

4.4 The purpose of screening is to identify those policies that are likely to have an impact on the promotion of equality of opportunity.

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 in partnership with the Equality Officer who has the authority to make changes to that policy. Screening will also involve other relevant team members, 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:

4.7.1 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)

4.7.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories? (Yes/No)

4.7.3 Are there opportunities, without prejudice, to the equality of opportunity duty, to better promote good relations between Section 75 equality categories, through tackling prejudice and/ or promoting understanding? (Yes/No)

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 to record how the decision was reached.

Good Relations (4.7.3 above)

4.9 In relation to the answer to the screening question set out in 4.7.3 above, if it is concluded that Yes, there are opportunities, then the policy will be referred to the Council's Good Relations Working Group ("the Group") for consideration. The Group will consider the potential opportunities and assess if and how the overall impact of a decision/policy is likely to promote good relations to include the level of impact.

The Group is not the ultimate decision maker, but will make recommendations to the Policy and Resource Committee which will in turn report to and make recommendations to the full Council for approval, which may include a recommendation to consult with the consultees in Appendix 3 in situations where opportunities have been identified or where the particular circumstances require consultation. However, where matters referred are deemed to be of a quasi-judicial nature they will be reported directly back to the committee from which they were referred/emanated. In such instances, Policy and Resources Committee will be notified by way of information of the matter discussed together with recommendation/outcome of discussion on same.

Consultation, if required, will be on the policy and the Working Group's assessment of whether the decision/ policy is likely to promote good relations, with an emphasis on the latter. Consultation will be recommended to be undertaken where the decision/ policy is likely to have a major impact on the promotion of good relations.

Any decision reached will be recorded together with relevant evidence. This information will be accessible through Working Groups which will be accessible from www.midulstercouncil.org/Council/Equality. Reports will be published online after they have been considered by the P&R Committee Committee and Council.

The Terms of Reference of the Group are attached at Appendix 6 and are part of the Council's approved Equality Scheme arrangements.

Whilst the interdependency of sections 75(1) and (2) is recognised, the Council may nonetheless adopt a policy upon assessment where doing so promotes equality of opportunity as defined in section 75(1) in

relation to the identified categories in order to address disadvantage and as appropriate to address said inequalities. However any impact identified will be considered in the decision making process including any measures that might mitigate any such impact.

Equality of Opportunity (4.7.1 & 4.7.2 above)

Completion of screening, taking into account our consideration of the answers to those screening questions set out in 4.7.1 and 4.7.2 above, will lead to one of the following three outcomes in respect of the equality of opportunity duty:

1. the policy has been 'screened in' for equality impact assessment
2. the policy has been 'screened out' with mitigation⁹ 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 specified 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.

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

4.11 If our screening concludes that the likely impact of a policy is 'major' in respect of one, or more, of the specified categories, we will normally subject the policy to an equality impact assessment. This screening decision will be recommended by the Policy Owner and Equality Officer to an appropriate Head of Service/Director within the Council, who will formally sign this off.

4.12 If our screening concludes that the likely impact of a policy is 'none', in respect of all of the specified categories, we may decide to screen the policy out. If a policy is 'screened out' as having no

⁹ Mitigation – Where an assessment (screening in this case) 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.

relevance, the Policy Owner and Equality Officer will give details of the reasons for the decision taken. This screening decision will be 'signed off' by the appropriate Head of Service/Director within the Council.

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 the Mid Ulster website. Screening reports will also be made available from any of the nominated contacts as identified on page 5.

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 three times per year [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 with regard to the desirability to promote 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.

What we publish

4.20 Screening reports

These are published three times per year. Screening reports detail:

- All policies screened by the Council over each four 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 the Mid Ulster 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 the Mid Ulster website or by contacting any of the nominated individuals on Page 1.

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 4 month period are also sent directly to all consultees every 4 months.

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

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

effective manner, the Council follows guidance from the Office of the Information Commissioner and the Equality Commission.

4.28 We 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 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 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 four 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 and other information on an annual basis. Other monitoring information is reviewed on an ongoing basis.

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

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

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

4.34 Monitoring information will also be published and made available on the Mid Ulster District Council website.

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 The Chief Executive will positively communicate the commitment of the Mid Ulster 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 The Council has drawn up a detailed training plan for its staff and elected members which will aim to achieve the following objectives:

- to raise awareness of the provisions of Section 75 of the Northern Ireland Act 1998, our equality scheme commitments and the particular issues likely to affect people across the range of Section 75 categories, to ensure that our staff and elected members fully understand their role in implementing the scheme
- to provide those staff involved in the assessment of policies (screening and EQIA) with the necessary skills and knowledge to do this work effectively
- to provide those staff who deal with complaints in relation to compliance with our equality scheme with the necessary skills and knowledge to investigate and monitor complaints effectively
- to provide those staff involved in consultation processes with the necessary skills and knowledge to do this work effectively
- to provide those staff involved in the implementation and monitoring of the effective implementation of 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.
- Council staff will receive a briefing on this equality scheme following approval from the Equality Commission and within 6 months of this time.
- The Section 75 statutory duties form part of induction training for new staff.
- Focused training is provided for key staff within the Council who are directly engaged in taking forward the implementation of our equality scheme commitments (for example those involved in research and data collection, policy development, service design, conducting equality impact assessments, consultation, monitoring and evaluation).
- Where appropriate, training will be provided to ensure staff are aware of the issues experienced by the range of Section 75 groups.
- When appropriate and on an ongoing basis, arrangements will be made to ensure staff are kept up to date with Section 75 developments.

5.5 Training and awareness raising programmes will, where relevant, be developed in association with the appropriate Section 75 groups and 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 progress report, which will be sent to the Equality Commission.

- Directors and Heads of Service report further training needs requirements to the to the Equality Officer.

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

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

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

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

In particular:

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

Access to information

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

Alternative formats may include Easy Read, Braille, audio formats (CD, mp3 or DAISY), large print or minority languages to meet the needs of those for whom English is not their first language.

The Council will liaise with local representatives and groups across the Section 75 groups including representatives of young people, disability and minority ethnic organisations and will take account of existing and developing good practice.

In respect of the categories identified above, the Council is committed to developing in consultation with representatives of the relevant Section 75 categories, systems to ensure that there are effective means of communicating information to young people and those with learning disabilities and will consider using approaches such as “Plain English” and large print in written documentation providing papers /

documentation in advance of meetings, consulting within schools / youth clubs / youth councils (subject to permission) encouraging the participation of individuals and representative organisations in the Council's consultation processes.

We will respond to requests for information in alternative formats in a timely manner, usually 15 working days.

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

6.5 Published information including Corporate Plans, Equality, Disability and Section 75 information is displayed on the Mid Ulster District Council website and will be made available in alternative formats as appropriate.

Access to services

6.6 The Council is 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.

6.7 Council is committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories. The Council will produce information in alternative formats on request. The Council's website will operate to W3C WAI-AAA standard. Council will also detail arrangements for accessing information in its Publication Scheme.

Assessing public access to information and services

6.8 We monitor on an annual basis across all our functions, in relation to access to information and services, to ensure equality of opportunity is promoted.

6.9 This activity includes:

- Monitoring of complaints
- Consideration and implementation of reasonable adjustments under the Disability Discrimination Act 1995
- Satisfaction Surveys
- Access to interpreting/translation services
- Article 55 Review

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. 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 10.)

8.1 The Council is responsive to the views of members of the public. We will endeavour to resolve all complaints made to us.

8.2 Schedule 9 paragraph 10 of the Act refers to complaints. A person can make a complaint to a public authority if the complainant believes he or she may have been directly affected by an alleged failure of the authority to comply with its approved equality scheme.

If the complaint has not been resolved within a reasonable timescale, the complaint can be brought to the Equality Commission.

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

- Chief Executive, Mid Ulster District Council

8.4 We will in the first instance acknowledge receipt of each complaint within 5 – 10 working days.

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

Similarly, Mid Ulster District 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 4. (3) (c))

9.1 Our equality scheme is available free of charge in print form and alternative formats from contact(s) as per Page 5:

9.2 Our equality scheme is also available on the Mid Ulster District Council website at: www.midulstercouncil.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, 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 within 15 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.
- The Council will liaise with representatives of all Section 75 groups and takes account of existing and developing good practice.

9.4 For a list of our stakeholders and consultees please see Appendix 3 of the equality scheme, for all other equality related information visit the Mid Ulster District Council website at

www.midulstercouncil.org/Council/Equality

Chapter 10 Review of our equality scheme

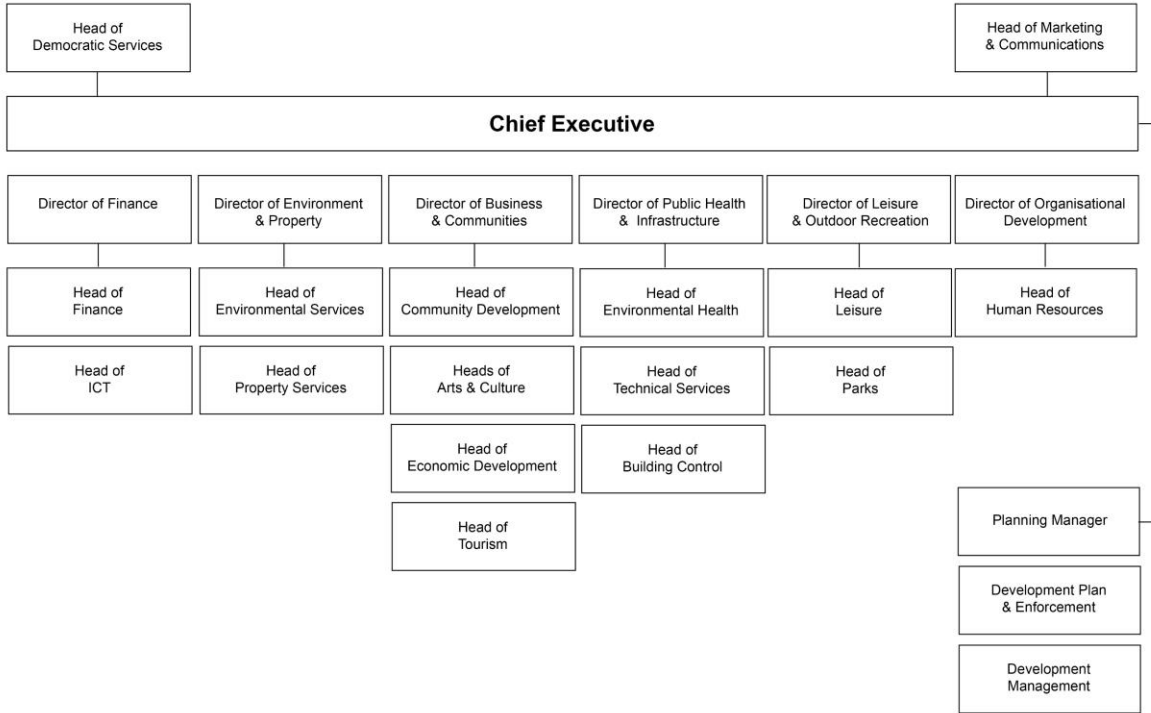
(Schedule 9 8. (3))

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 on the Mid Ulster Council's website and sent to the Equality Commission. Consultees will be notified of the availability of the review.

Appendix 1 Organisational Chart



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>¹⁰. 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 ¹¹	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.

¹⁰ 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.*”

¹¹ *ibid*

Appendix 3 List of consultees

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

The Council's consultation list is reviewed on a biennial basis to ensure it remains relevant to our functions and policies. At any time individuals and organisations can request to be added or removed from our list of consultees.

Action on Hearing Loss
Age NI
Aware NI
Barnardo's
British Dental Association
Carers NI
Cedar Foundation
Children in NI
Children's Law Centre
Chinese Welfare Association
Citizen's Advice Bureau
Committee on Administration of Justice
Community Foundation NI
Consumer Council
Contact NI
Cookstown Enterprise Centre
Cookstown Western Shores Association (CWSAN)
Cooperation Ireland
COPNI
COSTA
Council for the Homeless Northern Ireland
Cruse

Disability Action
Down's Syndrome Association
Dungannon National Autistic Society
DUP
Early Years
Education Authority
EFDNI
Employers for Childcare
Employers for Disability NI
Equality Commission for NI
Executive Office
Foras na Gaeilge
Gingerbread NI
Guide Dogs
Here NI
Information Commissioners Office
Irish Congress of Trade Unions
Magherafelt Women's Group Ltd
Magherafelt Park Action Group
Mencap NI
Men's Action Network
Mid Ulster Disability Forum
Mid Ulster Women's Aid
MindWise
National Children's Bureau
NI Association of Mental Health
NI Youth Forum

NIACRO
NICCY
NICRC
NICVA
NIPSA
Northern Ireland Women's European Platform
Parenting NI
Parkinson's UK
PCSP
Playboard
Praxis Care
Probation Board for Northern Ireland
Queer Space LGBT NI
Rainbow Project
RNIB
RNID
Rural Community Network
Save the Children
SDLP
Sense
Simon Community
Sinn Fein
STEP NI
The Vineyard
Ulster Scots Agency
USEL
Ulster Unionist Party

Victim Support NI

Volunteer Now

Women's Resource and Development Agency

Women's Aid Federation Northern Ireland

Women's Support Network

Youthlink NI

Youthnet

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

Measure	Lead responsibility (Proposed)	Timetable
Section 75 Annual Progress Report [2.7]	Chief Executive / Corporate Policy & Equality Officer	31 August (annually)
Action plan [2.11]	Corporate Policy & Equality Office	Completed by 30 June 2020 & draft Action Plans prepared
Consultation on draft action plan [2.15]	Corporate Policy & Equality Officer	Audit of inequalities Consultation for 3 months
Finalised action plan published [2.18]	Corporate Policy & Equality Office / Chief Executive	Within 5 months of equality scheme approval
Arrangements for monitoring progress in place [2.16]	Corporate Policy & Equality Officer	Within 3 months of equality scheme approval
Consultation list reviewed and updated [3.4]	Corporate Policy & Equality Officer	October (Annually)
Develop screening report template and publish in accessible formats [4.15]	Corporate Policy & Equality Officer	Within one month of equality scheme approval
Screening reports will be published 3 times per year on Council's website [4.15]	Corporate Policy & Equality Officer	3 times per year
EQIA timetable [4.16]	Corporate Policy & Equality Officer will finalise and publish EQIA reports in conjunction with Head of Service. Outcomes of consultation will be published on the internet and issued to consultees.	Ongoing
Monitoring [4.28]	Corporate Policy & Equality Officer and Head of Service will revise policies as a result of analysing data to	Ongoing

	determine adverse impact or to promote equality of opportunity.	
Review of monitoring information [4.31]	Corporate Policy & Equality Officer and Head of Service will ensure monitoring of policies is up-to-date and relevant to the policy	Annually from inception of the policy implementation
Publication of monitoring information [4.33;4.34]	Corporate Policy & Equality Officer will publish monitoring information in the Annual Equality Progress Report for the Equality Commission.	Annually in August.
Training [5.3]	Corporate Policy & Equality Officer to draw up plan covering all aspects of staff training (awareness; data collection; policy development; consultations; EQIA preparation; screening; monitoring; evaluation and complaints handling.	April 2021
Development of summary scheme [5.4]	Corporate Policy & Equality Officer will issue summary scheme once approved by Equality Commission	Within two months of approval
Development of overall training programme [5.5]	Corporate Policy & Equality Officer with Heads of Service will ensure that all staff will receive briefing on Equality Scheme once approved via email; departmental team meetings and on intranet	Within six months of approval
Focussed training, i.e. Policy Screening; EQIA preparation; Consultation; Data collection; Monitoring and Evaluation [5.4]	Corporate Policy & Equality Officer will arrange training for lead officers as necessary	Commencing three months after approval of Equality Scheme and on-going
Update training [5.4]	Corporate Policy & Equality Officer will keep training up to date in accordance with ECNI guidelines	Ongoing

Evaluation of training [5.6]	Corporate Policy & Equality Officer to assess learning of participants and provide refresher training if necessary	Ongoing
Assessing access to information and services [6.8]	Corporate Policy & Equality Officer to update preferred methods of communication of consultees; Ensure website information is current and up to date. Work with Local Government Staff Commission on accessibility issues.	Ongoing
Communication of equality scheme [9.3]	Corporate Policy & Equality Officer will detail availability of Equality Scheme on Council website; advertised in local newspapers; and Council communications	Within one month of approval by Equality Commission.
Notification of consultees [9.3]	Corporate Policy & Equality Officer will issue all consultees a copy of the Equality Scheme via their preferred method.	Within two months of approval by Equality Commission
Review of equality scheme [10.1]	Corporate Policy & Equality Officer will conduct a review of the Scheme as per Equality Commission's guidelines	Reviewed within 5 years or within a shorter timeline so as to align with other corporate planning cycles.
Any other measures proposed in equality scheme	Corporate Policy & Equality Officer to work closely with other Councils through the LGSC Statutory Duty Group so as to develop best practice.	Ongoing
	Corporate Policy & Equality Officer to work with ECNI to learn from and contribute to strategic direction of the Equality Agenda.	Ongoing
	Corporate Policy & Equality Officer to liaise with key stakeholders including Staff Unions; Voluntary and Community Groups; and other key stakeholders so as	Ongoing

	to build relationships and cooperative working	
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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 categories.

Action measures and outcomes

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

Adverse impact

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

Affirmative action

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

Article 55 Review

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

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

Audit of inequalities

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

Consultation

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

Council of Europe

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

Desk audit

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

Differential impact

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

Discrimination

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

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

Brief descriptions of these above terms follow:

Direct discrimination

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

Indirect discrimination

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

Disability discrimination

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

- (a) *Disability-related discrimination* generally occurs where a public authority, without lawful justification, and for a reason which relates to a disabled person’s disability, treats that person less favourably

that it treats (or, would treat) other people to whom that reason does not (or, would not) apply.

- (b) *Failure to comply with a duty to make reasonable adjustments:* One of the most notable features of the disability discrimination legislation is that in prescribed circumstances it imposes a duty on employers, service providers and public authorities to take such steps as are reasonable to remove or reduce particular disadvantages experienced by disabled people in those circumstances.

Victimisation

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

Harassment

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

Economic appraisal

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

Equality impact assessment

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

Equality of opportunity

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

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

Equality scheme

A document which outlines a public authority's arrangements for complying with its Section 75 obligations. An equality scheme must include an outline of the public authority's arrangements for carrying out consultations, screening, equality impact assessments, monitoring, training and arrangements for ensuring access to information and services.

Mainstreaming equality

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

Mitigation of adverse impact

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

Monitoring

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

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

Northern Ireland Act

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

Northern Ireland Human Rights Commission

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

Northern Ireland Statistics & Research Agency (NISRA)

The Northern Ireland Statistics and Research Agency (NISRA) is an Executive Agency within the Department of Finance and Personnel (DFP).

They provide statistical and research information regarding Northern Ireland issues and provide registration services to the public in the most effective and efficient way.

The Executive Office

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

PAFT

The Policy Appraisal and Fair Treatment (PAFT) Guidelines constituted the first non-statutory attempt at mainstreaming equality in Northern Ireland in January 1994. The aim of the PAFT Guidelines was to ensure that issues of equality and equity informed policy making and activity in all spheres and at all levels of government. PAFT has now been superseded by Section 75 of the Northern Ireland Act 1998.

Policy

The formal and informal decisions a public authority makes in relation to carrying out its duties. Defined in the New Oxford English Dictionary as 'a course or principle of action adopted or proposed by a government party, business or individual'. In the context of Section 75, the term **policies** covers all the ways in which a public authority carries out or proposes to carry out its functions relating to Northern Ireland. Policies include unwritten as well as written policies.

Positive action

This phrase is not defined in any statute, but the Equality Commission understands it to mean any lawful action that a public authority might take for the purpose of promoting equality of opportunity for all persons in relation to employment or in accessing goods, facilities or services (such as health services, housing, education, justice, policing). It may involve adopting new policies, practices, or procedures; or changing or abandoning old ones. *Positive action* is not the same as *positive discrimination*.

Positive discrimination differs from positive action in that *positive action* involves the taking of lawful actions whereas *positive discrimination* involves the taking of unlawful actions. Consequently, *positive action* is by definition lawful whereas *positive discrimination* is unlawful.

Qualitative data

Qualitative data refers to the experiences of individuals from their perspective, most often with less emphasis on numbers or statistical analysis. Consultations are more likely to yield qualitative than quantitative data.

Quantitative data

Quantitative data refers to numbers, typically derived from either a population in general or samples of that population. This information is often analysed by either using descriptive statistics, which consider general profiles, distributions and trends in the data, or inferential statistics, which are used to determine 'significance' either in relationships or differences in the data.

SACHR

The Standing Advisory Commission on Human Rights (SACHR) has now been replaced by the Northern Ireland Human Rights Commission. SACHR, as part of its review of mechanisms in place to promote employment equality and reduce the unemployment differential, recommended that the PAFT Guidelines should be made a statutory requirement.

Screening

The procedure for identifying which policies will be subject to equality impact assessment, and how these equality impact assessments will be prioritised. The purpose of screening is to identify the policies which are

likely to have a minor/major impact on equality of opportunity so that greatest resources can be devoted to improving these policies. Screening requires a systematic review of existing and proposed policies.

Schedule 9

Schedule 9 of the Northern Ireland Act 1998 sets out detailed provisions for the enforcement of the Section 75 statutory duties, including an outline of what should be included in an equality scheme.

Section 75

Section 75 of the Northern Ireland Act provides that each public authority is required, in carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:-

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

Without prejudice to these obligations, each public authority in carrying out its functions relating to Northern Ireland must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Section 75 investigation

An investigation carried out by the Equality Commission, under Schedule 9 of the NI Act 1998, arising from the failure of a public authority to comply with the commitments set out in its approved equality scheme.

There are two types of Commission investigation, these are as follows:

1. An investigation of a complaint by an individual who claims to have been directly affected by the failure of a public authority to comply with its approved equality scheme;
2. An investigation initiated by the Commission, where it believes that a public authority may have failed to comply with its approved equality scheme

Appendix 6

Good Relations Working Group – Terms of Reference

The Council is conscious of the fact that there is an interdependency between having ‘due regard’ to the need to promote Equality of Opportunity among specified categories (Section 75(1) of the Northern Ireland Act 1998) and ‘regard’ to the desirability for promoting Good Relations (Section 75(2)).

The Good Relations Working Group (“the Group”) will assist the Council in addressing its Section 75(2) duty. The Group will meet regularly and develop a way forward by facilitating discussions amongst Elected Members.

Group Aims

The aims of the Group will be to agree a definition for Good Relations; to assist policy development, monitor the implementation of the Council’s arrangements and promote good relations in the following areas, but not limited to:

- Flags
- Emblems
- Language
- Bonfires
- Street Naming
- Internal and External Corporate aspects of Good Relations

This list is not exhaustive but does provide those areas of prominence. Screening will identify those areas to be referred to the Group.

The Group will also assess the Council’s compliance with the good relations duty and provide advice on and support the implementation of Council’s Good Relations Strategy and associated work.

Procedure

Throughout any screening exercise, where policy development suggests that, without prejudice to the Equality of Opportunity duty, there are opportunities for the Council to better promote Good Relations, the policy will be referred to the Group for consideration. The Group will consider the potential opportunities and assess if and how the overall

impact of a decision/policy is likely to promote good relations to include the level of impact. The Group will report its findings and make recommendations to the Council through the Policy and Resource Committee.

Where the circumstances require it, a consultation exercise may be required on matters to which the Good Relations duty is likely to be relevant. Depending on the nature of the policy, this consultation process will take place with some or all of those consultees listed in Appendix 3 of the Council's Equality Scheme. Consultation will be recommended to be undertaken where the decision/ policy is likely to have a major impact on the promotion of good relations.

Any reports on monitoring undertaken by the Working Group will be published on the Council's website detailed below, as and when available.

Membership

10 Elected Members will form the membership of the Group on a cross party basis. The Group will elect its own Chair and the meetings will be facilitated by senior Council officers.

Period of Operation

The Group will be established for the term of the Council and will meet a minimum of twice annually. These arrangements will be reviewed annually.

Reporting Arrangements

The business and the recommendations of the Group will be reported to the Policy and Resource Committee which will in turn report to and make recommendations to the full Council for approval, which may include a recommendation to consult with the consultees in Appendix 3 in situations where opportunities have been identified or where the particular circumstances require consultation. However, where matters referred are deemed to be of a quasi-judicial nature they will be reported directly back to the committee from which they were referred/emanated. In such instances, Policy and Resources Committee will be notified by way of information of the matter discussed together with recommendation/outcome of discussion on same.

All Reports and Minutes are publically available on the website www.midulstercouncil.org/Council/Equality after they have been considered and approved at the Committee and Council.