

***Consultation on a  
Draft Equality Scheme  
for the Northern Ireland Law Commission***



***Equality scheme for  
Northern Ireland Law Commission***

***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).***

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## 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 Northern Ireland Law Commission 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 Chairman and Chief Executive of the Northern Ireland Law Commission, 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

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

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

On behalf of the Northern Ireland Law Commission 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.

*Chairman*

*Chief Executive*

*June 2011*

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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 Northern Ireland Law Commission 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 Northern Ireland Law Commission**

1.2 Schedule 9 4. (1) of the Act requires Northern Ireland Law Commission 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 The Northern Ireland Law Commission is 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**

### **Background – The function of the NI Law Commission**

The Law Commission was established in April 2007 under the Justice (Northern Ireland) Act 2002 following on from the recommendations of the Criminal Justice Review Group. The Review Group reported in March 2000: *Review of the Criminal Justice System in Northern Ireland*.

The Law Commission was set up as an independent advisory non departmental public body, the aim of which is to consider the law of Northern Ireland with a view to advising government on the law's systematic reform.

When policing and justice functions in Northern Ireland were devolved to the Northern Ireland Assembly on 12 April 2010, the Department of Justice was established as a new Northern Ireland Department by the Department of Justice Act (Northern Ireland) 2010.

From this date, the Law Commission became an independent advisory non-departmental public body (NDPB) of the Department of Justice.

The 2002 Justice Act (as amended) provides that the Law Commission should consider any proposals for the reform of the law of Northern Ireland referred to it and submit to the Department of Justice programmes for the examination of different branches of the law with a view to reform. The Department of Justice has to consult with the Attorney General before approving any programme submitted by the Commission.

Our main task is to review areas of the law and to make recommendations for change. The Commission seeks to ensure that the law is as simple, accessible, fair, modern and cost-effective as possible. A number of specific types of reform are covered by the provisions in the Justice (Northern Ireland) Act 2002:

- Simplification and modernisation

- Codification
- The elimination of anomalies,
- The repeal of legislation which is no longer of practical utility,
- and the reduction of the number of separate legislative provisions.

### **Mission Statement of the NI Law Commission**

The Law Commission will provide the Department of Justice (and as appropriate other Northern Ireland Departments) with independent and well researched proposals and advice on law reform.

### **Strategic Objectives**

The strategic objectives of the Law Commission are:

**Strategic Objective 1:** To establish and maintain a centre of law reform excellence for Northern Ireland which can provide the Northern Ireland Department of Justice with robust and timely recommendations on the reform of the law of Northern Ireland. And to do so within the resources provided by the Department of Justice.

**Strategic Objective 2:** To take forward Programmes of Law Reform for Northern Ireland.

The Northern Ireland Law Commission membership comprises a Chair and four Commissioners appointed by the Department of Justice after consultation with the Attorney General for Northern Ireland.

1.4 The current membership is: Mr Justice McCloskey (Chair), Professor Sean Doran, Mr Neil Faris, Mr Robert Hunniford and Dr Venkat Iyer.

1.5 The functions of the Northern Ireland Law Commission for purposes of the Act include its powers and duties. In this Scheme the following are to be regarded as the functions:

The Northern Ireland Law Commission must keep under review the law of Northern Ireland with a view to its systematic development and reform, including in particular by:

Codification, the elimination of anomalies, the repeal of legislation which is no longer of practical utility and the reduction of the number of separate legislative provisions. The Commission must consider any proposals for the reform of the law of Northern Ireland referred to it and it

must submit to the Department of Justice programmes for the examination of different branches of the law with a view to reform.

The Northern Ireland Law Commission must provide advice and information to Northern Ireland departments and, with the consent of the Secretary of State for Northern Ireland, to Whitehall Departments concerned with the reform or amendment of the law of Northern Ireland.

The Northern Ireland Law Commission must submit its law reform proposals to the Department of Justice which will lay the Northern Ireland Law Commission's Reports before the Northern Ireland Assembly.

## **Internal Services**

### *Recruitment*

The Northern Ireland Law Commission recruits staff in a number of ways. Of the 13 staff 4 are seconded from the Dept of Finance and Personnel, 1 is seconded from Queen's University Belfast and 6 are directly recruited to the Law Commission. Recruitment competitions are run through HR Connect, the NICS recruitment organisation. All Law Commission recruitment panel members are provided with up to date equal opportunity training.

The Law Commission is committed to implementing equality best practices and procedures in its recruitment and personnel processes and adheres fully to the NICS procedures.

### *Public procurement of services*

The Law Commission procures its services through a public tendering exercise assisted by the Central Procurement Agency. The Commission adheres carefully to the guidelines and procedures set down by Central Procurement. These take full account of equal opportunities statutory obligations and best practice. All Law Commission procurement panel members are provided with up to date equal opportunity training.

The main services procured by the Law Commission are legal/legislative drafting services.

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

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

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

### **Responsibilities and reporting**

#### ***ARRANGEMENTS FOR ASSESSING COMPLIANCE WITH SECTION 75 DUTIES***

##### **Organisational Arrangements**

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 who is also the Accounting Officer for the Commission. The Chief Executive is responsible 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 Cathy Lundy at the address given below and we will respond to you as soon as possible:

Cathy Lundy  
Northern Ireland Law Commission  
Linum Chambers  
2 Bedford Square  
Bedford Street  
BELFAST BT2 7ES

Tel: (028) 90 544860

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

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 Northern Ireland Law Commission will prepare 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 Northern Ireland Law Commission liaises closely with the Equality Commission to ensure that progress on the implementation of our equality scheme is maintained.

2.9 The Law Commission ensures that equality issues are regularly considered throughout the work of the Commission by placing equality as a regular item on staff meetings. This ensures there is a standard best practice approach throughout the different law reform projects undertaken by the Commission.

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

2.10 The Northern Ireland Law Commission 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.

2.11 The action measures that make up our action plan are relevant to our functions. They are developed and prioritised on the basis of an audit of inequalities. The audit of inequalities has gathered and analysed

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

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>.

2.12 Our action measures are specific, measurable, linked to achievable outcomes, realistic and time bound. Action measures include performance indicators and timescales for their achievement.

2.13 We will develop any action plans for a period of four years in order to align them with our corporate and business planning cycles and our programmes of law reform. Implementation of the action measures will be incorporated into our business planning process.

2.14 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.

2.15 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.

2.16 The Northern Ireland Law Commission 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.

2.17 Once finalised, our action plan will be available on the Law Commission's website at: [www.nilawcommission.gov.uk](http://www.nilawcommission.gov.uk)

If you require it in an alternative format please contact us on the details provided. See contact details on page 9.

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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 4.2 of this equality scheme for a definition of policies.

## **Chapter 3 Our arrangements for consulting**

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

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

3.1 We recognise the importance of consultation in all aspects of the implementation of our statutory equality duties. We will consult on our equality scheme, action measures, equality impact assessments and other matters relevant to the Section 75 statutory duties.

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

3.3 All consultations will seek the views of those directly affected by the matter/policy, 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.

3.4 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.

3.5 We 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)*.

3.6 We work with Participation Network to develop increased access by equality groups to the Law Commission's consultations and documentation. In our Action Plan we highlight increasing accessibility as a key action. We do so particularly because of the difficulties experienced by many in accessing legal documents and legislation.

We will carefully and in a timely manner consider requests for information to be made available in alternative formats<sup>6</sup>. We will respond to such requests usually within 2 weeks. We will ensure that such consultees have equal time to respond.

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

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

3.8 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 consulting on our draft audit of inequalities, action plan and equality scheme.

3.9 The consultation period for our consultation papers 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.

3.10 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.

3.11 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.

3.12 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.

3.13 We provide feedback to consultees in a timely manner. In its published reports the Commission 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. This feedback is provided in formats suitable to consultees. (Please see also 6.3)

3.14 A list of our consultees is included in this equality scheme at Appendix 3. It can also be obtained from our website at

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

[www.nilawcommission.gov.uk](http://www.nilawcommission.gov.uk) or by contacting Paula Martin at [paula.martin@nilawcommission.gov.uk](mailto:paula.martin@nilawcommission.gov.uk) or tel: (028) 90544875.

3.15 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 Paula Martin at [paula.martin@nilawcommission.gov.uk](mailto:paula.martin@nilawcommission.gov.uk) or tel: (028) 90544875 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 law reform proposals or internal services policies adopted or proposed to be adopted on the promotion of equality of opportunity** (Schedule 9 4. (2) (b))

4.1      The Northern Ireland Law Commission is committed to carrying out a systematic review of its law reform proposals and internal services policies to determine whether there are any equality of opportunity implications.

4.2      The definition of a ‘policy’ under the Equality Commission’s Guide to the Statutory Duties has a wide remit and includes policies relating to all functions and activities, including internal policies.

The purpose of screening is to identify those law reform proposals that are likely to have an impact on equality of opportunity and/or good relations. Equality impact screening will be included as an action within the Project Initiation Document of each law reform project. The process will be conducted in line with NICS/NIO procedures.

The lead role in the screening of an area of law and a proposal for reform of that law is taken by the project lead lawyer. Where possible we will include key stakeholders in the screening process.

4.3      Equality proofing will be carried out early on in each law reform project and will be kept under review as the project develops. The Northern Ireland Law Commission will consider the impact of its law reform proposals on equality of opportunity in terms of the nine categories listed at Section 75 of the Act when considering which of its law reform proposals will be subject to equality impact assessment. The equality proofing of law reform proposals will be subject to public consultation.

The Commission’s internal procedures such as personnel, training and development, recruitment and procurement will be conducted in accordance with best practice set by the Department of Finance and Personnel (NICS) and the Department of Justice (the Commission’s

sponsor Department). This will include adherence to these Departments' policies on equal opportunity.

Equality screening will include applying the following questions:

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?

\* The main groups within each of the nine categories are identified at Appendix 4.

If the answer to any of these four questions is yes, consideration will be given to whether to subject the policy to the equality impact assessment procedure.

## **Evidence**

4.4 The Law Commission will make arrangements to obtain relevant information, whether quantitative or qualitative, so that it can clearly demonstrate why a policy is screened in for impact assessment or screened out as not requiring an equality impact assessment.

4.5 Evidence may include information from the Law Commission's own information management systems, including service monitoring and complaints handling systems, or from engagement in research, surveys or consultation exercises. Information may also be sourced from commissioned research or from research produced by other public authorities, representative groups, umbrella groups, and trades unions or universities. Information from consultation exercises on previous equality impact assessments, or those undertaken by other public

authorities within the same sector will also be considered. Anecdotal evidence, feedback from service users and affected groups or ongoing experience within the authority will also be considered.

4.6 Completion of screening, taking into account our consideration of the answers to all four screening questions set out in 4.3 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>8</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.

4.7 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 lead lawyer on the project after consultation with the project Steering Group which includes the lead Commissioner and the Chief Executive of the Northern Ireland Law Commission.

4.8 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 team leader within Northern Ireland Law Commission.

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<sup>8</sup> Mitigation – Where an assessment (screening in this case) reveals that a particular policy has an adverse impact on equality of opportunity and/or good relations, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant Section 75 categories.

4.9 If our screening concludes that the likely impact of a policy is 'none', in respect of all of the equality of opportunity and/or good relations categories, we may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, we will give details of the reasons for the decision taken. This screening decision will be 'signed off' by the appropriate policy lead within Northern Ireland Law Commission. The Chief Executive will be consulted on screening decisions.

4.10 As soon as possible following the completion of the screening process, the screening template, signed off and approved by the lead lawyer responsible for leading the relevant law reform project, will be made available on our website at [www.nilawcommission.gov.uk](http://www.nilawcommission.gov.uk) and on request. See contact details on page 9.

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

4.12 Our screening reports will be published quarterly [see below at 4.17-4.19 and 4.20 for details].

### **Equality impact assessment**

4.13 An equality impact assessment (EQIA) is a thorough and systematic analysis of a policy – in the case of the Law Commission this will mean a law reform proposal or recommendation. The primary function of an EQIA is to determine the extent of any impact of a proposed 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 proposed policy and to seek ways to more effectively promote equality of opportunity and good relations.

4.14 Once an area of law and/or a law reform recommendation 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 research and consultation process before the final recommendations on law reform are formulated.

4.15 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 our law reform proposals on the promotion of equality of opportunity**

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

4.16 We make publicly available the results of our assessments (screening and EQIA) of the likely impact of our proposals on the promotion of equality of opportunity and good relations. These are published along with our consultation paper and with the final report.

**What we publish**

4.17 Screening reports will be published annually.

Screening reports detail:

- All policies screened by the Northern Ireland Law Commission over the 12 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, ie:
  - 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



## **Screening templates**

4.18 For details on the availability of our screening templates please refer to 4.10.

## **Equality impact assessments**

4.19 EQIA reports are published once the impact assessment has been completed. These reports include:

- A statement of the aim of the law reform proposal 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 proposals which might better achieve the promotion of equality of opportunity
- Consultation responses
- The decision taken
- Future monitoring plans.

## **How we publish the information**

4.20 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**

4.21 The results of our assessments (screening reports and completed templates, the results of equality impact assessments) are available on our website along with the relevant consultation paper or report at [www.nilawcommission.gov.uk](http://www.nilawcommission.gov.uk) and by contacting Cathy Lundy (see contact details on page 9).

4.22 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 12 month period will be sent directly to all consultees on an annual basis.

4.23 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 recommendations we intend to make on equality of opportunity**  
(Schedule 9 4. (2) (c))

**Internal services**

4.24 The main internal services of the Commission are recruitment, personnel management and public procurement of legal services. The Commission works through HR Connect and Central Procurement Directorate (DFP) for its personnel, recruitment and procurement services. NICS equal opportunities recruitment, personnel and procurement procedures are strictly adhered to.

4.25 The Law Commission is committed to establishing a system to monitor the impact of its policies. This monitoring will relate to its policies on internal services. We will monitor the impact of our internal services policies with the advice and support of Departmental HR and Central Procurement Directorate.

4.26 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 Northern Ireland Law Commission follows guidance from the Office of the Information Commissioner and the Equality Commission.

**Law reform function**

4.27 The Law Commission as an advisory body does not implement policies. Its advice is considered by the responsible NI Department. The Department decides whether to implement the Law Commission's proposals and in what way. The Department may decide to implement the proposals fully or in a modified way. The Law Commission does not therefore control the outcome of its proposals.

4.28 Where a NI Department has implemented a recommendation of the Law Commission we will also encourage that Department to monitor any adverse impact on the promotion of equality of opportunity of the implemented policy/legislation.

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

4.29 Schedule 9 4. (2) (d) requires a public body to publish the results of the monitoring of adverse impacts of policies adopted. The Law Commission as an advisory body does not implement policies. Its advice is considered by the responsible NI Department. The Department decides whether to implement the Law Commission's proposals and in what way. The Department may decide to implement the proposals fully or in a modified way. The Law Commission does not therefore control the outcome of its proposals.

The Commission will publish the outcome of its 4 year monitoring commitment (see above 4.24) for legislation resulting from its recommendations.

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

4.31 All information published is accessible and can be made available in alternative formats on request. Please see below at 6.3 for details.

## **Chapter 5      Staff training**

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

### **Commitment to staff training**

5.1 We recognise that awareness raising and training play a crucial role in the effective implementation of our Section 75 duties.

5.2 Our Chief Executive wishes to positively communicate the commitment of the Northern Ireland Law Commission to the Section 75 statutory duties, both internally and externally.

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

### **Training objectives**

5.3 The Northern Ireland Law Commission has drawn up a detailed training plan for its staff which will aim to achieve the following objectives:

- to raise awareness of the provisions of Section 75 of the Northern Ireland Act 1998, our equality scheme commitments and the particular issues likely to affect people across the range of Section 75 categories, to ensure that our staff fully understand their role in implementing the scheme
- to provide those staff involved in the assessment of policies (screening and EQIA) with the necessary skills and knowledge to do this work effectively
- to provide those staff who deal with complaints in relation to compliance with our equality scheme with the necessary skills and knowledge to investigate and monitor complaints effectively
- to provide those staff involved in consultation processes with the necessary skills and knowledge to do this work effectively
- to provide focused training for lawyers and staff involved in research and data collection, policy development, service design, conducting equality impact assessments, consultation, monitoring and evaluation)
- those staff involved in the implementation and monitoring of the effective implementation of the Northern Ireland Law Commission'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 are aware of and understand our equality obligations.

- We will develop a summary of this equality scheme and make it available to all staff.
- We will provide access to copies of the full equality scheme for all staff; ensure that any queries or questions of clarification from staff are addressed effectively.
- Staff in the Northern Ireland Law Commission will receive a briefing on this equality scheme within 14 days after approval of the scheme.
- The Section 75 statutory duties form part of induction training for new staff.
- Focused training is provided for key staff within Northern Ireland Law Commission who are directly engaged in taking forward the implementation of our equality scheme commitments (for example those involved in research and data collection, policy development, service design, conducting equality impact assessments, consultation, monitoring and evaluation).
- Where appropriate, training will be provided to ensure staff are aware of the issues experienced by the range of Section 75 groups.
- When appropriate and on an ongoing basis, arrangements will be made to ensure staff are kept up to date with Section 75 developments.

5.5 Training and awareness raising programmes will, where relevant, be developed in association with the appropriate Section 75 groups and our staff.

In order to share resources and expertise, the Northern Ireland Law Commission 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.

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

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

6.1 Northern Ireland Law Commission are/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 Northern Ireland Law Commission 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.

We work with Participation Network and the Family Law Centre to ensure that our law reform work is accessible to children and young people and people with learning disabilities and minority ethnic communities, particularly when our proposals may impact on these groups.

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

### **Access to services**

6.5 The Northern Ireland Law Commission is committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories.

The Northern Ireland Law Commission also adheres to the relevant provisions of current anti-discrimination legislation.

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

6.6 We monitor regularly across all our functions, in relation to access to information and our consultation process, to ensure equality of opportunity and good relations are promoted.

6.7 Access to information and our consultations are regular items for discussion on each law reform project steering group and on staff meeting agendas.



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

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

7.1 Appendix 4 outlines our timetable for all measures proposed within this equality scheme. The measures outlined in this timetable will be incorporated into our business planning processes.

7.2 This timetable is different from and in addition to our commitment to developing action plans/action measures to specifically address inequalities and further promote equality of opportunity and good relations. We have included in our equality scheme a commitment to develop an action plan. Accordingly, this commitment it is listed in the timetable of measures at Appendix 4. For information on these action measures please see above at 2.11–2.18.

## **Chapter 8      Our complaints procedure**

(Schedule 9 10.)

8.1 The Northern Ireland Law Commission is responsive to the views of members of the public. We will endeavour to resolve all complaints made to us. The Commission has a complaints procedure which is published on the Commission's website.

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 Northern Ireland Law Commission has failed to comply with its approved equality scheme should contact Cathy Lundy (see contact details on page 9):

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

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

Similarly, the Northern Ireland Law Commission 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 Northern Ireland Law Commission 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 The Northern Ireland Law Commission's equality scheme is available free of charge in print form and alternative formats from Cathy Lundy (see contact details are on page 9).

9.2 Our equality scheme is also available on our website at:  
[www.nilawcommission.gov.uk](http://www.nilawcommission.gov.uk)

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

- We will make every effort to communicate widely the existence and content of our equality scheme. This may include press releases, prominent advertisements in the press, the internet and direct mail shots to groups representing the various categories in Section 75.
- 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 7 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.
- We will discuss with Participation Network and the Equality Commission how best to communicate this equality scheme effectively to children and young people and people with disabilities.

9.4 For a list of our stakeholders and consultees please see Appendix 3 of the equality scheme, visit our website at [www.nilawcommission.gov.uk](http://www.nilawcommission.gov.uk) or contact Cathy Lundy (see contact details on page 9).

## **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 published on the Commission's website and sent to the Equality Commission.

## **Consultation process for this draft Equality Scheme**

Consultees will be notified by e-mail of the consultation. Copies will also be made available in accessible formats on request.

The consultation will commence on 27 June 2011 for 15 weeks. If you have any concerns about the consultation process you should contact the Commission at the address below.

Written comments may be submitted by post, fax or e-mail to arrive no later than 10 October 2011 to the Equality Officer at the address below:

Mrs Cathy Lundy  
Equality Officer  
Northern Ireland Law Commission  
Linum Chambers  
2 Bedford Square, Bedford Street  
BELFAST BT2 7ES

# Appendix 1 - ORGANISATIONAL CHART

## COMMISSION BOARD

### Chairman

The Honourable Mr Justice McCloskey

### Commissioners

Professor Sean Doran (Barrister-at-Law)

Mr Neil Faris (Solicitor)

Mr Robert Hunniford (Lay Commissioner)

Dr Venkat Iyer (Law Academic)

### Chief Executive

Ms Judena Goldring Solicitor

## LEGAL TEAMS

### Bail Project

Ms Katie Quinn LLB, MSc

Mrs Patricia MacBride BA, J.D., Attorney-at-law

### Vulnerable Witnesses

Ms Clare Irvine LLB, Solicitor

Ms Nicola Smith BA (Int), LLM

### Business Tenancies and Multi Unit Developments

Ms Imelda McAuley LLB, LLM

Mrs Rebecca Ellis LLB, (Hons)

### Legislative Draftsman (for Vulnerable Witnesses & Bail projects)

Mr Ronan Cormacain LLB, LLM

### Second Work Programme

Ms Catherine O'Dwyer BA Hons, M.A., PhD

## BUSINESS SUPPORT TEAM

Business Manager - Mr Derek Noble

Communications & HR Manager - Mrs Cathy Lundy

Personal Secretary to Chairman & Chief Executive - Ms Paula Martin

Administrative Officer - Mr Andrew McIlwrath

Administrative Officer - Miss Joanne Kirk

## 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	Buddhist; Catholic; Hindu; Jewish; Muslims, people of no religious belief; Protestants; Sikh; other faiths.  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>9</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> ”.
Political opinion <sup>10</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>9</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>10</sup> *ibid*



## Appendix 3 List of consultees

Age NI
Alliance Party
Amnesty International
An Munia Tober
Association of Baptist Churches in Ireland
Belfast Hebrew Congregation
Belfast Islamic Centre
British Deaf Association Northern Ireland
British Irish Rights Watch
Cara-Friend
Carers Northern Ireland
Ara Coeli
Children in Northern Ireland (CiNI)
Chinese Welfare Association
First Church of Christ, Scientist, Belfast
Diocesan Office
Coalition on Sexual Orientation
Coiste na nIarchimí
Committee on the Administration of Justice
The Community Foundation for Northern Ireland
Community Relations Council
Democratic Unionist Party Headquarters
Derry Travellers Support Group
Information Unit
Early Years - the organisation for young children
EPIC
Equality Coalition
Policy and Development
EXTERN
First Division Association (FDA)
Foras Na Gaeilge
Free Presbyterian Church
Gay and Lesbian Youth Northern Ireland
Gingerbread NI
Green Party
Indian Community Centre
Lesbian Advocacy Services Initiative (LASI)
MENCAP
Men's Advisory Project
Methodist Church in Ireland
Multi-Cultural Resource Centre
NSPCC Divisional Office
Afro Community Support Organisation Northern Ireland (ACSONI)
Northern Ireland Association for Mental Health
Northern Ireland Commissioner for Children & Young People (NICCY)
Northern Ireland Council for Ethnic Minorities
Northern Ireland Gay Rights Association (NIGRA)

Northern Ireland Human Rights Commission
Northern Ireland Public Service Alliance (NIPSA)
Northern Ireland Women's Aid Federation
Older People's Advocate
Parenting Forum NI
Pobal
Polish Association Northern Ireland
Presbyterian Church in Ireland
Progressive Unionist Party
The Rainbow Project
RNIB Northern Ireland
RNID (Northern Ireland)
Social Democratic & Labour Party DLP Office
Sinn Fein Office
Tar Anall
Traditional Unionist Voice
Quaker Service
Ulster Scots Agency
Ulster Unionist Party
Victim Support Northern Ireland
Women's Forum Northern Ireland
Youth Action Northern Ireland

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

<b>Measure</b>	<b>Lead responsibility</b>	<b>Timetable</b>
<i>Section 75 Annual Progress Report [2.7]</i>	<i>CEO</i>	<i>Published with Annual Report September each year</i>
<i>Action plan</i>  <i>Consultation on draft action plan [2.15]</i>  <i>Finalised action plan published [2.18]</i>  <i>Arrangements for monitoring progress in place [2.16]</i>	<i>CEO</i>	<i>June 2011-September 2011</i>  <i>November/December 2011</i>  <i>Progress monitored through monthly team meetings for annual report</i>
<i>Consultation list reviewed and updated [3.4]</i>	<i>Equal Opportunities officer</i>	<i>Bi annually</i>
<i>Screening timetable [4.4]</i>  <i>Screening Reports [4.15]</i>	<i>Project lead lawyer</i>	<i>As laid down in project plans and timetable</i>
<i>EQIA timetable [4.16]</i>	<i>Project lead lawyer</i>	<i>As laid down in project plans and timetable</i>
<i>Monitoring</i>  <i>Review of monitoring information [4.31]</i>  <i>Publication of monitoring information [4.33;4.34]</i>		

<p><i>Training</i></p> <p><i>Development of summary scheme [5.4]</i></p> <p><i>Development of overall training programme [5.5]</i></p> <p><i>Focussed training [5.4]</i></p> <p><i>Update training [5.4]</i></p> <p><i>Evaluation of training [5.6]</i></p>	<p><i>CEO signs off training plan</i></p> <p><i>Equality officer monitors and updates</i></p> <p><i>Equality officer reports quarterly to CEO</i></p>	<p><i>Bi annually</i></p>
<p><i>Assessing access to information and services [6.9]</i></p>	<p><i>CEO and project lawyers</i></p>	<p><i>Regular item on monthly team meetings</i></p>
<p><i>Communication of equality scheme [9.3]</i></p> <p><i>Notification of consultees [9.3]</i></p>	<p><i>Equality officer</i></p>	<p><i>Published on website</i></p> <p><i>Within 2 weeks after approval by Equality Commission</i></p> <p><i>Equality groups informed during that period</i></p>
<p><i>Review of equality scheme [10.1]</i></p>	<p><i>Equality officer reporting to CEO</i></p>	<p><i>Annual review</i></p>

## Appendix 5 Action plan/action measures

**NOTE: Action plans for individual law reform projects are set out in Annex A in the draft Audit of Inequalities.**

INEQUALITY IDENTIFIED	EVIDENCE/ RESEARCH	SECTION 75 CATEGORIES	PERFORMANCE INDICATORS	ACTION MEASURES	TIMESCALE
<p>Accessibility of Law Commission consultations/law reform process generally and legislation</p> <p>Legislation and documents relating to the law are difficult to access for many citizens including Section 75 groups.</p>	<p>A request by an ethnic minority group for an interpreter to assist at a consultation meeting highlighted possible language barriers for ethnic minority communities, children &amp; young people, people with no experience of legal language. While the Law Commission has already taken steps to address this issue there is scope to further develop our approach.</p> <p>Feedback Insights through meeting with different S.75 groups. Many adults &amp; children find legal language inaccessible.</p>	<ul style="list-style-type: none"> <li>• Persons with a Disability;</li> <li>• Racial Groups</li> <li>• Children &amp; Young people</li> <li>• Elderly</li> </ul>	<p>Positive feedback from relevant S.75 groups.</p> <p>No of responses from S.75 groups</p> <p>Host a seminar on legislative drafting in 2011.</p>	<ul style="list-style-type: none"> <li>• Continued use of Consultation Paper and report summaries in reader friendly form</li> <li>• Directly raise question of accessibility in pre-consultation discussions.</li> <li>• Increase number of focus groups/oral discussion.</li> <li>• Accessibility directly addressed in every consultation paper and on agenda for all initial pre-consultation discussions.</li> </ul>	

<b>INEQUALITY IDENTIFIED</b>	<b>EVIDENCE/ RESEARCH</b>	<b>SECTION 75 CATEGORIES</b>	<b>PERFORMANCE INDICATORS</b>	<b>ACTION MEASURES</b>	<b>TIMESCALE</b>
Data gaps for measuring equality impacts in justice system particularly criminal justice system.	During research across its projects the Law Commission became aware of the gaps in data on equality groups in the justice system.	<ul style="list-style-type: none"> <li>• Gender: men</li> <li>• Sexual orientation</li> <li>• Persons with a disability</li> <li>• Racial groups</li> </ul>		<ul style="list-style-type: none"> <li>• Assess gaps and report to the Department of Justice.</li> <li>• Review equality data availability in own Annual Report.</li> <li>• Positively support best practice in other organisations whose data the Commission uses.</li> <li>• Positively examine how the Commission can use its own consultation process to access data.</li> </ul>	

<b>INEQUALITY IDENTIFIED</b>	<b>EVIDENCE/ RESEARCH</b>	<b>SECTION 75 CATEGORIES</b>	<b>PERFORMANCE INDICATORS</b>	<b>ACTION MEASURES</b>	<b>TIMESCALE</b>
The Law Commission identified scope for a strengthened focus and increased level of co-ordination and sharing views within the organisation in relation to its equality obligations.		Across all Section 75 groups	Increased uniformity of approach adopting best practice across projects.	<ul style="list-style-type: none"> <li>• Equality and good relations to be standing item on agenda for monthly team meetings.</li> <li>• Equality and good relations as standing item on agenda for Law Commissioners meeting every 3 months.</li> </ul>	

INEQUALITY IDENTIFIED	EVIDENCE/ RESEARCH	SECTION 75 CATEGORIES	PERFORMANCE INDICATORS	ACTION MEASURES	TIMESCALE
Looking at how the Law Commission addressed the equality screening questions we concluded that we could benefit from placing greater emphasis on the question relating to the opportunities to <u>promote</u> equality of opportunity.	Screening and EQIAs carried out on law reform projects.	Across all Section 75 groups	Evidence of reform proposals which can contribute to promotion of equality.	<ul style="list-style-type: none"> <li>• The Commission will more positively address the potential to <u>promote</u> equality of opportunity when screening its law reform proposals.</li> </ul>	