

***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).***

Linum Chambers
2 Bedford Square
Bedford Street
BELFAST
BT2 7ES

Foreword

Section 75 of the Northern Ireland Act 1998 (the Act) requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined in the Act¹.

In our equality scheme we set out how the Northern Ireland Law Commission ('the Law Commission') proposes to fulfil the Section 75 statutory duties.

We will commit the necessary and appropriate 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 Commissioners and Chief Executive of the Law Commission, are fully committed to effectively fulfilling the Section 75 statutory duties of the Law Commission 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 and our other

¹ See section 1.1 of our Equality Scheme.

statutory duties, particularly as contained in the Justice (Northern Ireland) Act 2002 (as amended). Our equality scheme also offers the means whereby persons directly affected by what they consider to be a failure, on the part of the Law Commission, to comply with our equality scheme, can make complaints.

On behalf of the 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.

Chairperson
March 2013

Chief Executive
16 April 2013

Contents

Please note: Foreword and Appendices 3 and 4 form part of this equality scheme.

	Page
Foreword	1
Chapter 1	Introduction 5
	Section 75 of the Northern Ireland Act 1998 5
	How we propose to fulfil the Section 75 duties in relation to the relevant functions of the Law Commission 5
	Who we are and what we do 6
Chapter 2	Our arrangements for assessing our compliance with the Section 75 Duties 9
	Responsibilities and reporting 9
	Action plan/action measures 10
Chapter 3	Our arrangements for consulting 12
Chapter 4	Our arrangements for assessing, monitoring and publishing the impact of policies 16
	Our arrangements for assessing the likely impact adopted or proposed to be adopted on the promotion of equality of opportunity 16
	Screening 17
	Evidence 19
	Equality impact assessment 21
	Our arrangements for publishing the results of the assessments of the likely impact of our policies we have adopted or proposed to adopt on the promotion of equality of opportunity 21
	What we publish 21
	How we publish the information 22
	Where we publish the information 23
	Our arrangements for monitoring any adverse impact of policies we have adopted on equality of opportunity 23
	Our arrangements for publishing the results of our monitoring 25

Chapter 5	Staff training	26
	Commitment to training	26
	Training objectives	26
	Awareness raising and training arrangements	27
	Monitoring and evaluation	28
Chapter 6	Our arrangements for ensuring and assessing public access to information and services we provide	29
	Access to information	29
	Access to services	30
	Assessing public access to information and services	30
Chapter 7	Timetable for measures we propose in this equality scheme	31
Chapter 8	Our complaints procedure	32
Chapter 9	Publication of our equality scheme	34
Chapter 10	Review of our equality scheme	35
Appendix 1	Organisational chart	36
Appendix 2	Example groups relevant to the Section 75 categories for Northern Ireland purposes	37
Appendix 3	List of consultees	38
Appendix 4	Timetable for measures proposed	40
Appendix 5	Glossary of terms	42
Appendix 6	Action plan/action measures	51

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 Northern Ireland Law Commission (“the 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 authority². This includes our employment, procurement, programme development functions and any other function which falls under the definition of policy contained at paragraph 4.2 of this equality scheme.

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 the Law Commission

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

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

1.3 The Law Commission is committed to the discharge of our Section 75 obligations in all parts of our organisation and we will make appropriate commitment of 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.

Internal Services

Recruitment

The Law Commission recruits staff in a number of ways. Currently of the 13 staff 6 are seconded from the Department of Finance and Personnel and 7 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 Directorate. The Law Commission adheres carefully to the guidelines and procedures set down by Central Procurement Directorate. 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.

Who we are and what we do

Background – The function of the Law Commission

The Law Commission was established in April 2007 under the Justice (Northern Ireland) Act 2002 (the 2002 Act) 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 formally launched on 1 April 2008 on the appointment of the Commissioners.

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 the systematic reform of the law of Northern Ireland.

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. This was effected by amendment of the 2002 Act contained in the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010.

The 2002 Act (as amended) provides that the Law Commission should consider any proposals for the reform of the law of Northern Ireland referred to it by the Department of Justice, by other Departments of the Northern Ireland Executive and (with the consent of the Department of Justice) by Departments of the Government of the United Kingdom. The Law Commission must also 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 Law Commission. (The Department of Justice must also consult with the Secretary of State where proposed law reform project for the Programme relates to matters contained in excepted or reserved legislation.)

The Law Commission sends its law reform proposals to the Department of Justice which must lay the Reports before the Northern Ireland Assembly. (In cases where the Reports relate to matters contained in excepted or reserved legislation the Law Commission sends such Reports to the Secretary of State who must lay them before each House of Parliament.)

Our main task is to review areas of the law and to make recommendations for change. The Law 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 2002 Act (as amended):

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 Law Commission

The Law Commission will provide the Department of Justice and other Northern Ireland Departments (and as appropriate, and with the consent of the Department of Justice, Departments of Government of the United Kingdom) 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 independent, 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 Law Commission's 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 Chairman's post and 3 Commissioners' posts are currently vacant. The Law Commission's sponsor Department (Department of Justice) as required under DFP Guidance for NDPBs is currently carrying out a review of the Law Commission. New appointments will be made after the Review has reported (end December 2012).

1.5 The functions of the Law Commission for purposes of the Act include its powers and duties. In this equality scheme the functions of the Commission are as set out in 1.3 above.

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

2.1 Some of our arrangements for assessing our compliance with the Section 75 statutory duties are outlined in other relevant parts of this equality scheme (see chapter 4).

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 Law 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 the Equality Officer at the address given below and we will respond to you as soon as possible:

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

Tel: (028) 90 544860

E-mail: info@nilawcommission.gov.uk

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

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 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 take proper account of 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 annual report and published on our website.

2.8 The 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 Law Commission by placing equality as a regular item on Board and staff meetings. This is to help achieve the requirement that there is a standard best practice approach throughout the different law reform projects undertaken by the Law Commission. The Law Commission uses a consistent and informed approach to screening and equality impact assessment (see Chapter 4). This will be achieved by placing equality issues on the agenda of the regular team meetings and through the application of equality training.

Action plan/action measures

2.10 The 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.

³ See Appendix 4 'Timetable for measures proposed' and section 2.11 of 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 information across the Section 75 categories⁴ to identify the inequalities that exist for our service users, those sections of the population who may be affected by the areas of law under review by the Law Commission and those affected by our policies⁵. The audit of inequalities is a 'living' document that will be amended as continued evidence is gathered on newly identified inequalities.

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 three-four years in order to align them with our corporate plan (our programmes of law reform) and business planning cycles and implementation of the action measures will be incorporated into our business planning process. Our first action plan covers 2012-2015

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 Law Commission will inform the Equality 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 Equality 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

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

⁴ See section 1.1 of this equality scheme for a list of these categories.

⁵ See section 4.2 of this equality scheme for a definition of policies.

Chapter 3 Our arrangements for consulting

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

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

3.1 We recognise the importance of consultation in all aspects of the implementation of our statutory equality duties. We will consult on our equality scheme, action measures, equality impact assessments and other matters relevant to the Section 75 statutory duties. The screening and equality impact assessment of law reform proposals will be subject to public consultation.

We will also consult on our audit of inequalities on a biennial basis.

3.2 We are committed to carrying out consultation taking proper account of 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 who appear to us to be representative of or to reflect the views of those who may be 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 an interest in the matter, whether or not they have a direct economic or personal interest. The Law Commission will regularly update its consultation list using experience gained during the consultation exercises.

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 organisations such as Participation Network to develop increased access by equality groups to the 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 formats⁶. We will respond to such requests usually within 2 weeks. We will ensure that such consultees have equal time to respond.

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

3.7 Specific training is provided to those facilitating consultations to ensure that they have the necessary skills to communicate effectively with consultees. This is part of the equality training included in the Commission's training plan.

3.8 To ensure effective consultation with consultees 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 take these factors into account and consider the need for a longer period of 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 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 proposal/policy.

3.14 We provide feedback to consultees in a timely manner. In its published reports the Law 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)

3.15 A list of our consultees is included in this equality scheme at Appendix 3. It can also be obtained from our website at www.nilawcommission.gov.uk or by contacting the Equality Officer on (028) 90544860.

3.16 Our consultation list is not exhaustive and is reviewed on an annual basis to ensure it remains relevant to our functions and policies.

We welcome enquiries from any person/s or organisations wishing to be added to the list of consultees. Please contact the Personal Secretary to the Chief Executive Officer at info@nilawcommission.gov.uk or tel: (028) 90544860 to provide your contact details and have your areas of interest noted or have your name/details removed or amended. Please also inform us at this stage if you would like information sent to you in a particular format or language.

Chapter 4 Our arrangements for assessing, monitoring and publishing the impact of policies

(Schedule 9 Paragraph 4(2)(b); Schedule 9 Paragraph 4(2)(c); Schedule 9 Paragraph 4(2)(d); Schedule 9 Paragraph 9(1); Schedule 9 Paragraph 9(2))

Our arrangements for assessing the likely impact of policies adopted or proposed to be adopted on the promotion of equality of opportunity (Schedule 9 Paragraph 4(2)(b))

Law Reform function

The Law Commission, as an advisory body, does not ‘adopt’ or implement law reform policies. It follows a public policy development model in formulating its advice on law reform. That is, it researches and publicly consults on the areas of law it is examining. The Law Commission carries out equality screening and where necessary, equality impact assessments during the process of developing its law reform proposals. The Law Commission submits its advice to the Department of Justice (DoJ). The Law Commission’s advice is considered by the relevant Departments, and the Northern Ireland Assembly (and the Houses of Parliament, if appropriate). These bodies decide whether to implement the Law Commission’s proposals and in what way. The Law Commission’s proposals may be implemented in full, in a modified way or not at all. Whilst law reform proposals are policies for the purposes of assessing the equality impacts; the Law Commission does not control the adoption or implementation of its proposals.

The policies adopted or proposed to be adopted by the Law Commission are those relating to functional areas such as recruitment, procurement, hospitality etc. Other policies will include for example matters relating to how we consult, including a communications policy.

Wherever the term policy is used throughout this Scheme it is to be interpreted within the context of the Law Commission’s functions as described above.

4.1 The Law Commission is committed to carrying out a systematic review of its policies to determine whether there are any equality of opportunity implications.

4.2 In the context of Section 75, 'policy' is very broadly defined and it covers all the ways in which we carry out or propose to carry out our functions in relation to Northern Ireland. In respect of this equality scheme, the term policy is used for any (proposed/amended/existing) strategy, policy initiative or practice and/or decision, whether written or unwritten and irrespective of the label given to it, eg, 'draft', 'pilot', 'high level' or 'sectoral'.

4.3 The Law Commission uses the tools of screening and equality impact assessment to assess the likely impact of a policy on the promotion of equality of opportunity and good relations. In carrying out these assessments we will relate them to the intended outcomes of the policy in question and will follow Equality Commission guidance:

the guidance on screening, including the screening template, as detailed in the Equality 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 Equality Commission's guidance Practical guidance on equality impact assessment (February 2005).'

Screening

4.4 The purpose of screening is to identify those policies/proposals that are likely to have an impact on equality of opportunity and/or good relations. The Law Commission will use the following consistent and informed approach to screening and equality impact assessment.

Screening of all policies is completed at the earliest opportunity in the policy development/review process. For example screening will be included as an action within the Project Initiation Document of each law reform project. 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.

Some of the Law Commission's policies such as personnel, training and development, recruitment and procurement, will be adopted from policies developed by NICS HR Connect and Central Procurement Directorates (DFP) and the Department of Justice (the Law Commission's sponsor Department).

In these circumstances or where a policy is reviewed/revised, the policies will be screened by the Law Commission in order to identify and address any equality issues in the implementation of that policy (for our arrangements in this regard see Paragraphs 4.7 – 4.34 below).

In addition should the Law Commission screening exercise or subsequent monitoring of that policy, once adopted, identify any adverse impacts or opportunities to promote equality of opportunity or good relations that have not been identified by the originating authority, these will also be raised by the Law Commission with the Department who developed the policy.

4.5 The lead role in the screening of a policy is taken by the policy decision maker who has the authority to make changes to that policy for example the project lead lawyer. However, screening will also involve other relevant team members, for example, equality specialists, those who implement the policy and staff members from other relevant work areas. Where possible we will include key stakeholders in the screening process.

4.6 Completion of screening, taking into account our consideration of the answers to all four screening questions set out in 4.7 below, will lead to one of the following three outcomes:

1. the policy has been ‘screened in’ for equality impact assessment
2. the policy has been ‘screened out’ with mitigation⁷ or an alternative policy proposed to be adopted
3. the policy has been ‘screened out’ without mitigation or an alternative policy proposed to be adopted.

4.7 The following questions are applied to all our policies as part of the screening process:

What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor/major/none)

Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

⁷ Mitigation – Where an assessment (screening in this case) reveals that a particular policy has an adverse impact on equality of opportunity and / or good relations, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant Section 75 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 2.

Evidence

4.8 In order to answer the screening questions in Paragraph 4.6 above, 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

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. Evidence may include information from the 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.

4.9 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 responsible for the project/policy, after consultation with the project Steering Group (which includes the Chief Executive Officer) in the case of law reform projects and by the CEO in all other cases.

4.10 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 lead lawyer or CEO as appropriate.

4.11 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 lead lawyer within the policy. The Chief Executive Officer will be consulted on all screening decisions.

4.12 As soon as possible following the completion of the screening process, the screening template, signed off and duly approved, will be made available on our website at www.nilawcommission.gov.uk. Consultees including the Section 75 groups will be informed of the availability of the screening decision and on request will be forwarded a copy of the screening form. See contact details on page 9.

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

4.14 Our screening reports will be published bi-annually [see below at 4.19-4.21 and 4.22 for details].

Equality impact assessment

4.15 An equality impact assessment (EQIA) is a thorough and systematic analysis of a policy. (The primary function of an EQIA is to determine the extent of any impact of such 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 such a policy and to seek ways to more effectively promote equality of opportunity and good relations.

4.16 Once a policy is screened and screening has identified that an equality impact assessment is necessary, we will carry out the EQIA in accordance with Equality Commission guidance. The equality impact assessment will be carried out as part of the policy development process and before the policy is implemented (or in the case of law reform proposals before the final recommendations are formulated).

4.17 Any equality impact assessment will be subject to consultation at the appropriate stage(s). (For details see above Chapter 3 “Our Arrangements for Consulting”).

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

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

4.18 We make publicly available the results of our assessments (screening and EQIA) of the likely impact of our law reform proposals/policies on the promotion of equality of opportunity and good relations. In addition to the publishing arrangements below in the case of law reform proposals assessments are published along with our consultation paper and with the final report.

What we publish

4.19 Screening reports will be published bi-annually.

Screening reports detail:

All policies screened by the Law Commission over the 6 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

4.20 For details on the availability of our screening templates please refer to 4.12.

Equality impact assessments

4.21 EQIA reports are published once the impact assessment has been completed (and in the case of law reform proposals within the Law Commission’s consultation papers and the final report). These EQIA 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 law reform proposals/policies which might better achieve the promotion of equality of opportunity

Consultation responses

The decision taken

Future monitoring plans.

How we publish the information

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

Where we publish the information

4.23 The results of our assessments (screening reports and completed templates, the results of equality impact assessments) are available on our website along with the relevant consultation paper or report at www.nilawcommission.gov.uk and by contacting the Equality Officer (contact details on page 9).

4.24 In addition to the above, notification of screening reports will be sent to consultees at the time the reports are posted on the website.

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

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

(Schedule 9 Paragraph 4(2)(c))

4.26 The Law Commission has established a system to monitor the impact of any policies it adopts.

We will monitor the impact of our policies with the advice and support of Departmental HR and Central Procurement Directorate (DFP).

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 Law Commission takes account of guidance from its sponsor department, the Office of the Information Commissioner and the Equality Commission.

4.27 Where a Department has implemented a recommendation of the Law Commission we will encourage that Department to monitor any adverse impact on the promotion of equality of opportunity of the implemented policy/legislation. The Law Commission also commits to sharing any screening or equality impact assessments undertaken by us with that Department to assist them in monitoring of the policy.

4.28 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 Law Commission follows guidance from its sponsor department, the Office of the Information Commissioner and the Equality Commission.

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

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

The collection, collation and analysis of existing relevant primary quantitative and qualitative data across all nine equality categories on an ongoing basis

The collection, collation and analysis of existing relevant secondary sources of quantitative and qualitative data across all nine equality categories on an ongoing basis

An audit of existing information systems within one year of approval of this equality scheme, to identify the extent of current

monitoring and take action to address any gaps in order to have the necessary information on which to base decisions

Undertaking or commissioning new data if necessary.

4.31 If over a two year period monitoring and evaluation show that a policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, we will ensure that the policy is revised to achieve better outcomes for relevant equality groups.

4.32 We review our EQIA monitoring information on an annual basis. Other monitoring information is also reviewed on an annual basis for the purposes of the Law Commission's annual report.

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

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

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

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 Paragraph 4(2)(e))

Commitment to training for members of the Law Commission and staff

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 Chair, Commissioners and Chief Executive wish to positively communicate the commitment of the Commission to the Section 75 statutory duties, both internally and externally.

To this end the Law Commission has introduced an effective communication and training programme for all staff and members of the Law Commission and will ensure that the Law Commission's commitment to the Section 75 statutory duties is made clear in all relevant publications.

Training objectives

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

- to raise awareness of the provisions of Section 75 of the Act, 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 and members of the Law Commission involved in the assessment of policies (screening and EQIA) with the necessary skills and knowledge to do this work effectively

- to provide those staff and members of the Law Commission 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 and members of the Law Commission involved in consultation processes with the necessary skills and knowledge to do this work effectively

- to provide focused training for members of the Law Commission and its staff involved in research and data collection, policy development, service design, conducting equality impact assessments, consultation, monitoring and evaluation)

those members of the Law Commission and staff involved in the implementation and monitoring of the effective implementation of the Law Commission's equality scheme shall be provided 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 members of the Law Commission and staff are aware of and understand our equality obligations.

We will develop a summary of this equality scheme and make it available to all members of the Law Commission and staff.

We will provide access to copies of the full equality scheme for all staff; ensure that any queries or questions of clarification from members of the Law Commission and staff are addressed effectively.

Members of the Law Commission and staff 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 members of the Law Commission and new staff.

Training on Section 75 is provided for all members of the Law Commission and staff who are 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).

Training will be provided to ensure members of the Law Commission and staff are aware of the issues experienced by the range of Section 75 groups. This will include specific training on each of the 9 categories listed under Section 75.

When appropriate and on an ongoing basis, arrangements will be made to ensure members of the Law Commission and staff are kept up to date with Section 75 developments.

5.5 Training and awareness raising programmes will be conducted through DoJ approved trainers currently through the Centre of Applied Learning (CAL); where relevant, be developed in association with the appropriate Section 75 groups and our staff.

In order to share resources and expertise, the 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.

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

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

(Schedule 9 Paragraph 4(2)(f))

6.1 The Law Commission 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 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 within 5 working days after receipt to indicate the availability and timing of the alternative format.

We work with relevant stakeholders such as 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/policies 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 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 Law Commission also adheres to the relevant provisions of current anti-discrimination legislation.

Assessing public access to information and services

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

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

6.8 The outcome of our assessment is published in our Annual Report.

Chapter 7 Timetable for measures we propose in this equality scheme

(Schedule 9 Paragraph 4(3)(b))

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

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

Chapter 8 Our complaints procedure

(Schedule 9 Paragraph 10)

8.1 The Law Commission is responsive to the views of members of the public. We will endeavour to resolve all complaints made to us. The Law Commission has a complaints procedure which is published on the Law 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 Law Commission has failed to comply with its approved equality scheme should contact the Equality Officer (see contact details on page 9):

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

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 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 properly 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 Law Commission will co-operate in good faith, providing access in a timely manner to any relevant documentation that the Equality Commission may properly require.

Similarly, the Law Commission will co-operate in good faith 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 Law Commission will make all efforts to implement promptly and in full any recommendations properly arising out of any Equality Commission investigation.

Chapter 9 Publication of our equality scheme

(Schedule 9 Paragraph 4(3)(c))

9.1 The Law Commission's equality scheme is available free of charge in print form and alternative formats from the Equality Officer (see contact details are on page 9).

9.2 Our equality scheme is also available on our website at: 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 in addition to publication on our website. This may include press releases, 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. 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 5 working days after receipt.

Our equality scheme can be made 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 or contact the Equality Officer (see contact details on page 9).

Chapter 10 Review of our equality scheme

(Schedule 9 Paragraph 8(3))

10.1 As required by Schedule 9 paragraph 8(3) of the Act 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.

10.2 In undertaking this review we will take proper account of any guidance issued by the Equality Commission. A report of this review will be published on the Law Commission's website and sent to the Equality Commission.

Understanding Section 75

10.3 'Good relations cannot be based on inequality' and confirms that 'the term due regard was intended to be, and is, stronger than regard'. It also clarifies that 'the discharge of the good relations duty cannot be an alternative to or cannot set aside the equality of opportunity duty.

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

Appendix 1 - ORGANISATIONAL CHART

CHIEF EXECUTIVE

Ms Judena Goldring, Solicitor

PROJECT LAWYERS

Ms Imelda McAuley LL.B., LL.M.

Mrs Sarah Witchell LL.B, Solicitor

Ms Clare Irvine LL.B., Solicitor

Mrs Rebecca Ellis LL.B., (Hons), Solicitor

Mrs Diane Drennan LL.B, M Phil, Solicitor

LEGAL RESEARCHERS

Mr John Clarke, LL.B.

Dr 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 - 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	<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 1998</i>. Therefore, “religious belief” also includes any <i>perceived</i> religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “<i>similar philosophical belief</i>”.</p>
Political opinion	Nationalist generally; Unionists generally; members/supporters of other political parties.
Racial group	Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; 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 and transgender people.

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
Equality Commission for Northern Ireland
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))

Measure	Lead responsibility	Timetable
<i>Section 75 Annual Progress Report</i> [2.7]	<i>CEO</i>	<i>Submitted to the Equality Commission by 31 August each year. Published with Annual Report September each year</i>
<i>Action plan</i> <i>Consultation on draft action plan</i> [2.15] <i>Finalised action plan published</i> [2.18] <i>Arrangements for monitoring progress in place</i> [2.16]	<i>CEO</i>	<i>April 2013-June 2013</i> <i>November/December 2013</i> <i>Progress monitored through monthly team meetings for annual report</i>
<i>Consultation list reviewed and updated</i> [3.4]	<i>Equal Opportunities officer</i>	<i>Bi-annually</i>
<i>Screening timetable</i> [4.4] <i>Screening Reports</i> [4.15]	<i>Project lead lawyer</i>	<i>As laid down in project plans and timetable</i>
<i>EQIA timetable</i> [4.16]	<i>Project lead lawyer</i>	<i>As laid down in project plans and timetable</i>

<p><i>Monitoring</i></p> <p><i>Review of monitoring information</i> [4.31]</p> <p><i>Publication of monitoring information</i> [4.33;4.34]</p>	<p><i>Equal Opportunities Officer</i></p>	<p><i>In accordance with commitments to publish this information.</i></p>
<p><i>Training</i></p> <p><i>Development of summary scheme</i> [5.4]</p> <p><i>Development of overall training programme</i> [5.5]</p> <p><i>Focussed training</i> [5.4]</p> <p><i>Update training</i> [5.4]</p> <p><i>Evaluation of training</i> [5.6]</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</i> [6.9]</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</i> [9.3]</p> <p><i>Notification of consultees</i> [9.3]</p>	<p><i>Equality officer</i></p>	<p><i>Published on website</i> <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</i> [10.1]</p>	<p><i>Equality officer reporting to CEO</i></p>	<p><i>Within 5 years of the submission of the Equality Scheme to the Equality Commission</i></p>

GLOSSARY OF TERMS

Action Plan

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

Action Measures and outcomes

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

Adverse impact

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

Affirmative action

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

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

Audit of inequalities

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

Consultation

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

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

Direct discrimination

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

Indirect discrimination

The definition of this term varies across some of the anti-discrimination laws, but indirect discrimination generally occurs where a public authority applies to all persons a particular provision, criterion or practice, but which is one that has the effect of placing people who share a particular equality characteristic (e.g. the same sex, or religious belief, or race) at a particular disadvantage compared to other people.

A provision, criterion or practice that is indirectly discriminatory will normally be unlawful unless (a) it can be objectively justified, or (b) the public authority can rely on a statutory exception that permits it.

Disability discrimination

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

- (a) Disability-related discrimination generally occurs where a public authority, without lawful justification, and for a reason which relates

to a disabled person's disability, treats that person less favourably than it treats or would treat other people to whom that reason does not, or would not, apply.

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

Victimisation

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

Harassment

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

Economic appraisal

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

Equality impact assessment

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

Equality of opportunity

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

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

Equality Scheme

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

Good Relations

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

Mainstreaming equality

The integration of equal opportunities principles, strategies and practices into the every day work of public authorities from the outset. 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.

OFMDFM

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

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 Equality Commission investigation, these are as follows:

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

Appendix 6 Action plan/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 the 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 & 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><i>Feedback</i> Insights through meeting with different S.75 groups. Many adults & children find legal language inaccessible.</p>	<ul style="list-style-type: none"> • Persons with a Disability; • Racial Groups • Children & Young people • Elderly 	<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"> • Continued use of Consultation Paper and report summaries in reader friendly form • Directly raise question of accessibility in pre-consultation discussions. • Increase number of focus groups/oral discussion. • Accessibility directly addressed in every consultation paper and on agenda for all initial pre-consultation discussions. 	<p>Considered prior to each law reform publication.</p>

INEQUALITY IDENTIFIED	EVIDENCE/ RESEARCH	SECTION 75 CATEGORIES	PERFORMANCE INDICATORS	ACTION MEASURES	TIMESCALE
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"> • Gender: men • Sexual orientation • Persons with a disability • Racial groups 		<ul style="list-style-type: none"> • Assess gaps and report to the Department of Justice. • Review equality data availability in own Annual Report. • Positively support best practice in other organisations whose data the Law Commission uses. • Positively examine how the Law Commission can use its own consultation process to access data. 	<p>Considered at PID stage of each project.</p> <p>Further consideration if project research reveals data gaps.</p>

INEQUALITY IDENTIFIED	EVIDENCE/ RESEARCH	SECTION 75 CATEGORIES	PERFORMANCE INDICATORS	ACTION MEASURES	TIMESCALE
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"> • Equality and good relations to be standing item on agenda for monthly team meetings. • Equality and good relations as standing item on agenda for Commissioners meeting every 3 months. 	Ongoing: monthly meetings.

INEQUALITY IDENTIFIED	EVIDENCE/ RESEARCH	SECTION 75 CATEGORIES	PERFORMANCE INDICATORS	ACTION MEASURES	TIMESCALE
<p>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.</p> <p>Looking at how the Law Commission addressed the good relations aspects of its statutory duties, we concluded that we could benefit from increased consideration of the need to promote good relations.</p>	<p>Screening and EQIAs carried out on law reform projects.</p>	<p>Across all Section 75 groups.</p> <p>Section 75 groups affected by sectarianism and racism.</p>	<p>Evidence of reform proposals which can contribute to promotion of equality.</p> <p>Evidence of reform proposals which can contribute to the promotion of good relations.</p>	<p>The Law Commission will more positively address the potential to <u>promote</u> equality of opportunity when screening its law reform proposals, personnel & procurement policies and research priorities.</p> <p>The Law Commission will more positively address how it can promote good relations for the relevant Section 75 groups through stakeholder work and discussion within the Law Commission.</p>	<p>Ongoing</p> <p>Ongoing</p>