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VOLUME 2

Volume 2 is a summary of points raised regarding DHFETE's draft Equality Scheme published for consultation on 7 April 2000, and DHFETE's responses to these. A copy is available on request.

1 **JOINT FOREWORD BY THE MINISTER AND THE PERMANENT SECRETARY**

We are pleased to present the first Equality Scheme of the Department of Higher and Further Education, Training and Employment. The purpose of the Scheme is to set out how the Department will meet the new duties created by Section 75 of the Northern Ireland Act 1998.

After almost thirty years of direct rule from Westminster, power has been devolved to the people of Northern Ireland, and the Northern Ireland Executive and Assembly have responsibilities covering a wide range of public services and policies. Equality of opportunity is built into devolution as a fundamental principle. It is in the Good Friday Agreement, and Section 75 enshrines in clear terms the duty placed on public authorities in Northern Ireland to have due regard to the need to promote equality of opportunity.

When we took up our posts at the Department of Higher and Further Education, Training & Employment in December 1999, each of us wrote to all staff in the new Department setting out our priorities. We attached particular importance to ensuring equality of opportunity for all and to the statutory equality obligation.

This Department welcomes the statutory equality duty. It is the beginning of a new phase in mainstreaming equality into its operations in ways that are systematic and comprehensive. This Department has inherited a strong tradition of mainstreaming equality. The Board of the Training and Employment Agency has had an Equality Sub-Group since 1991, the year after the Agency was set up; the Agency has had a specialist Equality Unit since 1995, and has developed considerable research, evaluation and statistical expertise on equality issues. The Department looks forward to continuing this work within the new, rigorous framework.

In its Guide to the statutory duties, the Equality Commission has provided definitions of 'mainstreaming'. Mainstreaming is above all about people and processes. It is about making sure that equality is everyone's business, that each person in the Department knows what she or he has to do personally, and why. Processes are the means by which people go about their daily work. For example, in thinking through a proposed policy change it is standard practice to examine the likely benefits and costs. Mainstreaming means equality of opportunity factors are also systematically taken into account and given due weight.

Meeting the Section 75 requirements is necessary but not enough. Effective mainstreaming means not just complying with the letter of the law but taking responsibility for the spirit of the law and ensuring it permeates our thinking.

The Department will ensure that the necessary resources, in terms of people, time and money, are in place to enable it to meet the Section 75 duties and continue to mainstream equality. In particular, we need to ensure the necessary levels of awareness and ensure that appropriate training is available in the Department. Detailed plans are being put in place and these will be updated annually. Training has already started: in January 2000 over ninety senior managers in the Department attended seminars on Section 75 and New TSN. A core part of the training and awareness-raising is identifying personal and professional responsibilities.

It is essential that the Department's commitments should be clear to all concerned. In the Scheme the Department has set out to meet the requirements agreed between the Equality Commission and the Secretary of State. At its core is a set of commitments which will require a great deal of work. In addition to meeting the requirements in the Commission's Guide, the Department has sought to make the Scheme as clear as possible to all its stakeholders, both outside and inside the Department.

We will ensure that the Department has in place all the internal arrangements that are necessary to meet the Section 75 duties and to monitor and review progress. The Scheme sets these out in some detail.

One of the most significant aspects of the new duties is that consultation is at the heart of policy-making processes. Consultation is not new but the new equality duty means that authorities must ensure that all policies which may impact on equality of opportunity are subject to consultation and that consultations are timely, open, inclusive and meaningful. The Department is committed to giving proper weight to all the views and evidence presented by organisations and individuals.

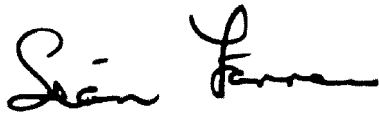
The Department published its draft Scheme for consultation on 7 April 2000 and has given careful consideration to all the points which have been raised. The Scheme includes details of this consultation, including the substance of the points raised and the Department's responses.

The focus of the Scheme, as required by Schedule 9 of the 1998 Act, is on processes, rather than specific policies. Priorities for full equality impact assessments on existing policies will be set in the light of the initial screening exercise.

In addition to the statutory equality duty, Section 75 requires authorities to have regard to the desirability of promoting good relations between people of different religious belief, political opinion and racial group. The Department is committed to meeting this duty also.

The Section 75 duties do not stand in isolation. They are supported and complemented in numerous ways by other provisions in legislation - particularly those listed by the Equality Commission in Appendix 6 of its Guide - and by policies such as New TSN (which includes the Promoting Social Inclusion initiatives) and policies for dealing with sexual harassment and victimisation in the workplace. This Scheme does not attempt to reproduce provisions contained elsewhere.

We are aware of the great pressure that voluntary and community sector organisations have been under in trying to respond to many draft Equality Schemes at the same time. We are grateful to all those people who took the time to study this Department's draft Scheme and who in a spirit of partnership offered constructive advice on how the Scheme could be improved.



Dr Seán Farren,
Minister for Higher and
Further Education,
Training and Employment



Alan Shannon,
Permanent Secretary,
Department of Higher and
Further Education, Training and Employment

2 THE DEPARTMENT OF HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

2.1 The Department of Higher and Further Education, Training and Employment was established on 2 December 1999. The Department brings together the functions of the Further and Higher Education Division of the former Department of Education for Northern Ireland and, from the former Department of Economic Development, most of the functions of the Training and Employment Agency (T&EA) and industrial relations functions. This Scheme encompasses the functions of the Department including the T&EA.

2.2 The Department's main areas of responsibility are:

- higher education
- further education
- lifelong learning
- vocational training
- guidance services
- employment services
- employment law and labour relations
- teacher training and teacher education
- student support and postgraduate awards, and
- sector training initiatives.

The Department also contributes to the administration of EU programmes and initiatives for Northern Ireland.

AIM AND OBJECTIVES

2.3 The Department's Aim is:

To promote a culture of lifelong learning and to equip people for work in a modern economy.

2.4 Objectives:

The Department is working with others, in Government and beyond, to

- promote economic growth, improved living standards and an increased number of accessible employment opportunities;
- achieve the highest quality of education and training provision, and seek the highest standards of learning, research, training and scholarship;

- promote an inclusive society where citizens have equality of opportunity; and,
- enhance North - South and East - West co-operation under the auspices of the North - South Ministerial Council and the British - Irish Council.

THEMES AND CROSS-CUTTING ISSUES

2.5 The Department is developing a Strategic Plan for 2001-2004. In the meantime its Business Plan for 2000/2001 identifies two key themes and the main cross-cutting issues, as well as setting performance targets related to the themes and management objectives for the Department.

2.6 ***Theme 1:***

Promoting a commitment to lifelong learning, to create the skills and expertise that our economy and employers need, to promote social inclusion and to encourage personal and cultural development.

2.7 By March 2001 we will have

- made recommendations for the future development of further and higher education;
- reviewed and made recommendations on enhancing the provision of basic skills education in further education (involving both the statutory and non-statutory sectors) and on reducing significantly the number of adults with low basic skills;
- enhanced the strategy to widen access to education and training. This will involve identifying how opportunities for education and training can be made readily available and accessible to under-represented sections of society and how participation can be increased across all age groups;
- reviewed and agreed changes to student support arrangements in Further and Higher Education;
- in partnership with other Departments and the Universities, explored how research and development can be expanded and how the capacity of the Universities to play a greater economic role can be enhanced, and
- in partnership with the Northern Ireland Skills Task Force, developed a strategy for better addressing the skills need of industry.

2.8 ***Theme 2***

Helping people without a job into work

2.9 By March 2001 we will have:

- through the JobCentre network, provided a quality service for people without a job and helped employers fill vacancies quickly and effectively by matching the right people and skills with the right jobs;

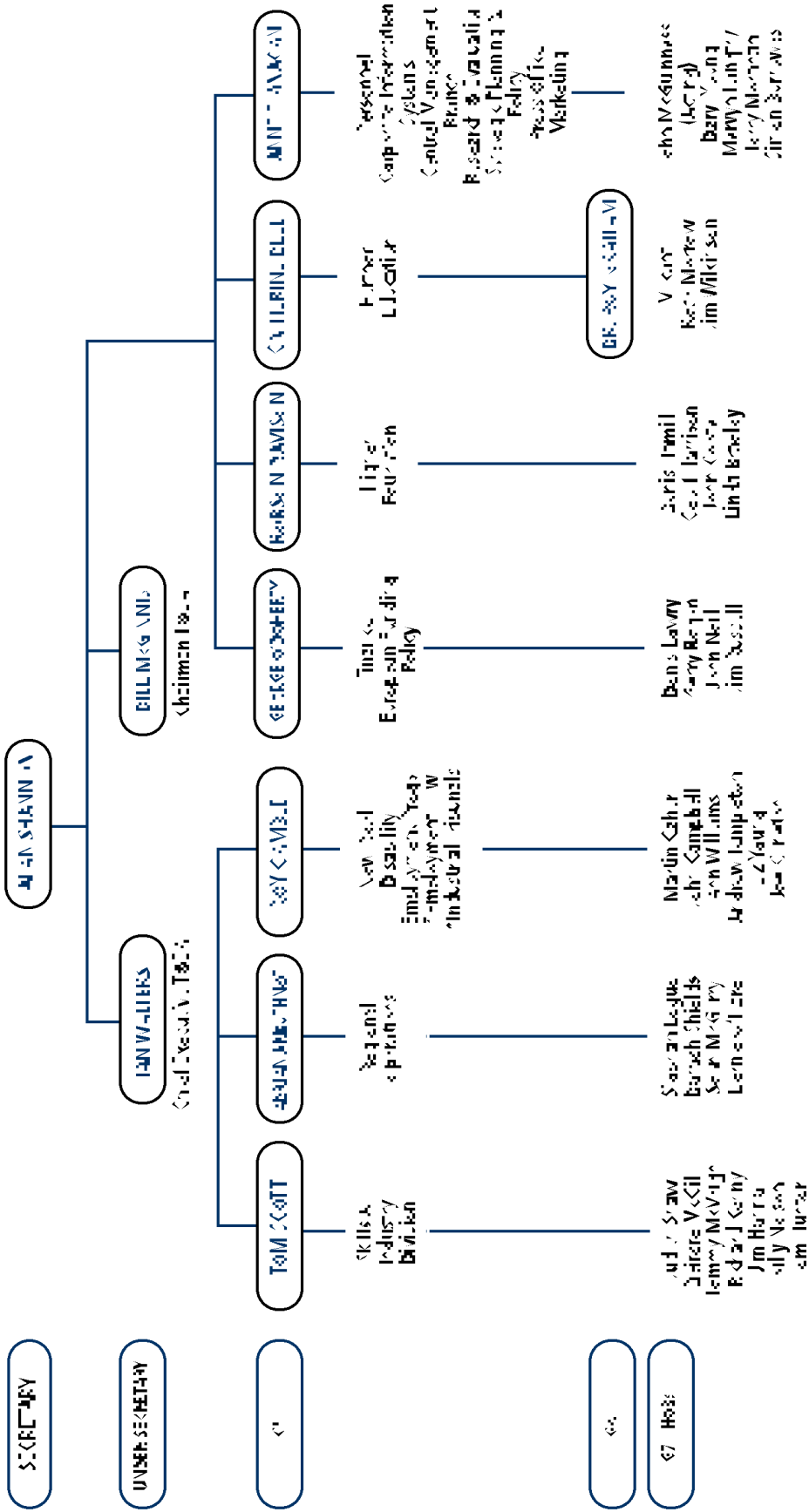
- implemented the New Deal for 50+ and continued to develop the New Deal initiatives;
- extended the New Deal for Disabled People pilots to the whole of Northern Ireland;
- reviewed the need for programmes to complement New Deal and developed proposals as appropriate;
- in partnership with the Department of Education, contributed to the Strategic Review of Careers Education and Guidance being undertaken by the Steering Group established under Strategy 2010;
- in partnership with the Department of Education, and in line with Strategy 2010, supported the establishment of a new, enhanced Northern Ireland Business Education Partnership (NIBEP), and
- have completed and evaluated, in partnership with the US State Department and FÁS, the pilot phase of the Walsh Visa Programme which provides unemployed young people (18-35) with temporary employment opportunities for up to three years in the United States.

CROSS-CUTTING ISSUES

2.10 In addition to equality of opportunity, the main cross-cutting issues for the Department and its partners include:

- New TSN;
- the Modernising Government agenda which aims to ensure that our services are of high quality and responsive to the needs of the citizen;
- European Union initiatives to support and promote employability, skills, Lifelong Learning and social inclusion;
- employment law and providing the means of settling employment law cases and industrial disputes;
- the development and implementation of an E-business strategy, and
- implementing those elements of the Transitional Objective 1, Peace II and Interreg III programmes and of the EQUAL initiative which fall within the Department's remit.

DHFETE ORGANISATION



* Reports directly to Mr Shannon re these areas of work
 + Secretary's Office, Private Office, CE's Office, Assembly Business Unit, Co-ordination Unit & Equality
 OrgChart-01a-DHFETE

3 SECTION 75 DUTIES

3.1 Section 75 of the Northern Ireland Act 1998 ("the Act") requires the Department, in carrying out all its powers duties and other functions, 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;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

3.2 In addition, without prejudice to this obligation, the Department shall in carrying out its functions have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

3.3 The Department notes that where it perceives in particular circumstances a tension between the equality duty and the good relations duty, the Department's primary responsibility is the equality duty. The Department notes the commitments which the Office of the First Minister and Deputy First Minister has included in its Equality Scheme regarding the good relations duty. DHFETE will contribute as necessary to OFMDFM's assessments and will use these to inform its fulfilment of the good relations duty.

3.4 Schedule 9 of the Act requires the Department to set out in an Equality Scheme how it proposes to fulfil the duties imposed by Section 75. This document is intended to fulfil that statutory requirement.

DHFETE EQUALITY SCHEME AS A MANUAL FOR OFFICIALS

3.5 This Scheme has been written primarily as a public statement, to be endorsed by the Equality Commission, of how the Department will meet its statutory obligations. It is also intended as a working manual for DHFETE officials.

DISTRIBUTION OF THE SCHEME

3.6 Not more than two months after the Equality Commission has communicated to DHFETE its approval of this Scheme, the Department will distribute it to the organisations listed in Annex B and to such other organisations as the Department decides.

3.7 IMPLEMENTATION

In October 2000 the Department agreed an implementation strategy to ensure that it meets its Section 75 duties. The aim of this strategy is to ensure that all necessary internal arrangements and resources are in place to enable the Department to meet the commitments contained in this Scheme, on time, and to ensure that the Minister and senior management are informed of progress against commitments on a quarterly basis. The implementation strategy will reflect the advice contained in Annex 1 of the Equality Commission's Guide to the Statutory Duties of 31 March 2000, and will include detailed consideration of:

- roles and responsibilities within the Department;
- awareness-raising and training;
- monitoring systems;
- consultation standards and arrangements, including systems to ensure that information is provided in the necessary formats and in a timely fashion;
- impact assessments - both prior and retrospective - and evaluations;
- access to information and services;
- resource allocations;
- procedures for dealing with complaints;
- periodic review of the Scheme;
- publication of results and reports to the Equality Commission;
- liaison with the Commission;
- support for DHFETE's Non-Departmental Public Bodies, and
- taking Section 75 into account as appropriate in staff performance reviews.

PERSONNEL FUNCTIONS

- 3.8** The Department of Finance and Personnel (DFP) has overall responsibility for personnel policies for Northern Ireland Departments. DHFETE has a degree of delegated authority regarding recruitment, deployment, promotion and training. In exercising this authority the Department will have due regard to the need to promote equality of opportunity and will have regard to the desirability of promoting good relations. The Department's screening exercise will encompass all its policies.

PROCUREMENT FUNCTIONS

- 3.9** The Department of Finance and Personnel has overall responsibility for procurement policies for Northern Ireland Departments. DHFETE's procurement arrangements are set out in a Service Level Agreement between the Department and the Government Purchasing Agency (GPA) of the Department of Finance and Personnel. In that agreement GPA has undertaken, as DHFETE's agent, to comply with all relevant national legislation. DHFETE's own screening exercise will encompass all DHFETE's policies.

EQUALITY IMPACT ASSESSMENTS OF PERSONNEL AND PROCUREMENT POLICIES

- 3.10** DHFETE will provide such information which may be required by DFP in carrying out equality impact assessments of personnel and procurement policies, and will participate in any steering group established by DFP to oversee the assessments.

4 REQUIREMENTS OF SCHEDULE 9 OF THE NORTHERN IRELAND ACT 1998

4.1 Arrangements for assessing DHFETE's compliance with the Section 75 duties and for consulting on relevant matters.

INTERNAL ARRANGEMENTS

4.1.1 Responsibility for driving forward implementation within the Department will be located in the DHFETE Equality Unit under the personal responsibility of a Grade 5 official. This official is, as of 1 February 2001, Anne Flanagan, Head of the Department's Corporate Services Division. This Unit will be a central point of contact for the Equality Commission and for complainants. This official will also represent the Department in inter-departmental structures to co-ordinate the implementation of Section 75 obligations.

4.1.2 This official will report to the rest of DHFETE senior management, i.e. all officials from Grade 5 to Permanent Secretary, and to the Minister, on a quarterly basis regarding the implementation of the Section 75 obligations.

4.1.3 Objectives and targets relating to the statutory obligations will be integrated into the Department's strategic and operational plans. Mainstreaming means that equality is the concern of all staff of the Department. There will be more specific responsibilities for certain staff including those who will be involved in: screening of policies; equality impact assessments on existing policies; evaluations; developing new policies; preparing legislation; consultations; monitoring; staff training; writing, reporting on and reviewing the Equality Scheme; handling complaints; marketing & communications; the Department's delegated personnel functions; delegated procurement functions, and other commitments set out in this Scheme. Where relevant, officials will include implementation of the statutory obligations in their personal performance plans.

ASSESSING COMPLIANCE

4.1.4 By 31 March 2004 the Department will assess how its current functions and policies impact on the promotion of equality of opportunity and the promotion of good relations. This will be done through:

- the Department's programme of evaluations;
- specially commissioned assessments of the impact of existing policies on equality of opportunity (paragraphs 4.2.14 - 4.2.21) and

- monitoring the use of, and participation in, education and training provision and other services and programmes sponsored or delivered by DHFETE.

LIAISON BETWEEN DHFETE AND THE EQUALITY COMMISSION

- 4.1.5** The Department has historically developed and maintained very positive working relationships with the statutory equality agencies, and is committed to continuing those relationships. The Department will liaise regularly with the Equality Commission with a view to ensuring that progress in relation to Section 75 is maintained.

ANNUAL STATEMENT

- 4.1.6** The Department will prepare by 30 June each year an annual review of progress made during the previous financial year to promote equality of opportunity and good relations. This statement will be sent to the Equality Commission.
- 4.1.7** The Department does not at present produce an annual report of its activities. If in future years the Department publishes an annual report this will include an account of progress in relation to Section 75.

CONSULTATION

Purposes of consultation

- 4.1.8** The Department will consult relevant organisations
- when formulating new policies or before submitting proposals for legislation to the Executive Committee;
 - when assessing the impact of existing policies, programmes and services on equality of opportunity;
 - when setting priorities for the Department's programme of impact assessments, and
 - when reviewing this Scheme, in order to ensure that the Department's decisions are informed by the fullest possible information on the likely effects of those decisions on equality of opportunity and good relations. The Department will ensure that its consultations are **timely, open, and inclusive**. To enable those consulted to judge the actual impact of a policy, or the likely impact of a proposed policy, on equality of opportunity, or on good relations, DHFETE will make available on request the information used to assess the impact of a policy or the likely impact of a proposed policy. This will include quantitative and qualitative information, and any necessary documentation such as consultants' reports. DHFETE will use its best endeavours to meet requests for further information. Guidance for DHFETE officials conducting consultations in relation to Section 75 is in Annex E.

Organisations to be consulted

- 4.1.9** When carrying out a consultation for the purposes of Section 75 the Department will consult organisations as indicated in Annex B, including the Community Relations Council as appropriate, and in each instance the Equality Commission. The Department will take account of the observations submitted to it relating to its compliance with the Section 75 obligations.

Conduct of consultations

Response period

- 4.1.10** In consulting NGOs the Department will normally provide a period for response of at least eight weeks and will begin consultation as early as practicable. However, there may be circumstances when this timescale is not feasible, e.g. policies which must be implemented urgently to comply with a court judgement or with international obligations. In such eventualities the Department will inform the Equality Commission. The Department will monitor and review such instances, report them to the Commission in its annual statement and justify them.

Means of communication

- 4.1.11** In consulting for the purposes of the Section 75 duties, the Department will write to organisations as indicated in Annex B. The Department will work with Section 75 groups (see Annex A) to ascertain how best to obtain their views and will consult using a range of methods. Consultation may involve meetings, standing or ad hoc consultative forums, attitude surveys, consultative panels, questionnaires and Internet discussion groups. The Department will explore alternative means of consultation with a view to making consultation more effective and inclusive. See also paragraph 4.6.1 regarding the Department's commitments in respect of communications in general.

Languages and formats

- 4.1.12** The Department has undertaken to develop a new marketing and communications strategy. The Department will seek to remove all barriers to proper consultation by ensuring accessibility of language and appropriate format. Issues concerning access to information will be given particular consideration. The Department will use its best endeavours to meet the needs of specific groups by making information available, on request, in a timely manner, in accessible formats such as Braille, large print, audio cassette and signed video cassette, and in minority languages for those who are not fluent in English. The Department will also consider how best to communicate information to young people and those with learning disabilities.

Arrangements for meetings

- 4.1.13** When a consultation process includes public meetings the Department will seek to ensure full participation in such meetings by considering the time of day, the venue, the need for interpreting services, the need for note-takers, accessibility and transport issues, the need for childcare and other potential barriers. The Department will seek to ensure that a loop system is available at all such meetings.

Responsibilities shared between departments

- 4.1.14** When responsibility for a policy is shared between two or more departments there may or may not be an agreed lead department. When DHFETE is the agreed lead department DHFETE will make arrangements for any Section 75 consultations. When there is no agreed lead department DHFETE and the other departments involved will agree arrangements for Section 75 consultations.

COMPLAINTS

- 4.1.15** The Department will monitor and review any complaints that it has not fulfilled its statutory obligation and will report on these in its annual statement to the Equality Commission. (See Section 4.9 for complaints procedures.)

NON-DEPARTMENTAL PUBLIC BODIES

- 4.1.16** The Department will liaise as necessary with the following Non-Departmental Public Bodies, which are required to submit their own equality schemes:

- the Construction Industry Training Board,
- Enterprise Ulster,
- the Labour Relations Agency,
- the Office of the Certification Officer and
- Ulster Supported Employment Limited.

NON-EXECUTIVE BODIES

- 4.1.17** The Board of the Training and Employment Agency, the Northern Ireland Higher Education Council (NIHEC) and the Further Education Consultative Committee (FECC) are non-executive advisory bodies to the Department and are not required by Section 75 to prepare Equality Schemes. The Department will issue a Letter of Guidance to these bodies within two months of this Scheme being approved by the Equality Commission, requiring them, in carrying out their respective functions, to have due regard to the need to promote equality of opportunity and to have regard to the desirability of promoting good relations.

4.2 Arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by DHFETE on equality of opportunity

Existing policies and new policies: definitions

4.2.1 Section 75 creates duties in respect of assessing the likely impact of proposals for new policies and assessing the impact of existing policies on equality of opportunity. This is a considerable challenge, as there is no single unambiguous and clear definition of “policy” which could serve for all the purposes of the statutory equality duty.

The term “policy” is used to refer to a wide range of activities and features. Some policies cut across different functions and different departments or agencies, for example New TSN, Welfare to Work, welfare reform and modernisation, lifelong learning, the Northern Ireland Childcare Strategy, and Strategy 2010. A programme or service may serve more than one policy. However defined, few policies are discrete: most policies are affected by and affect other policies. There are different levels of policy, for example European Union policies, national Government manifesto commitments, or local policies adopted by District Councils, HSS Trusts and ELBs. Policies implemented by a Northern Ireland Department such as DHFETE may have been developed elsewhere. Within the set of policies developed by DHFETE there are micro-level policies on which public consultation might be a waste of money that should be used for public services. To review simultaneously every policy for which DHFETE is responsible is not feasible. However the Department is fully committed to discharging its obligations.

4.2.2 To this end the Department will ensure that its officials know what is required to meet the Section 75 duties, and will ensure that DHFETE’s commitments are understood by all its stakeholders. To achieve these objectives a practical approach to existing policies is necessary. It is set out in paragraphs 4.2.13 to 4.2.22.

DEVELOPING NEW POLICIES

Preliminary assessments

4.2.3 When considering options for a new policy, service or programme, or for changing an existing service or programme, the Department will at the earliest opportunity carry out a preliminary Section 75 assessment (see Annex D). This will involve assessing whether the option is likely to impact on equality of opportunity or good relations, and seeking to identify which Section 75 groups (as indicated in Annex A), if any, would be adversely affected. The Department will record the outcome of the Preliminary Section 75 Assessment and will make this available on request.

Estimating likely impacts

- 4.2.4** Whenever a Preliminary Section 75 Assessment indicates that an option for change is likely to impact on equality of opportunity or on good relations, then before any such option is adopted by the Minister or by the Department, the Department will estimate the likely impact on equality of opportunity or good relations using available relevant information and commissioning research if appropriate.

Consultation

- 4.2.5** If an option for policy change is judged by the Department to be likely to have an adverse impact on equality of opportunity or good relations, then before adopting such an option, the Department will consult publicly as indicated in Annexes B and E, and will give due consideration to the views submitted to the Department. When considering responses to such consultations the Department will document the substance of the points raised and the Department's responses to these, including any changes to policy proposals. In its annual report to the Equality Commission, the Department will report each Section 75 consultation which it has conducted during the previous 12 months.

Consultation regarding specific locations within Northern Ireland

- 4.2.6** To assess the likely impact of new policies which relate only to specific localities within Northern Ireland, the Department will also consult with the relevant District Council(s) and other elected representatives.

Alternatives and mitigation of adverse impacts

- 4.2.7** In any event, when it appears likely that a policy option will adversely affect equality of opportunity or good relations, the Department will seek to identify alternative approaches with less adverse effects, where practicable.
- 4.2.8** If an appropriate alternative approach is not available the Department will seek practicable ways to mitigate adverse effects.

UK-wide policies

- 4.2.9** Northern Ireland Departments implement a range of policies which are developed and adopted at international and national levels. Northern Ireland Departments sometimes have an opportunity to contribute to the formulation of such policies. When DHFETE has an opportunity to influence the development of a national or international policy, the Department will draw the attention of the sponsoring Department, or other authority, to the requirements of Section 75, and will use its best endeavours to identify any adverse impact on equality of opportunity or good relations, and will advise the sponsoring department or organisation of its findings.

Consultation plan

- 4.2.10** During the period of twelve months from 30 June 2000 the Department currently anticipates that the following policies will require assessments of their likely impact on equality of opportunity:
- a review of policies/programmes/services addressing the needs of unemployed people aged 25 and over;
 - a review of advisory structures for training and further and higher education, and
 - a review of student support.
- Other new policies may be developed during this period but cannot yet be specified.

Legislation

- 4.2.11** When the Department puts forward a proposal for legislation, the results of any Section 75 impact assessments and consultations will be included in the assessment which the Department submits to the Assembly and the Executive, and in the Memorandum accompanying a Bill which goes to any committee of the Assembly considering legislative proposals.

Decision-making

- 4.2.12** Before deciding to adopt any proposed new policy, the Department will take into account any relevant equality impact assessment and the outcome of associated consultation. This is a statutory requirement under Paragraph 9(2) of Schedule 9 to the Northern Ireland Act 1998.

EXISTING POLICIES

Purpose of equality impact assessments

4.2.13 The Department will carry out or commission a programme of equality impact assessments covering the full range of its functions to determine how its policies, programmes and services impact on the promotion of equality of opportunity and the promotion of good relations. An equality impact assessment will aim to identify whether, for each Section 75 criterion, the policy under consideration creates differential impacts between groups or has the potential to enhance equality of opportunity between groups, particularly in terms of: rights; resources; participation; and values and norms (ie traditional roles, stereotypes, division of labour, attitudes and behaviour).

Setting priorities for impact assessments

4.2.14 As soon as possible after submission of this scheme to the Equality Commission the Department will undertake a screening of all its current policies using the criteria set out in paragraph 4.2.13. This will establish which of its policies have a significant impact on equality of opportunity and should be subject to full equality impact assessment. In particular the screening will seek to identify:

- any evidence of higher or lower participation or uptake by different groups within any of the nine categories (see Annex A);
- any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular main policy area;
- any opportunities to better promote equality of opportunity or good relations by altering policy or working with others in Government or the community at large, and
- any indications that particular policies create problems for specific groups.

This exercise will also identify the Section 75 categories where each current policy is expected to have a significant impact. Impact assessments of current policies will concentrate on the categories identified in this exercise. This screening exercise will include consultation as indicated in Annexes B and E, and the Department will aim to complete the screening exercise by the end of April 2001.

4.2.15 Following the screening exercise the Department will then set a timetable for conducting equality impact assessments on its current policies. These will be prioritised on the basis of:

- effect on access to higher or further education, or training;
- effect on access to employment;
- relevance to social need,
- scale of expenditure involved, and
- the objectives and priorities of the Northern Ireland Executive's Programme for Government.

4.2.16 The Department will report to the Equality Commission in its first annual progress statement on the results of the screening exercise, the timetable for carrying out assessments of existing policies, its consultation on these, who was consulted, their comments and any changes made consequent to consultation.

Impact assessments within DHFETE's programme of evaluations

4.2.17 DHFETE plans and oversees a rolling programme of evaluations updated annually, which ensures that DHFETE's labour market programmes and services are evaluated every 5 years. The main purpose of these evaluations is to inform the development of policies, and they are normally carried out by independent consultants. DHFETE will continue, and will develop, the Training and Employment Agency's established practice of treating equality issues as an integral part of each evaluation.

- Equality considerations are already incorporated into invitations to tender for evaluations. These conditions will be revised with effect from 1 July 2000 to reflect the Section 75 duties.
- As a specific requirement of the Terms of Reference of any evaluation, consultants will be required to make an assessment of the programme or service being evaluated in terms of equality of opportunity and good relations, and to seek to identify any adverse effects.
- Consultants carrying out evaluations will also be required to consider, in respect of any recommendations that they make, whether there are any likely impacts on equality of opportunity or good relations. In doing so consultants may recommend measures to mitigate any adverse impacts.
- Whenever an evaluation should be followed up by consultation on equality impact the Department will consider whether there is a role in the consultation process for the consultants who have carried out the evaluation.

Discrete equality impact assessments

- 4.2.18** If any policy area is identified as a priority for an equality impact assessment and this cannot be accommodated within the programme of evaluations a discrete impact assessment will be carried out on that policy area within the timetable established after the screening exercise.
- 4.2.19** In carrying out equality impact assessments the Department will draw on work commissioned by the Equality Commission, and on guidance issued by the Equality Unit of the Office of the First Minister and Deputy First Minister.

Consultation

- 4.2.20** Each impact assessment - whether discrete or part of an evaluation - will include consultation with relevant organisations, by appropriate means, in accordance with the Guiding Principles in the Equality Commission's Guide to the Statutory Duties.

Mitigation of adverse impacts

- 4.2.21** The Department will consider measures to mitigate any adverse impacts on equality of opportunity or good relations identified through impact assessments. The Department will if necessary commission special monitoring and analysis to confirm the extent of the adverse impact and/or the success of any mitigating measures. Information collected in this special monitoring would be taken into account in any future review of the policy.

Good relations

- 4.2.22** Where relevant, an equality impact assessment will include an annex on the promotion of good relations.

4.3 Arrangements for monitoring any adverse impact of policies adopted by DHFETE on the promotion of equality of opportunity

Monitoring of DHFETE policies, programmes and services

- 4.3.1** Monitoring is the periodic review and analysis of information - usually quantitative data - collected on a continuous basis. The Department will build on the T&EA's existing equality monitoring arrangements (Annex G sets out current equality monitoring arrangements for T&EA's programmes and services) and will monitor the use of its services and participation in its programmes in terms of the Section 75 dimensions as appropriate. Specifically, the Department will aim to identify any participation rates or take-up rates which are lower than

expected, and their causes. For monitoring and for impact assessments the Department will use data that are accurate and up-to-date, and will use quantitative and qualitative data as appropriate.

Review of monitoring systems

- 4.3.2** The Department already monitors participation in and use of a wide range of programmes and services in terms of equality. By 31 March 2001, the Department will review its existing monitoring system in order to assess whether additional monitoring arrangements are necessary for the purposes of Section 75. This assessment will take into account resource implications, the readiness of the public to supply information, and the availability and value of proxy measures (e.g. postcode analysis). The Department will report the outcomes of this review in its first annual report to the Equality Commission.

Cooperation with the Northern Ireland Statistics and Research Agency

- 4.3.3** The Department will continue to co-operate closely with the Northern Ireland Statistics and Research Agency in reviewing its monitoring arrangements and to consider any special monitoring needs that may become apparent.

Responding to adverse impacts

- 4.3.4** If monitoring and evaluation show that a DHFETE policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the Department will ensure that the policy is revised.

4.4 Arrangements for publishing results of impact assessments and monitoring information

Annual statement

- 4.4.1** The Department's annual statement to the Equality Commission (see para 4.1.6) will include Section 75 monitoring data and the results of any impact assessments carried out over the year. The annual statement will include commentary on any indication of adverse impacts on equality of opportunity or good relations and details of remedial action taken or being considered.

Summary information

- 4.4.2** The Department will publish annually summaries of the monitoring information and results of impact assessments in the Labour Market Bulletin, and will include summary information in DHFETE's and/or T&EA's Annual Report.

PUBLICATION

- 4.4.3** The Department will make publicly available the outcome of any equality impact assessment and of any monitoring undertaken. This material will be accessible on the Department's website at www.nics.gov.uk/mainhfe.htm . It will also be available in printed form and in alternative formats on request from the Department's Equality Unit. The formats of the published information will be based on the guidance included in Section 1 of the Equality Commission's Guide to the Statutory Duties (March 2000). The Department may inform the general public about the availability of this material through press releases. It will also directly inform those bodies which have submitted advice in the course of consultation.

- 4.4.4** Published documentation on an equality impact assessment will include:

- the aims of the policy;
- details of any consideration given to mitigate any adverse impact of the policy on the promotion of equality of opportunity, and
- details of any consideration given to alternative policies which might better achieve the promotion of equality of opportunity.

4.5 Arrangements for training DHFETE staff on relevant issues

- 4.5.1** The Department will develop and deliver an effective training and communication programme to ensure that each member of its staff has an appropriate level of awareness and understanding of equality issues and the Section 75 duties. This will be included in the Department's annual training plans.

Aim: To continue to mainstream equality of opportunity and good relations into the Department's processes.

- Objectives:
1. All staff in the Department will be aware of the spirit and the requirements of Section 75 and of the commitment of the Minister and senior management to equality of opportunity and good relations.
 2. Staff engaged in specific functions relating to the Section 75 duties will have the knowledge and skills necessary to carry out those functions in accordance with the spirit and requirements of Section 75.

This includes staff engaged in: screening policies; equality impact assessments on existing policies; evaluations; developing new policies; preparing legislation; Section 75 consultations; monitoring; staff training; writing, reporting on and reviewing the Equality Scheme; handling complaints; marketing & communications; the Department's delegated personnel functions, and delegated procurement functions.

- Methods:
- The Section 75 training and communications will include:
- awareness-raising and training events;
 - the inclusion of updated equality modules in staff induction programmes and materials;
 - distribution of this Scheme to all members of staff in the Department: within 6 weeks of the Equality Commission approving the Scheme the Permanent Secretary will send a copy to every member of staff with a covering letter summarising the contents and highlighting the Minister's and senior management's commitment to the spirit and duties of Section 75;
 - more focused training as necessary for staff in management roles and other specialist staff;
 - branch-level meetings to address equality issues as they relate to specific policy areas;
 - training and advice for managers conducting public consultations;
 - communications by means of articles in staff magazine, departmental staff briefing;
 - the inclusion in departmental news digests of relevant articles which appear in newspapers and other periodicals;
 - the provision of advice on request by the DHFETE Equality Unit;
 - the inclusion of an equality page in the Department's and/or T&EA's website;
 - attendance by individual staff members at external courses, seminars, workshops and other events.

- 4.5.2** The Department will consult affected groups regarding the design and delivery of Section 75 training and awareness-raising activities. Those events organised by the Department may be delivered by Department staff or by people and organisations outside the Department.
- 4.5.3** The Department will consider other means of awareness-raising and training, e.g. multi-media, and will also seek to ensure effective external communication of the Minister's and the Department's commitment to promoting equality of opportunity and good relations, through speeches, articles and other means. As a recognised Investor in People, the Department evaluates its staff training, and will as a matter of course evaluate the effectiveness of its Section 75 training and awareness-raising.

4.6 Arrangements for ensuring and assessing public access to information and services provided by DHFETE

INFORMATION

Communications and marketing strategy

- 4.6.1** The remit of the existing T&EA Marketing Unit will be revised to cover the full range of DHFETE's functions. The Unit will produce a marketing and communications strategy by 31 May 2001 which will set out in detail arrangements for ensuring that all the Department's communications are informed by the need to promote equality of opportunity, including systems to ensure that information is available in accessible formats and in a timely fashion. The strategy will be available on request. In the interim the Department will seek to ensure that its communications are inclusive and that information is available in necessary formats in a timely fashion.

Inclusive communications

- 4.6.2** The Department is committed to effective communication with the public. It recognises, however, that there is a risk that some sections of the public may not enjoy equality of opportunity in accessing information provided by the Department. Particular risk areas include: people with sensory or learning disabilities may have particular difficulties with information in print; members of minority ethnic groups who are not fluent in English may have difficulties with information provided only in English; some local newspapers are read predominantly by members of only one of the major religio-political groups (ie Protestants/Unionists or Catholics/Nationalists). The Department will consider how best to communicate with young people and people with learning disabilities, in consultation with relevant authorities and non-government organisations such as Mencap, YouthNet, Save the Children and Carers Association NI.

Newspapers

- 4.6.3** In disseminating information through the local press, the Department will ensure that press statements and public advertisements are carried by all three Northern Ireland-wide daily newspapers. Where press statements or public advertisements are aimed at a particular area within Northern Ireland, the Department will ensure as far as possible that the information is disseminated through at least two local newspapers circulating in that area, ensuring that the information is accessible to both main political-religious sections of the community.

Formats and languages

- 4.6.4** As part of its communications strategy the Department will assess its arrangements for providing information in Braille, large print, audio cassette, signed video cassette and computer disk formats and appropriate languages for those who are not fluent in English. The assessment will take account of the statutory requirements of the Disability Discrimination Act 1995; the likely demand for information in such formats across its main policy areas; resource implications; and, in particular, the recommendations of the cross-departmental Promoting Social Inclusion (PSI) working groups on minority ethnic people and on access to information. The assessment will make recommendations on how public access to information can be better ensured by improving arrangements for providing information in different formats and languages. The Department will consult on these recommendations and will implement them as appropriate.

ACCESS TO SERVICES

- 4.6.5** The Department intends that all of its services are fully accessible to all parts of the community, and will seek continuously to ensure that they are. Equality impact assessments will highlight any factors which create differential impact by making a service linked to a particular policy less accessible to particular groups.
- 4.6.6** In locating offices which are intended to be accessible to the public, the Department will as far as practicable ensure that no section of the community is deterred from visiting the Department. All public offices will maintain a welcoming and neutral environment and the Department will ensure that its uses of symbols do not adversely affect equality of opportunity. The Department will comply with the relevant provisions of the Disability Discrimination Act 1995.

Freedom of information

4.6.7 The Department's commitments in the Scheme on equality of opportunity in accessing information are without prejudice to any rights to information in the Code of Practice on Open Government or in Freedom of Information legislation.

4.7 Timetable for measures proposed in this Scheme

4.7.1 1 July 2000 Revised conditions for tendering for DHFETE evaluation contracts come into operation.

Within 2 months of approval of this Scheme DHFETE to distribute Scheme to organisations listed in Annex B.

30 September 2000 DHFETE senior management to agree an implementation strategy for the Department.

30 April 2001 Completion of screening of DHFETE's existing functions to determine priority areas for DHFETE's programme of impact assessments.

31 March 2001 Completion of review of monitoring systems.

31 May 2001 Publication of a communications and marketing strategy for DHFETE which will include DHFETE's arrangements for ensuring that all its communications reflect the need to promote equality of opportunity.

30 June 2001 DHFETE's first annual statement to the Equality Commission.

31 March 2004 Completion of programme of impact assessments covering all DHFETE's existing functions.

Continuous Annual plan for training and awareness-raising within DHFETE.

30 June 2005 DHFETE to submit a revised Equality Scheme to the Equality Commission for approval.

4.7.2 Should the need arise to amend this timetable the Department will consult the Equality Commission with a view to agreeing a revised timetable. The Department will communicate any such changes to stakeholders as necessary.

4.8 Publication of this Scheme

- 4.8.1** Following submission to the Equality Commission, this Scheme will be available in print form and alternative formats free on request from the Department's headquarters at **Adelaide House, 39-49 Adelaide Street, Belfast BT2 8FD** - telephone **028 90 25 74 44**; fax **028 90 25 75 21** textphone **028 90 25 74 69**. It can also be accessed on DHFETE's website at www.nics.gov.uk/mainhfe.htm .
- 4.8.2** Following approval of the Scheme by the Equality Commission, a further version (revised if necessary) will be available at the same location and website address. The Scheme will be also available through T&EA JobCentres. The Department will issue a press statement when the Scheme is approved by the Equality Commission. Systems will be in place to ensure that the Scheme is available on request, in a timely fashion, in formats such as Braille, disc and audiocassette and in minority languages to meet the needs of those who are not fluent in English. The Department will also consider how best to communicate the Scheme to young people and people with learning disabilities.
- 4.8.3** The Department will distribute the Scheme to the organisations listed in Annex B within two months of the Equality Commission's approval of the Scheme.

4.9 Complaints

- 4.9.1** When a person believes that she or he has been directly affected by a failure on the part of DHFETE to comply with this Scheme, and wishes to bring a complaint to the attention of the Department, she or he should in the first instance contact **Carol McCabe in the Department's Equality Unit**. Contact details for the Department's headquarters are in paragraph 4.8.1 above. The Department will ensure that its complaints procedure is accessible.
- 4.9.2** The Northern Ireland Act 1998 states that a complaint must be made in writing by a person who claims to have been directly affected by a failure on the part by the Department to comply with the Scheme. The Department will offer advice and assistance to any person for whom this statutory requirement causes difficulty.
- 4.9.3** The Department will investigate the complaint and respond to the complainant within one month if possible and in a format appropriate to the needs of the complainant. In responding to the complainant, the Unit will inform her or him of the procedure for pursuing the complaint further with the Equality Commission, as set out in paragraph 10 of Schedule 9 to the Northern Ireland Act 1998.

4.9.4 The Department will cooperate fully in any subsequent investigation by the Equality Commission, providing access to any staff members or documentation which the Commission may require. Similarly, the Department will cooperate fully with any investigation by the Equality Commission under sub-paragraph 11(1)(b) of Schedule 9 to the Northern Ireland Act 1998.

4.10 Review of this Scheme

The Department will review this Scheme and submit a revised Scheme to the Equality Commission on or before 30 June 2005. This review will take account of any guidance which the Equality Commission issues on reviewing Equality Schemes. The review will include an overall assessment of how the Department has complied with its Section 75 obligations and how equality of opportunity and good relations have been advanced in relation to its main policy areas. The review process will include consultation as indicated in Annexes B and E.

ANNEX A

MAIN GROUPS RELEVANT TO THE SECTION 75 CRITERIA

Criterion	Main Groups
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial group	Bangladeshi; black African; black Caribbean; black other; Chinese; Indian; Irish Travellers; Pakistani; mixed ethnic group; other ethnic group; white
'Men and women generally'	Men including boys; women including girls (1)
Marital status	Married people; unmarried people; cohabiting people; divorced or separated people; widowed people
Age	DHFETE's functions are concerned mainly with people of working age, i.e. 16 to 64. Various DHFETE functions are targeted at different age-groups within that range
'Persons with a disability' (2)	Persons with a physical, sensory, learning or mental disability as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
'Persons with dependants' (2)	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Lesbians; gay men; bisexual people; heterosexual people

Notes

- (1) For the purposes of Section 75 the Department will regard transsexual people (trans-gender people) as belonging to their new gender.
- (2) Note the wording of the statutory equality duty (paragraph 3.1) which applies equally to people with and without disabilities and to people with and without dependants.

ANNEX B

CONSULTATION BY DHFETE FOR PURPOSES OF SECTION 75 DUTIES

1. When the Department consults publicly on
- the likely impact of proposed policies on equality of opportunity and good relations, or
 - the actual impact of existing policies on equality of opportunity and good relations, or
 - priorities for impact assessments, or
 - preparing this Scheme and reviewing it in future.

the Department will, write to the following statutory agencies

- the Equality Commission for Northern Ireland,
- the NI Human Rights Commission,
- the Community Relations Council,
- the Northern Ireland Statistics and Research Agency,

and the following NGOs

Regarding

Religious belief	The main churches Co-Operation Ireland Counteract
Political opinion	The Northern Ireland political parties Co-Operation Ireland Counteract
Gender	NI Women's European Platform Opportunity Now Press for Change Training for Women Network Women's Information Group Women into Trades and Non-Traditional Occupations Women's Forum NI Women's Resource & Development Agency Women's Support Network Youth Action NI Gender Equality Unit

Race	<p>Chinese Welfare Association Indian Community Centre Multi-Cultural Resource Centre NI African Cultural Centre NI Council for Ethnic Minorities Travellers Movement NI</p>
Disability	<p>Action Mental Health British Deaf Association The Cedar Foundation Disability Action Employers' Forum on Disability Mencap NI Association for Mental Health NI Union of Supported Employment Praxis RNIB (NI) RNID (NI) Sense NI Skill NI</p>
Age	<p>Age Concern NI Help the Aged NI Youth Action NI Youth Council for Northern Ireland</p>
Marital status	<p>Gingerbread NI</p>
Dependants	<p>Age Concern Gingerbread NI Carers' National Association NI NI Anti-Poverty Network</p>
Sexual orientation	<p>Cara-Friend Coalition on Sexual Orientation Gay and Lesbian Youth NI Lesbian Line NI Gay Rights Association Queer Space</p>
Good relations	<p>INCORE Counteract</p>

Other organisations Association of Chief Officers of Voluntary Organisations
NATFHE
NIC/ICTU
NI Council for Voluntary Action
NI Voluntary Trust
NIPSA
UNISON.

2. This list is not exhaustive. It will be amended in the light of experience and additional bodies may be added during the lifetime of this Scheme as new organisations are established.
3. The Department will also write to other organisations as it deems appropriate, **for example**, Universities and FE colleges; Education and Library Boards; NUS USI; Ulster People’s College; Workers Educational Association (NI District); NI Anti-Poverty Network; Oi Kwan, Oi Wah and Oi Yin Chinese Women’s Groups; locally-based Traveller support and advocacy groups, and local community-based groups such as Greater Shankill Partnership, Shankill Community Council, Falls Community Council, West Belfast Economic Forum, and Dungannon Development Association.
4. In addition to writing to organisations the Department will use other means including the Internet, e-mail, press releases and advertisements to inform the public that a consultation is in progress and to invite views.
5. Before consulting, the Department may invite the views of the NI Council for Voluntary Action and the NI Voluntary Trust on the coverage of the consultation.

ANNEX C

CONSULTATION ON THIS SCHEME

1. The Department published its draft Equality Scheme for consultation on 7 April 2000. The Department sent the Scheme to the following organisations and individuals inviting comments on any aspect of the Scheme.

Age Concern	Falls Community Council
Action Mental Health	First Key NI
Alliance Party	Foundry Regeneration Trust
Association of Chief Officers of Voluntary Associations	Gay and Lesbian Youth NI
Belfast Public Library	Gingerbread NI
Belfast Travellers Education and Development Group	Help the Aged, Northern Ireland
British Deaf Association (NI)	INCORE Conflict Resolutions Ltd
	Indian Community Centre
Cara Friend	The Industrial Society
Care for Northern Ireland	Initiative Economic Development
Carers National Association NI	
Castlereagh College	Labour Party NI
Chinese Welfare Association	LEDU
Citizens Advice Bureaux	Lesbian Line
Coalition on Sexual Orientation	Lurgan Council for Voluntary Action
Ms Anne Colville	
Committee on the Administration of Justice	Ms Bridgeen McAllister
Community Relations Council	Mr John McIntyre
Co-Operation Ireland	Mencap
Council for the Curriculum, Examinations and Assessment	Mr Wesley Mitchell
Counteract	Ms Melanie Muldoon
Craigavon Travellers Support Committee	Multicultural Resource Centre
Democratic Left	NATFHE
Democratic Unionist Party	Nexus Research Co-operative
Disability Action	NI African Cultural Centre
	NI Anti-Poverty Network
Educational Guidance Service to Adults	NI Association for the Care and Resettlement of Offenders
Employer's Forum on Disability	NI Association for Mental Health
Equality Commission for NI	NI Committee, Irish Congress of Trade Unions

NI Council for Voluntary Action
NI Council for Ethnic Minorities
NI Gay Rights Association
NI Human Rights Commission
NI Public Service Alliance
NI Statistics and Research Agency
NI Union of Supported Employment
NI Voluntary Trust
NI Women's Coalition
NI Women's European Platform

Opportunity Now
Mr James O'Hara

POBAL
Praxis Mental Health
Progressive Unionist Party

Queer Space

Royal Hospitals
RNIB (NI)
RNID (NI)

SDLP
Sense NI
Sinn Fein
Skill NI
Southern Education and Library Board
Stranmillis University College

Training for Women Network
Travellers Movement NI

UK Unionist Party
Ulster Democratic Party
Ulster People's College
Ulster Unionist Party
UNISON

Venture International
Volunteer Development Agency

Most Reverend Patrick Walsh
Ms Fiona Watters
West Belfast Economic Forum
Ms Pat Wilson
Women Into Trades and Non-Traditional
Occupations
Women's Forum NI
Women's Information Group
Women's Resource & Development
Agency
Women's Support Network
Women's TEC
The Workers Party

Youth Action NI
Youth Council for NI

2. The Department described the purpose of the consultation as follows: to enable people likely to be affected by DHFETE's policies to indicate whether they consider that:
 - the arrangements included in the draft Scheme have taken full account of the requirements relating to training, publication of information and access to information and services;
 - the list of those to be consulted and the arrangements for consultation fully meet their needs;
 - DHFETE's arrangements for assessing and consulting on the impact of policies on the promotion of equality of opportunity fully meet their needs, and
 - the proposed timetable in the draft Scheme is appropriate.
3. Recipients were asked whether the commitments in the draft Scheme indicated that DHFETE's decision-making processes would be adequately informed with regard to the need to promote equality of opportunity and the desirability of promoting good relations. Recipients were invited to propose changes and to give reasons.
4. The Department also asked how the commitments in the draft Scheme could best be communicated to young people and people with learning disabilities.
5. The draft Scheme was available free on request to any other group or person and was posted on the Department's website.
6. The publication of the draft Scheme was advertised by the Office of the First Minister and Deputy First Minister.
7. The Department offered to make the draft Scheme available in alternative formats. The Department did not receive any such requests.
8. The Department received responses from the following.
 - Council for the Curriculum, Examinations and Assessment
 - Stranmillis University College
 - Southern Education and Library Board
 - Committee on the Administration of Justice
 - First Key (NI)
 - Mencap in Northern Ireland
 - Northern Ireland Public Service Alliance

NATFHE - the University and College Lecturers Union	Monica McWilliams MLA and Jane Morrice MLA
Skill NI: National Bureau for Students with Disabilities	UNISON
Age Sector Reference Group	Disability Action
Northern Ireland Committee, Irish Congress of Trade Unions	NI Council for Voluntary Action
West Belfast Economic Forum	NI Assembly Committee on Higher and Further Education, Training and Employment.
Falls Community Council	The Equality Commission for NI
Ulster Unionist Party	Community Relations Council
NI Union of Supported Employment	Association of Chief Officers of Voluntary Associations
Down and Connor Commission on Social Affairs	British Deaf Association (NI)
NI Women's European Platform	Lesbian Line
Women's Resource & Development Agency	POBAL
Volunteer Development Agency	NIACRO
NI Voluntary Trust	Foundry Regeneration Trust
Women's Support Network	Youth Council for Northern Ireland
Ulster People's College	Press for Change
Coalition on Sexual Orientation	
NI Council for Ethnic Minorities	
SDLP	

9. The substance of the points raised and the Department's responses to these are set out in the Appendix. The Appendix is part of the Scheme, as required by the Equality Commission.
10. This Appendix will become background information, of mainly historical, rather than practical, interest. For reasons of efficiency and cost, the Department proposes to print the Scheme in two volumes, the Appendix being Volume 2, and to distribute copies of Volume 2 on request. The entire Scheme will be on the Department's website and the Appendix will be available free of charge from the Equality Unit, DHFETE.

ANNEX D

POLICY DEVELOPMENT PROCESSES: ASSESSING THE LIKELY IMPACT OF A POLICY ON EQUALITY OF OPPORTUNITY AND ON COMMUNITY RELATIONS

Guidance for managers in the Department of Higher and Further Education, Training and Employment.

Purpose of this guidance.

1. This guidance is intended to help managers in the Department of Higher and Further Education, Training and Employment to ensure that as new policies are developed, the Department has due regard to the need to promote equality of opportunity and has regard to the desirability of promoting good relations. [See paragraphs 3.1 - 3.3 of the Scheme.]

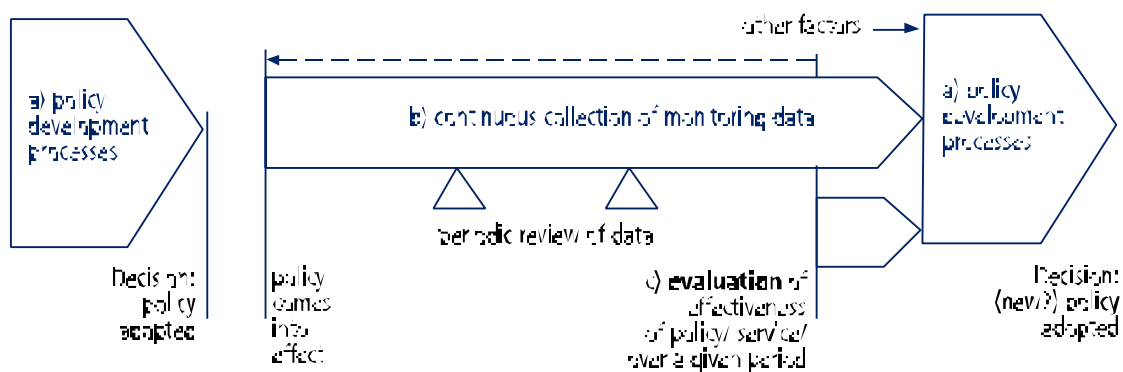
Definition of 'policy'

2. There is no single definition which is adequate for the purposes of Section 75 of the Northern Ireland Act 1998. For the purposes of this guidance a policy is:

Any set of conditions which governs the delivery by DHFETE or by the institutions funded by DHFETE, of a service, programme or other function, and which can be changed by the Department or its Minister.

3. Figure 1 shows three key processes over the life-span of a policy: (a) development, (b) monitoring during implementation, and (c) evaluation. This guidance is concerned only with **(a) the development processes**, i.e. considering options for changes to existing policies or for new policies.

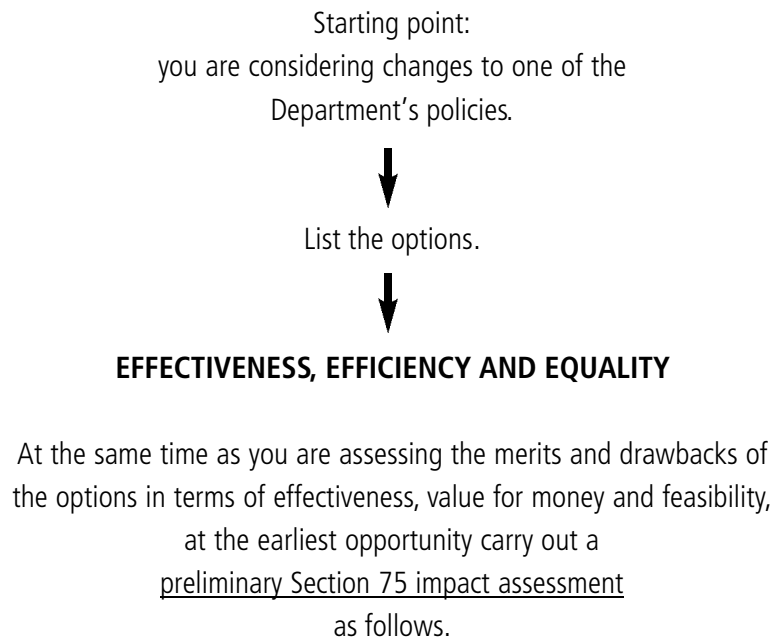
FIGURE 1



4. **Every policy is unique;** it is developed and adopted for a unique purpose and in a unique set of circumstances; it is developed and adopted by a unique combination of agents. There is no single template for the whole set of processes leading to a new policy, although there is a common basic pattern:

- (i) A **stimulus** or stimuli for change appear. This can take many forms, for example an election manifesto, lobbying by interest groups, research findings, economic or demographic changes, an emergency, a court judgement, the consequences of an action by another party, economic changes, or fiscal factors.
- (ii) The authority or authorities concerned consider **options for change** and the option of not changing; the case for and against each option, including the beneficial and adverse consequences (likely or actual); constraints that may be ethical, legal, financial, political, cultural, logistical or physical. The aim is to identify a preferred option.
- (iii) The authority or authorities concerned **decide** on an option.

FIGURE 2: PROCESS MAP



Preliminary Section 75 impact assessment

Using **your knowledge** of the policy area and any relevant **monitoring data, evaluation findings, and external research data**, for **each option** being considered answer the following questions as best you can.

Refer to Annex A as necessary.

Consult DHFETE Equality Unit and/or
DHFETE Research & Evaluation Branch as necessary.

Document your answers, including sources of any information used and document any discussions held with DHFETE Equality Unit.

- 1 Would this option **promote** equality of opportunity between people of different religious beliefs?
- 2 **Could** this option **adversely affect** equality of opportunity between people of different religious beliefs?
- 3 **Would** this option **promote** equality of opportunity between people of different political opinion?
- 4 **Could** this option **adversely affect** equality of opportunity between people of different political opinion?
- 5 **Would** this option **promote** equality of opportunity between people of different racial groups?
- 6 **Could** this option **adversely affect** equality of opportunity between people of different racial groups?
- 7 **Would** this option **promote** equality of opportunity between people of different ages?
- 8 **Could** this option **adversely affect** equality of opportunity between people of different ages?
- 9 **Would** this option **promote** equality of opportunity between people of different marital status?
- 10 **Could** this option **adversely affect** equality of opportunity between people of different marital status?
- 11 **Would** this option **promote** equality of opportunity between people of different sexual orientation?
- 12 **Could** this option **adversely affect** equality of opportunity between people of different sexual orientation?
- 13 **Would** this option **promote** equality of opportunity between men and women?
- 14 **Could** this option **adversely affect** equality of opportunity between men and women?
- 15 **Would** this option **promote** equality of opportunity between persons with a disability and persons without?
- 16 **Could** this option **adversely affect** equality of opportunity between persons with a disability and persons without?
- 17 **Would** this option **promote** equality of opportunity between persons with dependants and persons without?
- 18 **Could** this option **adversely affect** equality of opportunity between persons with dependants and persons without?

- 19 **Would** this option **promote** good relations between people of different religious beliefs?
- 20 **Could** this option **adversely affect** good relations between people of different religious beliefs?
- 21 **Would** this option **promote** good relations between people of different political opinion?
- 22 **Could** this option **adversely affect** good relations between people of different political opinion?
- 23 **Would** this option **promote** good relations between people of different racial groups?
- 24 **Could** this option **adversely affect** good relations between people of different racial groups?
- 25 **Would** this option **challenge** or **strengthen stereotypes**?



SUMMARY QUESTIONS REGARDING EQUALITY OF OPPORTUNITY

- (1) Does any of the options under consideration clearly have greater potential than the others for promoting equality of opportunity?

If no, document this finding for future reference.

If yes, this should be taken into account in reaching a decision or a recommendation.

- (2) Have you identified, for any of the options for change, potential to adversely affect equality of opportunity?

If no, document this finding for future reference.

- (3) If yes, **can the likely impact be estimated**, and **is there scope for alternative approaches** which would deliver the policy objective but avoid adverse impacts on equality of opportunity?

If no, document this.

If there is scope for alternative approaches, consider these alternatives and apply the preliminary Section 75 Assessment to each alternative option.

- (4) If no alternative approach is available, **is it possible to introduce measures to mitigate unavoidable adverse impact** on equality of opportunity?

If yes, this should be taken into consideration in reaching a final decision.

If no, document this.

EXTRACT FROM THE EQUALITY COMMISSION'S GUIDE TO THE STATUTORY DUTIES

Consideration of

- **measures which might mitigate any adverse impact, and**
- **alternative policies which might better achieve the promotion of equality of opportunity**

The consideration of mitigation and alternatives are crucial elements of the process. Options must be developed which reflect different ways of delivering the policy outcome.

The consideration of mitigation of adverse impacts is intertwined with the consideration of alternatives. Mitigation can take the form of lessening the severity of the impact or providing some other remedy, where the adverse impact cannot reasonably be reduced.

The mitigation of adverse impacts must be considered at the various stages of the policy-making process. Clear evidence of the mitigation of impacts must be apparent in the policy assessments, and details of mitigation and its implementation must be included in the final recommendations. Evidence of the consideration of mitigation must be presented during decision making.

Ways of delivering policy outcomes which have a less adverse effect on the relevant group, or which better promote equality of opportunity for the relevant groups, must in particular be considered. Consideration must be given to whether separate implementation strategies are necessary for the policy to be effective for the relevant group. The following must be considered:

- How does each option further or hinder equality of opportunity?
- How does each option reinforce or challenge stereotypes which constitute or influence equality of opportunity?
- What are the consequences for the group concerned and for the public authority of not adopting an option more favourable to equality of opportunity?
- What are the costs of implementing each option? Will the social and economic costs and benefits to the relevant group of implementing the option outweigh the costs to the public authority or other groups? An evaluation of net social benefits achieved by adopting each option must be considered.
- Does the public authority have international obligations which would be breached by, or could be furthered by each of the options?

Clear evidence of the consideration of the impacts of alternatives must be apparent in the relevant policy documentation. The realistic consideration of the impacts of reasonable alternatives must be evident in any final recommendation to policy makers. Justifications must be given if these alternatives have not been accepted.



CONSULTATION

IF AN OPTION FOR CHANGE IS LIKELY TO HAVE AN ADVERSE IMPACT ON
EQUALITY OF OPPORTUNITY
THE DEPARTMENT IS COMMITTED TO CONSULTING PUBLICLY AS PART OF A
FULL IMPACT ASSESSMENT BEFORE DECIDING TO ADOPT
OR RECOMMEND THAT CHANGE

See Annexes B and E for the Department's commitments and guidance on public consultations.

When in doubt consult DHFETE's Equality Unit

ANNEX E

PUBLIC CONSULTATION STANDARDS AND PROCESSES

Note: This Annex is intended primarily as a guide for DHFETE managers undertaking public consultations, and includes commitments made in the body of the Scheme.

Purpose of consultation

1. The purpose of consultation is to ensure that the Department's decisions are based on the fullest possible information on the likely effects of those decisions, by seeking the views of people likely to be affected by those decisions.

Standards, processes and best practice

2. DHFETE will ensure that its consultations are **timely, open** and **inclusive**.

Timeliness

3. DHFETE will begin consultations with groups and individuals as early as possible when considering new policy options.

Openness

4. To enable those consulted to judge the actual impact of a policy or the likely impact of a proposed policy on equality of opportunity or on good relations, DHFETE will make available on request the information used to assess the impact of a policy or the likely impact of a proposed policy. This will include quantitative and qualitative information, and any necessary documentation such as consultants' reports. DHFETE will use its best endeavours to meet requests for further information. If a particular request for documentation or information would necessarily entail disproportionate costs⁽¹⁾, in terms of money, people or time, officials should discuss with those requesting the information or documentation how their information needs can be met. If any difficulties persist, officials should discuss these with DHFETE Equality Unit.

Inclusiveness

5. DHFETE will use its best endeavours to overcome any barriers to participation in consultation by:

- providing appropriate level and amount of detail in consultation documents;
 - framing consultation questions in ways that do not unnecessarily narrow or limit discussion;
 - using the most appropriate consultation methods such as direct mail-shots, focus-groups, small group meetings, discussion papers, public meetings, face-to-face meetings, video-conferencing, questionnaires, press advertisements and Internet discussions;
 - using appropriate formats such as Braille, disc and audiocassette;
 - using appropriate languages for those who are not fluent in English.
6. In each consultation exercise the Department will give specific consideration to how best to communicate information to, and take the views of, young people and people with a learning disability and their carers.
 7. Whenever possible the Department will allow those consulted a minimum of eight weeks to respond. DHFETE managers should note that even this minimum period may cause difficulties with respect to people with a learning disability and their carers.
 8. When a consultation includes meetings the Department will seek to ensure full participation in such meetings by considering the time of day, the venue, the need for interpreting services, accessibility and the need for childcare.

Future development of consultation processes

9. The Department will seek to improve continuously its arrangements for consulting in relation to Section 75, and may up-date this guidance during the life of this Scheme. Any such up-date will be agreed with the Equality Commission before being issued.

Note

- (1) A Parliamentary Question can be turned down when gathering the necessary information would entail disproportionate costs. This convention allows Departments to concentrate their resources on the purposes for which Parliament voted them.

ANNEX F

CRITERIA FOR SCREENING EXISTING POLICIES

The following questions will be considered in respect of each policy under review.

1. Is there any evidence of higher or lower participation by different Section 75 groups, as indicated in Annex A?
2. Is there evidence that different groups, as indicated in Annex A, have different needs, experiences, issues and priorities in relation to the policy in question?
3. Is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with others in government or in the wider community?
4. Have consultations with relevant groups, organisations or individuals indicated that particular policies create problems which are specific to any group, as indicated in Annex A?

The answers to these questions will be used to inform the Department's prioritisation of its policies for full equality impact assessments.

ANNEX G

The table on page 50 shows the Department's current arrangements for collecting equality monitoring data in respect of new entrants to DHFETE's programmes / services. The review of monitoring which is proposed for the first year of operation of the Department's Equality Scheme will include an assessment of the completeness and accuracy of the data being collected.

Notes on the table

- (1) DHFETE currently monitors by community background rather than religious belief.
- (2) DHFETE currently monitors by "ethnicity" rather than "racial group". T&EA's Client Management System has a mandatory field for ethnicity. For each client the options within this field are: Bangladeshi, black- African, black-Caribbean, Chinese, Indian, Irish Traveller, Pakistani, white, mixed ethnic group, and other ethnic group.
- (3) Re the IFI Wider Horizons, currently monitoring of disability is not according to the Disability Discrimination Act definition. Monitoring / application forms are currently being re-designed.

Current (June 2000) monitoring of DHFETE functions, services and programmes by Section 75 dimensions

Current Monitoring Service/ Programme	Community Background (1)	Political Opinion (1)	Ethnic Origin (2)	Age (DOB)	Marital Status	Sexual Orientation	Gender	Disability (using DDA definition)	Dependants
• Jobskills Access	✓		✓	✓	✓		✓	✓	✓
• Jobskills (Traineeships)	✓		✓	✓	✓		✓	✓	✓
• Modern Apprenticeships	✓		✓	✓	✓		✓	✓	✓
• IFI/Wider Horizons	✓			✓	✓		✓	✓(3)	✓
• New Deal	✓		✓	✓	✓		✓	✓	✓
• New Deal 25+	✓		✓	✓	✓		✓	✓	✓
• Worktrack	✓		✓	✓	✓		✓	✓	✓
• Enterprise Ulster	✓			✓	✓		✓	✓	✓
• Open Learning	✓		✓	✓	✓		✓	✓	✓
• Flexible Learning	✓		✓	✓	✓		✓	✓	✓
• ILAS	✓		✓	✓	✓		✓	✓	✓
• Job Bridge	✓		✓	✓	✓		✓	✓	✓
• Premiere	✓		✓				✓	✓	
• Management dev't prog's	✓		✓		✓		✓	✓	
• Job brokerage	✓		✓	✓	✓		✓	✓	✓
• Careers guidance	✓		✓	✓	✓		✓	✓	✓
• Walsh Visas	✓		✓	✓	✓		✓	✓	✓
• Bridge to Employment	✓		✓	✓	✓		✓	✓	✓
• Employment Support	✓			✓	✓		✓	✓	
• New Deal for Disabled People	✓			✓	✓		✓	✓	✓
• DAS	✓			✓	✓		✓	✓	✓

