

**DEPARTMENT FOR  
EMPLOYMENT AND  
LEARNING**

**FIVE YEAR REVIEW OF**

**EQUALITY SCHEME**

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**Annex**

**Reference para 3.5**

## **Executive Summary**

I am pleased to present this Five Year Review report on the Department for Employment and Learning's Equality Scheme.

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. This Department has inherited a strong tradition of mainstreaming equality. We have had a specialist Equality unit since 1995 and had already developed considerable equality research, evaluation and statistical expertise to inform policy development.

Over the past five years the Department has continued to ensure that the necessary resources, in terms of people, time and money, are in place to meet the Section 75 duties and to mainstream equality. Awareness raising and training have been constant features throughout the period in question.

The focus of the Department's Scheme, as required by Schedule 9 of the 1998 Act, is on processes, rather than specific policies. However, the enclosed report demonstrates clearly that the Department is not just complying with the letter of the law but has taken responsibility for the spirit of the law and continues to ensure that equality permeates our thinking through effective mainstreaming.

The report also highlights some key lessons in relation to the future development and implementation of a more strategic approach to equality of opportunity and the promotion of good relations.



**Aideen McGinley**  
**Permanent Secretary**  
**Department for Employment and Learning**

## **Section 1: Purpose of Scheme & Costs**

- 1.1 The purpose of the Department's Equality Scheme, approved by the Equality Commission and published in February 2001, was to set out how the Department proposed to fulfill its statutory duty obligations under Section 75 of the NI Act 1998, namely to give due regard to the need to promote equality of opportunity throughout all areas of its business, and to support the promotion of the good relations duty. It was also intended to be a working manual for Departmental officials. In October 2000, an implementation strategy had also been developed to ensure that all necessary internal arrangements and resources were in place to enable the Department to carry out the commitments given in the Equality Scheme.
- 1.2 During the past five years, the Equality Unit has worked closely with the Department's Strategic Planning Unit to ensure that Section 75 considerations are mainstreamed into all strategic plans at development stage. The Department's 3-year Corporate Plan (previously the Strategic Plan) continues to ensure equality commitments are ongoing. The current Plan to 2008 states that "equality considerations will be taken into account fully in the implementation of the Department's reform and modernisation programme, and targets for conducting Equality Impact Assessments are outlined in the Service Delivery Plan." A specific Performance Target this year is that the Department will ensure impact assessments are carried out on new or changing policies, particularly in relation to policy development on the Skills Strategy and the Further Education Strategy. Achievement against these targets is monitored regularly by the Departmental Board. The Director of Corporate Services Division (Grade 5) has responsibility for Scheme commitments, and reports to the Departmental Board on a quarterly basis. The Annual Progress Report to the Equality Commission is cleared by the Permanent Secretary.

1.3 All Equality Impact Assessments carried out within the Department are cleared by the Director (Grade 5) of the relevant Division. The Department uses a Preliminary Equality Impact Assessment tool, approved for use by the Equality Commission, for the purposes of screening changes to existing policies or new policies, and where there is deemed no adverse impact, the assessment is cleared by the Head of Branch and copied to the Equality Unit for information and further scrutiny.

1.4 The Department has had a specialist Equality Unit in place since 1995. The Unit continues to support the Department in meeting its Section 75 obligations and ensures equality issues are to the fore in policy development.

Staff costs for the Unit are provided below:

Year	Full Time Equivalent Staff	£'s
2001/02	2	66,648
2002/03	2	66,895
2003/04	2	69,663
2004/05	2	65,586
2005/06	2	69,056

In addition, an external consultant, approved by OFMDFM, has been engaged each year to deliver training specifically on conducting Equality Impact Assessments. Costs for each year are set out below:

Year	Cost of Training £'s
2001/02	4,947
2002/03	2,108
2003/04	1,039
2004/05	1,445
2005/06	2,566

## **Section 2: Compliance & Consultation**

- 2.1 The Department already had developed considerable research, evaluation and statistical expertise on equality issues prior to the duties created by Section 75. Implementation of the more stringent commitments within the Equality Scheme has however built on this, and resulted in an improved focus on mainstreaming equality issues within business units, and increased awareness of staff at all levels throughout the Department. The Equality Practitioners Group, which has representatives from all Departments, has proved to be a very useful arena for sharing good practice, discussing general problems and putting forward ideas.
- 2.2 Implementation of the statutory duty has resulted in better decision making, in terms of improved policies, through both formal and informal consultation with representative groups or individuals. Monitoring systems within the Department have also undergone continuous improvement over the years and remain under continual review.
- 2.3 In terms of the nine equality categories, outcomes for some groups have been more significant than for others. It is the Department's view that this is because much of its work is already focused on addressing previously identified areas of inequality that exist, for example in opportunities to participate in further or higher education, training provision and uptake, careers guidance, or issues around employability. However, positive outcomes for disability, racial and sexual orientation groups are worthy of particular mention. The many initiatives and effective engagement with these and other Section 75 representation groups are well documented in our Annual Progress Reports. Annual Progress Reports are critically reviewed by the Departmental Board prior to submission to the Equality Commission. Final reports are made available to all staff through the Department's Intranet.

- 2.4 This Department has conducted a total of 39 Equality Impact Assessments, all of which have involved a full consultation exercise. A further 28 policies have been screened for adverse impact, and in some cases it has not been necessary to consult in order to make an informed decision. A number of the screening exercises have however involved early informal consultations with representative groups, and these discussions have helped form decisions on likely impact.
- 2.5 The Department's consultee list was revised twice in the five year period, and the intention is now to review it on an annual basis. This has resulted in a considerable reduction in the size of the original list, as approximately one third of those on the original list requested that they be removed from the list altogether.
- 2.6 Over the period, a very small number of individuals and organisations have contacted the Department to request that they be added to the list, and these requests have also been complied with. In addition, all those on the list were asked to indicate what was their preferred method to receive consultations ie in hard copy, or via email. The result of this was a roughly equal split. The consultee list is updated by the Equality Unit, and is placed on the Department's Intranet system for ease of access. Branches conducting consultations are advised to use this list as a base, and to ensure other organisations with a specific interest in their area of work are also added.
- 2.7 All Equality Impact Assessments carried out within the Department have been the subject of formal consultation. However, there is an increasing awareness throughout the Department that informal, targeted pre-consultation is proving more effective, and less time consuming. Pre-consultation with specific groups helps to shape and define proposed formal

- consultation documents. This will be evidenced for example in the review of vocational training to young people currently underway. The use of informal consultation is also encouraged to inform the screening of policies and feedback from consultees and branches has been positive.
- 2.8 The Department tends to consult with representative groups rather than directly with affected individuals. Young people and those with learning disabilities are, of course, represented by groups on the Department's consultee list and indeed many of the Department's services and Programmes are geared to these people. However, a new Careers Information, Advice and Guidance strategy for all age groups is currently being developed, and the approach taken will place a heavy emphasis on consultation directly with key stakeholders and groups from the outset. Stakeholder forums will be created to monitor progress, evaluate effectiveness and measure equality impact. The Disablement Advisory Service has regular informal consultation with Disability Action on all its policy areas.
- 2.9 Useful links and working relationships with groups representing particular Section 75 categories have developed well within the Department. Our links with Traveller groups, migrant worker and other ethnic minority representatives and the Coalition on Sexual Orientation (CoSO) have proved to be particularly effective. Policy makers are encouraged to involve representative groups at the very early stages of the Equality Impact Assessment process. This not only informs policy development but also creates and maintains a good working relationship with these groups.
- 2.10 All those who respond to consultations are sent an individual reply, thanking them for their input, and also outlining the Department's response to issues they have raised and whether any changes will be made or the reasons why not. Consultees who do not respond to consultations are

also notified of the outcome and an advertisement is placed in the press when a final document is available. In general, few replies are received to formal consultations, and there is no problem in responding to these individually. 'Consultation fatigue' and lack of provision of dedicated resources to the community and voluntary sector for effective participation in consultations are still considered problematic.

### **Section 3: Impact of Policies and Screening**

3.1 Over the past 5 years, the Department has screened a total of 113 policies. Of these, 39 (34.5%) were screened in for a full Equality Impact Assessment, with 3 (7.2% of the total EQIAs) screened in on the basis of the good relations duty.

3.2 In January 2001 the Department carried out a public screening exercise on all its main policy areas to determine which policies should be subject to a full Equality Impact Assessment. The document set out the Department's main policies, functional business areas and 58 associated policy instruments and programmes. These had already been considered by officials responsible for the policies against the 4 equality of opportunity criteria and scored accordingly. Consultees were asked to consider these ratings, on which the subsequent EQIA programme would be based, and provide views on prioritisation for EQIA, and to provide any qualitative or quantitative evidence supporting their recommendations. Consultees were also asked to identify other policies that were not included on the screening list. Fourteen organisations responded, and they identified a number of policies considered to have a significant impact on equality of opportunity. During this initial screening exercise all decisions were informed by the consideration of all available quantitative and qualitative data, some of which was provided by representative groups.

3.3 The process of screening and the robustness of decisions taken has continued to develop and improve throughout the Department. The need for the collection and use of data from a variety of sources to inform screening decisions is now embedded in the process. Informal discussions with Section 75 representative groups has raised mostly anecdotal evidence of possible adverse impact, not obvious from statistics, that has proved of value

to screening findings.

- 3.4 The initial internal screening assessment carried out in January 2001 covered a total of 58 'policy instruments', which were scored against the four equality screening criteria. This identified 19 policy instruments as scoring against at least one of the criteria, in other words the policy may have an adverse impact on the promotion of equality of opportunity, or may have the potential to enhance equality of opportunity. The screening assessment was issued for public consultation and as a result of feedback a further 10 policy instruments proposed for 'screening out' by the Department were 'screened in'. Following this exercise a 3 year EQIA programme was drawn up by the Department. The programme listed the 29 policies or policy instruments to be submitted for full Equality Impact Assessment, and the priority order in which these would take place. The Department has met its obligations to take this programme forward, with a small number of EQIAs being withdrawn with the agreement of the Equality Commission.
- 3.5 The Equality Unit has worked with staff throughout the Department to make effective screening an integral part of policy development. The Preliminary Equality Impact Assessment (PEQIA) tool is now in widespread use throughout the Department. In the main, subsequent screening exercises have resulted in the policy areas being screened out. This is in part due to the fact that many of the Department's policy areas are geared towards programmes and services that address inequalities. However, a further 10 full EQIAs have been added to the original programme. A list of the policies screened out by the Department is attached as an annex.
- 3.6 There is a greater awareness and consideration of possible impacts on Section 75 categories, and this has resulted in improvements in our provision, for example services for people with a disability and also to non-English speaking customers.

3.7 EQIAs and regular evaluations have been carried out on the Department's main programmes and services, and monitoring of uptake carried out on an ongoing basis. Much of the information collected is provided by self-classification and figures are published annually in the Department's Labour Market Bulletin. Some slippage did occur with the initial 3 year timetable. A number of programmes originally identified for EQIA had changed significantly, or were scheduled for closure by the time they became due on the 3 year timetable. Throughout the period the Equality Unit, and senior management regularly monitored progress on EQIA's. Progress was also reflected to the Equality Commission in Annual Progress Reports.

## **Section 4: Monitoring**

- 4.1 Prior to Section 75 the Department has already developed considerable equality research, evaluation and statistical expertise to inform policy development. However, in 2001 a review of existing arrangements was undertaken to ensure that effective data capture and monitoring systems were in place to meet the statutory duty obligations.
- 4.2 During 2004/05, the Department participated in an Equality Monitoring Research Project, commissioned jointly by OFMDFM and the Equality Commission, the aim of which was to inform the development of guidance for public authorities and others in relation to Section 75 monitoring. This Department was chosen because of its high coverage ratio of Section 75 categories, and its use of self-classification in both its labour market programmes and in the higher education sphere. The subsequent report identified a number of gaps, some of which have already been addressed, and the more wide ranging issues raised are being taken forward by the Equality Unit in conjunction with the Department's Policy Makers Group and research and statistical colleagues.
- 4.3 During the period gaps were identified in the collection of data by some of the Department's service providers. In co-operation with these organisations, improved systems were put in place to ensure all relevant Section 75 data was captured and recorded.
- 4.4 The lack of progress in relation to the collection of sexual orientation data continues to be raised by representative groups such as the Coalition on Sexual Orientation (COSO). However, COSO has provided the Department with details of both qualitative and quantitative research material to inform

policy thinking on the sexual orientation category.

4.5 The Department continues to make effective use of its own Section 75 data. However, increasingly this is supplemented by information obtained in discussion with the representative groups.

## **Section 5: Publishing Results of EQIAs**

5.1 All the Department's EQIAs are placed on its website with hard copies and alternative formats available on request. This includes both the consultation document, and the final document. An advertisement is also placed in the main newspapers to advise that the EQIA is now published and how to get a copy. All responses to consultations receive an acknowledgement letter. Monitoring results are available in the Department's Labour Market Bulletin which is published widely each autumn.

## **Section 6: Mitigation Measures**

- 6.1 EQIAs carried out in the Department covered a wide range of areas, including training programme provision, further education provision and employment legislation. Few responses were received to our consultations, and no adverse impacts were identified by consultees.
- 6.2 However, during the scrutiny of available data, staff did identify an under representation for some of the Section 75 categories. This was reflected in the relevant consultation document as well as proposals to address adverse impact. Indication of adverse impact on some groups in general has tended to be raised during informal consultation and discussions with representative groups. Indeed successful partnerships have been developed with Travellers' representatives to work towards improving access to the Department's programmes and services. Discussions are taking place within these groups to explore ways in which services could be tailored to overcome some of the barriers faced by Travellers.
- 6.3 As already stated, consultees generally did not raise issues of particular adverse impact in regard to the EQIAs carried out to date. They did, however, take the opportunity to raise more general points about some of the Department's programmes and services. In such cases, officials contacted the consultees and offered to meet to discuss and explore how changes could be made to address concerns.
- 6.4 In hindsight, many of the EQIAs carried out in the Department's original programme should have been screened out for a variety of reasons. Several were linked to National Programmes where the Department had little or no scope to make changes to the policy in any event. Much of NI's Legislative

provision must maintain parity with the rest of the UK. Experience gained over the past 5 years has highlighted the importance of effective screening of high level strategic policies and not on the more minor operational processes.

## **Section 7: Training**

7.1 Initial statutory duty training in the Department concentrated on provision of information seminars for all officials at Deputy Principal grade and above and staff working in Non Departmental Public Bodies. The seminars were designed to ensure that all officials were fully briefed on the Department's commitments and responsibilities under the statutory duty obligation. Other means of internal communication were used to raise awareness among junior staff, such as presentations at team events and through the staff magazine and the Department's briefing circulars. Induction training for all new entrants was developed to include an overview of Section 75 with a copy of the Equality Scheme provided in induction packs. Awareness training has continued in subsequent years, and equality induction modules have been expanded and refined. Training specifically for staff likely to be conducting EQIAs in the Departments 3 year programme was introduced in 2002/03. Approved external consultants were commissioned to deliver this training. In subsequent years, DEL has continued to provide EQIA specific training to meet demands within the Department and a further 93 staff have completed this course. The Department's own Disablement Employment Advisers have delivered Disability Awareness sessions to JobCentre/Jobs and Benefit Office staff. The Department's Policymakers Group in conjunction with our Staff Development Branch has designed a policy development course tailored for DEL which includes sessions on Section 75, other proofing obligations, effective consultation and stakeholder analysis.

7.2 All EQIA training is evaluated after the event to assess views on delivery, content, case studies and knowledge gained as a result of attending. Feedback from all courses has been consistently very positive, with most participants rating all areas highly.

EQIA training is tailored to DEL's needs using specific Departmental policy case studies on all such courses. As a public facing Department, it is vital that all staff, particularly those in front-line posts are fully aware of the Department's, and their own, responsibilities under Section 75. The Department continues to ensure that staff in all business areas are updated on equality issues and evidence does support a high degree of customer satisfaction from people belonging to the Section 75 categories. The Department's Policy Makers Group continues to be an effective conduit for informing staff about equality development and other proofing obligations.

## **Section 8: Access to Information and Services**

- 8.1 The Department has contact with people from all the Section 75 groups across all its areas of service provision such as Further and Higher Education, training programmes, EU project support, job brokerage, careers, the Disability Advisory Service and employment rights legislation. It is committed to ensuring that there is effective communication with all people to ensure that our services are accessible to all parts of the community. Our Annual Progress Reports to the Equality Commission have consistently demonstrated the Department's efforts and initiatives to remove barriers to our programmes and services. In particular the Department has worked closely with the Social Security Agency to provide effective interpretation and translation services to all customers whose first language is not English.
- 8.2 Throughout the JobCentre/Jobs and Benefit Office network, staff have developed effective working relationships, contacts and partnerships with voluntary and community groups including those representing minority ethnic people. Some offices have helped develop information packs to assist migrant workers in settling into their local communities. Leaflets on employment rights legislation and social security arrangements are also available in a variety of other languages and these are detailed on the Department's website.
- 8.3 As regards provision of EQIAs in alternative formats, the Department has received no requests for these in languages other than English. Some EQIAs were produced in Braille and audio tape. However, since no requests were received for these formats the practice of producing these in advance of a request has been discontinued.

## **Section 9: Scheme Timetable**

9.1 The timetable for implementation of measures proposed in the Department's Equality Scheme were set out at paragraph 4.7 of the Scheme. Any slippage in the original timetable has previously been reported to the Equality Commission, either by letter or meeting at the time, and progress was subsequently updated through Annual Progress Reports. Two areas were affected. Firstly, there was a delay in the publication of a communications strategy due in May 2001. Now titled the Strategic Communications Plan, it was endorsed by the Department's Board in February in 2004. Secondly, there was some slippage in the 3 year EQIA programme which was due for completion by March 2005. Although all EQIAs had commenced by March 2005 some had not reached Stage 6 of the process at that date. The remainder of the timetable was implemented.

## **Section 10: Publication of Scheme**

10.1 The Department's Equality Scheme was approved by the Equality Commission in February 2001 and the commitment to distribute it within two months of approval was fulfilled, with a copy issued to each member of staff throughout the Department. Copies were also issued to individuals and organisations contained in the Department's extensive consultatee list along with a covering letter from the then Permanent Secretary. A Press Release was issued to announce the launch. Staff from the Equality Unit met with some organisations following the launch to discuss the new Scheme and how best to communicate with certain groups, for example, with Disability Action and the Royal National Institute for the Deaf.

## **Section 11: Complaints**

11.1 The Equality Scheme clearly sets out the Department's commitment to investigating complaints, the procedure for making a complaint, how it will be handled and contact details. Over the five year period the Department has received a total of three complaints. Two of these concerned screening, and the third individual claimed harassment while participating on a DEL programme. All three complaints were satisfactorily resolved through correspondence.

## **Section 12: Comments on Review Arrangements**

- 12.1 The Equality Commission guidance has been useful in providing the focus on particular aspects of the Department's Equality Scheme implementation. The review itself has been a worthwhile exercise, allowing the Department time out to consider the effectiveness of our procedures and our strengths and weaknesses.
- 12.2 The Department's Equality Unit took the lead in commissioning the 5 year review. In doing so, comments and views were sought from all the Department's business units but particularly from staff who have been closely involved in implementing the statutory duty throughout the 5 year period. The Department also took part in the OFMDFM led key stakeholder event which provided the main Section 75 representative groups with an opportunity to offer their views on implementation both in the past and for the future.

## **POLICIES SCREENED OUT SINCE IMPLEMENTATION OF THE SCHEME**

### **As a result of the Initial Screening Exercise:**

#### **Higher Education Area:**

Non-award bearing continuing education  
Fund for the development of teaching and learning  
HE Reachout to Business and the Community Fund  
Support programme for university research

#### **Further Education:**

Basic Skills

#### **Student Support:**

Support for FE students

#### **Vocational Training:**

Enterprise Ulster

#### **Sector Training:**

Construction Industry Training Board

#### **Company Development:**

Investors in People

#### **Management Development:**

Premiere Programme  
Business Education Initiative

#### **Labour Market Services:**

Careers Guidance Service (this area is currently undergoing a major review which will be subject to full consultation)  
Job Brokerage  
Job Clubs  
ONE service  
Vocational Training for Disabled People  
Ulster Supported Employment Ltd

**Industrial Relations:**

Employment Law

Industrial Relations Regulations

Labour Relations Agency

Office of the Certification Officer

New TSN

Childcare Training Strategy

**Corporate Services:**

Personnel

Procurement

### **Subsequent to Initial Screening Exercise:**

Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2004. To implement regulations in 2004.

Information and Consultation directive – Implementing regulations to come into operation by 23 March 2005

Education Maintenance Allowances

Employment support Programme DAS

Tutor qualifications Policy

Translation and Interpretation Policy – joint policy initiative between DEL and SSA.

Student awards (Amendment) Regulations (Northern Ireland) 2004

Student Loans (Repayment) (Amendment) (N02) Regulations (Northern Ireland) 2000

Student Support (Amendment) (No2) Regulations (Northern Ireland) 2004

The Education (Grants for Disabled Postgraduate Students) (Amendment) Regulations (Northern Ireland)

New Deal Streamlining

Lisburn/East Down PPP Project

Essential skills for Living Strategy; Introduced April 2002

The Future of Enterprise Ulster

Powers of Entry and Inspection Legislation for Employment Agencies and Businesses in Northern Ireland.

Equality Screening exercise for Pathways to work – Incapacity Benefit Reform in Northern Ireland March 2005

ICT as a third Essential Skill From September 2005

Proposed changes to the Jobs & Benefits Work-Focused Interview regime from October 2005

Incapacity Benefit Reforms – Welfare to Work

Progress2Work (NI)

Core Gateway Course Provision – change to policy effective 4 April 2005

Education (Student Support) Regulations (Northern Ireland) 2005

New Size and Structure model for FE: Assessment of Impacts other than Equality Impact

Education (Student Loans) (Amendments) Regulations (Northern Ireland) 2005

Developing and Support Management and Leadership Development:- Entry Level – 1 April 2005

Roll out of financial incentives to all New Deal participants who take steps to address essential skills needs

Education (Student Loans) (Amendments) (No 3) Regulations (Northern Ireland) 2005

Voluntary access by lone parents to the New Deal for 18 to 24 year olds and New Deal 25 + provisions. Go live date 31 October 2005.

Education (Student Loans) (Repayment) (Amendment) Regulations (Northern Ireland) 2006