

Five-year review of Newry, Mourne and Down District Council's Equality Scheme

1 Introduction

- 1.1 Section 75 of the NI Act 1998 requires Newry, Mourne and Down District Council, in carrying out its functions, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined within the Act.

Council's Equality Scheme sets out how the Council will fulfil the Section 75 statutory duties. Our Equality Scheme has helped Council to mainstream the principles of Equality of Opportunity and Good Relations within our functions and decision-making processes.

The implementation of the Equality Scheme has also afforded an opportunity for difficult issues to be discussed not just within the workplace and Council chamber, but also in terms of consultations with Section 75 groups.

The Council's Corporate Policy Section, which is located within Council's Corporate Services Directorate, is responsible for the implementation of the Council's Equality Scheme.

- 1.2 As set out with our Equality Scheme, Newry, Mourne and Down District Council is required to review its Equality Scheme periodically as follows:

'A public authority shall, before the end of the period of five years beginning with the submission of its current scheme, or the latest review of that scheme, review that scheme and inform the Commission of the outcome of the review' (Equality Scheme, Chapter 10, paragraph 10.1)

Therefore, as required, Newry, Mourne and Down District Council has undertaken the following review of its Equality Scheme.

The review has been undertaken taking account of the Equality Commission for Northern Ireland's *'Guidance on conducting a 5 year review of an equality scheme'* (July 2016).

2 Review

- 2.1 In the following section, Newry, Mourne and Down District Council has detailed several examples of good practice and outlined how Council is meeting the requirements set out by the Equality Commission.

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2.2 Evidence that senior staff are complying with their scheme commitments and providing appropriate leadership

2.2.1 Newry, Mourne and Down District Council's Corporate Reporting template is designed to allow officers to detail the Equality and Good Relations implications for Council on all decisions. Following a review and mapping exercise undertaken in September 2019 of reports tabled for consideration at Council meetings over a period of 14 months, an amended corporate reporting template has been approved by the Council's Senior Management Team.

Officers completing committee reports will now ensure that this section of the template can no longer be left incomplete and officers must clearly detail consideration given to equality of opportunity and good relations in the decision-making process. Officers must also confirm whether an equality screening has been undertaken.

2.2.2 Council continues to provide Equality Screening training to Council officials. This training provided by an external facilitator continues to be a key part of the Council's calendar of training.

One-to-one guidance, advice and support is also provided to officers as and when required by the Head of Corporate Policy and the Corporate Policy and Equality Officer.

Examples of training provided over the five-year period is detailed below:

Training issue	Participants
Elected Member Development	Specifically designed for Elected Members' development in relation to: <ul style="list-style-type: none"> • Ethics and Standards • Personal and Corporate Governance • Roles and Responsibilities of the Councillor • How the Council Works • Community Planning

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Training issue	Participants
Equality Screening and Equality Impact Assessments	Senior management, Heads of Service, Councillors, employees
Equality Scheme and diversity awareness	Compulsory for all employees
Dignity at Work	For all employees
Code of Conduct	For all employees
Attendance Management	Compulsory for staff with line management responsibility, Personnel staff, Trade Unions
Recruitment and Selection	Compulsory for staff with line management responsibility and involved or likely to be involved in Recruitment & Selection, Personnel staff
Investigations Officer	Nominated employees
Cultural Awareness	Nominated employees Training delivered by the District Electoral Area forums.
Gender identity	Nominated employees

The Council also believed that the training plan should evolve to not just meet the needs of participants over the lifespan of its Equality Scheme but further into the future. This meant that training programmes were developed, delivered, updated, revised and tailored for specific groups, where necessary.

Newry, Mourne and Down District Council is committed to mainstreaming equality principles which means that all training related to people management and service delivery includes details of the Council's statutory

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duties to promote equality of opportunity and good relations across the Section 75 categories.

Training undertaken to date has been aimed at increasing awareness and greater understanding of emerging issues, in addition to the Council's statutory equality duties to promote equality of opportunity and good relations and to ensuring improved delivery of our services.

Evaluations of training have enabled participants to indicate their views upon the benefits and relevancy of their training and identifying further training needs. The Council's Learning and Development Manager undertakes evaluation of the Council's corporate training.

- 2.2.3 The Council's Equality and Good Relations Reference Group led by the Council's Chief Executive continues to be the Council's vehicle for considering and discussing politically sensitive and contentious issues, including those relating to events, policy and procedure, single issues requiring specific consideration for advice, with a view of reaching a common understanding, agreement and actions. The Reference Group operates under Chatham House Rules and are not formally minuted meetings. The Reference Group has held approximately 25 meetings since the formation of Newry, Mourne and Down District Council.
- 2.2.4 Newry, Mourne and Down District Council is required to report annually to the Equality Commission on progress of implementing its Section 75 statutory duties. Prior to submission to the Equality Commission, annual progress reports prepared by the Council's Corporate Policy section are considered and approved by the Council's Strategy, Policy and Resources Committee. During the five-year review period all Council's annual reports on progress were submitted prior to the 31 August deadline.
- 2.2.5 In terms of party political representation Newry, Mourne and Down District is a majority nationalist Council. Recognising the need for a specific funding initiative to further support diversity in the district and following discussions at the Equality and Good Relations Reference Group, a Minority Communities Fund has been established under two distinct themes:
- Theme 1: Cultural Expression - for projects/initiatives that positively promotes minority community culture, tradition and identity.
 - Theme 2: Positively engaging minority Communities – for projects / initiatives to build positive relations, raise awareness and

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understanding, address perceptions and promote respect for minority communities.

Now in its second year, the theme has been favourably received by groups within the district and the number of applications has increased in the second year.

2.2.6 In line with its commitment to accessibility and communication the Council's Bilingualism Policy sets out the Council's commitment to facilitate and encourage the promotion and use of both the Irish language and the English language in the Council area. In promoting its civic leadership role, the Council continues to mainstream the use of the Irish Language as part of its overall Corporate Communications Strategy. This enables the use of Irish to be an effective means of communication for citizens.

2.3 Evidence that decision – makers are aware of their obligations

2.3.1 As stated above, the Council's Equality and Policy functions are located within the Corporate Services Directorate, under Corporate Policy and Planning. The Directorate Business Plans makes direct reference to the Section 75 statutory duties and actions relating to the implementation of the Council's Equality Scheme. This outlined key directorate actions, and a timetable / measure of success, related directly to Council's agreed Corporate Plan Objective of transformed & modernised the Council, providing accessible as well as value for money services.

2.3.2 With the amalgamation of the legacy Newry and Mourne and Down District Councils in April 2015, the job-matching and recruitment process continues to be a critical element the development of the new Council. Council is aware of their obligations regarding the process and examples of specifically relevant duties and responsibilities listed in new job descriptions include the following:

- Promote diversity across the organisation and in the Department by adhering to the Council's Equal Opportunity policies and procedures and avoiding all forms of discrimination both as an employer and a service provider.
- Promote Equality and Diversity across the organisation by demonstrating an open commitment to and actively promoting and celebrating diversity, promoting social inclusion and community cohesion.

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- 2.2.3 Elected members participate in various training programmes including Equality and Good Relations, Equality Screening and Cultural Awareness training. The training equips Elected members with the relevant expertise and knowledge ensuring that consideration is given to section 75 in the decision-making process within Council.
- 2.2.4 As outlined within paragraph 2.2.1, the Council's corporate reporting template contains a section on equality and good relations implications. This helps to inform the Council's decision-making process.

2.4 Good Practice measures undertaken by public authorities

- 2.4.1 Newry, Mourne and Down District Council continues to be an active member of the Local Government Staff Commission Statutory Duty Network. This forum continues to be a space for officers from all councils to meet to share examples of best practice and provide advice, guidance, knowledge and expertise on issues relating to equality related matters.
- 2.4.2 Newry, Mourne and Down District Council was the first of the District Councils to introduce a Traveller Forum. The Newry, Mourne and Down Traveller Forum is facilitated by the Council and members include Elected Representatives, the Education Authority, Southern Health and Social Care Trust, voluntary and community sector organisations and members of the Travelling community. The Traveller Forum continues to promote an inclusive and civil society in the Newry, Mourne and Down District Council area by championing Traveller rights and addressing current provisions for the Traveller community within the district. The Forum meets quarterly. The Traveller Forum has engaged with the Northern Ireland Human Rights Commission on the Traveller Accommodation study which was officially launched in March 2018. The Council's Corporate Policy and Equality Officer has presented updates at events on Council's progress as the Council was deemed an example of best practice.
- 2.4.3 Newry, Mourne and Down District Council has continued to take forward several projects aimed at addressing the needs of Black and Minority Ethnic residents. The key initiative was maintaining and further developing the Ethnic Minority Support Centre based in Newry, and advice clinics in Newry Housing Executive, Newry Citizens Advice Bureau and Downpatrick. The Centre provides advice and support, signposting of services, and examining the barriers to services and cultural awareness. Advice and information is

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available in English, Bulgarian, Polish, Lithuanian, Russian and Romanian. In the last two years, the centre has also established a weekly Arabic clinic for Syrian families and is held each Friday.

This has been mainstreamed through the Council's Good Relations Programme. It is primarily located within Newry Town Hall in the centre of Newry City, and its services included the following:

1. Housing clinic operated in partnership with the Northern Ireland Housing Executive;
2. Clinic in Newry Citizens Advice Bureau;
3. Ongoing provision of interpretation and translation services for clients;
4. Series of information events held on issues such as health, legal issues, finance, education etc.

2.4.5 Newry, Mourne and Down District Council continues its ongoing commitment and participation in the Local Government Staff Commission's Equality and Diversity in Local Council's initiative and appointment of Diversity Champions.

2.5 Examples of collaborative working in relations to scheme development, screening, impact assessment, consultation and monitoring.

2.5.1 As previous detailed, Council's Head of Corporate Policy and Corporate Policy and Equality Officer provide training, advice and guidance on equality screening policies. During the five-year review period 101 equality screenings were completed. Support and advice is also sought from officers from local authorities through the Statutory Duty Network meetings.

2.5.2 In relation to consultation, Newry, Mourne and Down District Council's Consultation and Engagement toolkit sets out Council's commitment to ensuring a comprehensive corporate approach is taken to actively encourage participation. This enables people to have a voice on local issues that affect them. The Council has seven District Electoral Area Forums whose membership contains Councillor's and independent members. This engagement model underpins the Council's Community Planning programme and is committed to the building community capacity and delivery of equality and good relations within the local community.

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2.5.3 As stated previously, following review, the Council's revised corporate reporting template assists evidence-based decision-making and ensures transparency in the governance process.

2.6 *Any investigations that the Commission has conducted in relation to any such complaints and any resulting recommendations that the commission has made.*

2.6.1 During the five-year period Council liaised with the Equality Commission in relation to two specific matters A) the naming of Raymond McCreesh Park and B) Pavement Café Designation Policy.

Council co-operated fully, providing access to any documentation that the Equality Commission required.

2.6.2 A) Naming of Raymond McCreesh Park – Council met with Evelyn Collins, Chief Executive, ECNI and Michael Wardlow, Chief Commissioner, ECNI to consider and discuss the Equality Commission for Northern Ireland's decision to rescind the decision it took in March 2015, by which it accepted the review undertaken by Newry and Mourne District Council had complied with the recommendation made by the Equality Commission.

The Equality Commission's recommendation was that to ensure transparency, the Council debate and vote on this issue be conducted in public and properly recorded and that Councillors be provided with a qualitative analysis of the consultation responses prior to that debate and vote. Discussion centred upon consideration on next steps in relation to this matter. Further to this, Council commissioned a consultant to undertake a qualitative analysis of the consultation responses, with the Councillors' Equality and Good Relations Reference Group considering and developing an options paper for consideration by Council.

This matter is still ongoing and the facility is now subject to the D1 process having been designated by Council as a surplus asset.

2.6.3 B) Pavement Café Designation Policy- During the five-year reporting period the Inclusive Mobility and Transport Advisory Committee (Imtac) raised a complaint with the Equality Commission alleging that Newry, Mourne and Down District Council had failed to comply with its approved Equality Scheme in relation to its Pavement Café Designation Policy.

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Council received correspondence from the Equality Commission dated 30 January 2018 re: Complaint under Section 75, Schedule 9, Paragraph 10 of the NI Act 1998; failure to comply with an approved Equality Scheme in relation to the screening of the Council's Pavement Café Designation Policy, requesting any relevant information the ECNI Investigations Committee should take into consideration when making its decision on whether or not to authorise an investigation.

Council provided the following information to the Equality Commission:

- Newry, Mourne and Down District Council's Equality Scheme
- Equality screening Pavement Café Designation Policy
- Updated equality screening of Pavement Café Designation Policy
- NMDDC letter of response to IMTAC complaint emailed 24 April 2017
- NMDDC email of 17 October 2017 and attached documentation responding to IMTAC email dated 12 October 2017
- Notice of a Stakeholder Meeting held on 22 September 2016 to discuss the implementation of the Licensing of Pavement Cafe Act (NI) 2014, the relevant Attendance Sheet and presentation given at the meeting

Further to this, Council received correspondence from the Equality Commission advising that the Commission's Statutory Duty Investigation's Committee had decided not to authorise an investigation into the complaint.

The Record of Decision – April 2018 set out the following:

"The Committee decided not to authorise an investigation of this complaint for the reason that the Public Authority appears to have properly considered the evidence provided by the Complainant, in accordance with paragraph 4.8 of its Equality Scheme, to inform its second screening decision. In addition, as a direct result, the Public Authority has made amendments to its Policy."

The successful outcome to this complaint demonstrates the importance of appropriate governance, record-keeping, equality screening policies, quarterly reporting of policy screening, and considering and responding to complaints.

- 2.6.4 For noting: The revised Equality Scheme being tabled for consideration at the Council's Strategy, Policy and Resources Committee on 12 March 2020, Chapter 8, regarding Council's complaints procedure has been amended to reflect advice outlined in the Equality Commission for Northern Ireland, Procedures for Complaints and Investigations (December 2019).

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2.6.5 Accordingly, the revised Equality Scheme proposes the deadlines for responding to complaints contained within paragraph 8.5 be amended from one (1) month and two (2) months to 20 working days and 40 working days respectively.

2.7 *Complaints received under an equality scheme's complaints procedure*

2.7.1 During the five-year reporting period Council received a complaint from Imtac regarding the Council's Pavement Café Designation Policy and equality screening, requesting the policy be subject to an equality impact assessment.

Having considered Imtac's correspondence, Council updated the original equality screening as it did not reflect amendments of the policy and did not make direct reference to the potential impact upon older people, families and carers and young people. However, it was the view that this did not alter the original decision of screening that the Pavement Café Designation Policy not be subject to an EQIA (with no mitigating measures required).

This was on the basis that the guidance documents provided by Imtac were not legislative requirements, and the Council's policy positively outlines the matters the Council shall take account of in determining the suitability of each proposed area covered by the licence, details to be provided by applicants, adequately addresses issues of clearance and appropriate screening of licensed areas, and advises the circumstances where the Council may revoke a pavement café licence.

Council was satisfied and confident the policy provides an effective framework to enable Council decide whether to designate a street or part thereof as a pavement café and whether to grant or refuse an application for a pavement café, and did not consider the policy is required to be subject to an equality impact assessment.

Notwithstanding this, as contained in paragraph 2.6.3, Imtac raised a complaint with the Equality Commission alleging that Newry, Mourne and Down District Council had failed to comply with its approved Equality Scheme in relation to its Pavement Café Designation Policy.

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3.0 Conclusion

This review has been conducted very much along the same lines as the Annual Progress reports which Newry, Mourne and Down District Council must undertake.

However, it has allowed an element of reflection for Newry, Mourne and Down District Council on how the Council has strived to deliver its equality scheme, and ensure we as a council are compliant in delivering upon its statutory duties to promote Equality of Opportunity and Good Relations

This five-year review has determined that Newry, Mourne and Down District Council's Equality Scheme has benefitted section 75 groups. The success of the scheme is due to the leadership and support provided by Chief Executive, Council's Senior Management Team and Elected Members and this commitment is cascaded down through the organisation. Through training, advice and guidance provided, Officers continue to have a greater understanding of what is required from them to ensure we as a Council are meeting our duties.

Whilst there have been challenges, Newry, Mourne and Down District Council, with the advice and support from the Equality Commission, has addressed and continues to address these.

Newry, Mourne and Down District Council acknowledge the continuing nature of the Section 75 statutory duties and we believe the commitments set out within our revised Equality Scheme will ensure our effective compliance with the Section 75 statutory duties and assist us to monitor and review our progress.