

Equality Scheme for Newry, Mourne and Down District Council *(revised 2020)*

***Drawn up in accordance with Section 75 and Schedule 9 of
the Northern Ireland Act 1998***



Comhairle Ceantair
**an Iúir, Mhúrn
agus an Dúin**
**Newry, Mourne
and Down**
District Council

***This document is available in a range of formats on request.
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contact details).***

Marie Ward
Chief Executive
Newry, Mourne and Down
District Council

Foreword

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

In our revised equality scheme we set out how Newry, Mourne and Down District Council proposes to fulfil the Section 75 statutory duties.

We will commit the necessary resources in terms of people, time and money to make sure that the Section 75 statutory duties are complied with and that the equality scheme is implemented effectively, and on time.

We commit to having effective internal arrangements in place for ensuring our effective compliance with the Section 75 statutory duties and for monitoring and reviewing our progress.

We will develop and deliver a programme of communication and training with the aim of ensuring that all our Councillors and staff are made fully aware of our equality scheme and understand the commitments and obligations within it. We will advise our consultees on the Section 75 statutory duties and our commitments as detailed in our equality scheme.

We, the Chairperson and Chief Executive of Newry, Mourne and Down District Council, are fully committed to effectively fulfilling our Section 75 statutory duties across all our functions (including service provision, employment and procurement) through the effective implementation of our revised equality scheme.

We realise the important role that the community and voluntary sector and the general public have to play to ensure the Section 75 statutory duties are effectively implemented. Our equality scheme demonstrates how determined we are to ensure there are opportunities, for people affected by our work, to positively influence how we carry out our functions in line with our Section 75 statutory duties.

We support and endorse this equality scheme which has been drawn up in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998 and Equality Commission guidelines.

Councillor Charlie Casey
Chairperson

Marie Ward
Chief Executive

7 April 2020

¹ See section 1.1 of our Equality Scheme

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Please note: Foreword and Appendices 5 and 6 form part of this equality scheme.

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Chapter 1 Introduction

Section 75 of the Northern Ireland Act 1998

- 1.1 Section 75 of the Northern Ireland Act 1998 (the Act) requires Newry, Mourne and Down District Council to comply with two statutory duties:

Section 75 (1)

In carrying out our functions relating to Northern Ireland we are required to have due regard to the need to promote equality of opportunity between

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- men and women generally
- persons with a disability and persons without
- persons with dependents and persons without.

Section 75 (2)

In addition, without prejudice to the obligations above, in carrying out our functions in relation to Northern Ireland we are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

“Functions” include the “powers and duties” of a public authority. This includes our employment and procurement functions. Please see below under “Who we are and what we do” for a detailed explanation of our functions.

How we propose to fulfil the Section 75 Duties in relation to the relevant functions of Newry, Mourne and Down District Council

- 1.2 Schedule 9 4. (1) of the Act requires Newry, Mourne and Down District Council as a designated public authority to set out in an equality scheme how it proposes to fulfil the duties imposed by Section 75 in relation to its relevant functions. This equality scheme is intended to fulfil that statutory requirement. It is both a statement of our arrangements for fulfilling the Section 75 statutory duties and details the plan for their implementation.
- 1.3 Newry, Mourne and Down District Council is committed to the discharge of its Section 75 obligations in all parts of its organisation and will commit the necessary available resources in terms of people, time and money to ensure that the Section 75 statutory duties are complied with and that the Newry, Mourne and Down District Council equality scheme can be implemented effectively.

Who we are and what we do

The roles and functions of Councils, established in the Local Government (Reorganisation) Bill 2014 and in other legislation, falls into three types:

- **Direct** - Councils are responsible for the provision and management of services
- **Representative** - Council nominees sit on statutory bodies
- **Consultative** - Councils reflect community views in the operation of a range of statutory bodies, community concerns or give views on proposed administrative decisions

Most Council's carry out the functions outlined below. However, not every Council will have the entire range of services, depending upon its geographical location and size:

Newry, Mourne and Down District Council is responsible for:

Refuse Collection and Disposal	Recycling and Waste Management
Civic Amenity Provision	Grounds Maintenance
Street Cleansing	Cemeteries
Public Conveniences	Food Safety
Health & Safety	Environmental Protection
Environmental Improvement	Estates Management Building & Maintenance
Design Building Control	Inspection/Regulation of New Construction
Dog Control	Sports and Leisure Services
Community Centres	Recreational Facilities
Sundry Licensing	Planning
Parks, Open Spaces, Playgrounds	Community Planning
Arts, Heritage and Cultural Facilities	
Registration of Births, Deaths and Marriages	

Council also have a role in

- Enterprise, Employment and Regeneration
- Community Development
- Community Safety
- District Policing
- Sports Development & Summer Schemes
- Tourism

Section 75 is mainstreamed across all of Newry, Mourne and Down District Council's business areas. The Council's Senior Management

Team is responsible for ensuring that Section 75 obligations are taken into account in developing and implementing Council functions.

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

- 2.1 Some of our arrangements for assessing our compliance with the Section 75 statutory duties are outlined in other relevant parts of this equality scheme. Consultation is in chapter 3, monitoring arrangements, assessment of impact of policies and publication arrangements in chapter 4, staff training in chapter 5, access to information in chapter 6, the Council's complaints procedure in chapter 8, and publication and Review of Council's Equality Scheme in chapters 9 and 10.

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

Responsibilities and Reporting

- 2.2 We are committed to the fulfilment of our Section 75 obligations in all parts of our work.
- 2.3 The Chief Executive is accountable to Newry, Mourne and Down District Council for the development, implementation, maintenance and review of the equality scheme in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998, including any good practice or guidance that has been or may be issued by the Equality Commission.
- 2.4 If you have any questions or comments regarding our equality scheme, please contact:

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- 2.5 Objectives and targets relating to the statutory duties will be integrated into our strategic and operational business plans.
- 2.6 Employees' job descriptions and performance plans reflect their contributions to the discharge of the Section 75 statutory duties and

implementation of the equality scheme, where relevant. The personal performance plans are subject to appraisal in the annual performance review.

- 2.7 Newry, Mourne and Down District Council prepares an annual report on the progress we have made on implementing the arrangements set out in this equality scheme to discharge our Section 75 statutory duties (Section 75 annual progress report).

The Section 75 annual progress report will be sent to the Equality Commission by 31 August each year and will follow any guidance on annual reporting issued by the Equality Commission.

Progress on the delivery of Section 75 statutory duties will also be included in our annual report.

- 2.8 The latest Section 75 annual progress report is available on our website, or by contacting:

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- 2.9 Newry, Mourne and Down District Council liaise closely with the Equality Commission to ensure that progress on the implementation of our revised equality scheme is maintained.
- 2.10 All Council's policies whether new or revised will be screened to ensure compliance with this equality scheme

Action plan/action measures

- 2.11 Newry, Mourne and Down District Council will develop an action plan to promote equality of opportunity and good relations.
- 2.12 The action measures that will make up our action plan will be relevant to our functions. They will be developed and prioritised on the basis of an audit of inequalities. In line with the Equality Commission's guidance the Council will carry out an Audit of Inequalities. The Audit of Inequalities will inform which Newry, Mourne and Down District Council functions are addressed in terms of inequalities in relation to Section 75 groups. It will enable Council to identify potential functional areas for further or better discharge of its Section 75 duties and will inform its key strategic actions.

The Audit will reveal where the Council has information gaps and allow the development of action measures to take forward the work required to deal with the issues and inequalities highlighted by the Audit. Many of the Council's functions are statutory in nature and cut across many of the Section 75 categories. However, there are some areas of Council work that may have an impact on certain Section 75 groups. During the development of the Council's Action Plan all council services and functions will be reviewed and a recommendation made for key areas of activity.

As part of the Council's annual equality report to the Equality Commission NI, the Action Plan will be reviewed to identify key areas of inequalities that require to be addressed in the incoming period.

- 2.13 Action measures will be specific, measurable, linked to achievable outcomes, realistic and time bound. Action measures will include performance indicators and timescales for their achievement.
- 2.14 We will develop action plans for a period of between one and five years in order to align them with our corporate, business and planning cycles. Implementation of the action measures will be incorporated into our business planning process.
- 2.15 We will seek input from our stakeholders and consult on our action plan before we send it to the Equality Commission and thereafter when reviewing the plan as per 2.16 below.
- 2.16 We will monitor our progress on the delivery of our action measures annually and update the action plan as necessary to ensure that it remains effective and relevant to our functions and work.
- 2.17 Once finalised our action plan will be available on our website, or by contacting:

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

Chapter 3 Our arrangements for consulting (Schedule 9 4. (2) (a)) – on matters to which a duty (S75 (1) or (2) is likely to be relevant (including details of the persons to be consulted)

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

- 3.1 Council recognises the importance of consultation in all aspects of the implementation of our statutory equality duties. We will consult on our equality scheme, action measures, equality impact assessments and other matters relevant to the Section 75 statutory duties.
- 3.2 We are committed to carrying out consultation in accordance with the following principles (as contained in the Equality Commission's guidance '*Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)*')
- 3.2.1 All consultations will seek the views of those directly affected by the matter / policy, the Equality Commission, representative groups of Section 75 categories, other public authorities, voluntary and community groups, our staff and their trades unions and such other groups who have a legitimate interest in the matter, whether or not they have a direct economic or personal interest.

Initially all consultees (see Appendix 5), as a matter of course, will be notified (by email or post) of the matter / policy being consulted upon to ensure they are aware of all consultations. Thereafter, to ensure the most effective use of our and our consultees' resources, we will take a targeted approach to consultation for those consultees that may have a particular interest in the matter/policy being consulted upon and to whom the matter/policy is of particular relevance. This may include for example regional or local consultations, sectorial or thematic consultation etc.

- 3.2.2 Consultation with all stakeholders will begin as early as possible. We will ask our consultees what their preferred consultation methods are and will give consideration to these. Methods of consultation could include:
- Face-to-face meetings
 - Focus groups
 - Written documents with the opportunity to comment in writing
 - Questionnaires
 - Information/notification by email
 - Internet discussions or

- Telephone consultations.

- 3.2.3 This list is not exhaustive and we may develop other additional methods of consultation more appropriate to key stakeholders and the matter being consulted upon.

We will consider the accessibility and format of every method of consultation we use in order to remove barriers to the consultation process. Specific consideration will be given as to how best to communicate with all section 75 categories e.g. with children and young people, people with disabilities (in particular people with learning disabilities) and minority ethnic communities. We take account of existing and developing good practice, including the Equality Commission's guidance *Lets Talk Lets Listen-Guidance for public authorities on consulting and involving children and young people (2008)*.

All relevant information will be made available to consultees in appropriate formats to ensure meaningful consultation and we will ensure that all consultees have equal time to respond and adequate time is allowed for groups to consult among themselves. Information will be made available, on request, in alternative formats, in a timely manner, usually within 7 days. We will ensure that such consultees have equal time to respond.

- 3.2.4 Specific training is provided to those facilitating consultations to ensure that they have the necessary skills to communicate effectively with consultees.
- 3.2.5 To ensure effective consultation with consultees on Section 75 matters, we will develop a programme of awareness raising on the Section 75 statutory duties and the commitments in our equality scheme by undertaking presentations to community groups, disability groups and forums.
- 3.2.6 The consultation period lasts for a minimum of twelve weeks to allow adequate time for groups to consult amongst themselves as part of the process of forming a view. However, in exceptional circumstances when this timescale is not feasible (for example implementing EU Directives or UK wide legislation, meeting Health and Safety requirements, addressing urgent public health matters or complying with Court judgements), we may shorten timescales to eight weeks or less before the policy is implemented. We may continue consultation thereafter and will review the policy as part of our monitoring commitments.

Where, under these exceptional circumstances, we must implement a policy immediately, as it is beyond our authority's control, we may consult after implementation of the policy, in order to ensure that any impacts of the policy are considered.

- 3.2.7 If a consultation exercise is to take place over a period when consultees are less able to respond, for example, over the summer or Christmas break, or if the policy under consideration is particularly complex, we will give consideration to the feasibility of allowing a longer period for the consultation.
- 3.2.8 We are conscious of the fact that affected individuals and representative groups may have different needs. We will take appropriate measures to ensure full participation in any meetings that are held. We will consider for example the time of day, the appropriateness of the venue, in particular whether it can be accessed by those with disabilities, how the meeting is to be conducted, the use of appropriate language, whether a signer and / or interpreter is necessary, and whether the provision of childcare and support for other carers is required.
- 3.2.9 We will make all relevant information available to consultees in appropriate formats to ensure meaningful consultation. This includes detailed information on the policy proposal being consulted upon and any relevant quantitative and qualitative data.
- 3.2.10 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy.
- 3.2.11 We will provide feedback to consultees in a timely manner. A feedback report is prepared which includes summary information on the policy consulted upon, a summary of consultees' comments and a summary of our consideration of and response to consultees' input. The feedback is provided in formats suitable to consultees (Please see also 6.3)
- 3.3 A list of our consultees is included in Appendix 5, or a copy can be obtained by contacting:

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

We welcome enquiries from any person/s or organisations wishing to be added to the list of consultees. Please contact:

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to provide your contact details and have your areas of interest noted or have your name/details removed or amended. Please also inform us if you would like information sent to you in a particular format or language.

Chapter 4 Our arrangements for assessing, monitoring and publishing the impact of Policies (Schedule 9 4. (2) (b); Schedule 9 4. 92) (C); Schedule 9 4 (2) (d); Schedule 9 9. (1); Schedule 9 9. (2))

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

- 4.1 In the context of Section 75, 'policy' is very broadly defined and covers all the ways in which we carry out or propose to carry out our functions in relation to Northern Ireland. In respect of this revised equality scheme, the term policy is used for any (proposed / amended / existing) strategy, policy initiative or practice and / or decision, whether written or unwritten and irrespective of the label given to it, e.g. 'draft', 'pilot', 'high level' or 'sectoral'.
- 4.2 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9 9. (2) of the Northern Ireland Act 1998.
- 4.3 Newry, Mourne and Down District Council uses the tools of **screening** and **equality impact assessment** to assess the likely impact of a policy on the promotion of equality of opportunity and good relations. In carrying out these assessments we will relate them to the intended outcomes of the policy in question and will also follow Equality Commission guidance:
- the guidance on screening, including the screening template, as detailed in the Commission's guidance '*Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)*' and
 - on undertaking an equality impact assessment as detailed in the Commission's guidance '*Practical guidance on equality impact assessment (February 2005)*'.

Screening

- 4.4 The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and / or good relations.
- 4.5 Screening is completed at the earliest opportunity in the policy development / review process. Policies which we propose to adopt will be subject to screening prior to implementation. For more detailed strategies or policies that are to be put in place through a series of stages, we will screen at various stages during implementation.

- 4.6 The lead role in the screening of a policy is taken by the policy decision maker who has the authority to make changes to that policy. However, screening will also involve other relevant team members, for example, equality specialists, those who implement the policy and staff members from other relevant work areas. Where possible we will include key stakeholders in the screening process.
- 4.7 The following questions are applied to all our policies as part of the screening process:
- What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor / major / none)
 - Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?
 - To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group? (minor / major / none)
 - Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?
- 4.8 In order to answer the screening questions, we gather all relevant information and data, both qualitative and quantitative. In taking this evidence into account we consider the different needs, experiences and priorities for each of the Section 75 equality categories. Any screening decision will be informed by this evidence.
- 4.9 Completion of screening, taking into account our consideration of the answers to all screening questions, will lead to one of the following three outcomes:
1. the policy has been 'screened in' for equality impact assessment
 2. the policy has been 'screened out' with mitigation or an alternative policy proposed to be adopted
 3. the policy has been 'screened out' without mitigation or an alternative policy proposed to be adopted.
- 4.10 If our screening concludes that the likely impact of a policy is 'minor' in respect of one, or more, of the equality of opportunity and/or good relations categories, we may on occasion decide to proceed with an equality impact assessment, depending on the policy. If an EQIA is not to be conducted we will nonetheless consider measures that might mitigate the policy impact as well as alternative policies that might better achieve the promotion of equality of opportunity and/or good relations.

Where we mitigate we will outline in our screening template the reasons to support this decision together with the proposed changes, amendments or alternative policy.

This screening decision will be 'signed off' by the appropriate policy lead within Newry, Mourne and Down District Council.

- 4.11 If our screening concludes that the likely impact of a policy is 'major' in respect of one, or more, of the equality of opportunity and / or good relations categories, we will normally subject the policy to an equality impact assessment. This screening decision will be 'signed off' by the appropriate policy lead within Newry, Mourne and Down District Council.
- 4.12 If our screening concludes that the likely impact of a policy is 'none', in respect of all of the equality of opportunity and / or good relations categories, we may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, we will give details of the reasons for the decision taken. This screening decision will be 'signed off' by the appropriate policy lead within Newry, Mourne and Down District Council.
- 4.13 As soon as possible following the completion of the screening process, the screening template, signed off and approved by the senior manager responsible for the policy, will be made available on our website, and on request by contacting:

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- 4.14 If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, we will review the screening decision.
- 4.15 Our screening reports are published quarterly (see below at 4.20 – 4.22 and 4.23 for details)

Equality Impact Assessment

- 4.16 An equality impact assessment (EQIA) is a thorough and systematic analysis of a policy, whether that policy is formal or informal, and irrespective of the scope of the policy. The primary function of an EQIA is to determine the extent of any impact of a policy upon the

Section 75 categories and to determine if the impact is an adverse one. It is also an opportunity to demonstrate the likely positive outcomes of a policy and to seek ways to more effectively promote equality of opportunity and good relations.

- 4.17 Once a policy is screened and screening has identified that an equality impact assessment is necessary, we will carry out the EQIA in accordance with Equality Commission guidance. The equality impact assessment will be carried out as part of the policy development process, before the policy is implemented.
- 4.18 Any equality impact assessment will be subject to consultation at the appropriate stage(s). (For details see above Chapter 3 'Our Arrangements for Consulting').

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

- 4.19 We make publicly available the results of our assessments (screening and EQIA) of the likely impact of our policies on the promotion of equality of opportunity and good relations

What we publish

- 4.20 Screening reports

These are published quarterly. Screening reports detail:

- All policies screened by Newry, Mourne and Down District Council over the three month period
- A statement of the aim(s) of the policy/policies to which the assessment relates
- Consideration given to measures which might mitigate any adverse impact
- Consideration given to alternative policies which might better achieve the promotion of equality of opportunity;
- Screening decisions, i.e.:
 - whether the policy has been 'screened in' for equality impact assessment
 - whether the policy has been 'screened out' with mitigation or an alternative policy proposed to be adopted
 - whether the policy has been 'screened out' without mitigation or an alternative policy proposed to be adopted
- Where applicable, a timetable for conducting equality impact assessments
- A link to completed screening template(s) on our website

- 4.21 Screening templates

For details on the availability of our screening templates please refer to 4.13

4.22 Equality impact assessments

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

- A statement of the aim of the policy
- Information and data collected
- Details of the assessment of impact(s)
- Consideration given to measures which might mitigate any adverse impact
- Consideration given to alternative policies which might better achieve the promotion of equality of opportunity
- Consultation responses
- The decision taken
- Future monitoring plans

How we publish the information

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

Where we publish the information

- 4.24 The results of our assessments (screening reports and completed templates, the results of equality impact assessments) are available on our website.

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- 4.25 In addition to the above, screening reports (electronic link or hard copy on request if more suitable for recipients) which include all policies screened over a 3 month period are also sent directly to all consultees on a quarterly basis
- 4.26 We will inform the general public about the availability of this material through communications such as press releases where appropriate.

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

- 4.27 Monitoring can assist us to deliver better public services and continuous improvements. Monitoring Section 75 information involves the processing of sensitive personal data (data relating to the racial or ethnic origin of individuals, sexual orientation, political opinion, religious belief, etc). In order to carry out monitoring in a confidential and effective manner, Newry, Mourne and Down District Council follows guidance from the Office of the Information Commissioner and the Equality Commission.
- 4.28 We monitor any adverse impact on the promotion of equality of opportunity of policies we have adopted. We are also committed to monitoring more broadly to identify opportunities to better promote equality of opportunity and good relations in line with Equality Commission guidance.
- 4.29 The systems we have established to monitor the impact of policies and identify opportunities to better promote equality of opportunity and good relations are:
- The collection, collation and analysis of existing relevant primary quantitative and qualitative data across all nine equality categories on an ongoing basis
 - The collection, collation and analysis of existing relevant secondary sources of quantitative and qualitative data across all nine equality categories on an ongoing basis
 - An audit of existing information systems within one year of approval of this equality scheme, to identify the extent of current monitoring and take action to address any gaps in order to have the necessary information on which to base decisions.
 - Undertaking or commissioning new data if necessary
- 4.30 If over a two-year period monitoring and evaluation show that a policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, we will ensure that the policy is revised to achieve better outcomes for relevant equality groups.
- 4.31 We review our EQIA monitoring information on an annual basis. Other monitoring information is reviewed with each policy review, all Council policies are reviewed on a four year cycle.

Our arrangements for publishing the results of our monitoring

- 4.32 Schedule 9.4 (2) (d) requires us to publish the results of the monitoring of adverse impacts of policies we have adopted. However, we are committed to monitoring more broadly and the results of our policy monitoring are published as follows:

4.33 EQIA monitoring information is published as part of our Section 75 annual progress report (see 2.7).

4.34 Results of Council EQIA monitoring can be viewed on our website or by contacting:

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

Chapter 5 Staff training (Schedule 9 4. (2) (e))

Commitment to staff training

- 5.1 Newry, Mourne and Down District Council recognises that awareness-raising and training play a crucial role in the effective implementation of our Section 75 duties.
- 5.2 Our Chief Executive wishes to positively communicate the commitment of Newry, Mourne and Down District Council to the Section 75 statutory duties, both internally and externally.

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

Training objectives

- 5.3 The Council has a detailed training plan for its staff which is supported by personal development and appraisal procedures to ensure:
- awareness of the provisions of Section 75 of the Northern Ireland Act 1998, our equality scheme commitments and the particular issues likely to affect people across the range of Section 75 categories, to ensure that our staff fully understand their role in implementing the scheme
 - provide staff involved in the assessment of policies (screening and EQIA) with the necessary skills and knowledge to do this work effectively
 - to provide staff who deal with complaints in relation to compliance with our equality scheme with the necessary skills and knowledge to investigate and monitor complaints effectively
 - to provide staff involved in consultation processes with the necessary skills and knowledge to do this work effectively
 - to provide those staff involved in the implementation and monitoring of the effective implementation of the Newry, Mourne and Down District Council equality scheme with the necessary skills and knowledge to do this work effectively.

Awareness raising and training arrangements

- 5.4 The following arrangements are in place to ensure all Councillors and Council staff are aware of and understand our equality obligations.

- We will develop a summary of this equality scheme and make it available to all staff.
- We will provide access to copies of the full equality scheme for all Councillors and staff and ensure any queries or questions of clarification are addressed effectively.
- Newry, Mourne and Down District Council staff will receive a briefing on this equality scheme within the Core Brief and Team Meeting process once the revised scheme has been approved
- Section 75 statutory duties form part of induction training for new full time and seasonal staff via a presentation titled “Equality Matters”.

Focused training is provided for key staff within Newry, Mourne and Down District Council who are directly engaged in taking forward the implementation of our equality scheme commitments e.g. those involved in research and data collection, policy development, conducting equality impact assessments, consultation, monitoring and evaluation.

- Where appropriate, training will be provided to ensure Councillors and staff are aware of the issues experienced by the range of Section 75 groups.
- When appropriate and on an ongoing basis, arrangements will be made to ensure Councillors and staff are kept up to date with Section 75 developments.

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

In order to share resources and expertise, Newry, Mourne and Down District Council will, where possible, work closely with other bodies and agencies in the development and delivery of training.

Monitoring and evaluation

- 5.6 Our training programmes are subject to the following monitoring and evaluation arrangements:

- We evaluate the extent to which all participants in Council training programmes have acquired the necessary skills and knowledge to achieve each of the above objectives.
- The extent to which training objectives have been met are identified for individual staff through the Annual Performance and Development Review. Objectives will be reported on as part of the Section 75 annual progress report, a copy of is sent to the Equality Commission.

Chapter 6 Our arrangements for ensuring and assessing public access to information and services we provide (Schedule 9 4. (2) (f))

6.1 Newry, Mourne and Down District Council is committed to ensuring the information we disseminate and the services we provide are fully accessible to all parts of the community. We keep our arrangements under review to ensure that this remains the case.

6.2 We are aware that some groups will not have the same access to information as others.

In particular:

- People with sensory, learning, communication and mobility disabilities may require printed information in other formats.
- Members of ethnic minority groups, whose first language is not English.
- Children and young people may not be able to fully access or understand information.

Access to information

6.3 To ensure equality of opportunity in accessing information, we provide information in alternative formats on request, where reasonably practicable. Where the exact request cannot be met we will ensure a reasonable alternative is provided.

Alternative formats may include Easy Read, Braille, audio formats (CD, mp3 or DAISY), large print or minority languages to meet the needs of those for whom English is not their first language.

Newry, Mourne and Down District Council liaises with representatives of young people and disability and minority ethnic organisations and takes account of existing and developing good practice. We will respond to requests for information in alternative formats in a timely manner normally within 7 days.

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

6.5 Newry, Mourne and Down District Council is committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories and adheres to the relevant provisions of current anti-discrimination legislation.

Access to services

6.6 All Council services are provided so as to ensure public access by all members of the community

- 6.7 Council works with the Policing and Community Safety Partnership (PCSP) to ensure the public is aware of the services and how to avail of them.

Assessing public access to information and services

- 6.8 We monitor across all our functions on an annual basis in relation to access to information and services, to ensure equality of opportunity and good relations are promoted.
- 6.9 We carry out regular satisfaction surveys in regard of the use and access of Council services by the public and analyse, report and take action regarding complaints, comments and compliments received regarding both access to and use of these services and information.

Chapter 7 Timetable for measures we propose in this equality scheme (Schedule 9 4. (3) (b))

- 7.1 Appendix 6 outlines our timetable for all measures proposed within this equality scheme. The measures outlined in this timetable will be incorporated into our business planning process.
- 7.2 This timetable is different from and in addition to our commitment to developing action plans/action measures to specifically address inequalities and further promote equality of opportunity and good relations. We have included in our equality scheme a commitment to develop an action plan. Accordingly, this commitment is listed in the timetable of measures at Appendix 6. For information on these action measures please see above at 2.11 – 2.18.

Chapter 8 Our complaints procedure (Schedule 9 paragraph 10)

- 8.1 Newry, Mourne and Down District Council is responsive to the views of members of the public. We will endeavour to resolve all complaints made to us.
- 8.2 A person can make a complaint to a public authority if the complainant believes he or she may have been directly affected by an alleged failure of the authority to comply with its approved equality scheme. If the complaint has not been resolved within a reasonable timescale, the complaint can be raised with the Equality Commission.
- 8.3 A person wishing to make a complaint that Newry, Mourne and Down District Council has failed to comply with its approved equality scheme should contact:

Colin Moffett
Head of Corporate Policy
O'Hagan House
Monaghan Row
Newry
BT35 8DJ

Telephone: 0330 137 4388
Email: colin.moffett@nmandd.org

Suzanne Rice
Corporate Policy & Equality Officer
O'Hagan House
Monaghan Row
Newry
BT35 8DJ

Telephone: 0330 137 4887
Email: suzanne.rice@nmandd.org

- 8.4 We will in the first instance acknowledge receipt of each complaint in line with the Councils Complaints, Comments and Compliments policy.
- 8.5 The Council's Corporate Policy Section (Head of Corporate Policy and Corporate Policy and Equality Officer) will carry out an internal investigation of the complaint and will respond substantially to the complainant within 20 working days of the date of receiving the letter of complaint. Under certain circumstances, if the complexity of the matter requires a longer period, the period for response to the complainant may be extended to 40 working days. In those circumstances, the complainant will be advised of the extended period within 20 working days of making the complaint.
- 8.6 During this process the complainant will be kept fully informed of the progress of the investigation into the complaint and of any outcomes.
- 8.7 In any subsequent investigation by the Equality Commission, Newry, Mourne and Down District Council will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require.

Similarly, Newry, Mourne and Down District Council will co-operate fully with any investigation by the Equality Commission under sub-paragraph 11 (1) (b) of Schedule 9 to the Northern Ireland Act 1998.

- 8.8 Newry, Mourne and Down District Council will make all efforts to implement promptly and in full any recommendations arising out of any Equality Commission investigation.

Chapter 9 Publication of the Equality Scheme (Schedule 9 4. (3) (c))

- 9.1 Newry, Mourne and Down District Council's equality scheme is available free of charge in electronic, print form and alternative formats from:

Colin Moffett
Head of Corporate Policy
O'Hagan House
Monaghan Row
Newry
BT35 8DJ

Suzanne Rice
Corporate Policy & Equality Officer
O'Hagan House
Monaghan Row
Newry
BT35 8DJ

Telephone: 0330 137 4388
Email: colin.moffett@nmandd.org

Telephone: 0330 137 4887
Email: suzanne.rice@nmandd.org

- 9.2 Our equality scheme is also available on the following website:

www.newrymouredown.org

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

- We will make every effort to communicate widely the existence and content of our equality scheme. This may include press releases, prominent advertisements in the press, the internet and direct mail shots to groups representing the various categories in Section 75.
- We will email a link to our approved equality scheme to our consultees on our consultation lists. Other consultees without e-mail will be notified by letter that the scheme is available on request. We will respond to requests for the equality scheme in alternative formats in a timely manner usually seven days.
- Our equality scheme is available on request in alternative formats such as Easy Read, Braille, large print, audio formats (CD, mp3, DAISY) and in minority languages to meet the needs of those not fluent in English.
- The Council will communicate to children, young people and people with disabilities via youth forums, the Council education officer and disability forums operating in the district.

- 9.4 For a list of our consultees please see Appendix 5 of the revised equality scheme, visit our website or contact the Equality Officer (see contact details on page 6).

Chapter 10 Review of the Equality Scheme (Schedule 9 8. (3))

- 10.1 As required by Schedule 9 paragraph 8 (3) of the Northern Ireland Act 1998 we will conduct a thorough review of this revised equality scheme. This review will take place either within five years of submission of this equality scheme to the Equality Commission or within a shorter timescale to allow alignment with the review of other planning cycles.

The review will evaluate the effectiveness of our scheme in relation to the implementation of the Section 75 statutory duties relevant to our functions in Northern Ireland.

- 10.2 In undertaking this review we will follow any guidance issued by the Equality Commission. A report of this review will be made public through advertising its existence, placing a copy on the Council's website, provision of copies on request, adverts in local newspapers, included in the monthly Council news circulation to community groups, religious groups etc and a copy sent to the Equality Commission.

Appendix 1 – Council Committee Structure

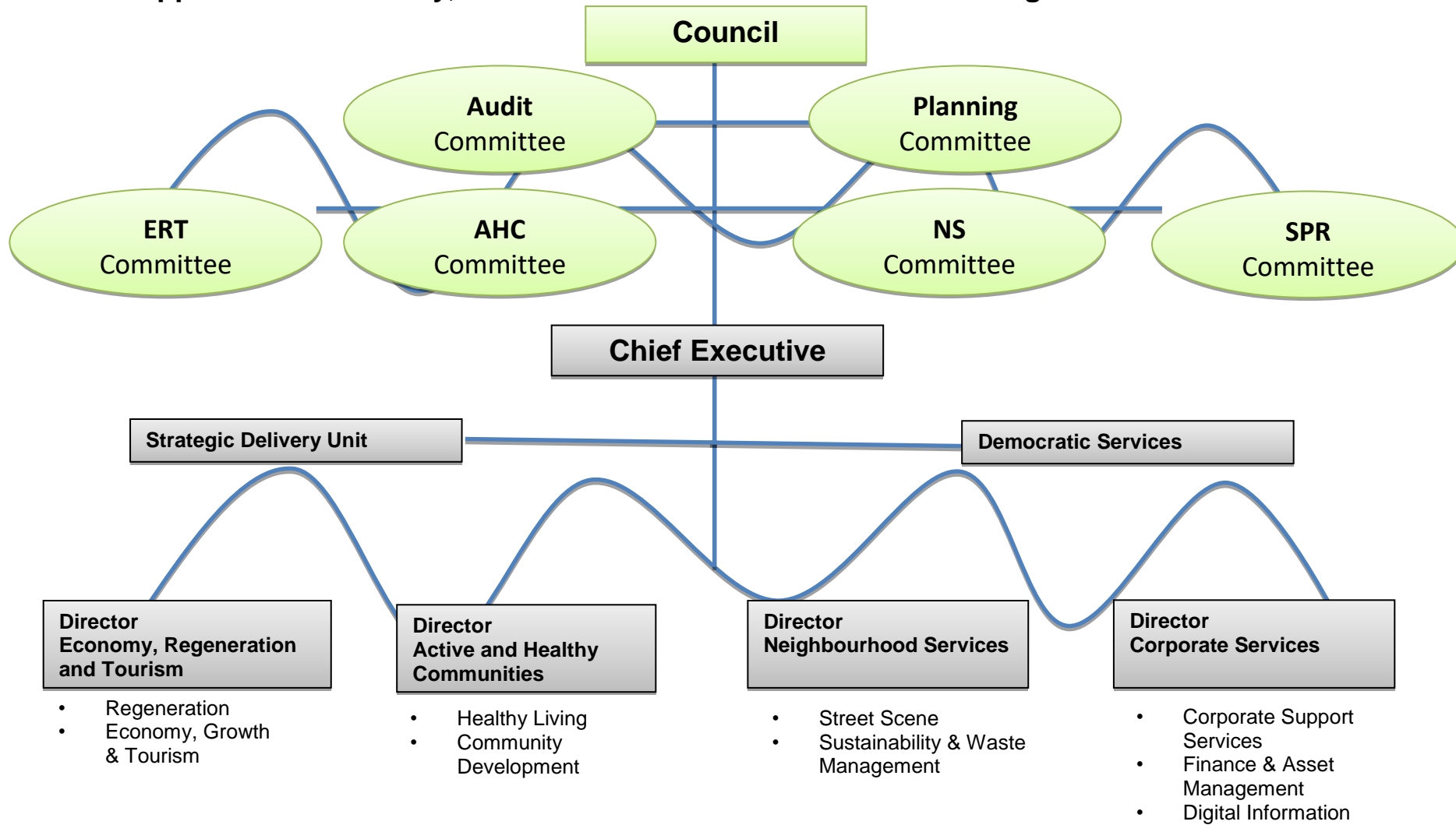
The main Committees of Council are as follows:

- Council (full meeting)
- Enterprise, Regeneration and Tourism Committee
- Active and Healthy Communities Committee
- Neighbourhood Services Committee
- Planning Committee
- Strategy, Policy and Resources Committee
- Audit Committee

Council consists of 41 Councillors (as listed below)

C Casey	Sinn Féin	T Andrews	SDLP
W Clarke	Sinn Féin	P Byrne	SDLP
S Doran	Sinn Féin	D Curran	SDLP
O Hanlon	Sinn Féin	L Devlin	SDLP
V Harte	Sinn Féin	H Gallagher	SDLP
T Hearty	Sinn Féin	D McAteer	SDLP
R Howell	Sinn Féin	K McKevitt	SDLP
M Larkin	Sinn Féin	M Savage	SDLP
O Magennis	Sinn Féin	G Sharvin	SDLP
C Mason	Sinn Féin	G Stokes	SDLP
L McEvoy	Sinn Féin	J Trainor	SDLP
R Mulgrew	Sinn Féin	G Hanna	DUP
D Murphy	Sinn Féin	K Owen	DUP
G O'Hare	Sinn Féin	B Walker	DUP
B Ó Muiri	Sinn Féin	R Burgess	UUP
M Ruane	Sinn Féin	A Lewis	UUP
C Enwright	Independent	H McKee	UUP
M Gibbons	Independent	D Taylor	UUP
G Malone	Independent	A McMurray	Alliance
H Reilly	Independent	P Brown	Alliance
J Tinnelly	Independent		

Appendix 2 - Newry, Mourne and Down District Council Management Structure



Appendix 3 - Example groups relevant to Section 75

Please note: This list is for illustration purposes only, it is not exhaustive.

Category	Example groups
Religious belief	<p>Buddhist; Catholic; Hindu; Jewish; Muslims, people of no religious belief; Protestants; Sikh; other faiths.</p> <p>For the purposes of Section 75, the term “religious belief” is the same definition as that used in the <i>Fair Employment & Treatment (NI) Order</i>². Therefore, “religious belief” also includes any <i>perceived</i> religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “<i>similar philosophical belief</i>”.</p>
Political opinion ³	Nationalist generally; Unionists generally; members/supporters of other political parties.
Racial group	White (British, Irish, Polish, Roma, Irish Traveller, other white), Black (Caribbean, African, other), Asian (Chinese, Indian sub-continent, other), Mixed ethnic background, or ethnic group
Men and women generally	Men (including boys); Trans-gendered people; Transsexual people; women (including girls).
Marital status	Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.
Age	Children and young people; older people.
Persons with a disability	Persons with disabilities as defined by the Disability Discrimination Act 1995.
Persons with dependants	Persons with personal responsibility for the care of a child; for the care of a person with a disability; or the care of a dependant older person.
Sexual orientation	Bisexual people; heterosexual people; gay or lesbian people.

² See Section 98 of the Northern Ireland Act 1998, which states: “*In this Act... ”political opinion” and “religious Belief” shall be construed in accordance with Article 2(3) and (4) of the Fair Employment & Treatment (NI) Order 1998.*”

³ *ibid*

Appendix 4 – Screening Proforma

Newry, Mourne and Down District Council Policy Screening Form

Policy Information

Name of the policy	
Is this an existing, revised or new policy?	
What is it trying to achieve (aims/outcomes)	
Are there any Section 75 categories which might be expected to benefit from the intended policy?	
If so, explain how.	
Who initiated or wrote the policy?	
Who owns and who implements the policy?	

Implementation factors

	Yes	No
Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?		
If yes, are they Financial		
If yes, are they Legislative		
If yes, and they are Other please specify:		

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

	Yes	No
Staff		
Service users		
Other public sector organisations		
Voluntary/community/trade unions		
Other, please specify:		

Other policies with a bearing on this policy

What are they	
Who owns them	

Available evidence

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for relevant Section 75 categories.

Section 75 Category	Details of evidence / information
Religious belief	
Political opinion	
Racial group	
Age	
Marital status	
Sexual orientation	
Men and women generally	
Disability	
Dependants	

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 Category	Details of needs/experiences/priorities
Religious belief	
Political opinion	
Racial group	
Age	
Marital status	
Sexual orientation	
Men and women generally	
Disability	
Dependants	

Screening Questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 grounds? **Minor/Major/None**

Section 75 category	If Yes, provide details	If No, provide details
Religious belief		
Political opinion		
Racial group		
Age		
Marital status		
Sexual orientation		

Men and women generally		
Disability		
Dependants		

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

Section 75 category	If Yes , provide details	If No , provide details
Religious belief		
Political opinion		
Racial group		
Age		
Marital status		
Sexual orientation		
Men and women generally		
Disability		
Dependants		

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?

Minor/Major/None

Good relations category	If Yes , provide details	If No , provide details
Religious belief		
Political opinion		
Racial group		

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	If Yes , provide details	If No , provide details
Religious belief		
Political opinion		
Racial group		

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? (For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

Screening Decision

In light of your answers to the previous questions, do you feel that the policy should (please underline one):

1. Not be subject to an EQIA (with no mitigating measures required)
2. Not be subject to an EQIA (with mitigating measures /alternative policies)
3. Not be subject to an EQIA at this time
4. Be subject to an EQIA

If 1. or 2. (i.e. not be subject to an EQIA), please provide details of the reasons why:

If 2. (i.e. not be subject to an EQIA), in what ways can identified adverse impacts attaching to the policy be mitigated or an alternative policy be introduced?

In light of these revisions, is there a need to re-screen the revised/alternative policy? Yes / No. If No, please explain why

If 3. or 4. (i.e. to conduct an EQIA), please provide details of the reasons:

Timetabling and prioritising EQIA

If 3. or 4, is the policy affected by timetables established by other relevant public authorities? YES / NO

If YES, please provide details:

Please answer the following questions to determine priority for timetabling the EQIA. On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for EQIA.

Priority criterion	Rating
--------------------	--------

	(1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for EQIA. This list of priorities will assist you in timetabling the EQIA. Details of your EQIA timetable should be included in the quarterly Section 75 report.

Proposed date for commencing EQIA: _____

Monitoring

Effective monitoring will help identify any future adverse impacts arising from the policy which may lead you to conduct an EQIA, as well as help with future planning and policy development.

Please detail proposed monitoring arrangements below:

Approval and Authorisation

Screened by:	Position/Job Title	Date
Approved by:		

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on your website as soon as possible following completion and made available on request.

Appendix 5 - List of consultees (Schedule 9 4. (2) (a))

This consultation list is not exhaustive and will be reviewed on an annual basis to ensure it remains relevant to our Council's functions and policies.

Belfast City Council
Causeway Coast and Glens Borough Council
Derry City and Strabane District Council
Fermanagh and Omagh District Council
Antrim and Newtownabbey Borough Council
Lisburn and Castlereagh Borough Council
Mid and East Antrim Borough Council
Mid Ulster District Council
Armagh Banbridge, Craigavon Borough Council
Ards and North Down Borough Council
Local Government Staff Commission for NI
Northern Ireland Housing Executive
NI Local Government Association
Committee on the Administration of Justice
Cedar
Autism NI
Community Relations Council
South Eastern Regional College
Southern Regional College
Education Authority
Action Cancer
Action Mental Health
Arts Council NI
AGE NI
Disability Action
Disability Sports NI
Youth Council for NI
Carers UK
Department of Infrastructure
Department of Agriculture, Environment and Rural Affairs
Department of Finance
Department of Education
Department of Health
Department for the Economy
Department for Communities
The Executive Office
Department of Justice
Inclusive Mobility and Transport Advisory Committee (IMTAC)
Royal National Institute of Blind People (RNIB)
Children and young Peoples Commissioner
Ulster Scots Agency
Victim Support

Women's Resource and Development Agency
National Society for the Prevention of Cruelty to Children (NSPCC)
County Down Rural Community Network
Confederation of Community Groups
Social Democratic and Labour Party
Sinn Fein
Democratic Unionist Party
Ulster Unionist Party
Alliance Party of Northern Ireland
Traditional Unionist Voice
Rainbow Project
Conradh na Gaeilge
Irish Congress of Trade Unions Northern Ireland Committee (ICTUNI)
Northern Ireland Public Service Alliance (NIPSA)
Equality Commission for Northern Ireland
Pobal
Foras na Gaeilge

Appendix 6 - Timetable for Proposed Measures (Schedule 9 4. (3) (b))

Measure	Lead responsibility	Timetable
Section 75 Annual Progress Report	Head of Corporate Policy / Chief Executive	31 August (annually)
Revised Equality Scheme submitted to Equality Commission for NI	Head of Corporate Policy / Chief Executive	15 April 2020
Develop Equality Action Plan 2020-2023	Corporate Policy & Equality Officer	April 2020
Implement Equality Action Plan	Head of Corporate Policy / Corporate Policy & Equality Officer	May 2020 onward
Consultation list reviewed and updated	Corporate Policy & Equality Officer	September (annually)
Policy Screening	Policy Owner / Corporate Policy & Equality Officer	Ongoing
Screening Reports	Head of Corporate Policy	Quarterly Policy Screening Report listing policies screened and the outcomes published. Tabled for consideration at Council's Strategy, Policy and Resources Committee and placed on the Council's website.
Training		
Council employees	Human Resources / Corporate Policy & Equality Officer	Employee training requirements are identified through the annual appraisal process / changes to procedures and statutory requirements. The requirements are scheduled

Seasonal workers	Human Resources / Corporate Policy & Equality Officer	in the Council's annual training programme Training provided to all new and seasonal employees as part of their induction training.
Elected Members (Councillors)	Democratic Services / Corporate Policy & Equality Officer	Elected Member training requirements are identified through elected member development / changes to procedures and statutory requirements. Requirements are scheduled in the Councillors' annual elected member development training programme.
Assessing access to information and services	Information / service owner / Corporate Policy & Equality Officer	Annually
Communication of revised Equality Scheme	Head of Corporate Policy / Corporate Policy & Equality Officer	Mailing to consultees (see appendix 5 for list). Advertisements in local newspapers, copy of revised equality scheme on Council website
Five-year review of equality scheme	Head of Corporate Policy / Corporate Policy & Equality Officer / Chief Executive	March 2025

Appendix 7 – Glossary of Terms

Action Plan

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

Action Measures and Outcomes

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

Adverse Impact

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

Affirmative Action

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

Article 55 Review

Under the Fair Employment and Treatment (NI) Order 1998, all registered employers must conduct periodic reviews of the composition of their workforces and of their employment practices for the purposes of determining whether members of the Protestant and Roman Catholic communities are enjoying, and are likely to continue to enjoy, fair participation in employment in each employer's concern. These reviews, which are commonly known as Article 55 Reviews, must be conducted at least once every three years.

Audit of Inequalities

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

Consultation

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

Differential Impact

Differential impact occurs where a Section 75 group has been affected differently by a policy. This effect could either be positive, neutral or negative. A public authority must make a judgement as to whether a policy has a differential impact and then it must determine whether the impact is adverse, based on a systematic appraisal of the accumulated information.

Discrimination

The anti-discrimination laws prohibit the following forms of discrimination:

- . Direct Discrimination
- . Indirect Discrimination
- . Disability Discrimination
- . Victimisation
- . Harassment

Brief descriptions of these above terms follow:

Direct Discrimination

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

Indirect Discrimination

The definition of this term varies across some of the antidiscrimination laws, but indirect discrimination generally occurs where a public authority applies to all persons a particular provision, criterion or practice, but which is one that has the effect of placing people who share a particular equality characteristic (e.g. the same sex, or religious belief, or race) at a particular disadvantage compared to other people. A provision, criterion or practice that is indirectly discriminatory will normally be unlawful unless (a) it can be objectively justified, or (b) the public authority can rely on a statutory exception that permits it.

Disability Discrimination

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

(a) Disability-related Discrimination generally occurs where a public authority, without lawful justification, and for a reason which relates to a disabled person's disability, treats that person less favourably than it treats (or, would treat) other people to whom that reason does not (or, would not) apply.

(b) Failure to comply with a duty to make reasonable adjustments:

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

Victimisation

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

Harassment

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

Economic Appraisal

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

Equality Impact Assessment

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

Equality of Opportunity

The prevention, elimination or regulation of discrimination between people on grounds of characteristics including sex, marital status, age, disability, religious belief, political opinion, dependants, race and sexual orientation. The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive measures to be taken to secure equality of opportunity between the categories identified under Section 75.

Equality Scheme

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

Good Relations

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

Mainstreaming Equality

The integration of equal opportunities principles, strategies and practices into the every day work of public authorities from the outset. In other words, mainstreaming is the process of ensuring that equality considerations are built into the policy development process from the beginning, rather than being bolted on at the end. Mainstreaming can help improve methods of working by increasing a public authority's accountability, responsiveness to need and relations with the public. It can bring added value at many levels.

Mitigation of Adverse Impact

Where an equality impact assessment reveals that a particular policy has an adverse impact on equality of opportunity, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant Section 75 categories; this is known as mitigating adverse impact.

Monitoring

Monitoring consists of continuously scrutinising and evaluating a policy to assess its impact on the Section 75 categories. Monitoring must be sensitive to the issues associated with human rights and privacy. Public authorities should seek advice from consultees and Section 75 representative groups when setting up monitoring systems. Monitoring consists of the collection of relevant information and evaluation of policies. It is not solely about the collection of data, it can also take the form of regular meetings and reporting of research undertaken. Monitoring is not an end in itself but provides the data for the next cycle of policy screening.

Northern Ireland Act

The Northern Ireland Act, implementing the Good Friday Agreement, received Royal Assent on 19 November 1998. Section 75 of the Act created the statutory equality duties.

Northern Ireland Statistics & Research Agency (NISRA)

The Northern Ireland Statistics and Research Agency (NISRA) is an Executive Agency within the Department of Finance and Personnel (DFP). They provide statistical and research information regarding Northern Ireland

issues and provide registration services to the public in the most effective and efficient way.

Policy

The formal and informal decisions a public authority makes in relation to carrying out its duties. Defined in the New Oxford English Dictionary as 'a course or principle of action adopted or proposed by a government party, business or individual'. In the context of Section 75, the term policies covers all the ways in which a public authority carries out or proposes to carry out its functions relating to Northern Ireland. Policies include unwritten as well as written policies.

Positive Action

This phrase is not defined in any statute, but the Equality Commission understands it to mean any lawful action that a public authority might take for the purpose of promoting equality of opportunity for all persons in relation to employment or in accessing goods, facilities or services (such as health services, housing, education, justice, policing). It may involve adopting new policies, practices, or procedures; or changing or abandoning old ones. Positive action is not the same as positive discrimination. Positive discrimination differs from positive action in that positive action involves the taking of lawful actions whereas positive discrimination involves the taking of unlawful actions. Consequently, positive action is by definition lawful whereas positive discrimination is unlawful.

Qualitative Data

Qualitative data refers to the experiences of individuals from their perspective, most often with less emphasis on numbers or statistical analysis. Consultations are more likely to yield qualitative than quantitative data.

Quantitative Data

Quantitative data refers to numbers, typically derived from either a population in general or samples of that population. This information is often analysed by either using descriptive statistics, which consider general profiles, distributions and trends in the data, or inferential statistics, which are used to determine 'significance' either in relationships or differences in the data.

Screening

The procedure for identifying which policies will be subject to equality impact assessment, and how these equality impact assessments will be prioritised. The purpose of screening is to identify the policies which are likely to have a minor/major impact on equality of opportunity so that greatest resources can be devoted to improving these policies. Screening requires a systematic review of existing and proposed policies.

Schedule 9

Schedule 9 of the Northern Ireland Act 1998 sets out detailed provisions for the enforcement of the Section 75 statutory duties, including an outline of what should be included in an Equality Scheme.

Section 75 Investigation

An investigation carried out by the Equality Commission, under Schedule 9 of the NI Act 1998, arising from the failure of a public authority to comply with the commitments set out in its approved Equality Scheme.

There are two types of Commission investigation, as follows:

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