

Draft Equality Scheme and Action Plan

Summary of responses to our consultation

August 2012



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Introduction

All public bodies in Northern Ireland are required to produce a written Equality Scheme under s75 of the Northern Ireland Act (1998). Furthermore, s49 of the Disability Discrimination Act 1995 requires them to produce a Disability Action Plan.

As a non-departmental public body, the Charity Commission received a request from the Equality Commission for Northern Ireland (ECNI) for an Equality Scheme and Action Plan to be produced for their consideration before 01 August 2012.

Consultation methodology

Work on our draft Equality Scheme began in February 2012. We undertook a twelve week public consultation period from Monday 19 March to Friday 8 June 2012.

The Charity Commission's consultation methodology was informed by the Equality Commission's seven guiding principles for consultation. We published a written consultation document which was publicised in a variety of ways. These included:

- Consultation documents published on our website in full, summary, and easy-read formats;
- Coverage of our consultation in third party publications including NICVA news, Third Sector, Civil Society and the Disability Action ezine;
- Letters to our stakeholders and those who have expressed an interest in our work on equality;
- Engagement during an Equality Coalition forum;
- Various individual face-to-face meetings with potential respondents;
- Consultation information provided during a series of good governance seminars;
- Staff information session.

Publicising the consultation generated a fairly wide degree of interest. We were pleased that a broad cross-section of organisations and individuals took the time to respond to our consultation.

Respondents

We received responses from a mix of charities, umbrella organisations and individuals, specifically:

- Centre for the Administration of Justice (CAJ)
- Disability Action
- Equality Coalition

- Equality Commission for Northern Ireland (ECNI)
- Girls Brigade Northern Ireland (GBNI)
- Individuals representing the Age Sector Platform, Cara Friend, Northern Ireland Community of Refugees and Asylum Seekers Rainbow Project
- Information Commissioner's Office (ICO)
- Mencap
- Northern Ireland Council for Voluntary Action (NICVA)
- Northern Ireland Myalgic Encephalopathy (ME) Association
- Northern Ireland Policing Board
- Prospect Union
- Remap Northern Ireland
- The Commissioner for Public Appointments in Northern Ireland (CPANI)
- Three anonymous external respondents
- Unison
- Volunteer Now.

The range of respondents included organisations working with the full spectrum of s75 groups. We spoke directly to individuals based in Belfast, Derry/Londonderry and in other parts of Northern Ireland to gather views. These are detailed in the summary of responses, pages 3-13.

Next steps

The Equality Commission will review the draft Equality Scheme against statutory guidance and best practice and make recommendations if necessary.

Our final step will be to incorporate appropriate recommendations as made by the Equality Commission and present our updated scheme to the Board of the Charity Commission before publication on our website with a summary report.

Responses

The responses received were positive and constructive. The table below sets out a summary of the responses including broad themes contained therein.

Summary of feedback on draft Equality Scheme and Action Plan

| Issue | Comments | Organisations | Commission response |
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| General comments | <p>We received positive feedback from all respondents.</p> <p>Positive responses were made by Equality Coalition engagement event participants. These comments related to our integrated approach, the links between the audit of inequalities and action plan, and the production of the summary documents.</p> | All respondents | <p>We were satisfied with the positive feedback and constructive comments.</p> <p>We will consider these comments during as part of future consultation and participation and when developing policy more broadly.</p> |
| Format | <p>The scheme was described as a lengthy document with legalistic and statutory language.</p> <p>It was stated that the table based nature of presenting the information in the action plan works well on screen but can cause difficulties when printed in hard copy.</p> <p>CAJ welcomed the use of the Equality Commission's model scheme and also the additional information included which</p> | Remap NI, Girls Brigade NI, Anonymous respondent, CAJ | <p>In developing our Equality Scheme we complied with the form and content of the Equality Commission's Model Equality Scheme.</p> <p>Where possible, we have tailored the model scheme to make it more user-friendly. In addition, we produced a short summary of the scheme and action plan.</p> <p>We will consider these comments when conducting future</p> |

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| | <p>personalised the scheme and went above and beyond the model in some cases.</p> <p>All respondents commented that the structure and format of the scheme, action plan, audit of inequalities and summary documents was either clear or very clear.</p> | | <p>consultation exercises.</p> <p>We will review the use of tables to present information where the table spans a number of pages.</p> |
| Accessibility | <p>Preference was expressed for a shorter key points summary.</p> <p>It was said that the documents would be more accessible for young people if it was shorter and sharper with key points made immediately obvious and consultation in the form of direct questions.</p> <p>Mencap welcomed the easy read and summary documents and suggested left-aligning images in future documents.</p> <p>We were advised that it would be good to see resources in Sign Language format making it</p> | <p>Remap NI, Girls Brigade NI, Mencap, Anonymous respondent, ECNI</p> | <p>See above.</p> <p>We produced a shorter document summarising the Scheme and Action Plan as well as an easy-read summary as part of the consultation.</p> <p>Individuals could respond to a targeted and direct online questionnaire.</p> <p>We do make provision in our Scheme for producing information in other formats for individuals with particular needs. However, it would not be the best use of resources to do this unless requested. Our contact details are</p> |

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| | <p>accessible to individuals who use sign language as their first and foremost language.</p> <p>The Equality Commission recommended additional points in the document where contact details could be quoted.</p> | | <p>clearly stated in our Scheme.</p> <p>We will consider these comments in future consultations and participation.</p> <p>We will insert our contact details in other parts of the document.</p> |
| <p>Consultation methods</p> | <p>We were advised of sensitivities around engaging with people with a disability and it may be appropriate to work through carers.</p> <p>It was said that evening and weekend consultation and participation events suit young people, those with dependents and volunteers.</p> <p>It was stated that social media can be used to provide information about consultation and participation.</p> | <p>Remap NI, Girls Brigade NI NI Policing Board, Anonymous respondent</p> | <p>We are committed through our Equality Scheme to giving specific consideration on a case by case basis "as to how best to communicate with children and young people, older people, people with disabilities (in particular people with learning disabilities) and minority ethnic communities."</p> <p>We are committed to considering a range of methods of consultation in order to remove barriers. These will be incorporated into our Participation Strategy.</p> <p>Our social media plan and strategy have been approved.</p> |

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| | | | It is important that our scheme is not too prescriptive; we have not listed all possible consultation methods as it is a better use of resources and more flexible to ask consultees what their preferred method of consultation is. |
| Scheme content: Section 1 introduction | <p>Include a paragraph on distinction between the two s75 duties or putting it in document of reference was recommended.</p> <p>Disability Action suggested a rewording of paragraph 1 under section 1.3 on p6.</p> | CAJ, Disability Action | <p>This has now been clarified in the introduction to the scheme.</p> <p>Paragraph 1 under section 1.3 now reads: <i>The Section 75 statutory duties require that a public authority must have due regard to promotion of equality of opportunity and also regard to the desirability of promoting good relations.</i></p> |
| Scheme content: Section 2 | <p>The Commission's decision to develop 3 year rather than 5 year action plan cycles was welcomed.</p> <p>The removal of the phrase "where relevant" from text in paragraph 4 under section 2.1 on p12 was suggested.</p> | Disability Action | Paragraph 4 under section 2.1 now reads: <i>Employees' job descriptions and performance plans reflect their contributions to the discharge of the Section 75 and Section 49A statutory duties and implementation of the equality scheme. The personal performance plans are subject to appraisal in the annual performance review.</i> |

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| <p>Scheme content: Section 3</p> | <p>It was suggested that the Commission should ensure that opt-outs are respected and that we adopt information management best practice at all times.</p> <p>Disability Action recommend the inclusion of the word “very” in paragraph 1 under section 3.4 on page 19</p> | <p>ICO, Disability Action</p> | <p>Information on publication scheme and records management policy has been added to our Equality Scheme, and express reference made to opportunities to opt-out of email mailings where this is not part of the regulatory process.</p> <p>Paragraph 1 under section 3.4 now reads: <i>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 very 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</i></p> |

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| | | | <i>thereafter and will review the policy as part of our monitoring commitments.</i> |
| Scheme content: Section 4 policy impact | <p>CAJ suggested gathering a mailing list of people interested in receiving policy screening documents.</p> <p>The section on policy screening could be further developed to indicate where results will be published and in what medium.</p> <p>ECNI welcomed the Commission's commitment to using the tools of screening and equality impact assessment.</p> <p>ECNI and Disability Action recommend more proactive dissemination of information relating to policy screening.</p> | CAJ, Anonymous respondent, ECNI, Disability Action | <p>Consultation feedback will be incorporated into our participation strategy.</p> <p>Section 4 of the scheme has been amended to clarify that a screening template will be made available on our website following the approval of our Scheme.</p> <p>Currently we do not have the resources to send out policy screenings other than on a quarterly basis.</p> <p>We will review how we share this information once the Scheme has been rolled out. Currently our Scheme commits us to publishing them on our website.</p> <p>The Scheme has been amended to reflect the mailing of updates to stakeholders, and not simply publication on our website.</p> |
| Scheme content: | Some training objectives are very | NICVA, Anonymous | Section 5 of the scheme has been |

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| Section 5 training | <p>broad, more clarification required on either specifics or the objective or how this will be obtained would help.</p> <p>Goals are very broad and more detail is required on what is to be achieved and more clarity on how to achieve it is required.</p> <p>It was said that we need to ensure impartiality where we source training on equality.</p> <p>All staff should receive training on s75 obligations.</p> | respondents, Disability Action | <p>clarified with the addition of impartiality into the information on training arrangements.</p> <p>Training objectives as set out in the Scheme under section 5.2 have been made more specific.</p> <p>As we begin to implement our Equality Scheme following ECNI approval, we believe that we will have a better understanding of our specific training needs and these will incorporated into the review of our scheme.</p> <p>Our Equality Scheme refers to training that will be obligatory for all staff.</p> |
| Scheme content: Section 6 | Responding to requests for alternative formats within 20 days is too long. | Disability Action | <p>The Commission will endeavour at all times to make information available in an alternative format as quickly as possible.</p> <p>However we must be realistic regarding our resource implications. We will review this as appropriate.</p> |
| Appendix 3: List of | This was not part of the draft | ECNI | A list of consultees has been |

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| consultees | scheme, but is a mandatory part of an equality scheme | | added to the scheme. |
| Appendix 4; timetable of measures | ECNI recommended that the timetable of measures should fully reflect the measures contained in the equality scheme | ECNI | The timetable of measures was part of our consultation; this has now been fully updated and expanded to reflect the feedback we received. |
| Audit of Inequalities | <p>It was stated as interesting to see the research and evidence base; welcome the related action of the Commission to ensure it is not "Belfast centric".</p> <p>Disability Action noted that they were glad to see the Audit, as often it is circulated after a Scheme has been out for consultation. They welcomed this up-front approach and noted research results regarding disability.</p> <p>A distinct absence of dealing with the travelling community in this consultation was noted.</p> | Girls Brigade NI , Disability Action, NI Policing Board, Anonymous respondent, Disability Action | <p>We note the positive comments.</p> <p>We have no evidence on which to comment on the travelling community within our Audit of Inequalities; we may consider this in future reviews.</p> <p>We have updated the Audit of Inequalities to reflect these comments. However as a new organisation gathering data for analysis in the short term is difficult.</p> <p>We anticipate that our next Audit of Inequalities will allow us to use such information.</p> |
| | NI Policing Board advocate the strengthening of some of the | NI Policing Board, Unison, Volunteer Now, | Various objectives within the Action Plan were strengthened. |

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| <p>Action Plan</p> | <p>primary issues, eg promoting and ensuring compliance for trustees legal obligations.</p> <p>Unison identified the need to ensure charities fulfil their employment equality obligations.</p> <p>Volunteer Now is keen to see more mention of volunteers within the Action Plan</p> <p>Clarification required that the draft Action Plan does not constitute part of the Equality Scheme that ECNI will examine and approve. However they do welcome the production of the draft Action Plan</p> <p>Disability Action recommended the linking of action measures to the functions of the Commission and to references in the Audit of Inequalities.</p> | <p>ECNI, Disability Action</p> | <p>However, it is not within the remit of the Charity Commission to ensure compliance with equality obligations but we can promote good governance as an associated issue.</p> <p>The intended outcome relating to Action Point 14 on page 12 of the Action Plan now reads <i>"Charities are aware of good practice regarding equality of opportunity for service users, staff, beneficiaries and volunteers."</i></p> <p>Action Point 28 now reads <i>"Scope potential to impact on encouraging participation in public life e.g. volunteers sitting on a Board of trustees."</i> The Action Plan has been updated to include an additional comment with references to the Audit of Inequalities. The Actions are broken down into groups according to the functions of the Commission.</p> |

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| <p>Integration of s49a disability duties</p> | <p>Positive comments were received and fulfilment of all Disability Discrimination Order duties welcomed.</p> <p>This was described as proactive. However duplication of work can be avoided as this is also covered by submission of the Commission's Annual Report to the Equality Commission. Depends on approach to mainstreaming equality and resources available.</p> <p>This was said to be helpful. Although it may not be relevant to all who come use this document, it does give a legal basis for some. It should remain as stating grounded legal standing and obligations can only be helpful when guiding one's actions.</p> <p>This was said to be a good idea and one which should be continued.</p> | <p>NICVA, Disability Action, NI Policing Board, Anonymous respondents</p> | <p>Note that the integration of the disability duties within the scheme is welcomed.</p> <p>We are keen to take these comments on board when reporting on our compliance and submitting our annual report to the Equality Commission.</p> |
| <p>Production of summary documents</p> | <p>Described as a very good to see and welcomed by a number of respondents.</p> | <p>Disability Action, Commission for Public Appointments in</p> | |

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| <p>What can CCNI uniquely do to tackle inequality</p> | <p>We should move beyond the concept of "promotion" towards the concept of "making it happen" particularly at Board level.</p> <p>It will then cascade down through the organisation and have more chance of succeeding.</p> | <p>Northern Ireland, ECNI NI Policing Board</p> | <p>We are keen to take this comment on board when reporting against our action plan and submitting our annual report to the Equality Commission.</p> |