



Northern  
Ireland  
Office

NORTHERN IRELAND OFFICE

SECTION 75  
NORTHERN IRELAND  
ACT 1998

PROGRESS REPORT

1 APRIL 2003 - 31 MARCH 2004

# NORTHERN IRELAND OFFICE

Section 75 Northern Ireland Act 1998

Progress Report  
1 April 2003 – 31 March 2004

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**Progress Report**  
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Introduction

In a letter dated 30 April 2004, Danny Lambe, the Director of the Public Sector Statutory Duty Unit in the Equality Commission for Northern Ireland, wrote to designated public authorities requesting that they prepare a progress report on their section 75 obligations to cover the period from 1 April 2003 to 31 March 2004.

Sir Joseph Pilling, the Permanent Under Secretary of State of the Northern Ireland Office, commissioned the External Assessor of the NIO's Equality Scheme, Brian Blackwell CBE, to prepare the report for approval by the Departmental Management Board and the Secretary of State.

Consequently, this report was prepared in consultation with the staff of the NIO and its Agencies and has been approved by the Board and the Secretary of State for submission to the Equality Commission.

**Brian Blackwell**

**BRIAN BLACKWELL**

**31 August 2004**

## Section 1: Strategic Implementation of the section 75 duties

### Resources and Responsibilities.

- 1.1.** The Director of Resources, now Mr Paul Priestly, holds overall responsibility within the NIO for the implementation of the section 75 obligations. Direct day-to-day responsibility rests with the Head of Central Services Division, Simon Marsh, supported by staff from the Central Management Unit in that Division. Each division and agency within the NIO has a nominated Equality Driver responsible for liaison on and co-ordination of progress with the section 75 responsibilities of their division/agency. All Equality Drivers are members of the Departmental Equality Drivers Steering Group that meets regularly under the chairmanship of Paul Priestly and is advised by the Department's External Assessor, Brian Blackwell, a part-time consultant on section 75 issues. The External Assessor's role is to advise on and monitor the NIO's progress in implementing its section 75 obligations and to produce this Annual Report for consideration and approval by the Departmental Management Board and the Secretary of State.
- 1.2.** Those divisions/agencies within the NIO responsible for carrying out Equality Impact Assessments (EQIAs) provide the appropriate, trained staff for the tasks, sometimes supported by external consultants.
- 1.3.** The Departmental Management Board, chaired by the Permanent Under Secretary of State, considers the whole range of equality issues, including section 75 obligations, as and when particular matters require attention or it is otherwise considered relevant.

- 1.4.** The costs of the above appointments and responsibilities are duly provided for in the appropriate budgets across the Department.
- 1.5.** In the case of the NI Prison Service, as with the parent Department, section 75 obligations and promoting equality of opportunity have been mainstreamed into the work of the Agency. 5% of the time of one of the three NIPS Directors is spent on equality work. Other staff may spend a considerable time on equality issues depending on what happens to cross their desks. For example, the Governing Governor of Hydebank Wood spent a significant amount of time overseeing the EQIA on the transfer of female prisoners and a middle manager at that establishment was full-time on that work for several months.

### **Corporate planning.**

- 1.6.** References to equality are included in the Departmental Plan for 2004-05 that was developed in November 2003. This is in relation to both the statutory equality requirements (a commitment to comply with statutory and regulatory requirements) and a commitment to the development of a Diversity Strategy for the Department's staff. Divisional/agency business plans stress similar commitments and, where appropriate, those commitments are built into business plans and forward job plans. Examples include:
- In Personnel Services Division (PSD), section 75/EQIA completion targets are included in appropriate PSD branch business plans and individuals' FJPs for 2004/05, which will be reviewed as part of the appraisal and monitoring process.
  - In the Patten Action Team (re-designated from 1 April 2004 as the Policing Reforms Division), the need to provide advice and guidance on equality/section 75 issues as they impact on the work of the Division, is an Equality Driver objective which is assessed at performance appraisals. Staff and line managers involved in making policy are trained to be aware, and take account of, equality considerations in their work, for example staff

involved in the Review of the Police and Criminal Evidence Act. All staff have been advised to ensure equality is reflected in their objectives and appraisal process where relevant.

- The Victims Liaison Unit (VLU) has a target to complete an EQIA on its role as a channel of communication between HMG and victims' groups. Responsibility for EQIAs has been included in the FJPs of appropriate staff. Assessment of objectives is reflected in the appraisal process.
- In Criminal Justice Policy Division (CJPD), Directorate plans identify areas where the Division will be taking action to meet section 75 obligations such as carrying out policy screening and EQIAs.
- The Statistics and Research Branch Plan for 2004/05 contains specific objectives and targets in the area of equality. These include both research projects and statistical reports. Equality objectives are built into the job descriptions and performance targets of relevant staff and these are reflected in the appraisal process.
- In Police Division the role of the Division's Equality Driver is reflected in that individual's objectives, and those staff directly involved in the Police Severance EQIA have an equality objective in their targets. These are assessed at performance appraisals.
- The NI Prison Service Corporate Plan clearly identifies equality as one of the important environmental factors that form the backdrop against which the Service has to operate. This is replicated in lower level plans of directorates and establishments.

Within NIPS, equality is promoted and observance of the statutory duties is monitored by a member of the Prison Service Management Board. It is estimated that the postholder spends around 5% of his time on equality matters. His equality role is included in his job description and performance in that role is part of his annual appraisal.

As mentioned earlier, within NIPS implementing the equality agenda has progressed to the extent that it has largely been mainstreamed. All staff are aware of the statutory duties and managers, in particular, are responsible



for ensuring that proper regard is had to the equality obligations, not only when developing new policies and practices but also when carrying out the day-to-day work of the Service. To assist in that task there is a Prison Service Equality Standard as part of the NIPS Integrated Standards Programme. An audit of that standard at Prison Service Headquarters in August 2003 resulted in a 96% score for compliance.

During the reporting year Ministers approved a change to the NIPS Statement of Purpose to make clear the role of the Service in contributing to peace and stability in Northern Ireland. Whilst, of course, part of that contribution is made by keeping dangerous criminals in secure custody, the Prison Service also strives to contribute to peace and stability by providing opportunities for prisoners to engage with a very wide range of organisations representative of the different communities in Northern Ireland. In this way progress can be made with the promotion of good relations between persons in the various section 75 categories. One example of this is the Prison Service's work with both Castlereagh (DUP led) and Limavady (SF led) Borough Councils to provide work opportunities for prisoners irrespective of their religion, political beliefs or other factors. Although a small step, it is one that would probably not even have been contemplated only a few years ago.

The year also saw the acceptance by the Secretary of State of the principal recommendation of the Review of Security at Maghaberry Prison (the Steele Review). As a consequence, arrangements have been put in place to hold prisoners with republican and loyalist paramilitary affiliations apart from each other and from other prisoners on a voluntary basis. Although superficially this might be regarded as running contrary to the duty to promote good relations, it is in fact quite the opposite. Separating the small number of prisoners with such affiliations has allowed the promotion of good relations amongst the vast majority of prisoners to continue unabated. And by ensuring that these groups with paramilitary affiliations cannot

attack each other, a significant deterioration in relations between them has been prevented.

### **Work with other public authorities.**

- 1.7.** The Central Management Unit (CMU) participates in a number of cross-government forums on equality. These include the Equality and Social Needs Steering Group and the Practitioners Group, both run by OFMDFM. CMU also has regular meetings and telephone contact with the Statutory Duty Unit in OFMDFM and with the Equality Commission (ECNI) and participates in ECNI's Public Bodies Network. As part of its commitment to the European Charter on Regional and Minority Languages, the Department has been working with other public authorities on the implementation of the Charter. A particular focus has been work on the potential use of Irish in courts and tribunals.

### **Partnership work.**

- 1.8.** Examples of section 75 partnership work with the voluntary and/or community sector include:
- Staff of Personnel Services Division are, or have been, involved in a number of partnerships working with voluntary sector organisations such as Leadership Consortium, Windsor Fellowship, RNIB and RNID, etc. The NIO has promoted various corporate initiatives to address Equal Opportunities for under-represented groups and provide 'reasonable adjustments' for staff with disabilities. These initiatives are targeted at a number of section 75 under-represented groups in the NIO. Bursaries and placement initiatives provide practical opportunities for individuals. Organisations have obtained contact points within the NIO, through these partnerships, and have assisted PSD to enhance existing career opportunities for staff and facilitate job placements to increase the numbers of ethnic and disabled staff within the Civil Service.

- Representatives from CMU sit on a number of groups involving the voluntary and community sector. These include the Northern Ireland Race Forum and thematic groups dealing with the concerns of Travellers and the deaf and hard of hearing.
- The Patten Action Team continues to work closely with colleagues in the Policing Board and the PSNI in the development of policies, including any related equality aspects.
- The Victims Liaison Unit works closely with those in the voluntary and community sector who provide support for victims. However, these working relationships have developed as a consequence of the Victims Liaison Unit's functions and not as a direct consequence of its section 75 duties.
- The Community Safety Unit (CSU), launched in March 2003 (see Section 10), in developing the Community Safety Strategy, has progressed policies and strategies aimed at an all-inclusive approach to preventing crime and reducing the fear of crime for all citizens. In so doing, particular attention has been given to the most vulnerable in society and some projects have, therefore, been targeted towards older people, children and teenagers as well as those subjected to violence in the home, hate crime and so on. This all-inclusive approach requires the CSU to work closely with other statutory bodies such as district councils, education and health boards, the Probation Service, PSNI plus a plethora of voluntary and community organisations such as EXTERN, Age Concern, Women's Aid, Victims Support, children's groups and many more.

For CSU staff, equality issues are a daily consequence of working with many public bodies and the public at large in the development of policies and strategies aimed at providing a safer environment for all citizens who reside in and visit Northern Ireland.

The CSU's Equality Driver is also responsible for the development of Community Safety Partnerships (CSPs) which are being established in each of the 26 district council areas. Each CSP is required to undertake a local audit of its area to determine the specific problems and concerns of local

people in regard to crime and fear of crime. These audits will, in addition to pulling together key statistics about the level of anti-social behaviour, burglaries and other crimes occurring in the area, evaluate the views of citizens and representative groups through a detailed consultation process. This work is being formulated by local CSP co-ordinators, funded by the CSU, and equality training is being provided to assist those officials in their task of consultation. Following local audits, each CSP will develop local community safety action plans and these again will be subject to scrutiny having regard to equality issues.

- In Criminal Justice Policy Division (CJPD) virtually all policy development involves working in partnership with other criminal justice agencies and, where appropriate, with voluntary bodies operating in the criminal justice field. The Division has undertaken public consultations on Hate Crime, Road Traffic legislation and Measures to tackle Anti-Social Behaviour. Statistics and Research Branch statisticians represent the NIO on the Equality and Social Need Research and Information Group (a sub-group of the Equality and Social Need Steering Group). This group comprises representatives of the NIO and Northern Ireland Departments, the voluntary sector and the Equality Commission. It addresses the information needs of departments and the voluntary sector through its information strategy and is developing a programme of work.
- Rights and International Relations Division (RIR) worked with NICEM and Disability Action in an effort to broaden access to an appointment process to recruit Commissioners to the Equality Commission. Although the appointments process did not conclude until July 2004 much of the preparatory work, including that with NICEM and Disability Action, took place before the end of March 2004. RIR found the help from NICEM and Disability Action invaluable in reaching organisations and individuals the Division could not. Their involvement certainly encouraged more people to come forward who might not otherwise have considered applying for public appointments.

RIR held a number of seminars across Northern Ireland to attract and encourage a broader spread of candidates. There was a particularly positive outcome in two of the section 75 categories in that of four Commissioners appointed on merit one is from an ethnic minority background and one is disabled.

- The NI Prison Service continues to work with a wide range of voluntary and community sector organisations including the Christian churches and other faiths, prisoner support and interest groups, and the representatives of the ethnic minorities.

### **Factors affecting strategic implementation.**

- 1.9.** Within the criminal justice system generally there are peculiar difficulties associated with obtaining monitoring statistics under section 75 – both practical difficulties and potential human rights objections. Such monitoring works best when people can see and support the rationale for providing information. Attempting to obtain such information at the point of ‘service delivery’ may actually aggravate a situation (e.g. stop and search). The NIO continues to address such gaps in information through its research and statistics programme and through the implementation of the recommendations of the Criminal Justice Review. The availability of more comprehensive information would help the implementation of the section 75 duties.
- The Victims Liaison Unit reports that there is a lack of quantitative data on how the ‘Troubles’ have affected each of the section 75 categories. Limited data are available on the religious belief, political opinion, age and gender of those killed in the ‘Troubles’. With the exception of disability, no data are available for the section 75 categories on those physically injured or psychologically traumatised by the ‘Troubles’.

Police Division point out that legal challenge in respect of the EQIA process on the Police Severance Scheme has meant that the process is taking longer to complete than was originally planned.

This last reporting year was a particularly challenging one for the NI Prison Service. The discovery that the personal details of the majority of NIPS staff were in the hands of terrorists and the campaign for separation by paramilitary prisoners at Maghaberry Prison both raised concerns about the safety of the individuals concerned. Measures to ensure their right to life necessarily took precedence over equality issues. However, the slippage that occurred had been largely recovered by the end of the reporting year.

## Section 2: Screening & Equality Impact Assessment (EQIA).

**2.1.** An update on progress regarding EQIAs in the NIO was sent to the Equality Commission on 8 July 2004.

**2.2.** The following policies were screened during the reporting period:

### The Patten Action Team

- *The Police Service of Northern Ireland (Secondment) (Garda Siochana) Regulations 2004.*

These Regulations make provision for secondments between the PSNI and An Garda Siochana. [Screened out.](#)

- *Police Recruitment (Northern Ireland) Amendment Regulations 2004.*

These amending regulations put in place provisions in relation to prohibited business interests for police reserve trainees and clarify the role of the vetting panel in relation to the question of eligibility for appointment under the rules on business interests and criminal convictions. [Screened out.](#)

- *Police Reserve Trainee Regulations (Northern Ireland) 2004.*

These regulations make provision for the training of the police reserve trainees and about their government, administration and conditions of service as trainees. [Screened out.](#)

- *Police Service of Northern Ireland Reserve (Part-Time) Regulations 2004.*

These regulations make provision for the conditions of service for members of the PTR, including transitional arrangements for existing members. [Screened out.](#)

### Security Policy and Operations Division (SPOB).

- SPOB had planned to screen and, if necessary, conduct an EQIA on the development of policy on parades following consultation on the Quigley Report. This work has slipped and will now be undertaken in 2004/05.

### Community Security Unit (CSU).

- During the reporting period, the CSU screened its Lock Out Crime (LOC) Scheme. This project provides and installs, free of charge, security devices to those aged 75 and over in receipt of specific benefits. As a result of the screening exercise, the CSU [screened out](#) the Scheme. While it was recognised that there was a differential impact on people aged under 75, the aim was to target those aged 75 and over because of their greater risk of domestic burglary and the higher perceived risk of that crime by that grouping.

The CSU is a co-partner with DHSSPS in the consultation process surrounding the initiative 'Tackling Violence in the Home', which addresses domestic violence issues. As part of that consultation an EQIA was completed by DHSSPS. The assessment was impeded by the lack of statistical data in relation to domestic violence in certain section 75 categories, which is partly caused by the fact that most domestic violence is unreported.

#### [Criminal Justice Policy Division \(CJPD\).](#)

The following policies were [screened out](#) in 2003/04:

- *Hate Crime* – A mandatory requirement on sentencers if an offence is aggravated by racism, sectarianism or hatred of sexual orientation or disability; to treat that as an aggravating factor and to allow sentencers to sentence beyond the existing maximum for the offence when there is such aggravation. The extension of public order legislation to include disability and sexual orientation.
- *Road Traffic Legislation* – The creation of new offences of aggravated vehicle taking, causing death or grievous bodily injury by aggravated vehicle taking and an increase in the maximum penalty for causing death by dangerous driving.
- *Measures to tackle Anti-Social Behaviour* – The development of Anti-Social Behaviour Orders and Acceptable Behaviour Contracts.

#### [NI Prison Service](#)

During the year the following policies or practices were [screened out](#):



- The essential skills course at Magilligan Prison.
- The creation of new prison disciplinary offences.\*
- The increase in the level of governors' disciplinary awards.\*
- The creation of an award of loss of remission for separated prisoners.\*
- The compact for separated prisoners.\*
- The location of male immigration detainees.\*
- The revised pre-release home and resettlement leave for sentenced prisoners.\*
- The catering course at Maghaberry Prison.
- The essential skills programme at Hydebank Wood.
- The vocational training of bricklayers at Hydebank Wood.
- The vocational training of joiners at Hydebank Wood.
- The sport and recreation programme at Hydebank Wood.
- The welfare to work scheme at Hydebank Wood.
- The essential skills programme at Magilligan Prison.
- The induction programme at Magilligan Prison.
- The vocational training programmes (3) at Magilligan Prison.
- The food preparation and cookery courses at Magilligan Prison.
- The PE programme at Magilligan Prison.
- The parenting programme at Magilligan Prison.
- The policy on reduction of suicide and self-harm.
- The Enhanced Thinking Skills programme at Hydebank Wood.
- The outside work programme at Hydebank Wood.
- The opportunity youth programme at Hydebank Wood.

\*Those policies marked with an asterisk were subject to a shortened consultation period as it was assessed that it was necessary to bring the policies into effect quickly 'for the urgent protection of life or property' following the decision to implement the principal recommendation of the Steele Review. The need for the reduced consultation period was explained in a letter sent to all consultees.

The proposed transfer of female prisoners to Hydebank Wood plainly had a potential for an adverse differential impact for individuals in a number of the section 75 categories. Accordingly, the Prison Service Management Board directed that an EQIA should be carried out without prior equality screening.

#### Personnel Services Division

A pilot policy on filling vacancies was screened out. Any revised policy will be re-screened.

### Section 3: Training.

- 3.1.** Equality training is part of the annual training programme provided for the NIO by its Training & Development Services. This includes Equality Awareness training for all new starts in the NIO as part of Induction Training sessions.
- 3.2.** Equality training needs are assessed six-monthly by a Department-wide training needs audit and an Equality training programme is put into place. During the year covered by this Report, Equality training was delivered across four fronts:
- Equality Awareness.
  - Equality Driver
  - Equality Impact Assessment
  - Equality Consultation
- 3.3.** All Equality training was evaluated using end-of-course evaluation sheets. Evaluations were as follows:
- [Equality Awareness](#) – 111 people attended. Courses were delivered by Brian Blackwell.  
When asked if the session had met its objective over 92% said it had.  
Over 70% considered that the issues discussed were relevant to their role and responsibilities in the Department.  
94% of those who attended rated the quality of the tuition either as very good or excellent.
  - [Equality Driver](#) – 3 people attended. Courses were delivered by Brian Blackwell.  
100% of attendees stated that the course had met its objectives.  
100% of attendees stated that the quality of the tuition was either very good or excellent.

- [Equality Impact Assessment](#) – 20 people attended. Courses were carried out by Focus Consultancy (Disability Action) who carried out their own evaluation.  
95% of the course participants considered that the arrangements in advance of the training were either good or excellent with 100% rating the course materials provided as good to excellent.  
When asked how useful the case studies were, the majority of opinions ranged from useful to very useful.  
100% of attendees rated the standard of tuition as either good or excellent with the majority of comments falling into the latter category.
- [Equality Consultation](#) – 15 people attended. Workshops were delivered by Focus Consultancy who carried out their own evaluation  
Over 93% of people rated the arrangements in advance of the workshop as either good or excellent. There was a similar response for the rating of course materials provided at the workshops.  
On the usefulness of the case studies used, all found them to be either useful or very useful.  
Over 85% of attendees rated the trainer as either good or excellent.

### [Forensic Science Northern Ireland \(FSNI\)](#)

Separately, 67 members of FSNI received Equality Awareness training delivered by Brian Blackwell.

### [NI Prison Service](#)

All NIPS staff have received Equality training within the last four years. New staff receive Equality training as part of the induction process. Those staff who were involved in EQIA work received more extensive specialist training.

## Section 4: Communication.

- 4.1.** John Spellar, Minister of State in the NIO, is Equality Minister for Northern Ireland. He represents both the Department's commitment to equality and that of the Northern Ireland Departments (channelled through OFMDFM). As Equality Minister he makes a number of appearances and statements relating to equality issues each year. The Joint Declaration made by the Government as part of the political process also contains commitments to equality, in particular a review of the operation of the statutory duties.
- 4.2.** The Department's website is kept updated with information about the statutory duties. It contains copies of the Equality Scheme, the Annual Equality Scheme Progress Reports, Press Releases relating to equality and all documents out for consultation. Consultees and stakeholders are directly informed of matters of relevance to them. Sections on progress on the implementation of the statutory duties are also included in the annual Departmental Report.
- 4.3.** Communication will be reviewed when the Equality Scheme itself is reviewed in 2005-06.

## Section 5: Data Collection & Analysis.

- 5.1.** NIO Statistics and Research Branch published *The use of proxy measures of religion (and other section 75 categories) in relation to the Northern Ireland Criminal Justice System* in February 2004. This provides a comprehensive account and list of recommendations based on investigating the issues surrounding the monitoring of religious belief/community background within the Northern Ireland Criminal Justice System. The findings in this report will inform the NIO and the criminal justice system as a whole (through the Criminal Justice Board) as it continues to develop an equity monitoring system for the criminal justice process.
- 5.2.** The findings from the Northern Ireland Omnibus Survey on the views of the public on imparting personal information related to section 75, commissioned by the NIO, was published in November 2003. Of about 1200 people sampled, 83% believed it was necessary to monitor people coming into contact with the criminal justice system to ensure that everyone is treated fairly. A majority of those surveyed (61%) considered that if Equity Monitoring were to be carried out, it should be done by an independent organisation.
- 5.3.** NIO Personnel Services Division and NIO Statistics and Research Branch contributed to the Executive Programme Funds-funded Northern Ireland Statistics and Research Agency (NISRA) review of disability information that is held by Northern Ireland Departments. All available information was reviewed, including definitions and estimates of the number of people in Northern Ireland with a disability. A report was submitted to NISRA in April 2004 which set out the potential and the limitations of the existing stock of information resources when individual resources are compared with the range of information needs, identifying any sizeable information gaps, and putting forward proposals to address such gaps.

- 5.4.** Criminal Justice Review recommendations 5 and 6 relate to the development of an equity monitoring system for the criminal justice system in Northern Ireland. The Government is committed to developing and implementing a strategy for this. NIO statisticians along with NIO policy colleagues are members of the Research and Statistics Sub-Group of the Criminal Justice Board, which has been tasked with taking this forward. A considerable amount of work has already been done, including the employment of a researcher to work with the Causeway Team to ensure that the initial specification for the Causeway project accommodates criminal justice agencies' requirements in terms of equity monitoring. This research provided a thorough investigation of available data and made a number of recommendations, mainly accepted by Research and Statistics Sub-Group, on how to develop and implement the process. Work with the Causeway Team continues.
- 5.5.** The planned outcome will be that Causeway will be capable of producing anonymised statistical equity data on defendants processed by the criminal justice system. This research also made a number of recommendations on preferred methodologies to enable the information to be recorded and analysed in a way that will protect the confidentiality and human rights of individuals in the system. Of greatest importance is the requirement that personal data that is not relevant to the case should not under any circumstances be accessible to decision-makers within the criminal justice system. It will also be necessary to ensure that methodologies adopted will produce equity monitoring information that is valid and reliable. For these reasons, RSSG plans to develop the system in phases that can be evaluated and tested, beginning with administrative data that is already collected as part of the prosecution process (e.g. data on the age and gender of defendants). Work is continuing but once methodologies are quality assured, recording can progress to other section 75 categories not already recorded such as marital status and racial group.

### **Systems established to monitor the future impact of policies that have been subject to EQIAs.**

- 5.6.** Statistics and Research Branch responds positively to any query from divisions for assistance in relation to data availability for monitoring policies that have been subject to EQIAs.
- 5.7.** Statistics and Research Branch contributes to NIO PSA objectives on building community confidence in the police and policing arrangements, and in the criminal justice system, through the provision of survey data to measure the individual perceptions of the two main communities in Northern Ireland.
- 5.8.** In addition to routine evaluation of policies and strategies developed following the launch of the Community Safety Strategy (subject of an EQIA in 2002/03) the Community Safety Unit is taking forward, in keeping with the Strategy, the formation of a Community Safety Advisory Body. Membership of this advisory body is likely to include representation from a wide grouping of public bodies and from the voluntary, community and business sectors. One of the tasks of the Body will be to evaluate the policies of the Community Safety Strategy, which were subjected to analysis in the EQIA.
- 5.9.** No policy or function on which an EQIA was completed in the reporting period was identified as having any adverse differential impacts. The NIO welcomes the intention of the Equality Commission to provide guidance on monitoring in the near future. However, in practice, monitoring of policies is taking place. For example, Security Policy and Operations Division carried out EQIAs on two codes of practice made under the Terrorism Act 2000. The codes took effect in February 2001. One of these codes, which governs the video recording of interviews in Northern Ireland of those arrested was revised slightly in early 2003. A fresh screening exercise was carried out to assess the impact of the changes made to the code. The exercise concluded that the changes to the code



would have no adverse impact on any of the nine section 75 categories but the exercise ensured that the impact of the policy set out in the code was subject to review. There is evidence that re-screening of policies that have been amended or changed is becoming accepted best practice.

- 5.10.** In the NI Prison Service, arrangements have been put in place to take forward the Stage 7 work in relation to the EQIA on the transfer of women prisoners during the current year.
  
- 5.11.** During 2002-03, the Victims Liaison Unit carried out an EQIA on the Core Funding Scheme for Victims and Survivors. Responsibility for core funding has now been transferred to the Victims Unit in OFMDFM – an evaluation of the Scheme is under way.

## Section 6: Information Provision, Access to Information and Services.

- 6.1. Information continues to be available on request in large print, Braille, Irish and Ulster Scots. A textphone service is provided for those contacting the Department. The Department also has access to translation and interpretation services (including into British Sign Language and Irish Sign Language) for persons wishing to contact the Department in a language other than English.
  
- 6.2. Criminal Justice Reform Division (CJRD) prepare the Annual Report of the Northern Ireland Criminal Justice System (CJSNI). The report is carefully written to be in a very accessible form of language with illustrative case studies and a layout that is easy to read. Statistics and legal terminology are kept to a minimum. This is in order to inform as wide an audience as possible what CJSNI is doing and how well it has achieved its objectives for the year. There had been some concerns that public confidence in the criminal justice system was slipping, despite improvements in the performance of the system. Communicating those improvements to the public in an accessible way was identified as key to increasing public confidence.

### **Steps to improve arrangements to make affected groups more aware of information disseminated by the authority and the services it provides.**

- 6.3. The Department has improved its website and created an improved consultee database. It is planned to put this shared and centrally updated consultation list on the Department's new Intranet, when it is implemented.
  
- 6.4. The NI Prison Service has its own website which attracts approximately 325,535 'hits' per month. It contains details of the services provided by the NIPS in addition to outlining significant new policies and practices. Information on equality issues is posted on the website.

## Section 7: Complaints.

- 7.1. No formal section 75 complaints were received by the NIO during the 2003-04 reporting period.

## Section 8: Timetable.

**8.1.** The updated timetable of implementation measures for Year 4 (1 April 2004 – 31 March 2005) as contained within the NIO's approved Equality Scheme is as follows.

- Complete 3<sup>rd</sup> Annual Review of progress with Equality Scheme and submit Report to the Equality Commission by 31 August 2004.
- Complete EQIA of the Police Severance Scheme (POB).
- Complete EQIA of Electoral Fraud policy (RIR).
- Complete EQIA of the NIO Childcare Voucher Scheme policy (PSD).
- Complete EQIA of the policy on promotion and selection of HCS staff (PSD).
- Complete EQIA of the Department's role as a channel of communication between HMG and victims' groups and those with an interest in victims (Victims Liaison Unit).
- Complete EQIA of the NIO Special Bonus Scheme (PSD).
- Carry out EQIA of the arrangements for the delivery of support services to victims of crime (CSU).
- Carry out EQIA of the co-ordination of policies on vulnerable and/or intimidated witnesses (CJPD).
- Carry out EQIA of the treatment of juveniles in custody (CJSD).
- Carry out EQIA of the supervision of juveniles in custody (CJSD).
- Carry out EQIA of policy on Equal Opportunities and Recruitment of Prison Grades (NIPS).
- Carry out EQIA of policy on postings, placements and transfers (NIPS).
- Carry out EQIA of policy on pay of part-time staff (PSD).
- Carry out EQIA of policy on postings, placements and transfers (PSD).
- Carry out Equality training as required.
- Screen, and where necessary, programme-in EQIAs on all new policies, powers, duties and functions not yet identified.

**8.2.** Despite considerable slippage in completing some EQIAs, the NIO considers that, overall, it is on course to complete the commitments in its 5-year timetable.

## Section 9: Consultation, participation and engagement.

- 9.1.** The CMU is in the process of developing for the Department new consultation guidance. This will be accompanied by an accurate and up-to-date database of consultees and interested parties and it is planned to place the guidance on the Department's new Intranet (when this is implemented).
- 9.2.** The Department has also established a new website. This features links to all consultation exercises, including outcomes of the consultation and a summary of the responses received.
- 9.3.** PSD used NISRA to help plan and deliver the staff consultation (by means of one staff questionnaire in March 2004) on their three personnel policy EQIAs. The questionnaire was issued to all staff. The questionnaire was modified to meet a 'reasonable adjustment' (under the DDA) request from a member of staff. In addition, information derived from an Equal Pay audit was used in the EQIA on the Special Bonus Scheme.
- 9.4.** The Patten Action Team has always taken a pro-active approach to consultation and will continue to do so. The main method of consultation is through correspondence, with letters being sent to all section 75 organisations advising on the issue(s) for consultation and requesting that they indicate interest in receiving the documentation. Rather than sending them all copies from the outset, this approach is taken to avoid burdening organisations with issues that may not be of relevance or interest to them. Bilateral meetings with individual organisations also take place where appropriate. This method has been used in the past and the response from organisations has validated it. The use of policy working groups is also used to discuss equality issues, and re-evaluate areas of policy where necessary, for example, the Appointment of Independent Members to District Policing Partnerships Code of Practice was screened in December 2003 but will be re-screened following the decision to revise it.

**9.5.** In SPOB, consultation exercises normally involve writing to all bodies listed in the Equality Scheme. Where a screening exercise has already been undertaken, the Division will say so in the letter. Officials and Ministers are prepared to meet consultees if required.

**9.6.** In CJPD, named personnel within the Division are given responsibility for planning and managing consultation exercises within their area of policy responsibility. Consultation timetables are prepared and agreed by management, who also review progress of consultations against the planned timetable.

Hard copies of consultations are issued to a wide spectrum of stakeholder groups who may have an interest. Notifications of consultations are placed in local newspapers. Consultation documents are published on the NIO website and copies have been made available in Braille, audiotape, large print and in ethnic minority languages. Those organisations or individuals wishing to respond to consultation exercises can do so by post, fax or e-mail.

The Division has consulted with stakeholders in the voluntary sector including umbrella organisations representing ethnic minorities and lobby groups for the disabled. This has proved useful in the case of ethnic minority bodies as the consultation reached a wider audience and responses were co-ordinated by one umbrella organisation.

Some consultations have been 'joined-up', e.g. consultation exercises on Hate Crime and Road Traffic Offences were conducted simultaneously.

Consultation practices and outcomes have been assessed, and have led to more effective consultation planning and management.

**9.7.** CJSD maintains close contacts with a wide range of relevant voluntary and community groups relating to its work areas and the Division has directly involved youth groups and young offenders in the planning of a new Youth Justice Custody Centre. This has been very beneficial in refining the Division's

plans for the new Custody Centre and has directly influenced its design and function.

Where CJSJ is required to consult it does so through workshops, public advertisements, the NIO website, targeted correspondence and meetings with representative groups. In the case of the planning for the new Youth Justice Custody Centre, local residents were consulted through meetings and through correspondence and attendance at Borough Council meetings as well as the normal channels linked to the formal planning process.

- 9.8.** In Police Division, consultation in respect of the Police Severance Scheme, while extending to a wide range of groups with interests in respect of the nine section 75 categories, also needed to include other specific, affected organisations such as the Police Federation and the Policing Board to ensure that all those parties with an interest in the subject matter were consulted. The consultation primarily involved written communication to all the consultees, but key stakeholders were consulted in person during the drafting of the initial EQIA document.

The EQIA and associated consultation process in respect of the Police Severance Scheme was conducted as part of a wider review of the general running and administration of the Scheme.

The consultation was 'joined-up' to the extent that the EQIA in respect of the terms of the Scheme was issued by the NIO for consultation soon after the PSNI issued their EQIA on the related subject of severance criteria.

- 9.9.** The Community Safety Unit functions within a partnership framework and accordingly develops all its policy, strategy and operational initiatives through regular and thorough consultation processes. By way of examples: As part of the consultation exercise 'Tackling violence at home', CSU officials were directly involved in a series of four consultation workshops. Invitations for the workshops were issued through relevant structures such as local domestic violence forums, who were asked to identify individuals and groups who could



make a contribution to the issues under discussion. However, to ensure that everyone had a chance to join in the debate, the workshops were also advertised in the local newspapers and a general invitation was issued. In addition to these workshops, a series of specific meetings were held with a number of groups representing section 75 interests including men's and gay groups. As a follow-up to these workshops, the CSU facilitated a further series of seminars where ideas were shared with relevant groups and which led to the development of the present strategy.

With the imminent introduction of Antisocial Behaviour Orders (ASBOs) and particularly those without conviction, the CSU is finalising monitoring arrangements in relation to impact. Again, particular attention has been paid to section 75 categories in regard to consultation and in the creation and delivery of the database.

In developing local community safety action plans, Community Safety Partnerships are engaging in local needs analysis which encompasses detailed consultation with local people, focus groups, statutory bodies, politicians and various voluntary and community groups. Equality training is being provided by the CSU to assist local CSP Co-ordinators fulfil this task and to ensure that all relevant groupings are involved in the process.

- 9.10.** In the NI Prison Service the Management Board has not imposed the straitjacket of a standardised system applying to all consultations. Rather it is left to the individual policy lead, operating within the boundaries set in the NIO Equality Scheme, to determine the consultation process most appropriate to the particular policy or practice under consideration.

#### **Main consultation methods used.**

These are formal and informal discussions with key interest groups at an early stage of the policy development, followed in all cases by a written invitation to comment sent to all those listed in the NIO's Equality Scheme, supplemented on occasion by advertisements in the press and listing on the NIPS website. Where appropriate further meetings/discussions are held with those who make substantive comments. On occasion, visits to establishments are arranged so

that interest groups can put the proposed policy or practice into context before submitting their views.

### Consulting on equality/good relations in conjunction with other policy development areas.

Where practicable, views on the merits of the proposed policy or practice are sought at the same time as views on the equality impact of the proposal. Amongst the occasions when this was done were the consultation exercises on the various new policies and practices introduced following the Steele Review.

### Using existing communication channels of groups or consortia within the voluntary/community sector.

NIPS have used those groups listed in the NIO Equality Scheme consultation list. This year, the consultation process, as part of the EQIA on the transfer of female prisoners, benefited significantly as a result of engagement with groups representing the ethnic minorities in particular.

### 'Joined up' consultation exercises.

For example, the consultations on the distinct but closely related proposals to introduce new prison disciplinary offences, to increase the level of awards available to governors, and to introduce a new award of loss of remission for separated prisoners were combined to ease the burden on consultees.

### Has consultation been evaluated or improved?

NIPS have not carried out a formal review of the process. However, as deficiencies are discovered, action is taken to put an appropriate remedy in place. For example, following a decision to include consultation papers on two separate policies (the compact for separated prisoners and the revised home leave scheme) in the same envelope, complaints were received from a number of consultees that they had not received one or other of the policy proposals. When investigated it appeared that they had simply failed to notice that two separate documents had been sent to them. As a

consequence NIPS have decided that in future, separate consultation documents will not be issued in the same envelope.

Arrangements have been made to evaluate the consultation process on the one EQIA conducted during the year.

## Section 10: the Good Relations duty.

**10.1.** As has been made clear in previous Annual Reports, the promotion of good relations remains fundamental to all the work of the Department. In particular, during this reporting year, significant progress has been made by the Community Safety Unit (CSU) towards the promotion of good relations. As part of its broad remit to address crime, fear of crime and anti-social behaviour the CSU, in conjunction with its many partners, is focused on building and developing community relations, confidence and general well-being across Northern Ireland. Initiatives delivered by the CSU will have a significant impact in some of the most deprived areas of Northern Ireland, through a series of interventions tailored to the specific needs of each locality. Policies are also developed to address the problems and fears of specific groups. Examples are:

### **Hate Crime.**

The development of the Hate Crime Recording and Monitoring System has involved representatives from the Gay and Lesbian Community, Minority Ethnic Communities, Community Relations and, more recently, the Disability Sector. This is an important contribution to addressing section 75 concerns. In implementing the monitoring system, attention is likely to be drawn to advising and supporting actual programmes of engagement and development within each of the respective sectors in responding to Hate Crime.

### **Older People Community Safety Strategy.**

A CSU Strategy for Older People is currently being developed which will provide a significant contribution to addressing the concerns of older people and particularly the more vulnerable among them. The strategy is likely to be launched in early 2005.

### **Young People.**

Two CSU-funded projects aimed specifically at the welfare of young people are 'Bee Safe' for P7 children as they prepare to move to secondary schooling, in terms of raising their awareness of personal and community safety issues,

and 'Stop It Now', which is addressing the issues around sexual abusers of children.

#### Working in partnership to promote good relations.

- 10.2.** The CSU works in partnership with key statutory bodies including District Councils, PSNI, the Housing Executive and the like plus the many voluntary and community sector organisations (including representative groups of the nine section 75 categories, Extern and Victims Support). A local Community Safety Action Plan is being developed for each District Council area through a detailed audit conducted by the local Community Safety Partnership (CSP), which will be formulated following an extensive and all-inclusive consultation process. This will enable those groupings categorised under section 75 to voice their specific concern and views in regard to community safety issues at a local level.
- 10.3.** The outreach exercise conducted by RIR Division at the time of the appointment process to the Equality Commission addressed the promotion of good relations. It greatly increased awareness of both the role of the Equality Commissioners and of the Government's appointment process, and encouraged a greater pool of candidates to come forward. While the division concentrated on ethnic minority groups and groups representing the disabled, others including women's groups were invited to participate.
- 10.4.** The Central Management Unit participates in the Northern Ireland Race Forum and a thematic group on issues relating to the Travelling Community. Both these groups have been useful in informing and publicising work done on issues such as Hate Crime, which is becoming of increasing significance in Northern Ireland.

#### Policies changed better to address the promotion of good relations

- 10.5.** In CJPD, as a result of responses received to the consultation on the draft proposed 'Hate Crime' provisions, the legislation was amended to include protection for disabled people. The draft legislation was amended to allow for increases in sentencing where an offence has been motivated by hostility to

people with disabilities. The draft legislation has also been amended to include the disabled under the protection of Public Order legislation.

**10.6.** The amendment was made as a result of many representations during the public consultation process in addition to a recommendation of the Northern Ireland Affairs Committee. These responses all said that offences against disabled people were a serious problem and that data from England and Wales supported the need for the disabled to be protected under any new 'Hate Crime' legislation.

## Section 11: Impacts and Outcomes.

- 11.1.** Judging by the responses to this section of the Report, the NI Prison Service is reflecting a wider view across the Department when it says that, because equality has been largely mainstreamed and is taken into account by policy leads during the development of a new policy or practice, it is very difficult to give specific examples of where a change has been made on account of the section 75 duties. There can be little doubt, however, that but for the existence of section 75, some of the new policies and practices would have had unintended differential impacts on persons in at least some of the section 75 categories.
- 11.2.** Plainly there have been occasions when minor amendments have been made to policies or practices as a result of comments received during the consultation process. Another consequence of the existence of section 75 has been an increased use of consultation on the merits of proposals by policy-makers on the basis that it is normally sensible to seek comments on the merits at the same time as seeking comments on the equality impact.
- 11.3.** Nevertheless, a number of divisions did report examples of the impact of the implementation of section 75 on certain policies and practices:
- The Compensation Agency reported that as a result of consultation on one of the Compensation Schemes they administer, they have expanded their criteria to recognise same sex partners.
  - An examination of the Stop and Search powers under the Police and Criminal Evidence (NI) Order 1989 by Police Division has revealed that police powers to require individuals to remove headgear may have an adverse impact on some religious minorities. Police Division intends to examine this further.
  - As explained above, CJPD have expanded the remit of planned legislation on 'Hate Crime'. Consultation revealed that there were serious concerns

(and evidence from England and Wales) about crimes motivated by hatred towards disabled people as well as those from ethnic minorities.

- PSD has not yet completed any EQIAs, but report that section 75 requirements have already resulted in consideration of better presentation of policies, aims and outcomes (rather than policy changes) and better data gathering that previously did not exist. Improved practices in 2003-04 include:
  - ↳ Introduction of a textphone service: available to hearing/speech impaired members of the public to request application forms for positions on Public Bodies and consultation groups; also available for staff.
  - ↳ New collaborative arrangement with the Consumer Council NI regarding the production of material in Braille format.
  - ↳ Disability Audit of NIO premises to enhance access and evacuation features/facilities for disabled staff and visitors.
  - ↳ Pensions available for non-traditional partnerships.
  - ↳ Extending WLB to more staff, e.g. flexi-time permitted at Grade A.
  - ↳ Extending Paternity, Maternity, Adoptive and Special Leave entitlements to the Gay, Lesbian and Bisexual community.
  
- In CJSD, questions of access to services are being addressed relating to the sector's physical estate and services in the youth justice sector make a significant contribution to integrating youngsters, many with poor educational attainment and behavioural problems, into the wider community.
  
- Following Victims Liaison Unit participation in consultation training, the Victims Liaison Unit Newsletter is now distributed to umbrella groups representing section 75 categories and is available in other languages/formats on request.
  
- In CJPD, all policies are subjected to initial equality screening to determine whether a full EQIA is merited. Consultation exercises are carried out in a



manner which considers the differing needs of the section 75 groups by offering documents in various formats e.g. Braille, published on the NIO website; and providing varying means of replying e.g. post, fax, e-mail.

## Section 12: Additional comments on Mainstreaming.

- 12.1.** There is clear evidence in the responses of divisions and agencies in the NIO that Mainstreaming of equality issues is so central to the working of the Department that so much consideration goes into taking account of many issues (including equality) at the initial policy formulation stage that when the impact of section 75 is subsequently looked at as a separate, special function, equality considerations have normally already been taken into account and, therefore, the policy has no identified adverse differential impact. This applies particularly where policies and functions are restricted by other obligations already in place (for example, personnel functions are primarily driven by employment law and practice, which set exacting equality standards).
- 12.2.** Much of the core policy work of the Department flows out of the Good Friday Agreement. Areas of work such as the implementation of the Patten Review of Policing and the Criminal Justice Review are designed to address issues of confidence in the existing policies and to replace them with arrangements that are perceived to be fairer. The recommendations made by these reviews have equality implications already worked through for some section 75 categories. The effects of Mainstreaming prompt NIO staff involved in policy formulation to look for adverse impacts across all the section 75 categories.
- 12.3.** It is clear from staff responses that many in the NIO and its agencies are increasingly responding to consultations and amending policy because they see it as 'the right thing' to do, not solely because it would help them to meet their obligations under section 75.

Section 13: Concluding Questions.

QUESTION A

Does the authority believe its work to date on implementing the statutory duties has produced positive benefits for the organisation? YES X NO

	Very noticeably	Noticeably	No real change
Increased awareness of equality issues in policy making.		X	
Increased ability to ensure policies are designed and targeted to reflect equal opportunities objectives.			X
Increased awareness of good relations issues in policy making.		X	
Increased ability to ensure policies are designed and targeted to reflect good relations objectives.		X	
Increased awareness of equality issues in service delivery.		X	

Increase ability to ensure services are designed and targeted to reflect section 75 requirements.		X	
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**QUESTION B**

Does the authority believe its work to date on implementing the statutory duties has produced positive benefits for groups within the section 75 categories? YES X NO

	Very noticeably	Noticeably	No real change
Persons of different religious belief			X
Persons of different political opinion			X
Persons of different racial groups		X	
Persons of different age			X
Persons with different marital status			X
Persons of different sexual orientation		X	
Men and women			X

generally			
Persons with and without a disability		X	
Persons with and without dependants			X

NORTHERN IRELAND OFFICE

31 August 2004