

**Annual Review of Progress 2002-2003 to
the Equality Commission**

on

**The Implementation of the Equality and Good Relations Duties Under
Section 75 of the Northern Ireland Act 1998**

by

**The Health Promotion Agency for Northern Ireland
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Section 1: Strategic implementation of the Section 75 Equality Duties

- 1.1 The Agency has closely followed commitments outlined in the Action Plan section of its Equality Scheme. Organisationally the Agency has designated a senior member of staff to oversee and take responsibility for the implementation of the statutory equality duties. The nominated officer for Equality is the Human Resources Manager; Fiona Campbell**
- 1.2 As advised previously, steps to develop equality and good relations objectives have been included in personal and corporate objectives:**
- staff directly involved in the implementation of the statutory equality duties have included equality objectives in personal performance plans;**
 - equality objectives have been included in the Agency's overall business plan.**
- 1.3 The Agency has further developed work in the area of good relations during 2002-2003. This work, carried out in collaboration with other Health and Personal Social Services (HPSS) agencies and bodies sought to establish a basis for proceeding with good relations. An audit of good relations was completed in May 2002, and the findings discussed both internally and with other HPSS colleagues. The key findings of the audit (and the relatively small number of staff in the organisation adds a caveat to the staff survey views) were:**
- the organisation had developed little good relations approaches outside work required for Section 75;**
 - for most good relations was not a problem issue, although it was suggested that the issue might cause more difficulty at different times of the year (eg around the 'marching season') and in different areas (ie mainly associated with one community);**
 - although there was no major view that the Agency, given its limited remit, should initiate any significant work on good relations, it was accepted that more could be done (eg more awareness of the issue).**
- 1.4 The Agency and its HPSS partners have agreed to carry forward a plan of good relations work during 2003-2004. Most immediately, this has involved the holding of pilot training seminars on good relations during 2002-2003 and then reviewing further steps for promoting good relations in the forthcoming year:**
- 1.5 In the implementation of its statutory equality duties, the Agency continues to work in partnership with a consortium of eight other HPSS agencies and bodies - convened initially by the Central Services Agency – to work together and share resources on the**

implementation of their equality schemes. This group continues to meet formally on a quarterly basis to share good practice in the implementation of the statutory equality duties and plan joint work. At a strategic level, this group of bodies is represented on regional steering groups convened and facilitated by the Department of Health, Social Services and Public Safety (DHSSPS) – particularly in relation to the Equality Steering Group and the Equality Information Group.

Throughout the implementation of the statutory equality duties, the Board has been kept informed and has contributed to developments.

1.6 Overall, the Agency feels that it has taken significant steps to promote equality of opportunity and good relations and is on course to substantively meet commitments made over the five years specified in its Equality Scheme. A key factor in meeting its obligations has been the ongoing partnership with other HPSS organisations.

1.7 Key challenges remain for the Agency, as with other public bodies, in moving beyond the awareness phase of the implementation of the statutory equality duties. This ultimately will involve initiatives that aim to produce outcomes consistent with mainstreaming equality. In conjunction with other HPSS agencies, the Agency will

- participate in initiatives to promote the better mainstreaming of equality (eg more effective screening of policies);**
- seek to use the learning that emerges from the Good Practice Reviews carried out by HPSS organisations;**
- carry forward further work in the area of good relations.**

Section 2: Screening and Equality Impact Assessment (EQIA) timetable

2.1 The Agency has commenced local Equality Impact Assessment during 2002-2003 (summarised in Appendix 2). This has involved substantial work around the data collection and consultation. As outlined in Appendix 2, the Agency is currently finalising the EQIA on Flexible Working Policies in readiness for implementation, and hopes to complete data collection and consultation on its Information Policies early in 2003-2004. It is intended that a specific action plan outlining how the EQIA on Flexible Working Policies will be implemented will be in place from June 2003 onwards. An action plan on the delivery of the Information Policies EQIA will be in place before the end of 2003.

- 2.2** A commitment was also made, that the Agency would undertake to annually review the need to carry out Equality Impact Assessments. Although the Agency has not identified any further equality impact assessments to be undertaken for 2003-2004, it will continue to formally review the need for equality impact assessments during the forthcoming year; and will report the outcome to the Equality Agency in the Annual Review of Progress.
- 2.3** In addition, the Agency will play an active role where necessary in the programme of regional equality impact assessments being led by the DHSSPS. The scope for the Agency's input into the process of agreement around the regional EQIA is through the following:
- representation from HPSS Agencies on the Department-led Regional Equality Steering Group;
 - dissemination by Department of proposed regional EQIA programmes in advance for comment;
 - attendance at annual review day organised by the Department to plan the following year's regional EQIA programme;
 - discussion with HPSS Agency colleagues about the regional EQIA programme.
- 2.4** Finally, and as required by the Equality Commission's guidance, the Agency will participate where necessary in any Equality Impact Assessment being led by any other public body but where the policy affects or is implemented by the organisation (eg the personnel policies of the Department of Finance and Personnel)

Section 3: Training and communication

- 3.1** The Agency continues to participate fully in a programme of training on the statutory equality duties, jointly developed with other HPSS Agencies. The development of this training agenda was aided by the input of representatives from voluntary organisations from Section 75 groups, particularly through the operation of an equality consultative panel which was instituted in 2000 by the Central Services Agency (on behalf of a group of HPSS agencies and bodies), to provide advice on the implementation of the statutory equality duties.
- 3.2** The organisation has set itself a five year period in which to achieve two overall training objectives:
- Equality awareness - to provide general equality awareness training for all staff (to be achieved by year end 2003);

- **Focused training** – to provide focused training for specific staff with a minimum of one different form of training per year during 2002-2003 (this target will remain in force until 2005).

3.3 In 2002-2003 staff from the Agency have taken part in the following focused training session:

- **Consultation** – delivered by the Equality Unit, Central Services Agency (two members of staff)

3.4 The Agency and agency partners agreed a programme of joint training for the following financial year in March 2003. As well as training on disability awareness, equality impact assessments and consultation, a pilot training session will be delivered by the Coalition on Sexual Orientation on sexual orientation awareness.

All the training has been evaluated positively.

85% of attendees thought the course on consultation met its aims. Some specific comments are displayed in Comment Box 1.

Comment box 1: Feedback on consultation training

"Ensure that the organisation considers more pragmatic methods of consultation".

"Interested to learn about the pitfalls in consultation process".

"Interested to learn about the issues surrounding consultation and other people's views and ideas".

3.5 The Agency continues to ensure that its commitment to the statutory equality duties is publicised. Its Annual Report for 2001-2002 included a section, promoting the organisation's commitment to the statutory equality duties.

Section 4: Data collection and analysis

4.1 Through the Information Sub-Group initiated by the DHSSPS – on which the Agency is represented by an agency partner – a report has been produced summarising the data availability and gaps for the HPSS as a whole, also setting out an action plan for

progressing further work. During 2002-2003, an action plan has been produced outlining a basis for building equality data across the HPSS, the key features of which are:

- exploitation of opportunities for updating existing and specific information systems within the HPSS;**
- need to ensure that postcode information is a central thread running through all information systems;**
- taking steps to explore the scope for collecting data (eg on sexual orientation) through qualitative research.**

4.2 Importantly the Agency has taken some steps to collect discrete quantitative data during 2002-2003. Staff attributes were collected as part of a Good Relations survey, and this has enabled a more benign view to be taken of collecting data on variables such as religion and political affiliation (although this conclusion is tempered by the very small sample size). Nevertheless this conclusion is apparent across all those who responded to the Good Relations survey across all the agencies (n=300+), and does provide a basis for further exploring the use of this monitoring information across other functions of the organisation.

4.3 Moreover, the Agency and its agency partners will be paying close attention to the outcome of a consultation carried out by the Equality Commission on monitoring. A joint submission was made by HPSS agencies to this consultation in which concern was expressed at the viability of the proposals outlined. HPSS agencies cautioned the Equality Commission to proceed carefully on the matter and were supportive of a more gradualist approach to the collection of equality monitoring data.

4.4 The Agency is not currently committed to carrying out an Equality Impact Assessment, but is hoping to benefit from the learning of other HPSS agencies that will be collecting monitoring data on human resources issues.

Section 5: Information provision and access to services

5.1 The Agency is committed to providing information on request. To date there have been no specific requests for information in accessible formats.

5.2 The current year has seen the Agency, in conjunction with agency partners, seek to develop strategic approaches to the provision of information and access to services. A previous report to the Equality Commission noted the development of an Access strategy.

During the past year the debate with HPSS agency partners has widened to include general discussion of access issues relating specifically to the Disability Discrimination Act. A meeting of the Agency and its agency partners agreed a standard for addressing disability access issues, as a practical way of promoting inclusion for disabled people. This draft 'standard' for meeting the DDA has been sent to the Equality Commission for their input, and it is hoped that the document will provide a practical basis for meeting both DDA requirements and Section 75 access issues during the rest of 2003-2004.

5.3 It should also be noted that existing efforts to promote access to services were advanced during 2002-2003. Specifically, a training session by the Royal National Institute for the Deaf on deaf awareness and telephone training was delivered to staff members of HPSS agencies (including representation from the Agency).

5.4 The Agency is also ready to benefit from the learning emanating from the Good Practice Review on Access to Information, which was carried out during the year: It is expected that a final implementation plan for this will be produced in June.

Section 6: Complaints

6.1 The Agency has received no complaints under the terms of Section 75 during 2002-2003. If any complaints are received under Section 75, they are directed to the Agency's Complaints Manager, who will report and monitor the level of complaints on an annual basis.

Section 7: Timetable

7.1 The timetable for implementation is reviewed on a regular basis (both internally and with agency partners) and has remained broadly in line with commitments outlined in the Agency's Equality Scheme. The only significant variation in timetabling is in relation to an action plan for Good Relations. In conjunction with agency partners the Agency will be bringing forward specific initiatives on a regular basis rather than setting out a prescriptive plan on good relations. This reflects a need to proceed sensitively with the implementation of such work, but also shows a willingness to learn from emerging developments, such as the Equality Commission's commitment in its recent draft Corporate Plan to focus more closely on Good Relations and also with reference to a wider consultation on Community Relations (the 'Shared Future' document).

Section 8: Consultation

- 8.1 The Agency has engaged in significant consultation during 2002-2003, principally on EQIAs that it has undertaken.**
- 8.2 More broadly, the Agency and agency partners have sought to review consultation approaches generally. During 2002-2003 this has resulted in the production of a strategy for future Section 75 consultation. Representatives of the HPSS agencies also met with officers of the Statutory Duty Unit, the Equality Commission, to discuss the strategy. A copy of the strategy is presented in Appendix 2.**
- 8.3 The key features of the consultation strategy – wide and effective dissemination of information about the consultation in tandem with more targeted initiatives to secure the involvement of specific groups – were put into practice by the Agency and its agency colleagues in consultations on Equality Impact Assessments. Learning from this showed that respondents were positive about the increased use of e-mail for circulating information about consultation. Prior to the formal e-mailing of information, a ‘test’ e-mail was sent to more than 240 voluntary and statutory organisations to assess both the accuracy of e-mail addresses and views on the approach. Virtually all the views were positive, although Disability Action cautioned that not all organisations would have access to e-mail – this was remedied by ensuring that paper documents would also be sent out to those without e-mail – a further 30-40 organisations were approached by the standard posting method.**
- 8.4 Overall, the use of e-mail, using various media (eg websites, regional newspapers) to advertise the consultation and having targeted focus groups and one-to-one interviews was a fairly comprehensive and labour intensive way to conduct consultation. The fact that the level of responses was still fairly low (effectively averaging around a composite engagement level of 7-8%) raises concerns about consultation on Section 75. It is the view of the Agency and its agency partners that the problems with consultation are structural**
- A lack of capacity in the voluntary sector to meet the demands placed on it by the extraordinary growth in the volume of consultations over the last three years;**
 - This is reflected most pointedly in voluntary sector organisations approaching consultation in a more targeted manner – seeking to engage those public bodies with the biggest profile and largest influence on the users they represent, ultimately**

¹ Adding all kinds of responses received together – either mailed, verbal or attendance at meetings.

meaning that the smaller public bodies (such as HPSS agencies) are less of a priority for consultation participation;

- Voluntary organisations are largely a surrogate for users/public, the fact remains that there is little if any knowledge by the public of Section 75², which very significantly diminishes the scope for engagement of wider society by public bodies on the statutory equality duties.

Section 9: Impacts and outcomes

9.1 The Agency recognises the challenges associated with the mainstreaming of Section 75. In conjunction with its agency partners it developed early guidance for those developing new policies on equality proofing. During 2003-2004 further work will be initiated to ensure that there is a consistent application of this guidance.

9.2 At this stage it is clear that there has been significant progress in relation to the statutory equality duties in terms of activity, but challenges remain for all public bodies in relation to outcomes. Ultimately the implementation of the statutory equality duties has been on a continuum of development, with three stages:

- (1) Awareness – building the knowledge base about the statutory equality duties among internal and external actors;**
- (2) Engagement – carrying out activities to promote engagement with those affected by the statutory equality duties (eg through consultation);**
- (3) Change – producing new outcomes that promote equality of opportunity and good relations.**

9.3 Ultimately most public bodies have successfully sought to address the awareness stage of the continuum. There is also evidence that most have engaged to varying extents in consultation – although questions remain over the level and type of engagement, with those most affected (eg users/the public). There is not much evidence to suggest at this stage - although the implementation of Equality Impact Assessments and Good Practice Reviews may change this - that the implementation has led to many new outcomes which promote equality of opportunity and good relations.

² Recent research by the Equality Unit at the Central Services Agency for the Western Equality and Human Rights Forum, showed that, of 35 people attending a hospital clinic who were questioned by researchers, the vast majority had never heard of Section 75.

Section 10: Additional information

10.1 In conclusion, the Agency continues to be committed to the implementation of the statutory equality duties. The statutory equality duties have certainly become an important element of the organisation's work, and its joint working with other agencies has proven to be a central part of efforts to promote equality of opportunity and good relations.

Appendix 1: EQIA reporting tables

EQIA Timetables

Matrices

EQIA Timetable Reporting Matrices – period to end March 2003

Existing policies – included in initial EQIA timetable

Title of existing policy EQIAs due to be completed pre-March 2003	Stage (as per Steps 1-7 of EQIA Process)	If joint EQIA please state partner authorities	If EQIA completed is amended policy now being implemented? Y/N	If EQIA completed is amended were adjustments to policy a result of <u>A</u>ssessment of adverse impact/feedback from <u>C</u>onsultation, or <u>B</u>oth <i>Please enter A, C or Both</i>
1. Flexible Working Policies	Currently at stage 5 of EQIA Process, progress to stages 6 - 7 by end of May 2003.	NICPMDE CSA NIGALA NIRMPA NIBTS	N	N/A
2. Delivery of Information Campaign	Currently at stage 2 of EQIA Process, progress to stages 6 - 7 by end of 2003.	N/A	N	N/A

Appendix 2: HPSS Agencies consultation strategy

Key elements of consultation strategy

Consultation standards

- 1. Consultation will be centrally managed**
Each consultation will be coordinated and managed by a named Consultation Coordinator:
- 2. Each consultation will be planned and carried out on a case-by-case basis**
The rationale for each consultation will be made clear at the outset, the organisation will consider the consultation topic, the target consultees and resources.
- 3. Consultees will receive feedback**
Anyone responding to a consultation will directly receive feedback. The feedback will indicate how the consulting organisation has responded to comments received, with an explanation of actions/decisions taken.
- 4. Consultation materials will be clear and jargon-free**
Consultation materials will avoid jargon or technical language as far as possible. Consultation documents will include a summary.
- 5. All consultation will be evaluated**
All consultations will be subject to evaluation in order that any learning will be applied to future consultations.
- 6. Consultations will last at least eight weeks**
As a minimum, all consultations will last at least eight weeks, only departing from this in exceptional circumstances. Where possible, organisations will seek to carry out consultation over 12 weeks.

Consultation approaches

- 1. Consultation will be accessible**
All consultation will be carried out on the basis of ensuring maximum participation. This practically will involve using a variety of media and a willingness to facilitate those with special needs by removing access barriers.
- 2. Consultation will be carried out on value-for-money considerations**
Each consultation should be planned to ensure the effective use of public money. This may involve creative and value-for-money approaches to consulting on issues – working in partnership with other public bodies, engaging with voluntary representative organisations.
- 3. Consultation will seek to focus on those most affected**
A more sophisticated approach to consultation will identify and prioritise those most affected. This will involve identifying key stakeholders in relation to each consultation and encouraging and enabling them to take part in the consultation or 'opt out' – choose not to respond to the consultation. Conversely, the need to ensure that other interested organisations or individuals can participate in the consultation will be facilitated by wide publication of consultations (eg using websites). Ultimately this is about providing an opportunity for these groups and individuals to register their interest or 'opt in' to the consultation.

- 4. Consultation will be an integral part of the policy development process**
Staff will be encouraged to engage in consultation (eg by informal contacts) as early as possible in the development of policies. This will enable those with a relevant perspective or expertise to offer to contribute to the development of policies.

- 5. Consultation methods will be flexible**
Each consultation will use appropriate methods of consultation to ensure the fullest participation by the range of groups being consulted. Consideration will be given to the scope of the topic, the target consultee groups, costs and the range of information available in identifying the most appropriate method for consultation.

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Date: