

Equality Scheme for Londonderry Port & Harbour Commissioners

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

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***This document is available in a range of formats on request.
Please contact us with your requirements***

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Foreword

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

In our Equality Scheme we set out how Londonderry Port and Harbour Commissioners (LPHC) proposes to fulfil the Section 75 statutory duties.

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

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

We will develop and deliver a programme of communication and training with the aim of ensuring that all our staff and board members are made fully aware of our Equality Scheme and understand the commitments and obligations within it. We will develop a programme of awareness raising for our consultees on the Section 75 statutory duties and our commitments in our Equality Scheme.

We, Bonnie Anley Chairman, and Brian McGrath Chief Executive of Londonderry Port and Harbour Commissioners, are fully committed to effectively fulfilling our Section 75 statutory duties across all our functions (including service provision, employment and procurement) through the effective implementation of our Equality Scheme.

We realise the important role that the community and voluntary sector and the general public have to play to ensure the Section 75 statutory duties are effectively implemented. Our Equality Scheme demonstrates how determined we are to ensure there are opportunities, for people affected by our work, to positively

¹ See section 1.1 of our Equality Scheme.

influence how we carry out our functions in line with our Section 75 statutory duties. It also offers the means whereby persons directly affected by what they consider to be a failure, on our part, to comply with our Equality Scheme, can make complaints.

On behalf of Londonderry Port and Harbour Commissioners and our staff we are pleased to support and endorse this Equality Scheme which has been drawn up in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998 and Equality Commission guidelines.

(Original Signed)

Bonnie Anley
Chairman

Brian McGrath
Chief Executive

Date:

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Please note: Foreword and Appendices 3 and 4 form part of this Equality Scheme.

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Chapter 1 Introduction

Section 75 of the Northern Ireland Act 1998

1.1 Section 75 of the Northern Ireland Act 1998 (the Act) requires LPHC to comply with two statutory duties:

Section 75 (1)

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

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

Section 75 (2)

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

“Functions” include the “powers and duties” of a public authority². This includes our employment and procurement functions. Please see below under “Who we are and what we do” for a detailed explanation of our functions.

How we propose to fulfil the Section 75 duties in relation to the relevant functions of Londonderry Port and Harbour Commissioners.

1.2 Schedule 9 4. (1) of the Act requires Londonderry Port Harbour Commissioners as a designated public authority to set out in an Equality Scheme how it proposes to fulfil the duties imposed by Section 75 in relation to its relevant functions. This Equality Scheme is intended to fulfil that statutory requirement. It is both a statement of our arrangements for fulfilling the Section 75 statutory duties and our plan for their implementation.

² Section 98 (1) of the Northern Ireland Act 1998.

1.3 Londonderry Port and Harbour Commissioners are committed to the discharge of our Section 75 obligations in all parts of our organisation, and we will commit the necessary available resources in terms of people, time and money to ensure that the Section 75 statutory duties are complied with and that our Equality Scheme can be implemented effectively.

Who we are and what we do

Londonderry Port and Harbour Commissioners (LPHC) is a Public Trust Port, established by statute in 1854. The main function of LPHC is to manage, maintain and administer the port for the benefit of our stakeholders by placing a strong emphasis on sustainability, and re-investing our profit for growth to benefit future generations. The Port is situated at a deep-water facility at Lisahally with a specialist capability of handling bulk cargoes such as coal, oil, fertiliser and animal feedstuffs. As part of LPHC's core functions we serve the entire Northwest Region and promote economic growth and stability – importing over £1 billion worth of goods into the region annually. These goods are distributed from the Port throughout the region. LPHC provides a key part of the region's public infrastructure offering port and marine services to meet our customers' businesses need.

The Board of Commissioners

The Commissioners are appointed by the Department of Infrastructure (DfI) for a fixed term of four years. LPHC reports through DfI but does not receive public funds. The Commissioners are responsible for operating LPHC in a profitable and sustainable manner to ensure its success for future generations. Consequently, the majority of our interfaces are commercial in nature.

The Commissioners are committed to the highest standards of corporate governance in its operations. Regular training and updates are provided to the Board throughout their terms of office.

Health, Safety and Environment

LPHC operate several safety management systems, namely ISO 14001, ISO 9001, ISO 45001 and the Port Marine Safety Code, which are designed to govern every aspect of our operations and

ensure a safe working environment for our users. These systems are independently audited each year and improvements are incorporated on a regular basis.

Stakeholder Engagement

There are four main groups of stakeholders for the Port to consider, namely:-

- Employees
- Customers
- Local Community
- Wider Community

LPHC engages with each group differently. Employee engagement is achieved through team meetings, internal newsletters and specific briefings. Customers are generally face to face meetings or reviews of their particular business and are always individually tailored.

The engagement with the wider community is achieved through specific meetings with local representatives and initiatives with local community groups.

Summary

LPHC is a valuable public asset providing a service for the benefit of the region. The Commissioners are responsible for the Conservancy of the Lough and this includes the safe navigation of vessels and the appropriate markers for the shipping channel. Our interfaces are largely commercial but the Commissioners are committed to ensuring that the organisation is fully compliant with the equality legislation.

Vision Statement

LPHC as a Public Trust Port established by statute has specific powers and duties. The Commissioners contribute to the

prosperity and well-being of the local economy while recognising the need to be transparent and ethical in its business.

Functions

The Commissioners operate in a commercial environment and as such a number of its activities are commercially sensitive. The Commissioners have identified the following key functions in relation to the execution of their duties.

- Open Port Policy;
- Marine Safety and Pollution Control;
- Conservancy Duties;
- Provision of Port infrastructure, crannage and storage facilities;
- Provision of Marine Services;
- Owning and Operating a Marina;
- Levying of charges for use of Port Facilities;
- Provision of land for development;
- Health, Safety and Environment considerations for Port Users.
- Employment;
- Sustainability.

The Commissioners note that all functions are subject to Section 75 but the above are more likely to be relevant. In relation to commercially sensitive areas of the Port's business, the publication of sensitive data may be restricted.

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

2.1 Some of our arrangements for assessing our compliance with the Section 75 statutory duties are outlined in other relevant parts of this Equality Scheme, for example, monitoring arrangements, assessment of impact of policies arrangements, consultation, publication, complaints etc.

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

Responsibilities and reporting

2.2 We are committed to the fulfilment of our Section 75 obligations in all parts of our work.

2.3 Primary Responsibility for the effective implementation of our Equality Scheme lies at Board level with the Chief Executive. The Chief Executive is accountable to the Board for the development, implementation, maintenance and review of the Equality Scheme in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998, including any good practice or guidance that has been or may be issued by the Equality Commission.

2.4 If you have any questions or comments regarding our Equality Scheme, please contact us in the first instance at the address given below and we will respond to you as soon as possible:

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2.5 Objectives and targets relating to the statutory duties will be integrated into our strategic and operational business plans³.

³ See Appendix 4 'Timetable for measures proposed' and section 2.11 of this Equality Scheme.

2.6 Employees' job descriptions and performance plans reflect their contributions to the discharge of the Section 75 statutory duties and implementation of the Equality Scheme, where relevant.

2.7 LPHC prepares an annual report on the progress we have made on implementing the arrangements set out in this Equality Scheme to discharge our Section 75 statutory duties (read our Annual Equality Progress Reports).

LPHC's Section 75 Annual Progress Report will be sent to the Equality Commission by 31 August each year and will follow any guidance on annual reporting issued by the Equality Commission.

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

2.8 The latest Section 75 annual progress report is available by contacting us.

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2.9 LPHC liaises closely with the Equality Commission to ensure that progress on the implementation of our Equality Scheme is maintained.

2.10 Due to the nature of LPHC's business model there are limitations in terms of how the organisation can enhance the promotion of equality and good relations. However, notwithstanding the nature of the functions undertaken by LPHC, equality and good relations obligations are mainstreamed across the organisation through the implementation of the corporate values and objectives. LPHC has taken a proactive approach to

promoting equality and good relations in their internal and external functions.

Senior management have been trained in Section 75 and are responsible for ensuring that the Section 75 statutory duties are taken fully into account in developing, reviewing and implementing policy decisions across their business remit.

Day-to-day responsibility for overseeing the Equality Agenda and monitoring compliance across LPHC lies with the Chief Financial Officer who reports directly to the Chief Executive.

Action plan/action measures

2.11 LPHC is developing an action plan to promote equality of opportunity and good relations. The action in relation to the development of the plan is included in the timetable of measures at Appendix 4.

2.12 The action measures that will make up our action plan are relevant to our functions. They have been developed and prioritised on the basis of the audit of inequalities. The audit of inequalities collates and analyses information across the Section 75 categories⁴ to identify the inequalities that exist for our service users and those affected by our policies⁵.

2.13 Action measures will be specific, measurable, linked to achievable outcomes, realistic and time bound. Action measures will include performance indicators and timescales for their achievement.

2.14 We will develop any action plans for a period of between one and five years in order to align them with our corporate and business planning cycles. Implementation of the action measures will be incorporated into our business planning process.

2.15 We will seek input from our stakeholders and consult on our action plan before we send it to the Equality Commission and thereafter when reviewing the plan as per 2.16 below.

⁴ See section 1.1 of this Equality Scheme for a list of these categories.

⁵ See section 4.1 of this Equality Scheme for a definition of policies.

2.16 We will monitor our progress on the delivery of our action measures annually and update the action plan as necessary to ensure that it remains effective and relevant to our functions and work.

2.17 LPHC will inform the Commission of any changes or amendments to our action plan and will also include this information in our Section 75 annual progress report to the Commission.

2.18 Once finalised, our action plan will be available on the LPHC website or by contacting:

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We will also bring it to the attention of all our consultees.

Our progress on our Audit of Inequalities Action Plan targets will be reported in our Section 75 Annual Progress Report to the Equality Commission.

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

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

3.1 We recognise the importance of consultation in all aspects of the implementation of our statutory equality duties. We will consult on our Equality Scheme, action measures, equality impact assessments and other matters relevant to the Section 75 statutory duties. We will also consult on our Audit of Inequalities and its accompanying Action Plan.

3.2 We are committed to carrying out consultation in accordance with the following principles (as contained in the Equality Commission's guidance '*Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)*'):

3.2.1 All consultations will seek the views of those directly affected by the matter/policy, the Equality Commission, representative groups of Section 75 categories, other public authorities, voluntary and community groups, our staff and their trades unions and such other groups who have a legitimate interest in the matter, whether or not they have a direct economic or personal interest.

Initially all consultees (see Appendix 3), as a matter of course will be notified (by email) of the matter/policy being consulted upon to ensure they are aware of all consultations. Thereafter, to ensure the most effective use of our and our consultee's resources, we will take a targeted approach to consultation for those consultees that may have a particular interest in the matter/policy being consulted upon and to whom the matter/policy is of particular relevance. This may include for example regional or local consultations, sectorial or thematic consultations etc.

3.2.2 Consultation with all stakeholders will begin as early as possible. We will engage with affected individuals and representative groups to identify how best to consult or engage with them. We will ask our consultees what their preferred consultation methods are and will give consideration to these. Methods of consultation could include:

- Face-to-face meetings
- Focus groups
- Written documents with the opportunity to comment in writing
- Questionnaires
- Information/notification by email with an opportunity to opt in/opt out of the consultation

- Internet discussions or
- Telephone consultations.

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

3.2.3 We will consider the accessibility and format of every method of consultation we use in order to remove barriers to the consultation process. Specific consideration will be given as to how best to communicate with children and young people, people with disabilities (in particular people with learning disabilities) and minority ethnic communities. We take account of existing and developing good practice.

LPHC is committed to achieving effective communication with its customers and with the public. We will ensure that we provide a wide range of accessible communication channels to suit the needs of our customers, and we will also take action to promote the availability of our accessible services too. We will work to make our information services accessible through a range of different formats and will seek feedback from our customers and as appropriate, review and enhance our service provision. Particular care will be taken to ensure that we take account of the specific communication needs of people with disabilities, older people and children and young people.

Information will be made available, in a timely fashion and in accessible formats in consultation with the affected groups.

3.2.4 Specific training is provided to those facilitating consultations to ensure they have the necessary skills to communicate effectively with consultees.

3.2.5 To ensure effective consultation with consultees on Section 75 matters we will develop a programme of awareness raising on the Section 75 Statutory duties and the commitments in our Equality Scheme by undertaking the following:

- Issue of a news item on the website
- Direct contact with all statutory consultees

3.2.6 The consultation period lasts for a minimum of twelve weeks to allow adequate time for groups to consult amongst themselves as part of the process of forming a view. However, in exceptional circumstances when this timescale is not feasible (for example implementing EU Directives or UK wide legislation, meeting Health and Safety requirements, addressing urgent public health matters or complying with Court judgements), we may shorten timescales to eight weeks or less before the policy is implemented. We may continue consultation thereafter and will review the policy as part of our monitoring commitments⁶.

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

3.2.7 If a consultation exercise is to take place over a period when consultees are less able to respond, for example, over the summer or Christmas break, or if the policy under consideration is particularly complex, we will give consideration to the feasibility of allowing a longer period for the consultation.

3.2.8 We are conscious of the fact that affected individuals and representative groups may have different needs. We will take appropriate measures to ensure full participation in any meetings that are held. We will consider for example the time of day, the appropriateness of the venue, in particular whether it can be accessed by those with disabilities, how the meeting is to be conducted, the use of appropriate language, whether a signer and/or interpreter is necessary, and whether the provision of childcare and support for other carers is required.

3.2.9 We make all relevant information available to consultees in appropriate formats to ensure meaningful consultation. This includes detailed information on the policy proposal being consulted upon and any relevant quantitative and qualitative data.

3.2.10 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy.

⁶ Please see below at 4.27 to 4.31 for details on monitoring.

3.2.11 We provide feedback to consultees in a timely manner. A feedback report is prepared which includes summary information on the policy consulted upon, a summary of consultees' comments and a summary of our consideration of and response to consultees' input. The feedback is provided in formats suitable to consultees. (Please see also 6.3)

3.3 A list of our consultees is included in this Equality Scheme at Appendix 3.

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

We welcome enquiries from any person/s or organisations wishing to be added to the list of consultees. Please contact us to provide your contact details and have your areas of interest noted or have your name/details removed or amended. Please also inform us at this stage if you would like information sent to you in a particular format or language.

Chapter 4 Our arrangements for assessing, monitoring and publishing the impact of policies

(Schedule 9 4. (2) (b); Schedule 9 4. (2) (c);
Schedule 9 4. (2) (d); Schedule 9 9. (1);
Schedule 9 9.(2))

Our arrangements for assessing the likely impact of policies adopted or proposed to be adopted on the promotion of equality of opportunity

(Schedule 9 4. (2) (b))

4.1 In the context of Section 75, 'policy' is very broadly defined and it covers all the ways in which we carry out or propose to carry out our functions in relation to Northern Ireland. In respect of this Equality Scheme, the term policy is used for any (proposed/amended/existing) strategy, policy initiative or practice and/or decision, whether written or unwritten and irrespective of the label given to it, eg, 'draft', 'pilot', 'high level' or 'sectoral'.

4.2 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9 9. (2) of the Northern Ireland Act 1998.

4.3 LPHC uses the tools of **screening** and **equality impact assessment** to assess the likely impact of a policy on the promotion of equality of opportunity and good relations. In carrying out these assessments we will relate them to the intended outcomes of the policy in question and will also follow Equality Commission guidance:

- the guidance on screening, including the screening template, as detailed in the Commission's guidance.
- on undertaking an equality impact assessment as detailed in the Commission's guidance.

Screening

4.4 The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations.

4.5 Screening is completed at the earliest opportunity in the policy development/review process. Policies which we propose to adopt will be subject to screening prior to implementation. For more detailed strategies or policies that are to be put in place through a series of stages, we will screen at various stages during implementation.

4.6 The lead role in the screening of a policy is taken by the policy decision maker who has the authority to make changes to that policy. However, screening will also involve other relevant team members, for example, equality specialists, those who implement the policy and staff members from other relevant work areas. Where possible we will include key stakeholders in the screening process.

4.7 The following questions are applied to all our policies as part of the screening process:

- What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor/major/none)
- Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?
- To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group? (minor/major/none)
- Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?

4.8 In order to answer the screening questions, we gather all relevant information and data, both qualitative and quantitative. In taking this evidence into account we consider the different needs, experiences and priorities for each of the Section 75 equality

categories. Any screening decision will be informed by this evidence.

4.9 Completion of screening, taking into account our consideration of the answers to all four screening questions set out in 4.7 above, will lead to one of the following three outcomes:

1. the policy has been 'screened in' for equality impact assessment
2. the policy has been 'screened out' with mitigation⁷ or an alternative policy proposed to be adopted
3. the policy has been 'screened out' without mitigation or an alternative policy proposed to be adopted.

4.10 If our screening concludes that the likely impact of a policy is 'minor' in respect of one, or more, of the equality of opportunity and/or good relations categories, we may on occasion decide to proceed with an equality impact assessment, depending on the policy. If an EQIA is not to be conducted, we will nonetheless consider measures that might mitigate the policy impact as well as alternative policies that might better achieve the promotion of equality of opportunity and/or good relations.

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

This screening decision will be 'signed off' by the appropriate policy lead within LPHC.

4.11 If our screening concludes that the likely impact of a policy is 'major' in respect of one, or more, of the equality of opportunity and/or good relations categories, we would normally subject the policy to an equality impact assessment. This screening decision will be 'signed off' by the appropriate policy lead within LPHC.

4.12 If our screening concludes that the likely impact of a policy is 'none', in respect of all of the equality of opportunity and/or good relations categories, we may decide to screen the policy out. If a

⁷ Mitigation – Where an assessment (screening in this case) reveals that a particular policy has an adverse impact on equality of opportunity and / or good relations, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant Section 75 categories.

policy is 'screened out' as having no relevance to equality of opportunity or good relations, we will give details of the reasons for the decision taken. This screening decision will be 'signed off' by the appropriate policy lead within LPHC.

4.13 As soon as possible following the completion of the screening process, the screening template, signed off and approved by the senior manager responsible for the policy, will be made available on request.

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4.14 If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, we will review the screening decision.

4.15 Our screening reports are published quarterly [see below at 4.20 - 4.22 and 4.23 for details].

Equality impact assessment

4.16 An equality impact assessment (EQIA) is a thorough and systematic analysis of a policy, whether that policy is formal or informal, and irrespective of the scope of that policy. The primary function of an EQIA is to determine the extent of any impact of a policy upon the Section 75 categories and to determine if the impact is an adverse one. It is also an opportunity to demonstrate the likely positive outcomes of a policy and to seek ways to more effectively promote equality of opportunity and good relations.

4.17 Once a policy is screened and screening has identified that an equality impact assessment is necessary, we will carry out the

EQIA in accordance with Equality Commission guidance. The equality impact assessment will be carried out as part of the policy development process, before the policy is implemented.

4.18 Any equality impact assessment will be subject to consultation at the appropriate stage(s). (For details see above Chapter 3 “Our Arrangements for Consulting”).

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

(Schedule 9 4. (2) (d); Schedule 9 9. (1))

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

What we publish

Screening Reports

4.20 These are published quarterly on the website. Our screening reports will include:

- Details of policies screened by LPHC over the three month period;
- A statement about the aim(s) of each of the specific policy / policies which have been screened;
- Consideration given to measures which might mitigate any adverse impact;
- Consideration given to alternative policies which might better achieve the promotion of equality of opportunity;
- Screening decisions i.e:
 - whether the policy has been ‘screened in’ for equality impact assessment;

- whether the policy has been ‘screened out’ with mitigation or an alternative policy proposed to be adopted;
 - whether the policy has been ‘screened out’ without mitigation or an alternative policy proposed to be adopted.
- Where applicable, a timetable for conducting equality impact assessments;
 - A complete screening template will be made available upon request.

4.21 Screening templates

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

4.22 Equality impact assessments

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

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

How we publish the information

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

Where we publish the information

4.24 The results of our assessments (quarterly screening reports and the results of equality impact assessments) are available on our website at www.foyleport.com and by contacting:

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4.25 In addition to the above, our screening reports (electronic link or hard copy on request if more suitable for recipients) which include all policies screened over a three month period are also sent directly to all consultees on a quarterly basis.

4.26 We will inform the general public about the availability of this material through communications such as press releases where appropriate.

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

(Schedule 9 4. (2) (c))

4.27 Monitoring can assist us to deliver better public services and continuous improvements. Monitoring Section 75 information involves the processing of sensitive personal data (data relating to the racial or ethnic origin of individuals, sexual orientation, political opinion, religious belief, etc). In order to carry out monitoring in a confidential and effective manner, the LPHC follows guidance from the Office of the Information Commissioner and the Equality Commission.

4.28 We monitor any adverse impact on the promotion of equality of opportunity of policies we have adopted. We are also committed to monitoring more broadly to identify opportunities to

better promote equality of opportunity and good relations in line with Equality Commission guidance.

4.29 The systems we have established to monitor the impact of policies and identify opportunities to better promote equality of opportunity and good relations are:

- The collection, collation and analysis of existing relevant primary quantitative and qualitative data across all nine equality categories on an ongoing basis;
- The collection, collation and analysis of existing relevant secondary quantitative and qualitative data across all nine equality categories on an ongoing basis;
- An audit of existing information systems within one year of approval of this Equality Scheme, to identify the extent of current monitoring and take action to address any gaps in order to have the necessary information on which to base decisions;
- Undertaking or commissioning new data if necessary.

4.30 If over a two year period monitoring and evaluation show that a policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, we will ensure that the policy is revised to achieve better outcomes for relevant equality groups.

4.31 We review our EQIA monitoring information on an annual basis.

- Where necessary internal and or /external specialist assistance is used to provide guidance to business areas on the completion of equality impact assessments and arrangements to undertake appropriate equality monitoring;
- Our Section 75 Annual Progress Report to the Equality Commission includes an update on the equality monitoring actions we have undertaken and the outcomes from this action;

- Complaints are regularly monitored to ensure satisfaction with services is maintained and that any issues raised by customers and stakeholders are addressed promptly and satisfactorily.

Our arrangements for publishing the results of our monitoring
(Schedule 9 4. (2) (d))

4.32 Schedule 9 4. (2) (d) requires us to publish the results of the monitoring of adverse impacts of policies we have adopted. However, we are committed to monitoring more broadly and the results of our policy monitoring are published as follows:

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

4.34 Our consultees will be advised by direct contact when our annual progress report is published. Hard copies can be made available on request.

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

Chapter 5 Staff training

(Schedule 9 4.(2) (e))

Commitment to staff training

5.1 We recognise that awareness raising and training play a crucial role in the effective implementation of our Section 75 duties.

5.2 Our Chief Executive wishes to positively communicate the commitment of the LPHC to the Section 75 statutory duties, both internally and externally.

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

Training objectives

5.3 LPHC will draw up a detailed training plan for its staff which will aim to achieve the following objectives:

- to raise awareness of the provisions of Section 75 of the Northern Ireland Act 1998, our Equality Scheme commitments and the particular issues likely to affect people across the range of Section 75 categories, to ensure that our staff fully understand their role in implementing the scheme;
- to provide those staff involved in the assessment of policies (screening and EQIA) with the necessary skills and knowledge to do this work effectively;
- to provide those staff who deal with complaints in relation to compliance with our Equality Scheme with the necessary skills and knowledge to investigate and monitor complaints effectively;
- to provide those staff involved in consultation processes with the necessary skills and knowledge to do this work effectively;

- to provide those staff involved in the implementation and monitoring of the effective implementation of the LPHC Equality Scheme with the necessary skills and knowledge to do this work effectively.

Awareness raising and training arrangements

5.4 The following arrangements are in place to ensure all our staff and the Commissioners are aware of and understand our equality obligations:

- We will develop a summary of this Equality Scheme and make it available to all staff;
- We will provide access to copies of the full Equality Scheme for all staff and ensure that any queries or questions of clarification from staff are addressed effectively;
- Staff in LPHC will receive a briefing on this Equality Scheme within three months after the approval of the Scheme;
- The Section 75 statutory duties form part of induction training for new staff;
- Focused training is provided for key staff within the LPHC who are directly engaged in taking forward the implementation of our Equality Scheme commitments (for example those involved in research and data collection, policy development, service design, conducting equality impact assessments, consultation, monitoring and evaluation);
- Where appropriate, training will be provided to ensure staff are aware of the issues experienced by the range of Section 75 groups;
- When appropriate and on an ongoing basis, arrangements will be made to ensure staff are kept up to date with Section 75 developments.

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

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

Monitoring and evaluation

5.6 Our training programme is subject to the following monitoring and evaluation arrangements:

- We evaluate the extent to which all participants in this training programme have acquired the necessary skills and knowledge to achieve each of the above objectives;
- The extent to which training objectives have been met will be reported on as part of the Section 75 annual progress report, which will be sent to the Equality Commission.

Chapter 6 Our arrangements for ensuring and assessing public access to information and services we provide

(Schedule 9 4. (2) (f))

6.1 LPHC is committed to ensuring that the information we disseminate and the services we provide are fully accessible to all parts of the community in Northern Ireland. We keep our arrangements under review to ensure that this remains the case.

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

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

Access to information

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

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

LPHC liaises with representatives of young people and disability and minority ethnic organisations and takes account of existing and developing good practice.

We will respond to requests for information in alternative formats in a timely manner, usually within twenty one days.

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

Access to services

6.5 LPHC are committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories.

LPHC also adheres to the relevant provisions of current anti-discrimination legislation.

Assessing public access to information and services

6.6 LPHC monitors across all its functions, in relation to access to information and services, to ensure equality of opportunity and good relations are promoted.

6.7 The Chief Financial Officer will review requests on an ongoing basis to ensure a quality service is maintained.

Chapter 7 Timetable for measures we propose in this Equality Scheme

(Schedule 9 4. (3) (b))

- 7.1 Appendix 4 outlines our timetable for all measures proposed within this Equality Scheme. The measures outlined in this timetable will be incorporated into our business planning processes.
- 7.2 This timetable is different from and in addition to our commitment to developing action plans/action measures to specifically address inequalities and further promote equality of opportunity and good relations. We have included in our Equality Scheme a commitment to develop an action plan. Accordingly, this commitment is listed in the timetable of measures at Appendix 4. For information on these action measures please see above at 2.11 – 2.18.

Chapter 8 Our complaints procedure

(Schedule 9 10.)

8.1 LPHC are responsive to the views of members of the public. We will endeavour to resolve all complaints made to us.

8.2 Schedule 9 paragraph 10 of the Act refers to complaints. A person can make a complaint to a public authority if the complainant believes he or she may have been directly affected by an alleged failure of the authority to comply with its approved Equality Scheme.

If the complaint has not been resolved within a reasonable timescale, the complaint can be brought to the Equality Commission.

8.3 A person wishing to make a complaint that LPHC has failed to comply with its approved Equality Scheme should contact:

**MR BRIAN McGRATH
CHIEF EXECUTIVE
LONDONDERRY PORT AND HARBOUR COMMISSIONERS
PORT ROAD
LISAHALLY
LONDONDERRY
BT47 6FL**

TEL: 028 71 860555

EMAIL: info@foyleport.com

Website www.foyleport.com

8.4 We will in the first instance acknowledge receipt of each complaint within ten working days.

8.5 LPHC will carry out an internal investigation of the complaint and will respond substantively to the complainant within one month of the date of receiving the letter of complaint. Under certain circumstances if the complexity of the matter requires a longer period, the period for response to the complainant may be extended to two months. In those circumstances, the complainant will be advised of the extended period within one month of making the complaint.

8.6 During this process the complainant will be kept fully informed of the progress of the investigation into the complaint and of any outcomes.

8.7 In any subsequent investigation by the Equality Commission, LPHC will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require.

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

8.8 LPHC will make all efforts to implement promptly and in full any recommendations arising out of any Commission investigation.

9.1 LPHC Equality Scheme is available free of charge in print form and alternative formats from:

**MR BRIAN McGRATH
CHIEF EXECUTIVE
LONDONDERRY PORT AND HARBOUR COMMISSIONERS
PORT ROAD
LISAHALLY
LONDONDERRY
BT47 6FL**

TEL: **028 71 860555**

EMAIL: info@foyleport.com

9.2 Our Equality Scheme is also available on our website at:

Website www.foyleport.com

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

We will make every effort to communicate widely the existence and content of our Equality Scheme.

- We will email a link to our approved Equality Scheme to our consultees on our consultation lists. Other consultees who prefer written communication or do not have an e-mail address will be notified by letter that our Equality Scheme is available on request. We will respond to requests for the Equality Scheme in alternative formats in a timely manner usually within two weeks;
- Our Equality Scheme is available on request in alternative formats such as Easy Read, Braille, large print, audio formats (CD, mp3, DAISY) and in minority languages to meet the needs of those not fluent in English;
- A summary of our Equality Scheme will be prepared and circulated for distribution to organisations representing children and young people, people with disabilities and minority ethnic groups.

9.4 For a list of our stakeholders and consultees please see Appendix 3 of the Equality Scheme.

Chapter 10 Review of our Equality Scheme

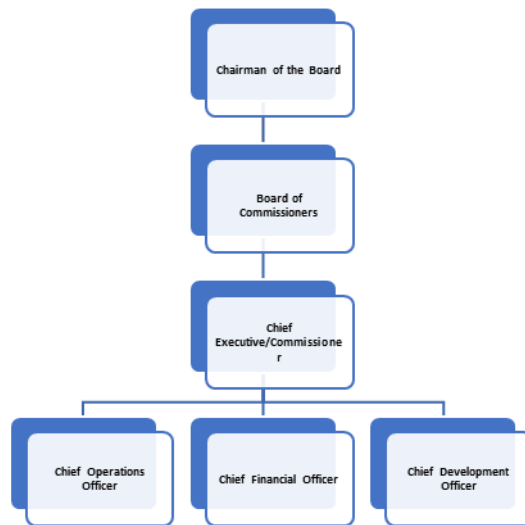
(Schedule 9 8. (3))

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

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

10.2 In undertaking this review we will follow any guidance issued by the Equality Commission. A report of this review will be made public on the LPHC website, with consultees notified by email and sent to the Equality Commission.

Appendix 1 Organisational chart



Appendix 2 Example groups relevant to the Section 75 categories for Northern Ireland purposes

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

Category	Example groups
Religious belief	<p>Buddhist; Catholic; Hindu; Jewish; Muslims, people of no religious belief; Protestants; Sikh; other faiths.</p> <p>For the purposes of Section 75, the term “religious belief” is the same definition as that used in the <i>Fair Employment & Treatment (NI) Order</i>⁸. Therefore, “religious belief” also includes any <i>perceived</i> religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “<i>similar philosophical belief</i>”.</p>
Political opinion ⁹	Nationalist generally; Unionists generally; members/supporters of other political parties.
Racial group	Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; Travellers; White people.
Men and women generally	Men (including boys); Trans-gendered people; Transsexual people; women (including girls).
Marital status	Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.
Age	Children and young people; older people.
Persons with a disability	Persons with disabilities as defined by the Disability Discrimination Act 1995.

⁸ See Section 98 of the Northern Ireland Act 1998, which states: “*In this Act...“political opinion” and “religious belief” shall be construed in accordance with Article 2(3) and (4) of the Fair Employment & Treatment (NI) Order 1998.*”

⁹ *ibid*

Persons with dependants	Persons with personal responsibility for the care of a child; for the care of a person with a disability; or the care of a dependant older person.
Sexual orientation	Bisexual people; heterosexual people; gay or lesbian people.

Appendix 3 List of consultees
(Schedule 9 4. (2) (a))

Advice Northwest (formerly Citizens Advice Bureau)
Age NI
Children's Law Centre
Committee on the Administration of Justice
Department of Infrastructure
Derry City and Strabane District Council
Derry Well Women
Disability Action
Education Authority
Equality Commission
Foyle Women's Aid
House Executive
MENCAP
Men's Action Network
Michael Mooney (Employee Representative)
Mission to Seafarers
NI Association for the Care and Resettlement of Offenders
(NIACRO)
NI Commissioner for Children & Young People
NI Commissioner for Older People
NI Community Relations Council
NI Council for Voluntary Action (NICVA)
NI Human Rights Commission
North West Community Network
North West Regional College
Royal National Institute for the Blind
Royal National Institute for Deaf People (RNID)
Rural Community Network
UNITE the Union
The Rainbow Project
The Woman's Centre

The Executive Office

Appendix 4 Timetable for measures proposed
(Schedule 9 4.(3) (b))
(Schedule 9 4. (3) (b))

Routine Actions – updated following 2023 Five Year Review

Measure	Lead responsibility	Timetable
Monitoring Review of monitoring information (4.29)	Monitoring Officer Head of HR/CFO	Annually -Monitoring date is 1 January. Deadline of 1 st May annually.
Consultation list reviewed and updated (3.3)	Human Resources Advisor	June Annually
Section 75 Annual Progress Report – Board Approval (2.16)	Head of HR/CFO	August Board Meeting
Screening timetable (4.5) Quarterly publication of screening reports (4.15)	Head of HR/CFO	Quarterly
LPHC will continue to use the informal contacts it has established with various representative groups willing to offer advice and comment when screening.	Executive Team	On-going
Screening templates are signed off by the policy owner the Executive Team.(4.13)	Executive Team	On-going
Review of equality scheme and update Action Plan based on audit of inequalities (2.11)	Head of HR/CFO	Every 5 years of approval of the scheme

Continued engagement with School Employers Connection for placements	Head of HR/HR Advisor	On-going - reported in Annual Progress Report
Attend Careers Events at local schools	Head of HR/HR Advisor	On-going - reported in Annual Progress Report
Continue with Equality & Disability Awareness Training for all new staff. (5.4,5.5)	Head of HR/HR Advisor	On-going - reported in Annual Progress Report
Continue Training Evaluation and complete a report following each training session. (5.6)	Head of HR/HR Advisor	On-going - reported in Annual Progress Report
Continue workplace monitoring of all S75 categories. 4.29)	Head of HR/ HR Advisor	On-going - reported in Annual Progress Report

Specific Measures following 2023 Five Year Review

Measure	Lead responsibility	Timetable
Section 75 Category: Religion		
To continue to demonstrate fair participation in recruitment and employment by implementing Recruitment and Selection Skills Training for all panel members.	Head of HR/CFO	End of December 2023
Annual Dignity at Work Refresher Training.	Head of HR/CFO	End of March 2024
Managers to continue to be proactively involved in corporate social responsibility reporting.	Executive Team	On-going
To monitor corporate social responsibility activities targeted at the schools' colleges and community sector to ensure that there is	Head of HR/CFO	On-going - reported in Annual Progress Report

cross-community representation.		
To provide evidence of cross-community participation in the outreach activities through working with donation recipients to produce evidence of the impact of the funding in promoting equality and good relations.	Head of HR/CFO	On-going - reported in Annual Progress Report
To monitor the impact of the revised Recruitment and Selection Policy and Equal Opportunities policy through the statistics in the Article 55 Review.	Head of HR/CFO	Article 55 Report – end of August 2023.
Section 75 Category - Political Opinion		
To monitor the implementation of the revised HR policies	Head of HR/CFO	On-going - reported in Annual Progress Report
Section 75 Category – Race		
Greater evidence of participation for ethnic minority applicants. Baseline data collated in 2021.	Head of HR/CFO	On-going - reported in Annual Progress Report
To network with and partner with the Council on Good Relations activities. To support at least one initiative per year the Council is running to promote greater tolerance in the Council area	Executive Team	End of December 2023
Section 75 - Disability		
To survey staff on a regular basis on the well-being initiatives to establish the level of uptake and impact.	Head of HR/CFO	End of July 2024

Baseline data collated in July 2022.		
To demonstrate an increase in the % of employees availing of the well-being services. “Your Port” well-being centre visit data.	Head of HR/CFO	On-going - reported in Annual Progress Report
To monitor the impact of the HR policies screened to establish if the changes to flexible working had an impact on attracting or retaining people with disabilities.	Head of HR/CFO	On-going - reported in Annual Progress Report
To demonstrate an increase in the numbers of people with disabilities applying for jobs and being successful in recruitment exercises	Head of HR/CFO	On-going - reported in Annual Progress Report
To review the Disability Action Plan and to ensure the inclusion of more emphasis on outcomes.	Head of HR/CFO Dorothy McKee Consulting	Review due May 2024
To be able to demonstrate the impact of the activities in the Disability Action Plan	Head of HR/CFO	On-going - reported in Annual Progress Report
Monitoring access to information for people with disabilities	Head of HR/CFO Marketing Executive	On-going - reported in Annual Progress Report
Demonstrating increase in access to online information for people with disabilities	Head of HR/CFO Marketing Executive	On-going - reported in Annual Progress Report
Section 75 – Age		
To monitor the impact of the revised HR policies and Health and well-being initiatives on the older members of the workforce.	Head of HR/CFO	On-going - reported in Annual Progress Report
To demonstrate the positive impact of policies that support older members of the workforce.	Head of HR/CFO	On-going - reported in Annual Progress Report

To continue to implement initiatives to encourage and support young people to consider a career in the Port.	Head of HR/CFO	On-going - reported in Annual Progress Report
Increase in the number of younger applicants and apprentices.	Head of HR/CFO	On-going - reported in Annual Progress Report
Continue the partnership with Aware NI – Young Adults Pilot Programme. Agree that the partner will produce monitoring information on the outcomes of the initiatives supported and evaluation of the impact.	Head of HR/CFO	April 2024
Section 75 – Gender		
To identify opportunities to better promote equality in terms of gender in screening reports on family friendly policies	Head of HR/CFO	End of August 2023
Monitoring of policies to assess if they are promoting equality of opportunity in terms of gender.	Head of HR/CFO	On-going - reported in Annual Progress Report
To involve the beneficiaries of grants in monitoring the impacts of grants on women	Head of HR/CFO	On-going - reported in Annual Progress Report
Evidence of the impacts of CSR activities on promoting equality for women	Head of HR/CFO	On-going - reported in Annual Progress Report
Adopt the Equality Commissioner updates to Recruitment Monitoring Form to include Gender Reassignment and Gender Identify Questions	Head of HR/CFO	Next Recruitment Campaign.
Section 75 - Sexual Orientation		
To continue to provide training on Dignity at work training	Head of HR/CFO	End of March 2024
Monitor the uptake of new policies by LGBT employees.	Head of HR/CFO	On-going - reported in Annual Progress Report

Section 75 - Dependants		
Monitor the uptake of new policies by those with caring responsibilities (Agile Working/Time off for Dependents)	Head of HR/CFO	On-going - reported in Annual Progress Report
Section 75 – Marital Status		
Monitor and screen new policies and review the uptake by marital status.	Head of HR/CFO	On-going - reported in Annual Progress Report
Generic Section 75 Categories		
Monitoring the volume of monitoring forms received and evidence an increase in form.	Head of HR/CFO	On-going - reported in Annual Progress Report

Appendix 5 Glossary of terms

Action plan

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

Action measures and outcomes

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

Adverse impact

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

mitigating measures and/or alternative ways of delivering the policy.

Affirmative action

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

Article 55 Review

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

Audit of inequalities

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

Consultation

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

consultation. Consultations could, for example, include meetings, focus groups, surveys and questionnaires.

Council of Europe

The Council of Europe, based in Strasbourg, covers virtually the entire European continent, with its 47 member countries. Founded on 5 May 1949 by 10 countries, the Council of Europe seeks to develop throughout Europe common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals.

Desk audit

An audit of a draft Equality Scheme to ensure that the scheme conforms with the requirements on form and content as detailed in the Commission's Guidelines (the Guide).

Differential impact

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

Discrimination

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

- Direct discrimination
- Indirect Discrimination
- Disability Discrimination
- Victimisation
- Harassment

Brief descriptions of these above terms follow:

Direct discrimination

This generally occurs where a public authority treats a person less

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

Indirect discrimination

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

Disability discrimination

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

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

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

Victimisation

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

Harassment

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

Economic appraisal

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

Equality impact assessment

The mechanism underpinning Section 75, where existing and proposed policies are assessed in order to determine whether they

have an adverse impact on equality of opportunity for the relevant Section 75 categories. Equality impact assessments require the analysis of both quantitative and qualitative data.

Equality of opportunity

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

Equality Scheme

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

Good relations

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

Mainstreaming equality

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

Mitigation of adverse impact

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

Monitoring

Monitoring consists of continuously scrutinising and evaluating a policy to assess its impact on the Section 75 categories. Monitoring must be sensitive to the issues associated with human rights and privacy. Public authorities should seek advice from consultees and Section 75 representative groups when setting up monitoring systems.

Monitoring consists of the collection of relevant information and evaluation of policies. It is not solely about the collection of data, and can also take the form of regular meetings and reporting of research undertaken. Monitoring is not an end in itself but provides the data for the next cycle of policy screening.

Northern Ireland Act

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

Northern Ireland Statistics & Research Agency (NISRA)

The Northern Ireland Statistics and Research Agency (NISRA) is an Executive Agency within the Department of Finance and Personnel (DFP). They provide statistical and research information regarding Northern Ireland issues and provide registration services to the public in the most effective and efficient way.

The Executive Office

The Office of the First Minister and Deputy First Minister is responsible for providing advice, guidance, challenge and support to other NI Civil Service Departments on Section 75 issues.

PAFT

The Policy Appraisal and Fair Treatment (PAFT) Guidelines constituted the first non-statutory attempt at mainstreaming equality in Northern Ireland in January 1994. The aim of the PAFT Guidelines was to ensure that issues of equality and equity informed policy making and activity in all spheres and at all levels of government. PAFT has now been superseded by Section 75 of the Northern Ireland Act 1998.

Policy

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

Positive action

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

Qualitative data

Qualitative data refers to the experiences of individuals from their

perspective, most often with less emphasis on numbers or statistical analysis. Consultations are more likely to yield qualitative than quantitative data.

Quantitative data

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

SACHR

The Standing Advisory Commission on Human Rights (SACHR) has now been replaced by the Northern Ireland Human Rights Commission. SACHR, as part of its review of mechanisms in place to promote employment equality and reduce the unemployment differential, recommended that the PAFT Guidelines should be made a statutory requirement.

Screening

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

Schedule 9

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

Section 75

Section 75 of the Northern Ireland Act provides that each public authority is required, in carrying out its functions relating to

Northern Ireland, to have due regard to the need to promote equality of opportunity between:

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

Without prejudice to these obligations, each public authority in carrying out its functions relating to Northern Ireland must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Section 75 investigation

An investigation may be carried out by the Equality Commission, under Schedule 9 of the NI Act 1998, arising from the failure of a public authority to comply with the commitments set out in its approved Equality Scheme. There are two types of Commission investigation as follows:

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