



## **The Public Prosecution Service**

### **EQUALITY SCHEME (Draft)**

*This scheme has been drawn up in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998*

*This document is available in a range of formats on request. Please contact us with your requirements (see page 1 for contact details)*

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## **Foreword**

**I am pleased to present the third Equality Scheme for the Public Prosecution Service for Northern Ireland (PPS).**

The PPS was established as a non-ministerial department following the devolution of policing and justice matters in April 2010. In accordance with Section 42(1) of the Justice (Northern Ireland) Act 2002 the functions of the Director are exercised by him independently of any other person.

Section 75 of the Northern Ireland Act 1998 (the Act) requires public authorities 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 Act.

This Equality Scheme sets out how the PPS proposes to fulfil its Section 75 statutory duties. As Director of Public Prosecutions, I am fully committed to effectively fulfilling the Section 75 statutory duties across all of the relevant functions through the effective implementation of the PPS Equality Scheme.

The PPS will develop and deliver a programme of communication and training with the aim of ensuring that all its staff and Board members are made fully aware of the Equality Scheme and understand the commitments and obligations within it. I will commit the necessary resources in terms of people, time and money in order to ensure that the Section 75 statutory duties are complied with, and that this Equality Scheme is implemented effectively.

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

I realise the important role that the community and voluntary sector and the general public have to play in ensuring that the Section 75 statutory duties are effectively implemented. This Equality Scheme demonstrates the PPS's commitment to ensuring there are opportunities, for people affected by its work, to positively influence how it carries out its functions in line with its Section 75 statutory duties. It also offers the means whereby persons directly

affected by what they consider to be a failure, on the part of the PPS, to comply with its Equality Scheme can make complaints.

It should be noted that matters relating to the prosecution of offences are excluded from Section 75 by Section 38 of the Justice (Northern Ireland) Act 2002. The terms of this Equality Scheme should be read in this statutory context.

On behalf of the PPS, I am 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, the Justice (Northern Ireland) Act 2002 and Equality Commission guidelines.

**Barra McGrory QC**  
**Director of Public Prosecutions**  
**for Northern Ireland**

**April 2017**

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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 designated public authorities to comply with two statutory duties:

### Section 75 (1)

In carrying out its functions relating to Northern Ireland a public authority is 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 a public authority is required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

“Functions” include the “powers and duties” of a public authority<sup>1</sup>. This includes its employment and procurement functions. Please see below under “Who we are and what we do” for a detailed explanation of our functions.

### **Amendments to the operation of Section 75: The Justice (Northern Ireland) Act 2002**

The PPS and its predecessor, the Department of the Director of Public Prosecutions for Northern Ireland, were not subject to

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<sup>1</sup> Section 98 (1) of the Northern Ireland Act 1998.

Section 75 of the 1998 Act when it was brought into operation. The Justice (Northern Ireland) Act 2002 established the PPS and amended the 1998 Act so as to add the Prosecution Service to the list of public authorities to which Section 75 and 76 of that Act apply.

The amendment to Section 75 specifies the following:

“(4A) The references in sub-sections (1) and (2) and Schedule 9 to the functions of the Director of Public Prosecutions for Northern Ireland do not include any of his functions relating to the prosecution of offences.”

Similarly the amendment of Section 76 of the Act specifies:

“(8) This section does not apply to a decision of the Director of Public Prosecutions for Northern Ireland not to institute, or to discontinue, criminal proceedings or, where such a decision has been made, to any act done for the purpose of enabling the decision whether to institute or continue the proceedings to be made or for securing that the proceedings are discontinued.

(9) No injunction may be granted in respect of a contravention of this section by the Director of Public Prosecutions for Northern Ireland unless the court is satisfied that it would not prejudice any decision to institute criminal proceedings or any criminal proceedings.

(10) Where a party to proceedings for a contravention of this section applies for a stay of those proceedings on the ground of prejudice to a decision to institute criminal proceedings, or of prejudice to particular criminal proceedings, the court must grant the stay unless it is satisfied that continuance of the proceedings for the contravention would not result in the prejudice alleged.”

These exemptions apply to all functions in relation to decisions as to prosecution and to the prosecutorial function, which includes prosecutorial and pre-charge advice.

## **How the PPS proposes to fulfil its Section 75 duties in relation to its relevant functions**

1.2 Schedule 9 4. (1) of the Act requires the PPS 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 arrangements for fulfilling the Section 75 statutory duties and a plan for their implementation.

1.3 The PPS is committed to the discharge of its Section 75 obligations, where these apply, in all parts of our organisation and will commit the necessary available resources to ensure that the Section 75 statutory duties are complied with and that its equality scheme can be implemented effectively.

### **Structure and functions**

The PPS is the principal prosecuting authority in Northern Ireland. In addition to taking decisions as to prosecution in cases investigated by the police in Northern Ireland, it also considers cases investigated by other statutory authorities, such as HM Revenue and Customs.

The PPS vision is:

*To be recognised as providing a first class prosecution service for the people of Northern Ireland.*

The PPS Aim is:

*To provide the people of Northern Ireland with an independent, fair and effective Prosecution Service.*

### **Structure**

The management structure for the PPS (herein referred to as 'the Service') is set out at Appendix 1. It is a regionally based organisation. There are two regions, each covering a number of Administrative Court Divisions. Each region is headed by an Assistant Director. The Assistant Director has overall responsibility for decisions as to prosecution and for the conduct of all

prosecutions in that region, with the exception of those cases which are considered by prosecutors in Headquarters. There are also a number of other sections within the Service, each headed by an Assistant Director, which deal with specialised areas of work. These include the Serious Crime Unit, Central Casework Section, Fraud and Departmental Section and High Court and International Section.

Corporate Services is responsible for a variety of support services including Finance, Human Resources, ICT, Business Assurance, Policy and Information Unit, Communications and Property Management.

The Service has three regional offices, known as 'Chambers'. These are in Belfast (which serves as the headquarters of the Service), Foyle and Newry. In addition, a satellite office with a narrower range of functions is retained in Omagh.

### ***Functions***

The primary role of the Service is to reach decisions to prosecute or not to prosecute and to have responsibility for the conduct of criminal proceedings. Decisions in relation to prosecution are taken in accordance with the 'PPS Code for Prosecutors' which is available for download at [www.ppsni.gov.uk](http://www.ppsni.gov.uk). A range of additional services are available which have been designed to enhance the effectiveness of the Service, including the provision of prosecutorial and pre-charge advice and an enhanced service to victims and witnesses.

A range of options is also available for dealing with offenders other than through prosecution. These options include informed warnings, cautions and youth conferencing. Prosecutors may also refer offenders to Driver Improvement Schemes or to a Community Restorative Justice Scheme.

The Service works in partnership with the Department of Justice, the Northern Ireland Courts and Tribunals Service, the Northern Ireland Prison Service, the Police Service of Northern Ireland, the Probation Board for Northern Ireland and the Youth Justice Agency, as part of the Criminal Justice System Northern Ireland.

The Director is a member of the Criminal Justice Board which comprises the Heads of the different Agencies. The objective of the Board is to deliver a criminal justice system which serves and protects the people of Northern Ireland and in which the whole community can have confidence.

### ***Staff***

The current staff complement of the PPS is 486, including staff in both legal and administrative capacities.

### ***Procurement***

The Central Procurement Directorate (CPD) provides a procurement service to NI departments for a wide range of supplies and services to ensure best value for money, legal compliance and competitiveness. The Service carries out its procurement activities by means of documented Service Level Agreements with the CPD or a relevant Centre of Procurement Expertise (CoPE).

## **Chapter 2 Arrangements for assessing compliance with the Section 75 duties**

(Schedule 9 4. (2) (a))

2.1 Some of the arrangements for assessing the Service's compliance with the Section 75 statutory duties are outlined in other relevant parts of this Equality Scheme.

In addition the following arrangements are in place for assessing compliance:

### **Responsibilities and reporting**

2.2 The Service is committed to the fulfilment of our Section 75 obligations in all those areas of its work to which the legislation applies.

2.3 Responsibility for the effective implementation of the Equality Scheme sits at Management Board level. The Senior Assistant Director for Resources and Change is appointed by the Board as Equality Champion to oversee the process. The Equality Champion is accountable to the Management Board and the Director 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 issued by the Equality Commission.

2.4 Objectives and targets relating to the statutory duties will be integrated into the strategic and operational business plans<sup>2</sup>.

2.5 Staff job descriptions and performance plans reflect their contributions to the discharge of the Section 75 statutory duties and implementation of the Equality Scheme, where relevant. The personal performance plans are subject to appraisal in the annual performance review.

2.6 The Service prepares an annual report on the progress it has made on implementing the arrangements set out in this Equality

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<sup>2</sup> See Appendix 4 'Timetable for measures proposed' and section 2.11 of this Equality Scheme.

Scheme to discharge its Section 75 statutory duties (The Section 75 annual progress report).

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

Progress on the delivery of Section 75 statutory duties will also be included in our Annual Report and Resource Accounts.

2.7 The latest Section 75 annual progress report is available within the equality section on our website at [www.ppsni.gov.uk](http://www.ppsni.gov.uk) or contact:

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Deaf/Hard of hearing (SMS): 07795 675528  
Email: [equality@ppsni.gsi.gov.uk](mailto:equality@ppsni.gsi.gov.uk)

2.8 The Service liaises closely with the Equality Commission to ensure that progress on the implementation of its Equality Scheme is maintained.

2.9 The Equality Champion chairs the Equality and Diversity Steering Group (EDSG), which is made up of representatives from across the business areas, including legal staff and volunteer staff members with an interest in equality issues. The group meets quarterly and monitors the Service's progress towards meeting its wider equality and diversity agenda, and in particular it ensures that the Section 75 obligations are fulfilled. EDSG reports regularly to the Management Board and will maintain responsibility for ensuring that action plans addressing commitments set out in the Equality Scheme are implemented.

Day to day responsibility for overseeing and monitoring compliance across the Service lies with the Equality Unit, which is situated in Corporate Services. The Senior Assistant Director for Resources and Change is also the Head of Corporate Services. Heads of business areas are responsible for ensuring that Section 75 obligations are fully complied with in developing, reviewing and implementing policy decisions within their remit.

Senior staff represent the Service in a range of criminal justice inter-agency groups, some with members from external voluntary and community organisations, to explore cross-sector equality issues and develop actions to address these.

2.10 If you have any questions or comments regarding this Equality Scheme, please contact the Service's Equality Officer at the address given below and we will respond to you as soon as possible:

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Equality and Governance Officer  
Policy and Information Unit  
Public Prosecution Service  
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93 Chichester Street  
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Deaf/Hard of hearing (SMS): 07795 675528  
Email: [equality@ppsni.gsi.gov.uk](mailto:equality@ppsni.gsi.gov.uk)

### **Action plans**

2.11 The Service maintains action plans to promote equality of opportunity and good relations in addition to this Equality Scheme.

2.12 The action measures that will make up the Service's action plans will be relevant to its functions and will be developed and prioritised on the basis of an audit of inequalities. The audit will gather and analyses information across the Section 75 categories<sup>3</sup>

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<sup>3</sup> See section 1.1 of this Equality Scheme for a list of these categories.

to identify the inequalities that exist for PPS service users and those affected by its policies<sup>4</sup>.

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 Equality and Disability Action Plans are currently developed in alignment with the Service's corporate and business planning cycles. Implementation of the action measures will be incorporated into the business planning process.

2.15 The Service will monitor progress on the delivery of its action measures regularly and update the action plans as necessary to ensure that they remain effective and relevant to its functions and work.

2.16 The Service will seek input from its stakeholders and consult on its action plans before sending them to the Equality Commission, and thereafter when reviewing the plans as per 2.15 above.

2.17 The Service will inform the Commission of any changes or amendments to its action plans and will also include this information in its Section 75 annual progress report to the Commission. The Service's Section 75 annual progress report will incorporate information on the progress made on action plan targets.

Progress will also be reviewed through regular reports to the Equality and Diversity Steering Group and the Management Board.

2.18 Once finalised, the action plans will be available to download from the equality section within the PPS website at [www.ppsni.gov.uk](http://www.ppsni.gov.uk), or by contacting the Equality Officer (contact details at paragraph 2.10) If you require the action plans in an alternative format please contact us to discuss requirements.

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<sup>4</sup> See section 4.1 of this Equality Scheme for a definition of policies.

## **Chapter 3 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 the service on the promotion of equality of opportunity.

3.1 The Service recognises the importance of consultation in all aspects of the implementation of its statutory equality duties. The Service will consult on its Equality Scheme, action plans, equality impact assessments and other matters where relevant to the Section 75 statutory duties.

3.2 The Service is 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, including 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 that have a legitimate interest in the matter, whether or not they have a direct economic or personal interest.

Initially all consultees (see Appendix 3), will, as a matter of course, be notified (by email or post) of the policy being consulted upon to ensure they are aware of all consultations. Thereafter, to ensure the most effective use of both the Service's and its consultees' resources, the Service will take a targeted approach to consultation with those for whom the policy is of particular relevance.

3.2.2 Consultation with all stakeholders will begin as early as possible. The Service will engage with affected individuals and representative groups to identify how best to consult or engage with them. The Service 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
- Telephone consultations.

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

3.2.3 The Service will consider the accessibility and format of every method of consultation it uses 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. The Service will take account of existing and developing good practice, including the Equality Commission's guidance *Let's Talk Let's Listen – Guidance for public authorities on consulting and involving children and young people (2008)*, as well as *Section 75 of the Northern Ireland Act 1998 – A Guide For Public Authorities (April 2010)*.

The Service is committed to achieving effective communication with all its users and recognises their increasingly diverse needs. Work will be undertaken to make its information more accessible. The Service will aim to ensure that it takes account of the specific communication requirements of people with disabilities including learning disabilities, minority ethnic communities and those of both older and younger people, many of whom come into its contact.

Information will be made available, on request, in alternative formats<sup>5</sup>. The Service will aim to do this as quickly as possible, usually within 20 days. The PPS will ensure that consultees who have requested information in an alternative format will have equal time to respond.

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<sup>5</sup> See Chapter 6 of the Equality Scheme for further information on alternative formats of information which can be provided.

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

3.2.5 To ensure effective consultation with consultees<sup>6</sup> on Section 75 matters, the Service will raise awareness on the Section 75 statutory duties and the commitments in our Equality Scheme by undertaking the following:

- Issue of a press release when the Equality Scheme is approved by the Equality Commission;
- Notification to all consultees of the new Equality Scheme and the action plan within three months of approval by the Equality Commission;
- Quarterly Equality and Diversity Steering Group meetings will monitor progress with measures in the action plan;
- As appropriate, arrange consultation meetings with key Section 75 groups and representatives to discuss specific policy issues;
- Publish relevant Section 75 documents on the PPS website;
- Seek opportunities through the community outreach programme to raise awareness of individuals or representatives of Section 75 groups.

3.2.6 The consultation period lasts for a minimum of twelve weeks to allow adequate time for groups to form a view. However, in exceptional circumstances when this timescale is not feasible, for example when implementing EU Directives or UK wide legislation, meeting Health and Safety requirements, addressing urgent public health matters or complying with Court judgements, the Service may shorten timescales to eight weeks or less before the policy is implemented. The Service may continue consultation thereafter and will review the policy as part of the monitoring commitments<sup>7</sup>.

Where, under these exceptional circumstances, the Service must implement a policy immediately it 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

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<sup>6</sup> Please see Appendix 3 for a list of consultees.

<sup>7</sup> Please see below at 4.27 to 4.31 for details on monitoring.

break, or if the policy under consideration is particularly complex, the Service will consider allowing a longer period for the consultation.

3.2.8 The Service is conscious of the fact that affected individuals and representative groups may have different needs. It will take appropriate measures to ensure full participation in any meetings that are held. The Service will consider, for example, the time of day, the appropriateness of the venue and in particular whether it can be accessed by those with disabilities.

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

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

3.2.11 The Service provides feedback to consultees in a timely manner. After the consultation, a report is prepared which includes summary information on the policy consulted upon, a summary of consultees' comments and a summary of the Service's consideration of and response to consultees' input. The feedback can be provided on request in formats suitable to consultees.

3.3 A list of the current PPS Section 75 consultees is included in this Equality Scheme at Appendix 3. It can also be obtained by contacting:

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3.4 This consultation list is not exhaustive and is reviewed on an annual basis to ensure it remains relevant to the Service's functions and policies.

The Service welcomes enquiries from any person/s or organisations wishing to be added to the list of consultees. Please contact the Equality Officer to provide your contact details, or to let the Service know about any changes to your existing contact details or have your areas of interest noted. Please also inform the Equality Officer at this stage if you would like information sent to you in a particular format or language.

## Chapter 4 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))

### 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 a public authority carries out or proposes to carry out its 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, e.g. 'draft', 'pilot', 'high level' or 'sectoral'. However, the exemptions provided to the Service in regard to the functions relating to the prosecution of offences by The Justice (Northern Ireland) Act 2002 must be noted (see page 6).

4.2 In making any decision with respect to a policy adopted or proposed to be adopted, the Service takes 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 The Service 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 the Service will relate them to the intended outcomes of the policy in question and will also follow Equality Commission guidance:

- the guidance on screening, including the screening template, as detailed in the Commission's guidance '*Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)*' and
- on undertaking an equality impact assessment as detailed in the Commission's guidance '*Practical guidance on equality impact assessment (February 2005)*'.

## Screening

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

4.5 Screening is completed at the earliest opportunity in the policy development or review process. Policies which the Service proposes 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, the Service 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, the Service will include key stakeholders in the screening process.

4.7 The following questions are applied to all appropriate PPS 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, the leading policy official gathers relevant information and data, both qualitative and quantitative. In taking this evidence into account the Service considers 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 the 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 is 'screened in' for equality impact assessment;
2. The policy is 'screened out' with mitigation<sup>8</sup> or an alternative policy proposed; or
3. The policy is 'screened out' without mitigation or an alternative policy proposed.

4.10 If the Service's 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, it may on occasion decide to proceed with an equality impact assessment, depending on the policy. If an EQIA is not to be conducted it 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 the Service mitigates, it will outline in its 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 the Service.

4.11 If the Service's 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, it will normally subject the policy to an equality impact assessment. This screening decision will be 'signed off' by the appropriate policy lead within the Service.

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<sup>8</sup> 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.

4.12 If the Service's 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, it may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, the Service will give details of the reasons for the decision taken. This screening decision will be 'signed off' by the appropriate policy lead within the Service.

4.13 As soon as possible following the completion of the screening process, the screening template, signed off and approved by the Assistant Director responsible for the policy, will be made available on our website at [www.ppsni.gov.uk](http://www.ppsni.gov.uk) within the 'Equality and the Equality Scheme' section. Copies can also be made available on request by contacting the Equality Unit (see contact details at paragraph 2.7).

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

4.15 The screening reports are published quarterly (see below at paras 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, the Service 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 stages. (For details see above Chapter 3 “Our Arrangements for Consulting”).

**Arrangements for publishing the results of the assessments of the likely impact of policies the Service has adopted or proposes to adopt on the promotion of equality of opportunity** (Schedule 9 4. (2) (d); Schedule 9 9. (1))

4.19 The Service makes publicly available the results of its assessments (screening and EQIA) of the likely impact of its policies on the promotion of equality of opportunity and good relations.

**What is published?**

4.20 Screening reports

These are published quarterly on the PPS website, and all the Service’s consultees will receive notification of their publication. Screening reports detail:

- All policies screened by the Service over the three month period;
- A short statement about the aim(s) of the policy/policies to which the assessment relates;
- The consideration given to measures which might mitigate any adverse impact;
- The consideration given to alternative policies which might better achieve the promotion of equality of opportunity;
- The screening decision, that is:
  - 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;
  - Whether the policy has been ‘screened out’ without mitigation or an alternative policy proposed.

- Where applicable, a timetable for conducting equality impact assessments;
- A link to the completed screening template(s) on the PPS website.

#### 4.21 Screening forms

For details on the availability of the Service's completed screening forms please refer to paragraph 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; and
- Future monitoring plans.

#### **How the information is published**

4.23 All information the Service publishes is accessible and can be made available in a range of alternative formats on request. Please see paragraph 6.3.

## **Where the information is published**

4.24 The results of the assessments (quarterly screening reports and completed forms, the results of equality impact assessments) are available on the PPS website within the 'Equality and Equality Scheme' section or by contacting:

Ryan McGuinness  
Equality and Governance Officer  
Policy and Information Unit  
Public Prosecution Service  
Belfast Chambers  
93 Chichester Street  
Belfast  
BT1 3JR

Telephone: 028 9026 4608  
Fax: 028 9054 4868  
Deaf/Hard of hearing (SMS): 07795 675528  
Email: [equality@ppsni.gsi.gov.uk](mailto:equality@ppsni.gsi.gov.uk)

4.25 In addition, screening reports which include all policies screened over a 3 month period are also sent directly to all consultees on a quarterly basis, either via electronic link, or in hard copy on request.

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

### **Arrangements for monitoring adverse impact of policies on equality of opportunity** (Schedule 9 4. (2) (c))

4.27 Monitoring can assist the Service to deliver better public services. Monitoring of Section 75 information involves the processing of sensitive personal data (for example the racial or ethnic origin of individuals, sexual orientation, political opinion, religious belief etc.). The Service will endeavour to follow guidance from the Office of the Information Commissioner and the Equality Commission to ensure that monitoring is undertaken in a confidential and effective way.

4.28 The Service commits to monitor any adverse impact on the promotion of equality of opportunity in relation to those of its policies to which Section 75 applies, mindful of its exemption from Section 75 duties with reference to matters relating to prosecution decisions.

4.29 The systems in place to monitor the impact of those PPS policies to which Section 75 applies and identify opportunities to better promote equality of opportunity and good relations are:

- the collection, collation and analysis of existing relevant 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, where possible, to 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 any monitoring and evaluation activity shows 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, the Service will ensure that the policy is revised to achieve better outcomes for relevant equality groups.

4.31 The Service reviews its EQIA monitoring information on an annual basis. The Equality and Governance Officer works closely with PPS Management Information Section and business areas to ensure monitoring is mainstreamed where possible.

#### **Arrangements for publishing the results of monitoring** (Schedule 9 4. (2) (d))

4.32 Schedule 9 4. (2) (d) requires the Service to publish the results of the monitoring of adverse impacts of its policies.

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

4.34 The Section 75 annual progress report is published on the PPS website following submission to the Equality Commission by the due date each year and a hard copy is made available on request.

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

## **Chapter 5 Staff training**

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

### **Commitment to staff training**

5.1 The Service recognises that awareness raising and training play a crucial role in the effective implementation of its Section 75 duties.

5.2 The Director of Public Prosecutions will positively communicate the commitment of the Service to the Section 75 statutory duties, both internally and externally.

The Service has a communication and training programme for all staff and will ensure that its commitment to the Section 75 statutory duties is made clear in all relevant publications.

### **Training objectives**

5.3 The Service identifies individual learning and development needs and draws 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, Equality Scheme commitments and the particular issues likely to affect people across the range of Section 75 categories, to ensure that 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 involved in consultation processes with the necessary skills and knowledge to do this work effectively;
- to provide those staff who deal with complaints in relation to compliance with the Equality Scheme with the necessary skills and knowledge to investigate and monitor complaints effectively;

- to provide those staff involved in the implementation and monitoring of the effective implementation of the PPS 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 staff and Board members are aware of and understand our equality obligations.

- The Service will provide a summary of the Equality Scheme and make it available to all staff;
- The Service will provide all staff with access to copies of the full Equality Scheme and ensure that any queries or questions of clarification are addressed effectively;
- Staff in the Service will receive briefing on the Equality Scheme through the internal briefing processes within three months following 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 PPS who are directly engaged in taking forward the implementation of its 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, specific 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.
- As noted above, generic equality-related training is provided for the Service by CAL.

- The Equality Officer meets with business areas, particularly those involved in policy development, on an ad hoc basis to discuss Section 75 issues and explore additional training needs;
- The intranet equality section publishes the Section 75 annual progress reports; minutes of the Equality and Diversity Steering Group; provides guidance documents; links to other organisations or publications of interest such as those produced by the Equality Commission, and is regularly updated;
- The Staff Brief and Roadshows conducted by senior management for staff across the Service's regional offices are used to disseminate Section 75 information as required.

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

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

### **Monitoring and evaluation**

5.6 The Service's training programme is subject to the following monitoring and evaluation arrangements:

- The service evaluates the extent to which participants in all training and development activity, including the equality-related training outlined above, have acquired the necessary skills and knowledge to achieve each of their objectives.
- The extent to which equality 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.
- Participants attending CAL training courses and those arranged internally complete a post course evaluation questionnaire. Analysis of these questionnaires informs regular review and revision to the course content where appropriate to ensure provision is meeting business requirements.

- Training course objectives are discussed and agreed with line managers prior to participants attending all training events, and the extent to which these have been met for the individual is also reviewed afterwards.
- Training needs for each individual member of the Service's staff are agreed for each year through development of a Personal Development Plan (PDP) and will be tailored to enable them to meet their own business objectives. Staff working in business areas such as policy development, liaison with victims and witnesses or in equality-related roles will identify appropriate equality-related training requirements on their PDP.

## **Chapter 6 Arrangements for ensuring and assessing public access to information and services**

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

6.1 The Service is committed to ensuring that the information it produces and the services it provides are fully accessible to all parts of the community in Northern Ireland. The Service keeps these arrangements under review to ensure that this remains the case.

6.2 The Service is 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, the Service provides information in alternative formats on request, where reasonably practicable. Where the exact request cannot be met, the Service will ensure a reasonable alternative is provided.

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

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

The Service will respond to requests for information in alternative formats in a timely manner, usually within a maximum of 20 days.

The PPS recognises the opportunity to improve its communication with certain Section 75 groups, for example young people and minority ethnic communities. The Service will focus on working to fully identify and address gaps in information provision through the action plans that will be published in association with this Equality Scheme.

The Service's main publications incorporate an accessibility statement regarding the availability of alternative formats and a range of contact methods to request these.

6.4 In issuing information through the media the Service will seek to advertise in the press where appropriate.

6.5 All complaints (that are not about prosecutorial decisions) that are made to the Service are currently monitored centrally and escalated where appropriate to the Independent Assessor of Complaints (see 8.1). Any specific issues raised through feedback or complaints received from service users regarding access to information or services are raised by the Head of Policy and Information Unit to the Equality and Diversity Sub-Group on a quarterly basis.

### **Access to services**

6.6 The PPS is committed to ensuring that all of its services are fully accessible to everyone in the community across the Section 75 categories. The Service also adheres to the relevant provisions of current anti-discrimination legislation.

6.7 The Service reviews its accessibility arrangements on an ongoing basis to ensure the widest public access to its services. This includes, for example, the provision of an online information service for victims and witnesses.

### **Assessing public access to information and services**

6.8 The Service will monitor annually across all its functions, in relation to access to information and services, to ensure equality of opportunity and good relations are promoted.

## **Chapter 7 Timetable for measures proposed in this Equality Scheme**

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

7.1 Appendix 4 outlines the Service's timetable for all measures proposed within this Equality Scheme. The measures outlined in this timetable will be incorporated into PPS business planning processes.

7.2 This timetable is different from, and in addition to, the Service's commitment to developing action plans/action measures to specifically address inequalities and further promote equality of opportunity and good relations. The Service has included in its Equality Scheme a commitment to develop action plans. 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.



Service 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. 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. If the complainant is not satisfied with the decision of the Service as a result of the investigation they can pursue the complaint further with the Equality Commission.

8.7 In any subsequent investigation by the Equality Commission, the Service will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require. Similarly, the Service will co-operate fully with any investigation by the Equality Commission under subparagraph 11 (1) (b) of Schedule 9 to the Northern Ireland Act 1998.

8.8 The Service will make all efforts to implement promptly any recommendations arising out of any Commission investigation.



- The 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 the Equality Scheme will be produced for issue to groups and representatives of children and young people and to people with disabilities.

9.4 For a list of the Service's Section 75 consultees please see Appendix 3. The list is also available by contacting:

Ryan McGuinness  
Equality and Governance Officer  
Policy and Information Unit  
Public Prosecution Service  
Belfast Chambers  
93 Chichester Street  
Belfast  
BT1 3JR

Telephone: 028 9026 4608  
Fax: 028 9054 4868  
Deaf/Hard of hearing (SMS): 07795 675528  
Email: [equality@ppsni.gsi.gov.uk](mailto:equality@ppsni.gsi.gov.uk)

## **Chapter 10 Review of the Equality Scheme**

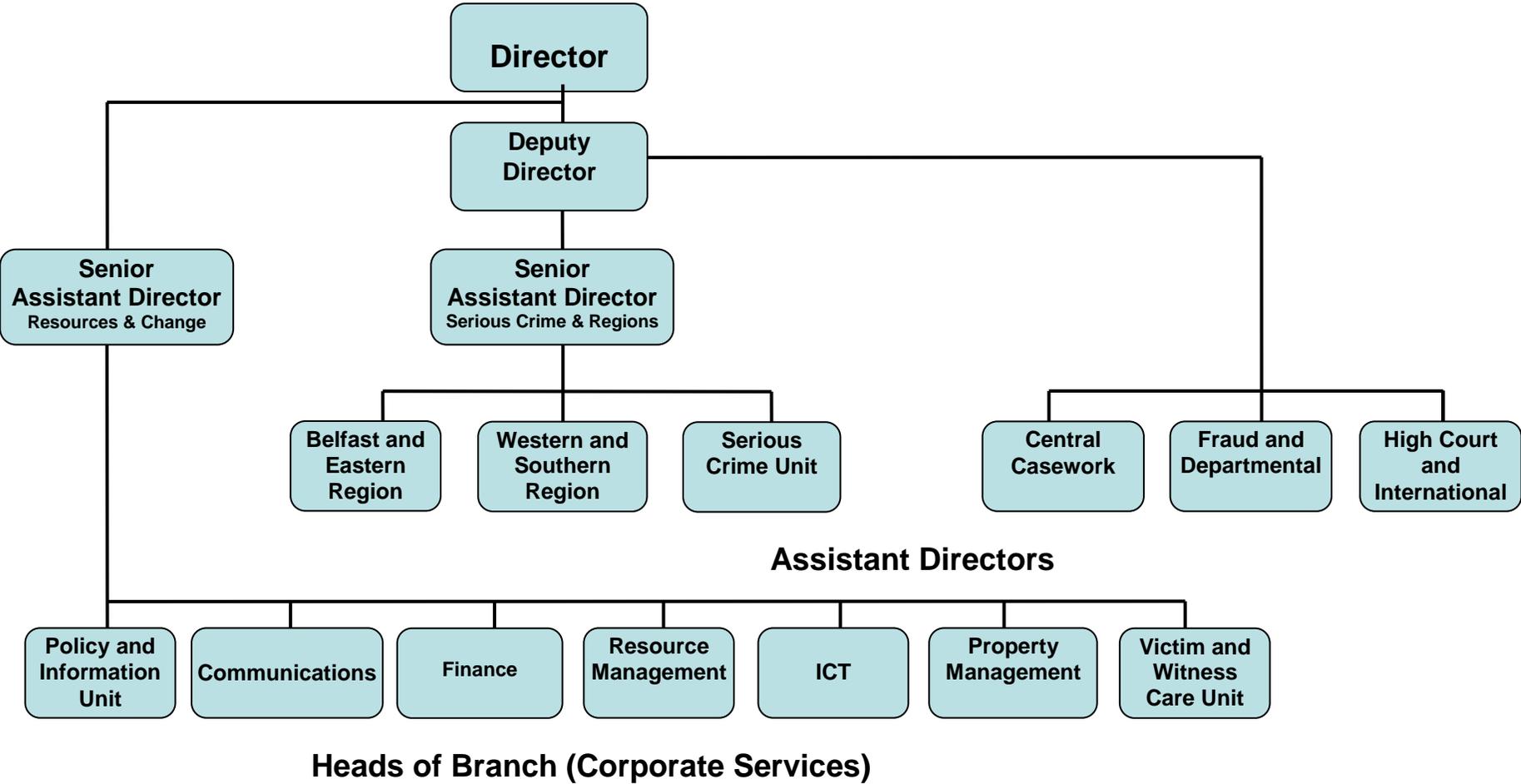
(Schedule 9 8. (3))

10.1 As required by Schedule 9 paragraph 8 (3) of the Northern Ireland Act 1998 the Service 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 the Service's scheme in relation to the implementation of the Section 75 statutory duties relevant to its functions in Northern Ireland.

10.2 In undertaking this review the Service will follow any guidance issued by the Equality Commission. A report of this review will be made public on the PPS website and Section 75 consultees will be notified. It will also be sent to the Equality Commission.

**Appendix 1  
PPS Organisation Chart**



## Appendix 2

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

**This list is for illustration purposes only, it is not exhaustive.**

Category	Example groups
Religious belief	Buddhist; Catholic; Hindu; Jewish; Muslims, people of no religious belief; Protestants; Sikh; other faiths.  For the purposes of Section 75, the term “religious belief” is the same definition as that used in the <i>Fair Employment &amp; Treatment (NI) Order</i> <sup>9</sup> . 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> ”.
Political opinion <sup>10</sup>	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.
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.

<sup>9</sup> 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*.”

<sup>10</sup> Ibid

## **Appendix 3**

### **List of consultees**

(Schedule 9 4. (2) (a))

**The Section 75 consultation list is not exhaustive and it is reviewed on an annual basis to ensure it remains relevant to the functions and policies of the PPS. Any individual or organisation wishing to be added to this list should contact the Equality and Diversity Unit (see paragraph 2.7)**

- Age NI
- Age Sector Platform
- Alan Brown & Co, Solicitors
- Alliance Party
- Amnesty International
- An Munia Tober
- Association of Baptist Churches in Ireland
- Association of Chief Police Officers
- Bar Council
- Belfast Islamic Centre
- Belfast Jewish Community
- British Red Cross
- Cara-Friend
- Carers NI
- Children in Northern Ireland
- Children's Law Centre
- Chinese Welfare Association
- Church of Ireland
- Coiste na n-Iarchimi
- Committee on the Administration of Justice
- Community Relations Council
- Conservative Party
- Criminal Justice Inspection Northern Ireland
- Cruse Bereavement Care

- Department of Justice
- Disability Action
- Equality Coalition
- Equality Commission for NI
- Extern
- FDA
- Free Presbyterian Church
- Gingerbread NI
- Her Majesty's Chief Inspector
- Howard League for Penal Reform
- Include Youth
- Indian Community Centre
- Institute of Criminology (QUB)
- Irish Council of Churches
- Law Society
- Leonard Cheshire Disability
- MENCAP
- Mental Health Commission
- Multi-Cultural Resource Centre
- National Society for the Prevention of Cruelty to Children
- NI African Cultural Centre
- NI Association for Mental Health
- NI Committee, Irish Congress of Trade Unions
- NI Gay Rights Association
- NI Human Rights Commission
- NI Womens' Aid Federation
- Northern Health and Social Care Trust
- Northern Ireland Association for the Care and Resettlement of Offenders
- Northern Ireland Committee-Irish Congress of Trade Unions
- Northern Ireland Courts and Tribunals Service
- Northern Ireland Human Rights Commission
- Northern Ireland Public Service Alliance
- Office of the Lord Chief Justice

- Police Federation
- Police Service for Northern Ireland
- Police Superintendents' Association of NI
- Prison Fellowship
- Prison Officers Association
- Prison Reform Trust
- Probation Board for NI
- Progressive Unionist Party
- Public Health Agency
- Putting Children First
- Roman Catholic Church
- Royal National Institute for the Blind NI
- Simon Community NI
- Sinn Fein
- Social Democratic and Labour Party
- Tar Anall
- The Cedar Foundation
- The Parades Commission
- The Police Ombudsman for NI
- The Rainbow Project
- Ulster Quaker Service
- Ulster Unionist Party
- UNISON
- Victim Support
- Workers Party
- Youth Conference Service
- Youth Council for NI
- Youth Justice Agency

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

<b>Para Ref</b>	<b>Measure</b>	<b>Lead responsibility</b>	<b>Timetable</b>
<b>2.6</b>	Section 75 Annual Progress Report	Equality Officer/Director of Public Prosecutions	31 August (annually)
<b>2.9</b>	Updates to Senior Management Group and Management Board	Equality Officer/Equality Champion (Board Level)	Monthly/Quarterly
<b>2.9</b>	Updates on progress to the Equality & Diversity Steering Group	Equality Officer/Equality Champion (Board Level)	Quarterly
<b>2.11</b>	<b>Equality Scheme</b> Consultation on revised Equality Scheme	Equality Officer	April to June/July 2017
<b>2.11</b>	Finalised Equality Scheme published	Equality Officer	By 1 September 2017
<b>2.16</b>	<b>Action Plans</b> Consultation on draft action plan	Equality Officer	April to June/July 2017
<b>2.18</b>	Finalised action plans published	Equality Officer/Director of Public Prosecutions	By 1 August 2017
<b>2.15</b>	Arrangements for monitoring progress in place	Equality Officer/Equality and Diversity Steering Group	October 2017
<b>2.12</b>	Implement and deliver the actions within the action plans	Lead Responsible for each action	Throughout the life of the plan by target dates set within the Corporate/Business Planning process

<b>5.4</b>	Awareness-raising for staff of new Equality Scheme and action plan through core brief which informs staff briefing process.	Equality Officer	Within 3 months following submission of Scheme to the Equality Commission
<b>3.4</b>	Consultation list reviewed and updated	Equality Officer	January (annually)
<b>4.15</b>	Publication of Screening Reports	Equality Officer	Quarterly
<b>4.31</b>	Annual review of monitoring information	Equality Officer	Annually as part of S75 Annual Report
<b>5.4</b>	Development of a summary of the Equality Scheme.	Equality Officer	Within 4 months following submission of Scheme to the Equality Commission
<b>5.4</b>	Training  Focussed / update training for key staff	Training Manager	Training requirements will be identified through individual PDP's which will be incorporated into the annual corporate planning process conducted by the PPS Training Manager. A mid-year review is completed to ensure progress against plan.
<b>6.8</b>	Assessing access to information and services	Equality Officer	Annually
<b>9.3</b>	Notification of revised Equality Scheme and action plans to all Section 75 consultees	Equality Officer	April 2017
<b>10.1</b>	Review of Equality Scheme	Equality Officer/Equality and Diversity Steering Group	Five Year Review following submission of revised Scheme to the Equality Commission

## **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.

#### **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.

#### **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.

## **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

### **Direct discrimination**

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

### **Indirect discrimination**

The definition of this term varies across some of the 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 and victimisation and harassment, discrimination against disabled people may also occur in two other ways: namely, (a) disability-related discrimination, and (b) failure to comply with a duty to make reasonable adjustments.

- (a) Disability-related discrimination generally occurs where a public authority, without lawful justification, and for a reason which relates to a disabled person's disability, treats that person less favourably than it treats or would treat other people to whom that reason does not, or would not, apply.
- (b) Failure to comply with a duty to make reasonable adjustments. One of the most notable features of the disability discrimination legislation is that in prescribed circumstances it imposes a duty on employers, service providers and public authorities to take such steps as are reasonable to remove or reduce particular disadvantages experienced by disabled people in those circumstances.

### **Victimisation**

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

### **Harassment**

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

## **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'.

## **Mitigation of adverse impact**

Where an equality impact assessment reveals that a particular policy has an adverse impact on equality of opportunity, a public authority must consider ways of delivering the policy outcomes

which have a less adverse effect on the relevant Section 75 categories; this is known as mitigating adverse impact.

## **Monitoring**

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

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

## **Northern Ireland Act**

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

## **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.

## **Qualitative data**

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

## **Quantitative data**

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

## **Screening**

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

## **Schedule 9**

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

## **Section 75**

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 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, these are 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.

## **Appendix 6 Action Plan**

The Service is in the process developing an action plan based on an audit of its key inequalities.

The draft action plan will be issued for consultation as a separate document and all consultees will be notified. It will also be placed on the PPS website. PPS staff will be happy to engage with stakeholders and key interest groups during the consultation period to discuss their views on the proposed actions.

Following consideration of any responses received, the final action plan will be published as a separate document on the PPS website.