



Equality Scheme

DRAWN UP IN ACCORDANCE
WITH SECTION 75
OF THE NORTHERN IRELAND
ACT 1998

PUBLIC
PROSECUTION
SERVICE

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Foreword

On behalf of the Public Prosecution Service I am pleased to publish this Equality Scheme which arises out of the implementation of Section 75 of the Northern Ireland Act 1998.

Section 75 of the Northern Ireland Act 1998 requires public authorities, in carrying out their functions, powers and duties, to promote equality of opportunity and good relations. In delivering our services to the community we adhere to the values of independence, fairness and impartiality; shared purpose, personal responsibility and diversity; excellence and communication and partnership. These values are reflected in our Equality Scheme.

Commitments made in the Equality Scheme refer to how the Public Prosecution Service carries out its functions, powers and duties which fall within the scheme. The Public Prosecution Service will ensure that the necessary resources in terms of people, time and money are made available to support the effective promotion of equality of opportunity and good relations in its policies and practices. Internal arrangements will be established to ensure that the duties are effectively complied with and that progress is monitored and reviewed.

While matters relating to the prosecution of offences are excluded from Section 75 by Section 38 of the Justice (Northern Ireland) Act 2002, the Public Prosecution Service will actively seek to develop a programme of communication and training to ensure that all staff are made aware of and understand the new equality obligations.

I am committed to ensuring that this Equality Scheme is fully implemented and ask for the support of all my colleagues.



Sir Alasdair Fraser CB QC

Director of Public Prosecutions
for Northern Ireland

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Introduction

- 1.1 Section 75 of the Northern Ireland Act 1998 ('the 1998 Act') requires the Public Prosecution Service for Northern Ireland (PPS) in carrying out its functions and duties 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;
 - between men and women generally;
 - between persons with a disability and persons without; and
 - between persons with dependants and persons without.
- 1.2 In addition, without prejudice to its obligation above, the PPS will, in carrying out its functions and duties have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
- 1.3 This document sets out how the PPS proposes to fulfil the duties imposed by Section 75 of the 1998 Act with regard to those functions, duties and policies which fall under the scheme (see below).
- 1.4 In the exercise of prosecutorial functions the PPS acts in accordance with its Code for Prosecutors which incorporates a Code of Ethics. The development of this Code of Ethics has been guided by:
- Guidelines for the role of prosecutors adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Havana between 27th August and 7th September 1990;
 - Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors (1999) adopted by the International Association of Prosecutors; and
 - Council of Europe Recommendation 19 (2000) on the Role of the Public Prosecution in the Criminal Justice System.
- 1.5 In the exercise of its functions the PPS is bound to act in accordance with the rights of the individual guaranteed by the European Convention on Human Rights.

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

- 1.6 The PPS and its predecessor, the Department of the Director of Public Prosecutions for Northern Ireland, were not subject to Section 75 of the 1998 Act when it was brought into operation. The Justice (Northern Ireland) Act 2002 created the PPS and amended the 1998 Act so as to add the Prosecution Service to the list of public authorities to which Sections 75 and 76 of that Act apply.
- 1.7 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.”
- 1.8 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.”
- 1.9 In the course of debates in Parliament on these provisions it was stated on behalf of government that these exemptions were necessary to ensure the continuing independence of the Director of Public Prosecutions. It was confirmed that the exemptions applied to prosecution decisions and also prosecutorial policies relating to such decisions.

2

PPS Structure, Services and Functions

About the PPS

- 2.1 The PPS is the principal prosecuting authority in Northern Ireland and is responsible for all criminal cases previously prosecuted by the former Department of the Director of Public Prosecutions (DPPNI) and the Police Service of Northern Ireland (PSNI). In addition to taking decisions as to prosecution in all cases initiated or investigated by the police in Northern Ireland, it also considers cases initiated or investigated by other statutory authorities, for example, HM Revenue and Customs.
- 2.2 The Service was established on 13 June 2005 by the Justice (Northern Ireland) Act 2002. The Act creates the Public Prosecution Service and defines its statutory duties and commitments and the legislative framework within which it must provide its services. The PPS is headed by the Director of Public Prosecutions for Northern Ireland. There is also a Deputy Director of Public Prosecutions. The Deputy Director has all the powers of the Director but must exercise them subject to his direction and control. Both posts are public appointments made by the Attorney General for Northern Ireland. The Director presently discharges his functions under the superintendence and direction of the Attorney General.
- 2.3 There is also a PPS Management Board, including two non-executive members, which supports the Director in his leadership of the PPS and in reaching decisions as to the development and implementation of the Service and its proper governance.

Background

- 2.4 The Criminal Justice Review (2000) was the key factor that shaped the new Service. The Terms of Reference included a review of "...the arrangements for the organisation and supervision of the prosecution process and for safeguarding its independence". Of the 294 recommendations made by the Criminal Justice Review, the largest group (some 49 in total) related to the prosecution of offences. The Criminal Justice Review set out the services the PPS should provide and was the key strategic driver for the Service.

Regional Structures

- 2.5 The Public Prosecution Service is a regionally based organisation. Four PPS regions, which are coterminous with one or more court divisions, have been established.
- 2.6 Each of the four regions is headed by a Regional Prosecutor (Assistant Director of Public Prosecutions). The Regional Prosecutor has responsibility for both decisions as to prosecution and the conduct of all prosecutions in that region, with the exception of those cases which are considered by prosecutors in Headquarters.

2.7 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:

- Central Prosecutions;
- Fraud and Departmental Prosecutions;
- Policy and Information; and
- High Court, International Matters and Restraint and Confiscation.

Corporate Services is responsible for a variety of support services including Finance, Property Management, Human Resources and Business Improvement (see Annex A).

2.8 There will be six regional offices, known as Chambers, across Northern Ireland (see below).



Regions	Offices
Belfast	Belfast (Corporate HQ)
Eastern	Lisburn
Northern	Ballymena Londonderry
Western and Southern	Omagh Newry

PPS Role and Functions

2.9 The primary role of the PPS is to reach decisions to prosecute or not to prosecute and to have responsibility for the conduct of criminal proceedings. 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 to police and an improved service to victims and witnesses. A range of options is also available for dealing with offenders other than through prosecution. These include restorative cautioning, informed warnings and youth conferencing.

2.10 The functions of the PPS for the purposes of the 1998 Act include its powers and duties, including those defined in legislation. The Service’s functions, and where appropriate the policies within them, are outlined below. This summary also sets out those functions that relate to the prosecution of offences and which are therefore excluded from the operation of Section 75 (see paras 1.7 and 1.8).

The Functions of the Public Prosecution Service

Function	Does this function relate to the prosecution of offences and therefore excluded from the operation of Section 75 of the Northern Ireland Act 1998?
<p>Consider police investigation file Provide prosecutorial and pre-charge advice to police; consider facts and information reported by police and apply test for prosecution; review all charges preferred by police; make decisions for alternative disposals as appropriate, e.g. informed warning, caution, youth conferencing.</p>	<p>Function wholly relating to the prosecution of offences: Section 75 does not apply.</p>
<p>Prepare case for court Prepare prosecution papers and arrange effective service upon the accused; make decisions as to disclosure of unused material and appropriate applications for the admission of evidence; make decisions as to admissible and relevant evidence, venue and mode of trial; utilise Causeway IT effectively.</p>	<p>Function wholly relating to the prosecution of offences: Section 75 does not apply.</p>
<p>Prepare and present cases at court Provide representation in accordance with agreed advocacy standards and present case in court effectively; select counsel in accordance with established/agreed guidelines and brief counsel effectively; make all such applications to court as required.</p>	<p>The preparation and presentation of cases at court is a function wholly relating to the prosecution of offences: Section 75 does not apply.</p> <p>The selection of counsel and the exercise of the power to apply to the court for potential jurors to stand by are not functions relating to the prosecution of offences: Section 75 applies.</p>

The Functions of the Public Prosecution Service *(continued)*

Function	Does this function relate to the prosecution of offences and therefore excluded from the operation of Section 75 of the Northern Ireland Act 1998?
<p>Support Victims and Witnesses during prosecution process</p> <p>Ensure that victims are kept informed of the progress of cases; refer where appropriate to NSPCC or VSNI; make appropriate applications for special measures to assist victims and witnesses giving evidence; make applications for confiscation and/or compensation in appropriate cases; ensure that prosecutors, in exercising their functions, act in a manner consistent with human rights standards relevant to the criminal justice system.</p>	<p>Decisions in relation to confiscation and/or compensation and decisions whether to apply for special measures to support witnesses giving evidence in individual cases is a function wholly related to the prosecution of offences: Section 75 does not apply.</p> <p>Keeping victims and witnesses informed of the progress of cases and making referrals in appropriate cases to VSNI and NSPCC are not functions relating to the prosecution of offences: Section 75 applies.</p>
<p>Policy Development</p> <p>Ensure appropriate input to policy development in criminal justice system and consultation on proposed legislative reform; ensure staff have available information and receive appropriate and effective training on relevant developments on law and practice; respond to requests under the Freedom of Information Act (2000), Parliamentary Questions and other requests for information.</p>	<p>Policy development related to the prosecution of offences: Section 75 does not apply.</p> <p>Policy development not related to the prosecution of offences: Section 75 applies.</p>

The Functions of the Public Prosecution Service *(continued)*

<p style="text-align: center;">Function</p>	<p style="text-align: center;">Does this function relate to the prosecution of offences and therefore excluded from the operation of Section 75 of the Northern Ireland Act 1998?</p>
<p>Human Resources Recruitment, internal transfers, management of performance, management of absenteeism, management of conduct, grievance procedures, staff health and welfare, non-pay employee conditions, industrial relations, development, training and further education, equal opportunities policy and procedures.</p>	<p>Section 75 applies.</p>
<p>Management Information & Business Improvement Provision of responses to relevant requests for information; development and maintenance of information reports; case management system validation; development and implementation of internal/external surveys; provision of statistical analysis and advice; development and co-ordination of corporate, regional/section Business Plans including PPS Annual Business Plan and Corporate Plan; co-ordination of internal business plan monitoring reports; development and co-ordination of corporate, region/section risk registers; conduct of formal efficiency reviews; grading and loading of posts; corporate governance support.</p>	<p>Section 75 applies.</p>

The Functions of the Public Prosecution Service *(continued)*

Function	Does this function relate to the prosecution of offences and therefore excluded from the operation of Section 75 of the Northern Ireland Act 1998?
<p>Accommodation/Property Management Provision and maintenance of suitable accommodation to meet the needs of the Public Prosecution Service.</p>	<p>Section 75 applies.</p>
<p>Health & Safety To provide a safe and secure working environment.</p>	<p>Section 75 applies.</p>
<p>Finance Budgetary preparation and control; management of delegated budgets; corporate governance and risk management; business case reviews and business planning; management of internal control; finance policies; accounts preparation.</p>	<p>Section 75 applies.</p>
<p>Information and Communications Technology Project work including ongoing change control of Causeway; maintenance of other PPS ICT systems, including hardware and software.</p>	<p>Section 75 applies.</p>

3

Arrangements for Assessing Compliance with Section 75 Duties

Organisational Arrangements

- 3.1 The PPS is committed to fulfilling its Section 75 obligations and statutory responsibility for the effective implementation of the scheme lies with the Director of Public Prosecutions as Head of the PPS.
- 3.2 While the Director is independent in the exercise of his prosecutorial functions, he will be accountable to the Attorney General for the development, maintenance and review of the scheme, in accordance with the legislation, including any good practice or guidance that may be issued by the Equality Commission.
- 3.3 The individual business areas of the PPS will take forward specific action designed to ensure that equality obligations are met. However responsibility for the overall review, monitoring and driving forward the implementation of the Equality Scheme obligations within the PPS will sit with the Assistant Director for Corporate Services, a member of the Senior Civil Service. The Assistant Director for Corporate Services will chair the PPS Equality Steering Group (ESG) and will be the central point of contact for the Equality Commission.
- 3.4 In Section 75 matters, the Assistant Director for Corporate Services will also advise the PPS Management Board and respond to any queries. The Management Board will monitor and review the implementation of its Section 75 obligations at least quarterly at its meetings during the year.
- 3.5 Objectives and targets relating to the statutory obligations will be integrated into PPS strategic and operational business plans. Matters relevant to the statutory obligations will be included as objectives in the performance agreements of senior managers and staff where appropriate, including those responsible for Equality Impact Assessments. Progress towards these objectives will be monitored and subject to appraisal in each individual's annual performance review. In addition a commitment to the statutory duties will be included in all job descriptions.

Reporting of Progress

- 3.6 The PPS will prepare an annual review of progress on the steps which it has taken to promote equality of opportunity and good relations during the year. This review will follow any guidance on annual reporting and will be sent to the Equality Commission to assist it in compiling its Annual Report, as required by sub-paragraph 5(1)(b) of Schedule 8 to the Act. The preface to the PPS annual review will be signed by the Director, following which the review will be made available to the public on the PPS website and will be made available on request, and in alternative formats, if required.

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- 3.7 The PPS will continue to liaise with the Equality Commission and build a close working relationship so that progress in the implementation of the scheme may be maintained. The PPS will also take account of proposals from the Equality Commission relating to compliance with its Section 75 obligations.

Consultation

- 3.8 The PPS recognises the importance of consultation in the further development and implementation of the Equality Scheme and is committed to full and meaningful consultation on the scheme, screening and monitoring arrangements and equality impact assessments. Details of this commitment are set out in Chapter 4.

Complaints

- 3.9 When a person believes that they have been directly affected by a failure of the PPS to comply with this scheme, they (or an appointed representative) should, in the first instance, bring the complaint to the attention of the Assistant Director for Corporate Services. Contact details are as follows:

*Belfast Chambers
93 Chichester Street
Belfast BT1 3JR*

Tel: 028 90544828

Fax: 028 90544830

E-mail: equality@ppsni.gsi.gov.uk

Textphone: 028 90544896

- 3.10 The complaint will be referred to the Deputy Director of Public Prosecutions who will designate an appropriate officer to conduct an internal investigation. The PPS will respond to the complainant within one month and will undertake to provide assistance to any complainant who requires information in a format that ensures equality of opportunity.
- 3.11 In responding to the complainant, the Department will outline the procedure for pursuing the complaint further with the Equality Commission, as set out in paragraph 10 of Schedule 9 to the 1998 Act. In any subsequent investigation by the Equality Commission, the PPS will cooperate fully, providing access to any relevant information the Commission may require. Similarly, the PPS will cooperate fully with any investigation by the Equality Commission under sub-paragraph 11(1)(b) of Schedule 9 to the 1998 Act.

Review of the Scheme

- 3.12 The PPS will conduct a thorough review of the scheme within five years of its submission to the Equality Commission. This review will evaluate the effectiveness of the PPS in meeting its Section 75 obligations. In undertaking this review the PPS will follow any guidance issued by the Equality Commission. A report of this review will be forwarded to the Equality Commission and made available to the public.

4

Consultation

Principles

- 4.1 The PPS recognises the importance of consultation in all aspects of the implementation of its statutory equality duties. It affirms that all consultation will be carried out in accordance with the Equality Commission's Guiding Principles, as detailed in its 'Guide to the Statutory Duties' (Blue Section 2c), as early as possible. In particular, it will endeavour to conduct all consultations in a timely, open and inclusive way in accordance with the Equality Commission's Guiding Principles.
- 4.2 The PPS will consult on the screening processes as widely as possible to ensure that any organisation or group which has a legitimate, particular interest in its work and/or the likely impact of its policies on the promotion of equality of opportunity and good relations will be included in the process of engagement.

Those Being Consulted

- 4.3 A list of those being consulted regarding the screening and equality impact assessments and the scheme itself* are detailed at Annex B. The list is not exhaustive and may be amended and reviewed throughout the lifetime of the scheme to promote inclusive consultation. The PPS welcomes enquiries from any organisation wishing to be added to the list of consultees, who should contact the PPS to have their interest noted (see 3.9 above).
- 4.4 The PPS will include the Equality Commission, the Community Relations Council, voluntary groups, community groups, trade union groups and other groups with a legitimate interest in the matter, including those directly affected, in all consultations whether or not they have a direct economic or social interest in the work of the PPS. Organisations representing the various categories included in Section 75 will also be included in any consultation carried out. The Equality Commission will be included in all consultations on matters relevant to the PPS equality duties including screening processes and equality impact assessments.
- 4.5 The PPS will include all comments received from consultation in submissions to the Equality Commission.

* One response was received following the consultation on the draft Equality Scheme. The main issues raised by the respondent were in the areas of:

- the accessibility of the PPS website in relation to the International Standards;
- the application of the exemption covering policies relating to prosecution decisions;
- the provision of information in accessible formats to victims and witnesses.

Changes were made to the draft scheme as a result of this response. The PPS issued a formal reply to the organisation.

Timescale for Consultation

- 4.6 In order to facilitate meaningful dialogue, the PPS will ensure that consultation with groups and individuals will begin as early as possible.
- 4.7 The PPS is conscious that some groups will need sufficient time to consult among themselves in order that their contributions to any consultation may be informed. All consultation will allow a period of at least two months except in emergencies. Examples of such situations may include:
- policies which have to be implemented urgently to protect health and safety;
 - policies which have to be implemented urgently to comply with court judgements.
- 4.8 The PPS wishes to minimise the number of exceptions to good practice guidelines on the timescale for consultation. When exceptions do occur, the PPS will report such instances. Exceptions to the normal consultation period will be monitored, kept under review, justified clearly and reported by the PPS in its annual report to the Equality Commission.

Procedures for Ensuring Inclusive Consultation

- 4.9 In consulting on any matter to which this scheme relates, the PPS will engage with affected and umbrella groups from the Section 75 categories in order to identify how best to consult or engage with stakeholders and obtain their views. Face to face meetings, advisory groups, surveys, consultative panels, internet discussions and other innovative ways of consulting are among the methods which will be considered as a means of consultation for different groups and it will be important to establish the basis for dialogue and engagement during the life of the scheme.
- 4.10 It is intended that barriers to proper consultation will be removed by ensuring that language is as clear as possible. Reasonable requests for presentations, meetings and information on this scheme, to be made available in an appropriate format to representatives of people with learning disabilities, minority community language speakers, people with disabilities, young people and Travellers, will be considered.
- 4.11 To ensure the highest level of inclusivity in any decision making, information will be made available in consultation with groups affected by Section 75. The PPS will ensure that systems are in place so that information is available on request and in timely fashion in accessible formats such as Braille, disc and audio cassette and in minority languages to meet the needs of those who are not fluent in English. This will be done in consultation with affected groups.

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- 4.12 Extra consideration will be given to ensuring that all consultations reflect the needs of young people and those with learning disabilities through the provision of accessible formats in a timely manner. The PPS will liaise with representatives of young persons and learning disability organisations in the first instance (by correspondence/direct communication) in order to reflect the needs of these groups in consultations.
- 4.13 To ensure that sufficient timely and appropriate information is provided to enable all affected groups and individuals to consider the full implications of proposals, the PPS will release relevant quantitative and qualitative data relating to equality issues as they affect the Section 75 categories and other related documents such as consultation and consultants' reports. Information will be made available in consultation with the affected groups to ensure the highest level of inclusivity in any policy decision making.
- 4.14 Specific training will be developed for PPS staff undertaking consultation exercises to ensure they have the necessary skills to communicate effectively. Any training delivered will be developed in consultation with relevant Section 75 groups (see 7.1 - 7.4 below).
- 4.15 The PPS recognises that different groups have differing needs and may have special customs. Steps will also be taken to ensure full participation in any consultation meetings that are held. The PPS will consider the time of day, the suitability of the venue, whether it can be accessed by those with disabilities, how the meeting is to be run, the use of languages other than English, whether a signer is needed, and childcare arrangements. The PPS will recognise and in good faith meet reasonable access related costs.

5

Assessing the Impact of Relevant Policies on the Promotion of Equality of Opportunity

Screening

- 5.1 The overall aim of this scheme is to employ a suitable methodology to assess how each of the PPS policy areas to which Section 75 applies (see pages 6 - 9) impact on the promotion of equality of opportunity. This is done by means of a screening process to facilitate subsequent equality impact assessments in a priority order (see 5.7 below).
- 5.2 The PPS is committed to carrying out a systematic review of all its existing and new/proposed policies to determine whether there are any equality of opportunity implications. The definition of a 'policy' under the Equality Commission's Guide to the Statutory Duties has a wide remit and includes policies relating to all functions and activities, including internal policies. The PPS will monitor the implementation of a policy that it operates on behalf of another public authority, and will work in partnership with other bodies where such a policy is subject to an equality impact assessment.
- 5.3 The PPS will consider the impact of each relevant current and new/proposed policy on equality of opportunity in terms of the nine categories listed at Section 75 of the 1998 Act when considering which policies will be subject to equality impact assessment. A systematic review of each relevant policy is required and the PPS will take the following steps when screening:
- identify all existing policies, written and unwritten;
 - internally appraise the significance of equality of opportunity and good relations for each policy, taking account of the screening criteria and prioritisation factors detailed below;
 - produce a list detailing relevant policies to be subject to equality impact assessment, together with a draft timetable for conducting the assessments. This should take account of the need to join up equality impact assessments of related policies;
 - consult with Section 75 groups to seek their views on whether all relevant policies have been screened, whether all equality impacts have been identified, and whether they agree with the list of policies to be subject to equality impact assessment and the proposed timetable;
 - consider and take account of feedback from the consultation exercise;
 - provide information to consultees on the conclusions reached following the initial consultation on screening, on amendments made to the list of policies, and on the final equality impact assessment timetable, in a screening report.

5.4 For each relevant policy the following criteria will be applied:

- is there any indication or evidence of higher or lower participation or uptake by different groups?
- is there any indication or evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy?
- have previous consultations with relevant groups, organisations or individuals indicated that particular policies create problems that are specific to them?
- is there an opportunity to better promote equality of opportunity or good relations by altering the policy or working with others in government or in the larger community?

If the answer to any of these four questions is yes, consideration will be given to whether to subject the relevant policy to the equality impact assessment procedure.

Evidence

5.5 The PPS will make arrangements to obtain relevant information, whether quantitative or qualitative, so that it can clearly demonstrate why a relevant policy is screened in for impact assessment or screened out as not requiring an equality impact assessment.

5.6 Evidence may include information from the PPS's own information management systems, or from research, surveys or consultation exercises. Information may also be sourced from research produced by other public authorities, representative groups, umbrella groups, and trade unions or universities. Information from consultation exercises on previous equality impact assessments, or those undertaken by other public authorities within the same sector, will also be considered. Anecdotal evidence, feedback from service users and affected groups or ongoing experience within the authority will also be considered.

Prioritisation and Timetabling

5.7 Having screened our policies using the four criteria set out above, a view must then be reached on prioritising policies identified for equality impact assessment. Priorities may be established based on factors such as:

- social need;
- effect on people's daily lives;
- effect on economic, social and human rights;
- significance of the policy in terms of expenditure;
- significance of the policy in terms of strategic importance.

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- 5.8 An initial timetable will be developed setting out a programme and timescale for completion of equality impact assessments. The PPS will continue to provide a list to consultees of new and proposed policies that have been screened on an annual basis, identifying policies included and excluded for equality impact assessment. New policies identified for equality impact assessment will be incorporated into the overall timetable as appropriate.
- 5.9 Consultation on the results of the initial screening exercise will allow at least two months, and will comply with the Equality Commission's 'Guiding Principles of Consultation'. Consultations will seek the views of the Equality Commission, representative groups of Section 75 categories, other public authorities, voluntary groups, community groups, trade unions and other groups with a legitimate interest in the matter including those directly affected by the policy whether or not they have a direct economic or personal interest (see Annex B).

Screening Report

- 5.10 Following consultation, a detailed report of the screening exercise will be provided to consultees and included in the annual report sent to the Equality Commission. The report will include details of: (1) those policies which will be subject to equality impact assessment, (2) those policies proposed by those consulted as appropriate for impact assessment, but which have not been subsequently included – giving an explanation for this course of action, (3) the factors for prioritising assessments, and (4) the timetable for equality impact assessments.

The Conduct of Equality Impact Assessments

- 5.11 All equality impact assessments carried out will be conducted in accordance with all the procedures outlined in Annex 1 of the Equality Commission's 'Guide to the Statutory Duties'.
- 5.12 In common with other aspects of the statutory equality duties, the PPS will ensure that any equality impact assessment will be subject to consultation. All consultations will seek the views of the Equality Commission, representative groups of Section 75 categories, other public authorities, voluntary groups, community groups, trade unions and other groups with a legitimate interest in the matter whether or not they have a direct economic or personal interest and those directly affected by the policy (see Annex B).
- 5.13 In making any decision on a current or proposed policy, the PPS will take into account any relevant equality impact assessment and the outcome of associated consultation.

Monitoring Adverse Impact and Access to Services

- 5.14 A system will be established to monitor the impact of relevant policies and access to services across all functions in order to identify their effects on the relevant groups and ensure equality of opportunity. This system will involve:
- an audit of existing information systems within one year of implementation of the scheme, similar to that included in Appendix 4 of the Commission's Practical Guidance on EQIA, to identify the extent of current monitoring and a plan to address any gaps so that impacts can effectively be monitored through equality impact assessments;
 - the collection and collation of existing relevant quantitative and qualitative data across all nine equality categories on an ongoing basis;
 - identifying where more detailed data is needed in order to have the necessary information on which to base decisions;
 - developing or commissioning new data sources if necessary.
- 5.15 If, over a two year period, monitoring and evaluation show that a relevant policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the PPS will ensure that the policy is revised.
- 5.16 This system will be reviewed on an annual basis and the results will be published as part of the PPS annual report to the Equality Commission. In all cases relating to the holding of monitoring information or the collection of data, the PPS will act sensitively in accordance with Equality Commission guidance and the wishes of representatives from Section 75 organisations.

Publication of Equality Impact Assessments and Monitoring

- 5.17 The PPS will make publicly available the outcome of any equality impact assessment and of any monitoring undertaken to measure the adverse impact of relevant policies. Impact assessments will be made available in accessible formats (i.e. Braille, disc, audio cassette and minority languages) if requested.
- 5.18 Extra consideration will be given to ensure that young people and those with learning disabilities are able to access impact assessments in a timely fashion.

5.19 The PPS will inform the general public about the availability of this material through a variety of media, including use of the PPS website. It will also directly inform bodies listed in Annex B when this material is available and it will place information in publications associated with Section 75 categories and invite them to put the information in communications associated with their groups.

5.20 All published information will comply with guidance outlined by the Equality Commission in its 'Guide to the Statutory Duties'. The PPS will publish information on equality impact assessments that:

- includes the aims of the policy to which the assessment relates;
- details any consideration given to mitigating adverse impact of the policy on the promotion of equality of opportunity;
- details any consideration of alternative policies which might better achieve the promotion of equality of opportunity.

6

Public Access to Information and Services

6.1 The PPS is committed to ensuring that the information it disseminates and the services it provides are made accessible to ensure equality of opportunity. It is aware that some Section 75 groups will not have the same access to information as others. These include:

- children and young people who may have difficulties in accessing or understanding information;
- people with sensory and learning disabilities that may have difficulties with information in print;
- members of minority ethnic groups, whose first language is not English, and who may have difficulties with information provided only in English.

Consideration will be given as to how accessible information may be provided to all these groups in a timely manner.

6.2 The PPS will, within a year of implementation of this scheme, review its arrangements for providing information in an accessible and timely manner. The assessment will take account of:

- the statutory requirements of the Disability Discrimination Act 1995;
- the likely demand for information of various formats across its main policy areas;
- the recommendations from the Northern Ireland cross-departmental Promoting Social Inclusion (PSI) working groups on minority ethnic people and on access to information.

6.3 Any recommendations arising from this review will be considered. The PPS will publish relevant findings of the review on its website and will notify relevant Section 75 groups of any proposed changes.

6.4 The PPS intends that all of its services are fully accessible to all parts of the community in Northern Ireland. The PPS will also ensure that all sections of the community have equal access to PPS offices, and that offices will maintain a welcoming and harmonious environment. The PPS will adhere to relevant provisions of the Disability Discrimination Act 1995.

7

Training and Communication

- 7.1 The PPS will ensure that relevant training will be provided for all specialist staff within the PPS, and specific training will also be provided for those engaged in consultation. A series of targets for the implementation of the commitment to training and communication have been outlined in the PPS Equality Scheme Action Plan (see Annex D).
- 7.2 In order to share resources and expertise, the PPS will work closely with other bodies, agencies and Section 75 groups in the development and delivery of training.
- 7.3 The PPS will draw up a detailed training plan for all of its staff over the 5 year period to which this scheme refers. This plan will focus on the following objectives:
- to raise awareness of current anti-discrimination legislation, including the provisions of Section 75 and Section 76 of the Northern Ireland Act 1998. This will include an explanation of the duties and their implications for all employees;
 - to provide those employees involved in screening of relevant policies with the necessary skills and knowledge to do this work effectively;
 - to provide those employees involved in the equality impact assessment of policies with the necessary skills and knowledge to do this work effectively;
 - to provide those employees who deal with complaints in relation to the implementation of the PPS's Equality Scheme with the necessary skills and knowledge to investigate and monitor complaints effectively;
 - to provide those employees involved in consultation processes with the necessary skills and knowledge to do this work effectively;
 - to provide those employees involved in the implementation and monitoring of the PPS's Equality Scheme with the necessary skills and knowledge to do this work effectively; and
 - to 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.
- 7.4 A report indicating the extent to which training objectives have been met will be included as part of the annual review of the implementation of the statutory duties, which will be sent to the Equality Commission.
- 7.5 All Senior and Business Managers in the PPS will receive their required training within one year of the approval of the scheme and awareness training will be introduced for new staff at their induction.

7.6 The Director of Public Prosecutions wishes to positively communicate the commitment of the PPS to the statutory duties (both internally and externally). The PPS will:

- develop a summary of the scheme and make it available to all staff;
- provide access to copies of the full scheme for all staff;
- ensure that its commitment to the statutory duties are made clear in all relevant PPS publications (such as the Annual Report); and
- ensure that any queries or requests for clarification from staff are addressed effectively.

8

Implementing the Scheme

Publication of the Scheme

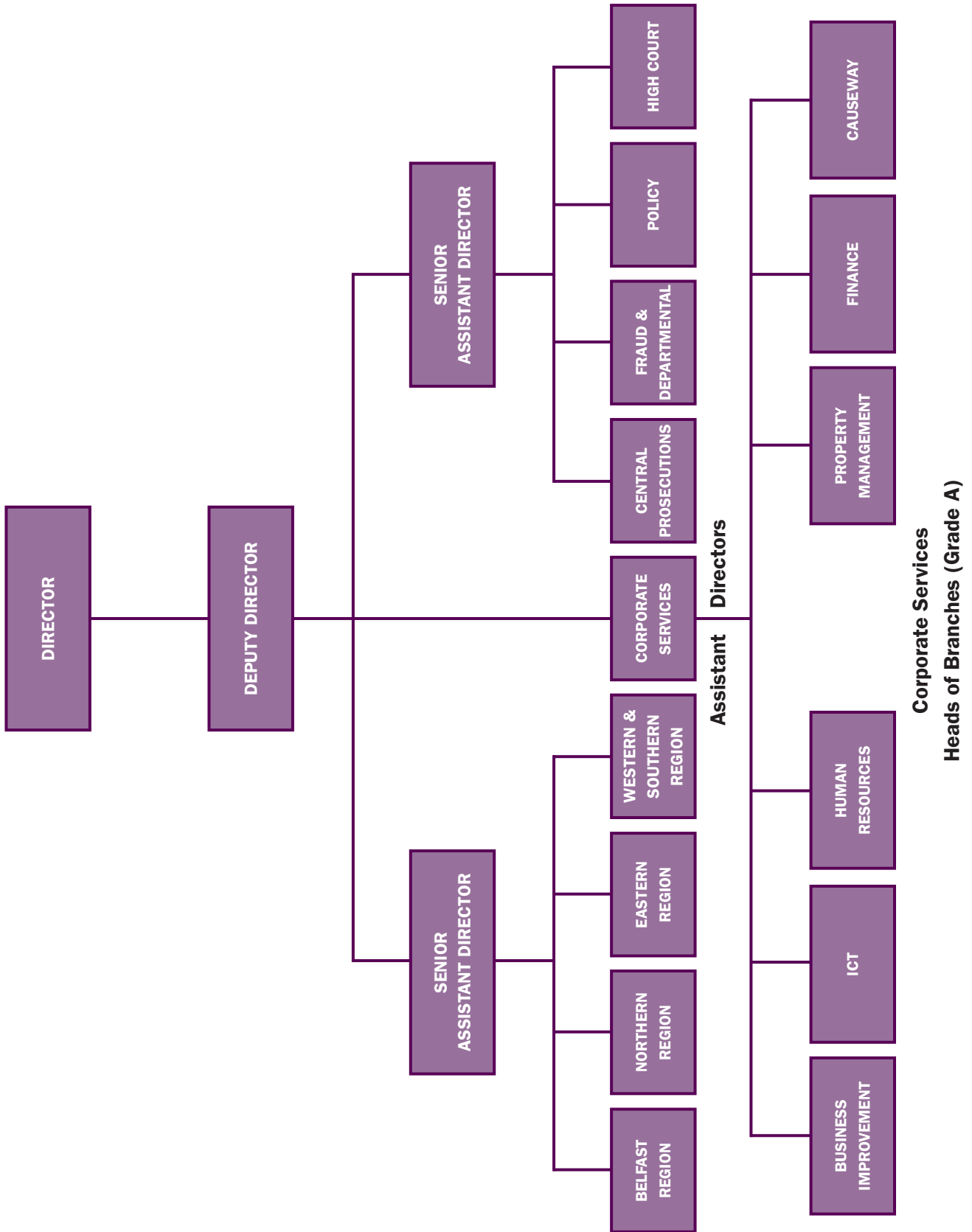
- 8.1 Following submission to the Equality Commission, this scheme will be available in print form and alternative formats free on request from the PPS (see 3.9).
- 8.2 The following arrangements will be made for the publication of the scheme and to ensure equality of access:
- the scheme will be available on request in formats such as Braille, disc, and audiocassette and in minority languages to meet the needs of those not fluent in English;
 - systems will be in place to ensure that requests for the scheme in accessible formats will be dealt with in a timely manner;
 - specific consideration will also be given to how best to communicate the scheme to young people and those with learning disabilities;
 - the PPS will develop a plain English summary of the scheme;
 - a press release will be issued by the PPS whenever the scheme is approved by the Equality Commission;
 - a copy of the scheme will be posted on the PPS website;
 - copies of the approved scheme will be sent to key stakeholders.

Timetable for Implementing the Scheme

- 8.3 Annex D outlines an action plan for implementing the scheme including date milestones and performance indicators for each task, as appropriate.

ANNEX A: ORGANISATION CHART

PUBLIC PROSECUTION SERVICE FOR NORTHERN IRELAND



ANNEX B: LIST OF ORGANISATIONS TO BE CONSULTED BY PPS

CJSNI/Statutory Organisations

- Northern Ireland Office
- Police Service of Northern Ireland
- NI Court Service
- Lord Chief Justice
- Her Majesty's Chief Inspector
- Sentence Review Commissioners
- Equality Commission for NI
- Northern Ireland Human Rights Commission
- Probation Board for NI
- The Police Ombudsman for NI
- Juvenile Justice Board
- Civil Service Commissioners for NI
- The Chief Electoral Officer for NI
- The Parades Commission

Political Parties

- Labour Party
- Conservative Party
- Ulster Unionist Party
- Social Democratic and Labour Party
- Democratic Unionist Party
- Sinn Féin
- Alliance Party
- Green Party
- Progressive Unionist Party
- Workers Party

Religious Organisations

- Church of Ireland
- Roman Catholic Church
- Presbyterian Church
- Baptist Church
- Methodist Church
- Free Presbyterian Church
- Belfast Hebrew Congregation
- Belfast Islamic Centre
- Belfast Jewish Community

Voluntary/Representative Organisations

- Committee on the Administration of Justice
- Community Relations Council
- NI Human Rights Commission
- Amnesty International
- Age Sector Platform
- Putting Children First
- National Society for the Prevention of Cruelty to Children
- Youth Council for NI
- Chinese Welfare Association
- Indian Community Centre
- Multi-Cultural Resource Centre
- NI Council for Ethnic Minorities
- An Munia Tober
- NI African Cultural Centre
- Coalition on Sexual Orientation
- NI Gay Rights Association
- Gay and Lesbian Youth NI
- Disability Action
- MENCAP
- Mental Health Commission
- NI Association for Mental Health
- British Deaf Association
- Royal National Institute for the Deaf NI
- Royal National Institute for the Blind NI
- Womens' Forum NI
- NI Womens' Aid Federation
- Gingerbread NI
- Carers National Association NI
- Northern Ireland Public Service Alliance
- Northern Ireland Committee – Irish Congress of Trade Unions
- FDA
- UNISON
- Police Federation
- Superintendents' Association
- Association of Chief Police Officers

- Prison Officers Association
- Prison Governors Association
- Boards of Visitors and the Visiting Committee
- Presiding County Court Judge
- Presiding District Judge (Magistrate's Court)
- Chair of Lay Magistrates Association
- Law Society
- Bar Council
- Institute of Criminology (QUB)
- Howard League
- Prison Reform Trust
- Red Cross
- Northern Ireland Association for the Care and Resettlement of Offenders
- Extern
- Prison Fellowship
- Ulster Quaker Service
- Victim Support
- Tar Anall
- Coiste na n-Irchimi
- Age Concern
- Include Youth
- The Law Centre (NI)
- Children's Law Centre
- Simon Community (NI)
- Cruse Bereavement Care (NI)

ANNEX C: MAIN GROUPS RELEVANT TO THE SECTION 75 CATEGORIES FOR NORTHERN IRELAND PURPOSES

Category	Main Groups
Religious belief	Protestants; Catholics; people of non-Christian faiths.
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party.
Racial group	White people; Chinese; Travellers; Indians; Pakistanis; Black people.
Men and women generally	Men (including boys); women (including girls); transgendered people; transsexual people.
Marital status	Married people; unmarried people; divorced or separated people; widowed people.
Age	Children under 16; people of working age (16 - 65); people over 65.
Persons with a disability	Persons with a physical, sensory, mental or learning disability as defined in sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995.
Persons with dependants	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person.
Sexual orientation	Heterosexual people; homosexual people; bisexual people.

ANNEX D: ACTION PLAN FOR IMPLEMENTING THE PPS EQUALITY SCHEME

Area of Implementation	Element	Performance Indicator	Milestone	Responsibility
Organisational Arrangements	<ul style="list-style-type: none"> Integration of equality objectives into departmental business plans 	<ul style="list-style-type: none"> Management Board agrees equality objectives Equality objectives included in business plans for 2008/09 Equality objectives reviewed annually in consultation with Management Board and included in business plans from 2009/10 Management Board agrees draft guidance for staff Objectives included in personal performance plans 	<ul style="list-style-type: none"> annually by 31/3/08 annually (in line with business planning timetable) ongoing annually 	Assistant Director, Corporate Services
	<ul style="list-style-type: none"> Integration of equality objectives into personal performance plans 			
Progress Reporting	<ul style="list-style-type: none"> Regular reports within PPS 	<ul style="list-style-type: none"> Quarterly meetings of Equality Steering Group (ESG) Quarterly review by Management Board Report sent after approval by the Management Board and published on PPS website Review conducted, published and sent to Equality Commission 	<ul style="list-style-type: none"> ongoing ongoing annually by 28/02/13 	Assistant Director, Corporate Services
	<ul style="list-style-type: none"> Annual reports to Equality Commission Review of Scheme 			

Area of Implementation	Element	Performance Indicator	Milestone	Responsibility
Consultation	<ul style="list-style-type: none"> Consultation on Equality Impact Assessments 	<ul style="list-style-type: none"> Consultation on screening of existing policies and priorities for EQIA Report of consultation on screening to be included as part of annual report to Equality Commission Consultation takes place on each Equality Impact Assessment 	<ul style="list-style-type: none"> ends 28/03/09 ongoing ongoing 	Assistant Director, Corporate Services
Training	<ul style="list-style-type: none"> Training programme Internal briefing on Equality Scheme Awareness training Specialised/focused training 	<ul style="list-style-type: none"> Training programme agreed by Management Board Briefing on Equality Scheme for Management Board Staff awareness sessions conducted for Senior Managers and Business Managers All staff to receive appropriate equality awareness training Specialised training for key staff e.g. on screening; conducting EQIAs 	<ul style="list-style-type: none"> by 31/08/08 by 31/10/08 by 31/03/09 ongoing ongoing 	Management Board/ Assistant Director, Corporate Services

Area of Implementation	Element	Performance Indicator	Milestone	Responsibility
Equality Impact Assessments (EQIAs)	<ul style="list-style-type: none"> Screening 	<ul style="list-style-type: none"> Finalise screening instrument and procedures Screen all relevant existing policies Prioritise policies for EQIA Consult with relevant interest groups on outcome of screening exercise (including proposed priorities for EQIA) 	<ul style="list-style-type: none"> by 30/11/08 by 31/12/08 by 31/12/08 complete by 31/03/09 	Assistant Director, Corporate Services
	<ul style="list-style-type: none"> Plan for EQIAs 	<ul style="list-style-type: none"> Develop plan for carrying out EQIAs, taking account of consultation responses 	<ul style="list-style-type: none"> by 30/06/09 	Management Board/ Assistant Director, Corporate Services
	<ul style="list-style-type: none"> Carrying out EQIAs 	<ul style="list-style-type: none"> Agree plan for EQIAs with Management Board Begin EQIAs Review Plan for EQIAs Carry out EQIAs in accordance with agreed plan 	<ul style="list-style-type: none"> by 31/07/09 by 01/10/09 annually ongoing 	

Area of Implementation	Element	Performance Indicator	Milestone	Responsibility
Communication	<ul style="list-style-type: none"> • Publication of Equality Scheme • Dissemination to key stakeholders 	<ul style="list-style-type: none"> • Scheme to be published after approval from the Equality Commission • Summary of scheme to be developed and made available • Scheme to be made available in accessible formats on request • Scheme to be published on website • Copy of scheme to be made available to all staff • Copy of scheme mailed to all those consulted on the scheme, and to others on request 	<ul style="list-style-type: none"> • by 15/10/08 • by 31/12/08 • ongoing • by 15/10/08 • by 15/10/08 • by 15/10/08 	Assistant Director, Corporate Services

Area of Implementation	Element	Performance Indicator	Milestone	Responsibility
Access	<ul style="list-style-type: none"> Review of Access to Information and Services 	<ul style="list-style-type: none"> Review within one year of the implementation of the scheme all aspects of access to information and services Produce report making recommendations Consult on review with key stakeholders Produce action plan for acting on review recommendations 	<ul style="list-style-type: none"> by 30/09/09 by 30/11/09 by 28/02/10 by 31/03/10 	Assistant Director, Corporate Services
Complaints	<ul style="list-style-type: none"> Complaints procedure 	<ul style="list-style-type: none"> Respond to any complaints of non-compliance within one month of complaint being made Report on complaints made to the Equality Commission as part of annual report 	<ul style="list-style-type: none"> ongoing annually 	Deputy Director Assistant Director, Corporate Services

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