



Department of

**Finance**

An Roinn

**Airgeadais**

[www.finance-ni.gov.uk](http://www.finance-ni.gov.uk)

## **Equality Scheme - Statutory 5-year Review**

### **Response**

## Introduction

1. Section 75 of the Northern Ireland Act 1998 places a duty on public authorities to have due regard to the promotion of equality of opportunity. The Equality Commission (the 'Commission') requires each Public Authority to produce an Equality Scheme (the 'scheme') setting out how they will meet their statutory duty, which should be approved by the Commission.
2. The Department first published a scheme approved by the Commission in 2011. That scheme, aligned with the Commission's published 'model scheme' for public authorities, is available on our website [here](#).
3. The Department is statutorily obliged to review the scheme every 5 years; the 2016 review was not completed, hence the Department continued to meet its commitments contained in the 2011 version.

## 2021 Review

4. The Department therefore commenced a statutory 5-year review of the scheme in 2021. That review initially comprised:
  - internal (to the Department) consultation, with staff and the Departmental Board; and
  - external consultation, with our Equality Consultees and the Assembly's Committee for Finance

Each group were asked questions appropriate to their relationship with the scheme.

Following consideration of the consultation responses and meetings with some respondents, the Department undertook a second consultation exercise, in Autumn 2022, on a potential revised Scheme (see paragraph 10 below).

## Responses

5. In terms of Departmental Board Members and staff, responses all noted they were aware of the scheme, their obligations under it and agreed the scheme positively supported decision making. None of the responses believed amendment of the scheme was necessary, however some did provide a view that greater awareness building would be helpful, through staff engagement and training.

6. The only substantive response to **the initial consultation** from Equality Consultees was from the Equality Coalition, in part informed by a meeting with the Department in August 2021. Their response in summary:
  - encouraged a number of significant amendments and additions to the Equality Commission’s ‘model scheme’, which reflect learning and developments since it was first published more than ten years ago;
  - noted most are focused on changes to the screening questions, others on refining the definition of good relations;
  - strongly encouraged the Department to specifically codify within the scheme the process it is to follow annually regarding the equality proofing of the Executive’s budget; and
  - urged the Department not to attempt to dilute the definition of policy currently found in the scheme.
7. The Assembly’s Committee for Finance responded to say it would not comment on the scheme at this time, asking the Department brings its review findings back to the Committee for comment.
8. In its response to the Department’s subsequent **Autumn 2022 consultation** on a potential revised scheme, the Equality Coalition welcomed the inclusion of amendments sought by them in response to the initial consultation.

## Consideration of Responses

9. The responses received to **the initial consultation**, other than from the Equality Coalition, don’t advocate any required amendments to the scheme. The Equality Coalition, although recommending the Commission’s ‘model scheme’, sought some substantial<sup>1</sup>, as well as some non-substantial, amendments to it.
10. The Department considered those amendments and met with the Equality Coalition and the Equality Commission to discuss. Officials also engaged with the Minister on those discussions, subsequently **consulting further, in Autumn 2022**, on a potential revised scheme. As noted above, the Equality Coalition welcomed this version of a scheme as it included their proposed amendments.
11. It should be noted that any scheme the Department may wish to make is limited to:

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<sup>1</sup> Substantial are those considered as moving our scheme significantly away from the Equality Commission’s model scheme.

- showing how the Department proposes to fulfil its s75 duties;
- the departmental functions; and
- it must conform to any guidelines as to form or content which are issued by the Commission with the approval of the Secretary of State.

Any questions falling outside s75 scope fall outside the departmental powers to make a scheme.

12. Following consideration of the responses **to both the initial and Autumn 2022 consultations**, officials sought a decision on the review, and therefore what the Department’s scheme should be, from the Minister. No decision was taken before the Minister left office in October 2022. As the existing scheme, however, dates to April 2011, some of the content needs updating and the Permanent Secretary wrote to the Commission on 16<sup>th</sup> January 2023 indicating the scheme would be updated and published, bringing the review to a conclusion<sup>2</sup>.
13. The updated scheme, available together with this document [here](#), includes two of the non-substantial amendments sought by the Equality Coalition:
  - the scheme at Chapter 4, paragraph 4.5 commits the Department to undertake screening “at the earliest opportunity in the policy development/review process”. Often, one of the first steps in any policy process is the development of a business case/economic appraisal, given their purpose is to aid decision making. That is also the purpose of equality screening. **The Department therefore has amended this paragraph 4.5 to state “.....at the earliest opportunity in the policy development/review process, including when a business case/economic appraisal is being developed.”**
  - the scheme at Chapter 8 advises a complaint may, if it has not been resolved within a reasonable timescale, be brought to the Commission. It is accepted complainants may not know how to contact the Commission. **The Department therefore has added to the current text at Chapter 8, paragraph 8.2:**

**The Equality Commission can be contacted at:**  
**e.mail: [information@equalityni.org](mailto:information@equalityni.org)**  
**Tel: 028 90 500 600**

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<sup>2</sup> The Department recognises [any future Minister may decide to review the scheme at any time and might decide to include the substantial amendments advocated by the Equality Coalition in its response to the Autumn 2022 consultation.](#)

## Internal Priorities

14. The review, as noted at paragraphs 4 and 5 above, sought and received feedback internally. The Department will continue to advocate equality within the Department, in its own processes and in the undertaking of its functions. The review provides an opportunity to highlight this area, with the amended scheme committing, amongst others, briefing for staff and Departmental Board members within 2 months of the scheme's approval by the Commission.