Welcome to ‘An Introduction to Equality’ by the Equality and Diversity Unit. Today we’ll touch on the statutory equality duty that the EA have to provide ‘equality of opportunity’.  You will hear about the equality screening process and how we evidence our compliance against the duty.

The aim of the training is to give you an overview of the statutory duty in relation to equality. I will introduce some of the important equality documents and you'll be able to understand the work of the Equality and Diversity unit better.

So, by way of background; the equality duty came about as a result of the multi-party talks under the Belfast Good Friday Agreement.

The agreement itself has a section called ‘rights, safeguards and equality of opportunity’. The ‘Northern Ireland Act 1998’ implements the Good Friday Agreement. Thus, it created section 75 of the Northern Ireland Act and this is where the statutory equality duty lies.

Section 75(1) of the Northern Ireland Act says that a public authority, such as the Education Authority, shall, when we carry out any of our functions, services or design policies, should have due regard to the need to promote equality of opportunity.

And this is between nine different protected categories: religious belief, political opinion, racial group (which includes travellers), age, marital status, sexual orientation, men and women generally, persons with a disability & persons without, and persons with dependents & persons without.

The 2 words in bold, ‘due regard’ emphasise the importance of the duty.

We then can't talk about section 75(1) if we do not talk about section 75 2), and although the training today will very much focus on section 75(1) and the equality duty, I also need to bring your attention to section 75(2), which is the good relations duty, and this says that there must be regard to the desirability of promoting good relations between three protected categories: a different religious belief, political opinion, and racial group.

Unlike equality, which has a clear definition in law, ‘good relations’ does not, and there are a few definitions out there.

I like to keep it simple.

I like to think that good relations is tackling prejudice and promoting understanding.

This is a ‘regard’ duty and not a ‘due regard’ duty and therefore the legislation was formulated in a way that there will always be primacy for equality.

There are also other obligations that fall out of good relations that we won't be talking about in detail today, but I will draw your attention to now.

One of these is the Race Relations Order, to ensure that we do not discriminate on the grounds of race.

There is the Fair Employment and Treatment Order which the Equal Opportunities unit also report on annually, and the Fair Employment Code of Conduct, where we promote good and harmonious working environments.

Let’s take a look at how we deliver on our due regard duties. There is case law that sets out the broad principles of how we do this and these are called the ‘Brown Principles’.

These are sometimes referred to in court, and it’s how the equality duty itself is Interpreted. They are not additional legal requirements, but they form part of the duty itself.

The decision maker themselves must be always  be aware that they are obliged to comply with the section 75 equality duty.

They need to take it into consideration at the beginning of the decision and not at the end.

The duty cannot be delegated - the actual decision maker themselves must comply with the duty and cannot ask someone else to do it, such as a contractor.

It is a continuing duty, and it is good practice to keep adequate records so that we can be transparent in everything that we do. We do this by producing an equality screening document, and I will talk about this later on.

The duty must be exercised in substance with rigour and an open mind, and it cannot be a tick-box exercise. Essentially, do not try to equality screen a decision that cannot be changed.

As a public authority we have to be open to changing that decision, if we know it's going to have an impact on one of the nine equality categories.

Promoting equality of opportunity is really about removing or minimising the disadvantage suffered by people, as a result of being in one of the nine categories. So as a result of having, for example, a disability, being a carer, or having a different religion to someone else.

We must take steps to meet the needs of people from different equality Section 75 groups and we do this every day in the Education Authority. For instance, we provide information in languages other than English. We also make sure that digitally, if someone has to apply for something at the EA, they can put it in a paper copy.

So equality is not about ensuring that every individual is treated exactly the same.

It is instead about making sure that everyone, regardless of belonging to one of the nine categories, has the equal opportunity to make the most of their lives and talents.

So Section 75 is ensuring the Education Authority addresses inequality.

We should be encouraging people from the nine categories to participate fully in public life and any other activity where participation is disproportionately low.

So for instance, when we work with newcomer families, we're actively helping them participate in public life.

Now I’d like to draw your attention to some important equality documents that you need to know about.

As I've explained, equality of opportunity falls under Section 75 of the Northern Ireland Act.

An important document is the EA Equality Scheme.

The EA are required to submit an Equality Scheme to the Equality Commission, and this is a statement of our commitment to fulfilling our Section 75 statutory equality duty and sets out how we do it.

It also talks about how we will ensure equality and good relations are promoted in everything that we do.

The EA also gathers data for an audit of inequality to help inform this work.

Then, we have Equality Screening templates.

Screening is ‘identifying a policy that is likely to have an impact on equality’ and helps to draw considerations such as how to offer more equality in the policy making process, or, the need to make changes to a decision or policy.

Essentially, we look at everything that we do and everything that we design, and we ensure that it isn't impacting on one of the nine equality categories with regards to their equality of opportunity.

The EA have templates and guidance on SharePoint on how to do this. The Equality and Diversity managers also provide a business partnering role across the directorates, to help assist any policy, or decision makers in their screening.

When the screening is finished, it must be published on the EA website and it becomes a public facing document.

We also develop an Equality Action Plan. This is where the Education Authority sets out a practical and manageable framework for coordinating all aspects of equality work across the organisation.

It covers both service areas and staff and has evidence based initiatives with targets.  This links to our audit of inequalities, our equality scheme and our screening.

Equality Monitoring involves the collection of equality information and data from our customers, service users and staff and it is a very important part of monitoring inequality.

EA need to know which groups need our services most, so that we can direct or tailor services to them and their needs.

When it comes to equality monitoring, all of the data is kept strictly within GDPR rules and is overseen by our Equal Opportunities Unit.

I would ask, that if you're asked equality monitoring questions, that you do fill this out, as it helps us to tailor our services and to provide better targeted policies, making an evidence base for everything that we do.

Equality Screening.  What is it and why do we do it?

Screening is a tool for identifying if a policy is likely to have an impact on equality of opportunity and good relations.

We screen all of our decisions taken: big & small, formal & informal, written & unwritten, internal & external.

So realistically we need to be looking at any of our plans or strategies or frameworks.

The term 'policy' is very wide and it really denotes any policy or practice or decision that we make.

Remember, all practices or decisions which the EA carries out or proposes to carry out, must be equality screened.

Policies that are initiated elsewhere, but implemented by the EA, must also be screened.

And this includes all of those high level things that happen, like the budget.

The Equality and Diversity managers are here to provide support.

So who is responsible for doing the screening? The responsibility lies with the decision maker to comply with the duty.

We cannot ask a subcontractor to do it for us, and it has to be someone who has the power to change the decision.

And remember, equality of opportunity is a Positive Action Duty, so we are positively impacting on the people in the nine protected categories, making equality of opportunity better and more accessible for them in everything that we do.

Equalityis one of the EA Values, and by living the values you are helping us deliver equality of opportunity every day through the work you do.

You are also helping to inspire and support and challenge all of our children and young people to be the best that they can be.