

Equality, substance not process

A REVIEW OF the effectiveness of Section 75 of the Northern Ireland Act 1998 is very timely, indeed overdue. In practice the new equality and good relations duties have been in operation for six years so we have plenty of experience of how the law was working.

The Equality Commission, which is conducting the review (see pages 12-13), has admitted publicly that it needs to change the way Section 75 works on the ground. Up to now it has required public authorities to report on the processes they follow, not on the actual achievement of progress for any of the nine groups covered by the equality duty.

Voluntary and community organisations have been vocal for years in telling the EC this. How they react to the EC's declaration that it will expect departments, agencies and councils to report on actual impacts depends on their psychology. Some will welcome the fact that their plea has now been heeded; others may feel that several years have been wasted in futile bureaucracy.

Speedy action is needed to give effect to the new approach, beginning with research to establish baseline data against which we can measure future progress and clear guidance to ensure public bodies draw up robust policies and firm targets for the reduction of inequalities.

Among other things, we must hammer on the head the notion that has been appearing in the public sector recently that promoting equality means that different groups must be treated equally eg that men must get the same funding as women. The legislation requires public bodies to promote equality; in this case to identify areas in which women are disadvantaged and take action to correct the problem.

One positive finding seems to be that policy-making has been opened up; there is now much more public participation and equality considerations are increasingly being factored into the process. The voluntary and community sector may suffer from 'consultation disappointment' but there is a good deal of evidence that it has pushed public bodies along and improved their work.

Far less positive are the findings about the implementation of policies; one of the consultants employed for the S75 review found that only one fifth of public bodies reached even a minimum standard of compliance with the statutory duties across all areas of activity.

Moreover, government and the EC itself have failed miserably to raise the profile of S75. A survey last year found little more than a quarter of the public was even aware of it and another of the consultants found that some voluntary and community organisations were pretty ignorant of it as well.

The EC consultation document proposed that larger voluntary organisations should spread the message of S75 to smaller, local groups but it ignored the comments from at least two consultants that resources are needed for the job. Some people in the sector may feel the EC is asking others to do the job it should be doing itself.

In the case of the good relations duties, there are three main problems. One is that the duty applies only to race, religion and political belief, not to the nine groups covered by the equality duty. A second is that the good relations duty is weaker, based on the legal meaning of having 'regard' for good relations but having 'due regard' for equality. Thirdly, public bodies are not required to build good relations impact assessments into their policy-making and implementation.

Another reason why the review is timely is that the power-sharing Executive was a truly wondrous achievement, signalling that old enemies can work together. It opens up the possibility of a far more proactive approach to building good relations and tackling the old evil of sectarianism far more creatively than before. Interestingly too, one of the first public engagements of Paisley and McGuinness was a reception for ethnic minorities at which they united to give very positive messages.

We need to capitalise on this by harnessing the vast power of government and the wider public sector to promote good relations more actively. To this end we should amend S75 to strengthen the duty to promote good relations for all groups.



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