

Section 75 must be more effective and focus on impacts

The Equality Commission consulted over the summer on proposals to beef up Section 75 of the Northern Ireland Act 1998. It has also published six reports it commissioned as part of the review but which it previously refused to release. *Paul McGill* has been looking through the proposals for change and the background research.

THE EQUALITY COMMISSION (EC) has come out against any amendments to Section 75 of the Northern Ireland Act 1998. Its proposals for reviewing the legislation, *Section 75: Keeping it Effective*, on which consultation has now ended, opt for making the existing Act work more effectively.

Among other things, this means it is not suggesting a tenth category, placing a duty on public authorities to promote equality on the basis of social class; nor is it suggesting that the good relations part of the Act should be extended to cover all nine categories or that the EC itself should have greater powers.

The document argues that S75 has had a clear and very positive impact on policy development, which is now more inclusive and consultative, but possibly less creative.

However, public bodies are still weak in assessing the impact of high-level strategies and the mainstreaming of equality and good relations is failing to trickle through to implementation. An 'audit of compliance' carried out by Reeves Associates found that 45% of the public bodies sampled were below the minimum level of compliance in screening and equality impact assessment. Only 21% were above the minimum in all nine areas studied.

Central to the consultation document is the EC's admission that it has required public bodies to report on their systems, structures and procedures rather than on impacts on equality and good relations. It has decided to switch focus to measure outcomes in particular areas.

To this end it recommends that government should develop baseline data and indicators to help departments and

agencies to identify and measure outcomes and to spot any groups that are not benefiting enough from S75.

The EC wants larger voluntary organisations to spread information and awareness about S75 to smaller voluntary and community groups but does not deal with the issue of resources for this task that is raised by the independent consultant. The Commission itself will work with the sector "to ensure sufficient capacity amongst individuals and organisations who wish to engage with the process".

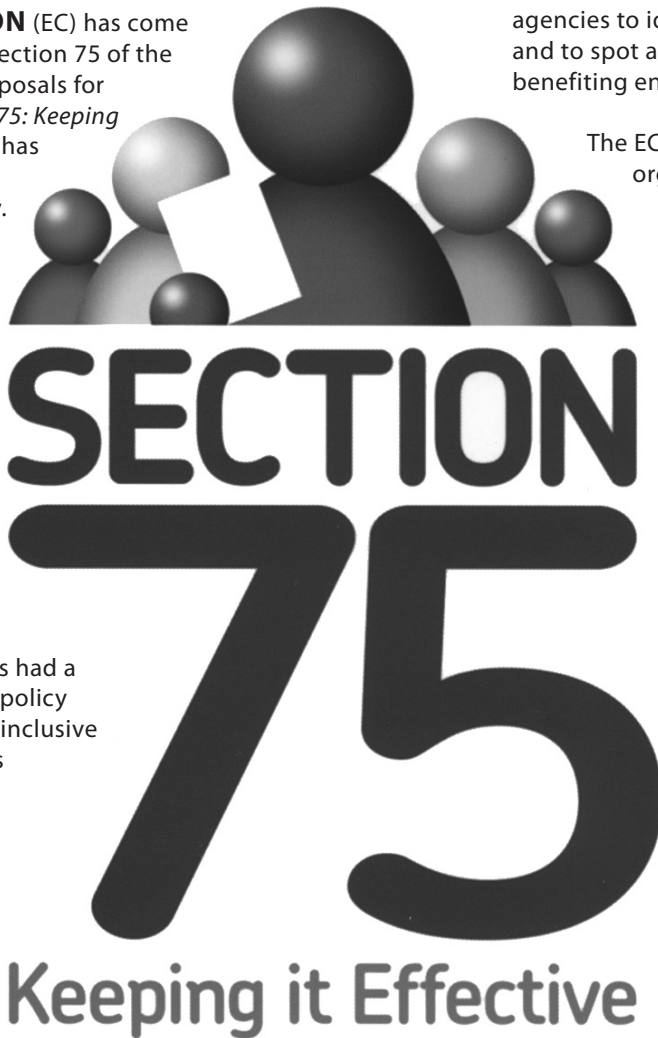
Section 75 'ineffective'

Northern Ireland's history of division and emerging racism make the equality and good relations duties of Section 75 vital, but there has been a lack of leadership, inadequate consultation, poor communication and failure to adapt the budget process, an independent consultant has told the Equality Commission.

A claim that many voluntary and community organisations have 'given up' on the equality and good relations duties of Section 75 is quoted in the report by Mr Arlington Trotman.

He says issues about inadequate consultation and poor equality screening "raise concerns about leadership in the NIO (and OFMDFM) as lead agency, in particular a weakness in the drive to ensure mainstreaming across departments in terms of direction, training, support, and results in the community sector."

Earlier he points to a need for more visible leadership and better communication on the possible designation for S75 purposes of the Home Office, Ministry of Defence and the BBC.



Mr Trotman was commissioned by the Equality Commission to examine the role of the Northern Ireland Office and Office of the First Minister and Deputy First Minister in ensuring the effectiveness of Section 75.

The report suggests OFMDFM had a rather patronising attitude to the voluntary and community sector. It quotes its Equality and Social Needs Steering Group as saying: "Unrealistic expectations created the impression among voluntary and community groups that government policies would transform the prevailing inequalities overnight".

Mr Trotman notes that the majority impression is that S75 should not be amended. "On the other hand virtually all respondents indicate that high-level leadership on the equality and good relations duties has been minimal and must be improved in both quality and substance if, in the second phase of its operation, inequalities are, and seen to be, reduced."

The consultant argues that it should be possible to identify an overall budget head for equalities and good relations and to assess the impacts of high-level programmes.

"Departmental objectives and outcomes expressed in their equality schemes could be enhanced if contributions from the expert and experienced voluntary and community sector were sought systematically. The [Equality] Commission has already indicated the imperative of this as a possible objective but the sector needs to be sufficiently resourced to engage effectively."

S75 is central to the political and economic progress of Northern Ireland and a system of monitoring is needed to measure progress annually. It is not otherwise possible to achieve government's goals eg employment opportunities for all and a progressive community.

"Goals of this order cannot realistically be achieved except the intrinsic divisions which they seek to overcome in the Northern Ireland context are simultaneously addressed.

"Given the particularities of Northern Ireland's historical polarities, a budgeting process which takes this history and the growing levels of racism seriously is absolutely imperative. This is important because eliminating past, present and emerging polarities is essential to the delivery of the government's vision for Northern Ireland.

"Equality and good relations must conceptually and practically be central to achieving the economic and political goals across all processes and budget lines."

Section 75 – wot's that?

Lack of knowledge of Section 75 among voluntary and community organisations is the biggest single obstacle to its effective implementation, claims a report on the contribution of the voluntary and community sector to the working of the Act.

"This lack of knowledge requires urgent redress in the short to medium term. It is not possible for public policy or legislation to be effective if the public and local community organisations are not aware of it," says MMMA Consultancy in one of the six reports prepared for the review of S75.

In a small survey 45% of respondents rated their understanding of S75 as full and 42% as partial. However, the author, Mary McMahon, says some of the comments on the survey forms showed that some organisations knew little about the Act.

Some believed S75 had nothing to do with them even though they worked with one of the nine categories covered by the legislation. One respondent simply commented: "To be honest, never heard of [S75] and know nothing about it so can't answer most of the questions".

These findings are not surprising. An Equality Commission survey last year found that only just over a quarter (28%) of the public was aware of S75.

The consultant draws a distinction between local groups and regional ones, many of which have a pool of knowledge, skills and expertise on S75, but there has been no systematic programme to spread awareness to local level. Large membership and infrastructure organisations and those with policy officers need to work with community groups at a local level to make awareness universal.

There are several good reasons why this has not happened, including lack of adequate resources, organisational priorities and the fear of being involved in futile paper-chasing exercises rather than being able to effect real change.

Ms McMahon says there is disappointment within the sector that the EC has apparently moved from being a champion of S75 groups to being a 'neutral arbiter' in unequal battles between these groups and public bodies.

"In their challenge role the voluntary and community sector need the Commission to fulfil its duties to ensure that S75 is at least being complied with in minimalist terms ... The sector believes that the Commission is not as effective as it might be in this regard. This may reflect lack of accurate information about the Commission's role and a failure to understand the inevitability of quasi-judicial systems," she argues.

"At local level it is the good relations aspect of S75 with which most groups have been engaged, while at regional level the absence to date of hard data to measure inequalities is regarded as failing to face potentially uncomfortable truths," the report continues.

"Equality does not happen by wishing it to happen and there is a perception that the EC in its S75 guidelines does not call for the eradication or reduction of inequalities, simply their recognition. It is felt that this makes the task of combating structural inequalities very difficult."

On a more positive note, she argues that the voluntary and community sector has been more successful than it recognises in influencing public bodies. Although consultation fatigue has been replaced by 'consultation disappointment', the evidence suggests that most of the engagement has been positive and has resulted in changes to policy making processes that have benefited S75 categories.

"It is less evident that the voluntary and community sectors recognise the positive contribution they have made and the changes that have been effected to the equality of opportunity and good relations agenda."

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