



Rehabilitation and
Retraining Trust

**Equality Scheme and Disability Action Plan
Consultation:
Summary of Responses**

October 2017

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1. Introduction

- 1.1 On 21 September 2016, the Police Rehabilitation and Retraining Trust (PRRT) commenced a consultation process to seek views on its draft Equality Scheme and Disability Action Plan. Consultees were invited to comment on the content of the draft Equality Scheme, related draft Action Plan, PRRT's Audit of Inequalities and the draft Disability Action Plan. The consultation period ran for twelve weeks and closed on 15 December 2016. In total, three responses were received from the Equality Coalition, Parenting NI and Autism NI.

- 1.2 The summary in Section 3 provides an overview of the issues raised during the consultation process. After consideration of the views and comments received, PRRT's Equality Scheme has been updated, in parts, to take into account the feedback that has been given. The final version was submitted to the Equality Commission on 12 October 2017.

2. Consultation Process and Responses

2.1 All consultees received notification of the consultation process regarding PRRT's draft Equality Scheme and draft Disability Action Plan. This was via email or, when requested, by post.

2.2 The draft Equality Scheme and Disability Action Plan were placed on PRRT's website.

2.3 The list of consultees is as follows:

Action on Hearing Loss
Age NI
Alliance Party
Amnesty International
An Munia Tober – Belfast Travellers Education & Development Group
Autism NI
Bahai Office of NI
Baptist Church
Belfast Hebrew Congregation
Belfast Islamic Centre
Barnardos Northern Ireland
Beachcroft Regional Child and Adolescent Unit
British Deaf Association Northern Ireland
Catholic Church
Carers Northern Ireland
CCMS
Chair of the Police Family Care Forum
Children in Northern Ireland
Chinese Welfare Association Northern Ireland
Church of Ireland
Citizens Advice Bureau
Coalition on sexual orientation
Committee on the Administration of Justice
Commission for Victims and Survivors
Community Foundation for Northern Ireland
Community Relations Council
Conservative Party
Council for the Homeless NI
Criminal Justice Inspectorate Northern Ireland
Democratic Unionist Party
Department of Justice
Disability Action Northern Ireland

Disabled Police Officers Association
Disability Sport NI
Downs Syndrome Association
Early Years – the organisation for young children
Equality Coalition
Equality Commission NI
Free Presbyterian Church
Gay and Lesbian Youth Northern Ireland
Gay Police Association
GMB
Green Party In Northern Ireland
Guide Dogs
Include Youth
Indian Community Centre
Men’s Advisory Project
Mencap
Methodist Church
Mindwise
National Children’s Bureau
National Police Chiefs Commission
National Society for the Prevention of Cruelty to Children (NSPCC)
NIPSA
Northern Ireland Association for Mental Health
Northern Ireland Commissioner for Children and Young People
Northern Ireland Council for Ethnic Minorities
Northern Ireland Gay Rights Association
Northern Ireland Human Rights Association
Northern Ireland Law Commission
Northern Ireland Muslim Family Association
Northern Ireland Police Fund
Northern Ireland Policing Board
Northern Ireland Prison Service
Northern Ireland Retired Police Officers Association
Northern Ireland Woman’s Aid Federation
Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO)
Older People’s Advocate Northern Ireland
Parenting Forum Northern Ireland
Phab Northern Ireland
Police Federation for Northern Ireland
Police Ombudsman for Northern Ireland
Polish Association Northern Ireland
Praxis
Presbyterian Church
Probation Board for Northern Ireland

Progressive Unionist Party
Queerspace
Rainbow Project
RNIB Northern Ireland
RUC George Cross Foundation
RUC George Cross Widows' Association
RUCGC/PSNI Benevolent Fund
Sikh Community Association
Sinn Fein
Social Democratic and Labour Party
Superintendent Association of Northern Ireland
Traditional Unionist Voice
Ulster Quaker Service
Ulster Scots Agency
Ulster Unionist Party
UNISON
Victim Support Northern Ireland
WAVE
Women's Forum Northern Ireland
Women's Police Association
Youth Action Northern Ireland
Youth Council Northern Ireland
YouthNet

3. Record of Comments Received and PRRT Responses

3.1 Response from Equality Coalition

1.	Feedback from Equality Coalition:	<p>Scope of Policy Decisions and screening at business case stage</p> <p>Recommendation of the inclusion of explicit clarification within paragraph 4.1 of the Equality Scheme that policies and functions subject to section 75 include the functions of procurement and employment. Recommendation also that explicit reference is made in paragraph 4.5 that among the times screening will take place is when a business case on a proposed policy decision is being developed.</p>
	PRRT response:	Accepted, appropriate amendments have been made.

2.	Feedback from Equality Coalition:	<p>Additions to the screening question on Equality Impacts</p> <p>Recommendation to make explicit the factoring in of socioeconomic and geographical/rurality considerations into assessments of equality impact and that the first key screening question in paragraph 4.7 is supplemented by the following two questions in relation to section 75 categories:</p> <p>“Is it likely that those on lower incomes will be disproportionately affected?”</p> <p>“Will there be a variable impact across geographical areas?”</p> <p>Recommendation also to add a specific commitment expressing the understanding that targeting disadvantaged groups is compatible with, and can be required by, section 75 in addition to the recommendation of a specific commitment ensuring that section 75 will not be misinterpreted as providing for the restriction of support for initiatives specifically targeting women.</p>
	PRRT response:	The PRRT has considered these comments in full and sought advice from the Equality Commission in respect of the feedback. The following guidance was received from the Equality Commission. “Commission guidance

		<p>acknowledges that a public authority may decide to include additional matters in its equality scheme, in respect of commitments to address other issues, for example homophobia, socio economic status. As such additions are not covered by the Section 75 duties, it would be for the public authority to determine how it would deal with any complaints on these issues”. In addition, the ECNI has advised that the “Commission guidance and the Commission’s model equality scheme recommend the tools of screening and equality impact assessment as methodologies to assist public authorities to pay the appropriate level of regard to the statutory goals of the need to promote equality of opportunity and to the desirability of promoting good relations.”</p> <p>PRRT notes the comments from the Equality Coalition however considering both the Equality Coalition response and the subsequent guidance received from the Equality Commission, PRRT believes the wording contained in its scheme to be appropriate. PRRT’s arrangements for screening are as per the ECNI model screening template and PRRT will continue to implement the first key screening question as per the ECNI guidance and model documents.</p>
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3.	Feedback:	<p>Change in relation to the good relations duty Recommendation that public authorities remove the good relations ‘impact’ questions from screening:</p> <p>“To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group? (minor/major/none).”</p> <p>The Equality Coalition also urges that consequential amendments are made to ensure that it is responses to the question on impacts on equality of opportunity that trigger a full Equality Impact Assessment (EQIA) and associated duties.</p> <p>An alternative methodology is suggested to be applied to good relations. The Equality Coalition urges that commitments to both limbs of the duty (equality and good relations) are maintained in the other sections of the Equality Scheme (e.g. training, consultation, action plan etc) and commitments to taking into account the desirability of promoting good relations, taking into consideration its statutory aims, at the time of a decision/policy formulation and to keep records of the same. The Equality Coalition therefore recommends that</p>
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		<p>“the screening question on consideration of steps to better promote good relations be maintained, but qualified to be exercised without prejudice to the equality limb of the duty, as the Equality Coalition argues is intended by the legislation”.</p> <p>The Equality Coalition also urge the scheme adopts a definition of ‘good relations’ based on the definition in legislation in Great Britain and the factors set out in ECNI guidance 2015 “Equality Commission advice on Good Relations in Local Councils”.</p> <p>The Equality Coalition states that it “welcomes the 2015 advice from the Equality Commission in moving to define good relations in a human rights compliant manner” but goes on to note its view that “the ECNI elements of definition, focus on matters such as the duty being about (as it is defined in GB) “tackling prejudice and promoting understanding” but also adds as factors “a high level of dignity, respect and mutual understanding”, “an absence of prejudice, hatred, hostility or harassment” and “a fair level of participation in society”. The Coalition states that “rightly promoting such matters is not conducive to a simple lay notion of assessing the ‘impacts’ of good relations. As alluded to above in practice what can happen is that a policy is considered in screening as having an ‘adverse impact’ on good relations as it is politically contested. Even a policy promoting equality of opportunity could then be not taken forward by the contention that it constitutes an adverse impact on good relations as a political party objects to it, or even that there are attitudinal differentials between the ‘political opinion’ or ‘religious belief’ categories, even if attitudes are based on prejudice or intolerance.”</p> <p>The Equality Coalition therefore recommends removing the question on the good relations ‘impact’ of policies from screening questions but recommends maintaining the question on steps to better promote good relations in the screening exercise, “a related commitment to taking into account the duty at the time of policy formulation and the adoption of the aforementioned definition of good relations”. The Equality Coalition further contends that its recommendations would “return schemes to a situation whereby a full equality impact assessment and the consequent duties to consider alternative policies and mitigating measures would be triggered only by the identification of adverse impacts on equality of opportunity, as the legislation intends”.</p>
	PRRT response:	Again PRRT has considered the feedback from the

	<p>Equality Coalition in full and referred to the Equality Commission NI for advice in respect of these recommendations. As stated above the ECNI advised that the “Commission guidance and the Commission’s model equality scheme recommend the tools of screening and equality impact assessments as methodologies to assist public authorities to pay the appropriate level of regard to the statutory goals of the need to promote equality of opportunity and to the desirability of promoting good relations i.e. the degree of consideration that is appropriate in the specific circumstances of the decision or policy being made. The process of screening assists public authorities to identify those decisions and/or policies which are likely to have such relevance to equality of opportunity and/or good relations and to indicate the level of that relevance. This will facilitate a proportionate approach to the processes in order to fulfil the overall duties to have the required level of regard. The methodologies of screening and, where appropriate, equality impact assessment therefore enable public authorities to determine whether a policy is relevant for either or both of the duties and ensure the appropriate level of regard is paid.</p> <p>The recommended methodologies also enable public authorities to understand the potential effect of the policy proposals in order to give the required consideration to the statutory goals.”</p> <p>Considering both the Equality Coalition response and the subsequent guidance received from the Equality Commission, PRRT notes the comments from the Equality Coalition however believes the wording contained in PRRT’s original scheme to be appropriate. As stated above, PRRT’s arrangements for screening are as per the ECNI model screening template and PRRT will continue to implement the key screening questions as per the ECNI guidance and model documents.</p> <p>With regard to the suggested definition of good relations put forward by the Equality Coalition, again PRRT welcomes the feedback however, on review, has determined that it will continue to adopt the working definition of good relations as detailed in the ECNI model equality scheme.</p>
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4.	Feedback:	<p>Additional positive action questions</p> <p>The Equality Coalition provided the following feedback: “The mandatory screening questions under paragraph 4.7, as well as assessing equality impacts also include positive action questions on both steps to better promote equality of opportunity and good relations. We urge the continued inclusion of the equality and good relations promotion questions (with qualification of the good relations question to ensure it is exercised without prejudice to the equality limb of the duty), and also the addition of three extra positive action questions as follows:</p> <ul style="list-style-type: none"> • Is there an opportunity to better promote positive attitudes towards people with disabilities by altering the policy or working with others in government or the wider community? Yes/No • Is there an opportunity to encourage people with disabilities to participate in public life by altering the policy or working with others in government or the wider community? Yes/No • Are there opportunities to promote, by appropriate measures, mutual understanding between all linguistic groups and in particular the inclusion of respect, understanding and tolerance? Yes/No” <p>The Equality Coalition reports that the first two additional questions, have already been incorporated by some public authorities into their schemes and states that they are derived from the general duty under the Disability Discrimination Act 1995. “This General Duty, in s49A of the Act (as amended), provides that:</p> <p>(1)Every public authority shall in carrying out its functions have due regard to—</p> <p>(a)the need to promote positive attitudes towards disabled persons; and</p> <p>(b)the need to encourage participation by disabled persons in public life.</p> <p>These duties are also to be exercised ‘without prejudice’ to other statutory obligations, which would include equality of opportunity duty, yet, as stated by the Equality Coalition, there will be limited situations where the two come into any conflict. The inclusion of the two questions in screening helps operationalise the duties at the time of</p>
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		<p>policy formulation.</p> <p>The third proposed additional positive action question is derived from Article 7(3) of the European Charter for Regional or Minority Languages. The UK has ratified the Charter and is bound by it. Irish and Ulster Scots have been registered in relation to Northern Ireland, although Article 7(3) refers to promoting linguistic diversity between all linguistic groups, including English speakers and speakers of other minority languages. It reads: Article 7(3) The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.</p> <p>This provision, the Equality Coalition states, is particularly relevant to communications, training and language promotion policies. It also argues that it would help “to operationalise into policy decisions this duty under the Charter. It is aimed to provide for approaches which do not penalize provision for minority languages where there is hostility or intolerance of them, but rather enshrines a duty to promote respect, understanding and tolerance”.</p>
	PRRT response:	<p>Having considered the recommendations presented by the Equality Coalition, the above recommendations have been incorporated into PRRT’s Equality Scheme:</p> <ul style="list-style-type: none"> • Is there an opportunity to better promote positive attitudes towards people with disabilities by altering the policy or working with others in government or the wider community? Yes/No • Is there an opportunity to encourage people with disabilities to participate in public life by altering the policy or working with others in government or the wider community? Yes/No

3.2 Response from Parenting NI

1.	Feedback:	Parenting NI welcomed PRRT’s consultation on its draft Equality Scheme and Disability Action Plan and responded to raise awareness of Parenting NI’s expertise in consulting with parents on behalf of government
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		departments, organisations and governing bodies in Northern Ireland.
	PRRT response:	PRRT welcomes Parenting NI's response and is committed to continuing to consult with Parenting NI in the future.

3.3 Response from Autism NI

1.	Feedback:	<p>Autism NI wrote in their submission that “inequalities regarding access to services, external and internal training for the workforce and families, as well as public awareness of Autism, are supported by the failure of past disability legislation to recognise Autism.</p> <p>This situation must be addressed as part of required compliance with the Autism Act (NI) 2011.</p> <p>The natural consequence of the new landmark legislation is a legal requirement upon all public bodies to take account of the social and communication barriers faced by individuals with Autism in accessing public services and public facilities, e.g.</p> <ul style="list-style-type: none"> • improved visual signage and attention to sensory barriers; • clearly structured public areas delineated by function; • assessments based upon social functioning, not merely mental and physical ability; • adjustments to “customer service” procedures that provide for people with Autism; • specific workforce Autism training to assist compliance and competence; • information must be conveyed in a literal style with visual prompts when appropriate or required. <p>To assist the PRRT with compliance with the Autism Act (NI) 2011, Autism NI offers training under our Autism IMPACT award scheme.”</p>
	PRRT response:	PRRT welcomes Autism NI's response and is committed to continuing to consult with Autism NI in the future. In response to Autism NI's feedback and as part of one of the actions of PRRT's Disability Action Plan, to review

		existing training and to organise updated training as required, PRRT is committed also to liaising with Autism NI to seek advice with regard to autism related training as well as in relation to seeking advice on removing or minimising as much as possible the social and communication barriers faced by individuals with Autism in accessing public services and public facilities.
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