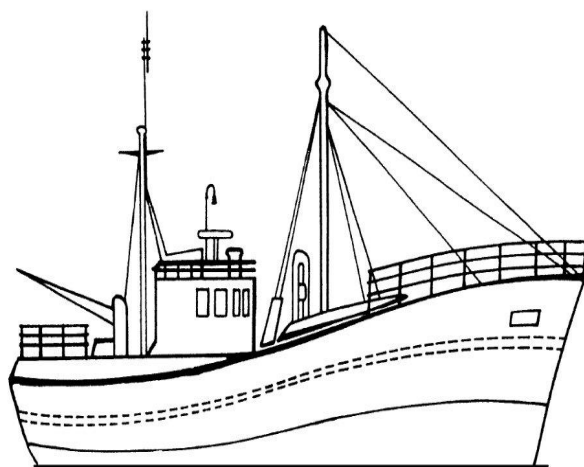


Equality Scheme for Northern Ireland Fishery Harbour Authority (the Authority)

***Drawn up in accordance with Section 75 and Schedule 9 of the
Northern Ireland Act 1998***



***This document is available in a range of formats on request. Please
contact us with your requirements (see page 9 for contact details).***

***Northern Ireland Fishery Harbour Authority
3 St Patrick's Avenue
Downpatrick
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BT30 6DW***

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Please note: Foreword and Appendices 3 and 4 form part of this equality scheme.

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Foreword

We are pleased to present this new Equality Scheme for the Northern Ireland Fishery Harbour Authority which sets out how the Authority proposes to fulfil the section 75 statutory duties.

Section 75 of the Northern Ireland Act 1998 (the Act) requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined in the Act¹.

We will commit the necessary resources in terms of people, time and money to make sure that the Section 75 statutory duties are complied with and that the equality scheme is implemented effectively, and on time.

We commit to having effective internal arrangements in place for ensuring our effective compliance with the Section 75 statutory duties and for monitoring and reviewing our progress.

We will develop and deliver a programme of communication and training with the aim of ensuring that all our staff and board members are made fully aware of our equality scheme and understand the commitments and obligations within it. We will develop a programme of awareness raising for our consultees on the Section 75 statutory duties and our commitments in our equality scheme.

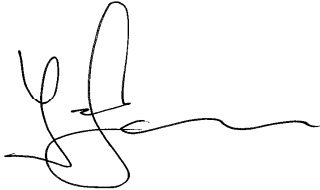
The Chairman and Chief Executive are committed to fulfilling effectively our Section 75 statutory duties across all our functions (including service provision, employment and procurement) through the effective implementation of our equality scheme.

We realise the important role that the community and voluntary sector and the general public have to play to ensure the Section 75 statutory duties are effectively implemented. Our equality scheme demonstrates how determined we are to ensure there are opportunities, for people affected by our work, to positively influence how we carry out our functions in line with our Section 75 statutory duties. It also offers the means whereby persons directly affected by what they consider to be a

¹ See section 1.1 of our Equality Scheme.

failure, on our part, to comply with our equality scheme, can make complaints.

On behalf of The Northern Ireland Fishery Harbour Authority and our staff we are pleased to support and endorse this equality scheme which has been drawn up in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998 and Equality Commission guidelines.



Terry Jarvis
Chairman



Kevin Quigley
Chief Executive

18 October 2012

Chapter 1 Introduction

Section 75 of the Northern Ireland Act 1998

1.1 Section 75 of the Northern Ireland Act 1998 (the Act) requires The Northern Ireland Fishery Harbour Authority (the Authority) to comply with two statutory duties:

Section 75 (1)

In carrying out our functions relating to Northern Ireland we are required to have due regard to the need to promote equality of opportunity between:-

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- men and women generally
- persons with a disability and persons without
- persons with dependants and persons without.

Section 75 (2)

In addition, without prejudice to the obligations above, in carrying out our functions in relation to Northern Ireland we are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

“Functions” include the “powers and duties” of a public authority². This includes our employment and procurement functions.

Please see below under “Who we are and what we do” for a detailed explanation of our functions.

How we propose to fulfill the Section 75 duties in relation to the relevant functions of The Northern Ireland Fishery Harbour Authority

1.2 Schedule 9 4. (1) of the Act requires the Authority as a designated public authority to set out in an equality scheme how it proposes to fulfil the duties imposed by Section 75 in relation to its relevant functions. This equality scheme is intended to fulfil that statutory requirement. It is both a statement of our arrangements for

² Section 98 (1) of the Northern Ireland Act 1998.

fulfilling the Section 75 statutory duties and our plan for their implementation.

- 1.3 The Authority is committed to the discharge of its Section 75 obligations in all parts of its organisation. The Authority will commit the necessary available resources in terms of people, time and money to ensure that the Section 75 statutory duties are complied with and that our equality scheme can be implemented effectively.

Who we are and what we do

- 1.4 The functions of the Authority for purposes of the Act include its powers and duties. These are established in the enabling legislation which is the Harbours Act (NI) 1970 and the Northern Ireland Fishery Harbour Authority Order (NI) 1973.
- 1.5 The Authority is an Executive Non-Departmental Public Body (Executive NDPB) sponsored by the Fisheries Division of the Department of Agriculture and Rural Development for Northern Ireland (DARD).

It is responsible for the three fishery harbours and harbour estates of Ardglass, Kilkeel and Portavogie. The primary functions of the Harbour Authority are:

- to manage, maintain and improve the harbours and harbour estates;
- to operate such facilities as may be provided at the harbours;
- to dredge and maintain the harbour berths, channels and entrances;
- to lease, dispose of or develop land vested in the Authority; and
- to make Bye-Laws to control the day-to-day running of the harbours and associated facilities.

The Authority is primarily responsible for ensuring that all on-shore and marine activities within port limits are carried out safely and efficiently and that harbour facilities are maintained and improved in an effective manner.

In terms of service provision the Authority has 4 key areas of operation:-

- the provision and maintenance of safe navigation channels and berths;
- the provision, operation and management of fishmarket facilities;
- the provision, operation and management of slipway facilities for vessel maintenance and repair; and
- estate management and development.

Although the Northern Ireland Fishery Harbour Authority does not provide any services to or for the general public it has been constituted as Non-departmental Public Body and therefore has a statutory obligation under the Northern Ireland Act (1998) to comply with its Section 75 responsibilities through the production and implementation of an Equality Scheme.

- 1.6 The Authority is managed by a Board consisting of a Chairman, the Chief Executive and between four and eight other Members. The Chairman and Members are appointed by DARD and are non-executive.

The Board has four sub-committees – Audit, Corporate Planning, Finance and General Purposes and Remuneration. The Audit sub-committee provides objective advice to the Chief Executive and the Board on corporate governance, risk management and internal control issues.

The Chairman and Board Members have overall responsibility for the corporate strategy and governance of the Authority and for setting aims and objectives. The Corporate Plan is normally updated every 4 years and the process involves the continuous monitoring and review of performance with a view to ensuring that overall aims and objectives are achieved. Annual Business Plans are derived from and consistent with the Corporate Plan.

- 1.7 As at 1 January 2012, NIFHA employed 13 operational and maintenance staff and 8 administrative staff. A copy of the Authority's organisational chart is attached as Appendix 1 for reference. The Authority's head office is located in Downpatrick and there are offices at each of the three harbours.
- 1.8 In carrying out its functions/duties, the Authority interacts with a broad range of external stakeholders/clients groups, these include:

- The Authority's sponsor Department – the Department of Agriculture and Rural Development (and through DARD the Strategic Investment Board and the Department of Finance and Personnel);
- Other relevant public bodies e.g. the Northern Ireland Environment Agency, the Health and Safety Executive (HSE), the Maritime and Coastguard Agency (MCA), and the local councils in which harbours are located (i.e. Ards Borough Council, Down District Council and Newry and Mourne District Council);
- Environmental Health Officers;
- Locally elected representatives;
- The fishing industry/Producer Organisations;
- Fish processors;
- Fish auctioneers/sellers;
- Ancillary service providers (including existing tenants); and
- Other port users

1.9 It is the Chief Executive's responsibility to ensure that the decisions of the Authority's Board are implemented, that the organisation works effectively in accordance with Government policy and public service values, and for the maintenance of proper financial stewardship. The Chief Executive has scope within clearly defined delegated powers to take action to fulfil the decisions of the Board.

1.10 The Authority is accountable to the Department of Agriculture and Rural Development and through it to the Northern Ireland Assembly. The Department has a statutory duty to promote sustainable economic growth and the development of the countryside in Northern Ireland.

1.11 The Department assists with the competitive development of the agri-food, fishing and forestry sectors of the Northern Ireland economy, being both proactive and responsive to the needs of consumers for safe and wholesome food, the welfare of animals and the conservation and enhancement of the environment. The Department is responsible for directing relevant non-departmental public bodies including the Northern Ireland Fishery Harbour Authority in ensuring national and regional policies are implemented and for the effective stewardship of Agriculture and Rural Development resources.

Chapter 2 Our arrangements for assessing our compliance with the section 75 duties (Schedule 9 4. (2) (a))

- 2.1 Some of our arrangements for assessing our compliance with the Section 75 statutory duties are outlined in other relevant parts of this Equality Scheme for example, monitoring arrangements, assessment of impact of policies arrangements, consultation, training, publication, complaints, access to information and services and review.

In addition we have the following arrangements in place for assessing our compliance:

Responsibilities and Reporting

- 2.2 We are committed to the fulfilment of our Section 75 obligations in all parts of our work.
- 2.3 Responsibility for the effective implementation of our equality scheme lies with the Board of the Authority. The Chief Executive is accountable to the Board for the development, implementation, maintenance and review of the Equality Scheme in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998, including any good practice or guidance that has been or may be issued by the Equality Commission.
- 2.4 If you have any questions or comments regarding our Equality Scheme, please contact Rosemary Scott at the address given below and we will respond to you as soon as possible:

3 St Patrick's Avenue
Downpatrick
Co Down
BT30 6DW

Telephone number: 028 4461 3844
Text phone number: 078 1133 9401
E-mail address: rosemary.scott@nifha.co.uk

- 2.5 Objectives and targets relating to the statutory duties will be integrated into our strategic and operational business plans³.
- 2.6 Employees' job descriptions and performance plans reflect their contributions to the discharge of the Section 75 statutory duties and implementation of the Equality Scheme, where relevant. The personal performance plans are subject to appraisal in the annual performance review.
- 2.7 The Authority prepares an annual report on the progress it has made on implementing the arrangements set out in this Equality Scheme to discharge our Section 75 statutory duties (Section 75 Annual Progress Reports).

The Section 75 Annual Progress Report will be sent to the Equality Commission by 31 August each year and will follow any guidance on annual reporting issued by the Equality Commission. Progress on the delivery of Section 75 statutory duties will also be included in The Authority's annual report.

- 2.8 Our latest Section 75 Annual Progress Report is available on our website www.nifha.co.uk or by contacting:

Rosemary Scott

Telephone number: 028 4461 3844

Text phone number: 078 1133 9401

E-mail: rosemary.scott@nifha.co.uk

- 2.9 The Authority liaises closely with the Equality Commission to ensure that progress on the implementation of its Equality Scheme is maintained.
- 2.10 Due to the nature of the business that the Authority is engaged in there are limitations in terms of how the organisation can enhance the promotion of equality and good relations. However, notwithstanding the nature of the functions undertaken by the Authority equality and good relations obligations are mainstreamed across the organisation through the implementation of the corporate values and objectives. The Authority has taken a proactive and innovative approach to promoting equality and good

³ See Appendix 4 'Timetable for measures proposed' and section 2.11 of this equality scheme.

relations in its internal and external functions over the last ten years. The Authority has integrated the promotion of the statutory duties into its arrangements for governance and the Board has a strategic role in monitoring the performance of the organisation in this regard.

All senior management have been trained in Section 75 and are responsible for ensuring that the Section 75 statutory duties are taken fully into account in developing, reviewing and implementing policy decisions across the remit of the organisation.

Action Plan / Action Measures

- 2.11 The Authority has developed an Action Plan to promote equality of opportunity and good relations. An Action Plan is set out in Appendix 6 to this Equality Scheme.
- 2.12 The action measures that will make up our Action Plan will be relevant to our functions. They will be developed and prioritised on the basis of an Audit of Inequalities which has been completed. This Audit of Inequalities gathered and analysed information across the Section 75 categories⁴ to identify the inequalities that exist for our service users and those affected by our policies⁵.
- 2.13 Action Plan measures will be specific, measurable, linked to achievable outcomes, realistic and time bound. Action measures will include performance indicators and timescales for their achievement.
- 2.14 The Action Plan will be developed for a period of between one and five years in order to align them with our corporate and business planning cycles. Implementation of the action measures will be incorporated into our business planning process.
- 2.15 We will seek input from our stakeholders and consult on our Action Plan before we send it to the Equality Commission and thereafter when reviewing the plan as per 2.16 below.

⁴ See section 1.1 of this equality scheme for a list of these categories.

⁵ See section 4.1 of this equality scheme for a definition of policies.

- 2.16 We will monitor our progress on the delivery of our Action Plan Measures annually and update the Action Plan as necessary to ensure that it remains effective and relevant to our functions and work.
- 2.17 The Authority will inform the Equality Commission of any changes or amendments to our Action Plan and will also include this information in our Section 75 Annual Progress Report to the Commission. Our Section 75 Annual Progress Report will incorporate information on progress we have made in implementing our action plans/action measures.
- 2.18 Once finalised, our Action Plan will be available on our website www.nifha.co.uk or by contacting Rosemary Scott:

Telephone number: 028 4461 3844
Text phone number: 078 1133 9401
E-mail: rosemary.scott@nifha.co.uk

If you require it in an alternative format please contact us on the details provided.

We will also bring the Action Plan to the attention of consultees.

Our progress on our Audit of Inequalities Action Plan targets will be reported in our Section 75 Annual Progress Report to the Equality Commission.

Chapter 3 **Our arrangements for consulting**

(Schedule 9 4. (2) (a)) - on matters to which a duty (S75 (1) or (2)) is likely to be relevant (including details of the persons to be consulted).

(Schedule 9 4. (2) (b)) on the likely impact of policies adopted or proposed to be adopted by us on the promotion of equality of opportunity.

- 3.1 We recognise the importance of consultation in all aspects of the implementation of our statutory equality duties. We will consult on our Equality Scheme, action measures, equality impact assessments and other matters relevant to the Section 75 statutory duties.
- 3.2 We are committed to carrying out consultation in accordance with the following principles (as contained in the Equality Commission's guidance '*Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)*')
- 3.3 Consultations will seek the views of those directly affected by the matter/policy, including the Equality Commission, representative groups of Section 75 categories, other public authorities, voluntary and community groups, our staff and their trades unions and such other groups who have a legitimate interest in the matter whether or not they have a direct economic or personal interest.

Initially all consultees (see Appendix 3), as a matter of course, will be notified (by email or post) of the matter/policy being consulted upon to ensure they are aware of all consultations. Thereafter, to ensure the most effective use of our and our consultees' resources, we will take a more targeted approach to consultation for those consultees that may have a particular interest in the matter/policy being consulted upon and to whom the matter/policy is of particular relevance. This may include for example regional or local consultations, sectoral or thematic consultation etc.

- 3.4 Consultation with all stakeholders will begin as early as possible. We will engage with affected individuals and representative groups to identify how best to consult or engage with them. We will ask our consultees what their preferred consultation methods are and will give consideration to these. Methods of consultation could include:-

- Face-to-face meetings
- Focus groups
- Written documents with the opportunity to comment in writing
- Questionnaires
- Information/notification by email with an opportunity to opt in/opt out of the consultation
- Internet discussions or
- Telephone consultations.

This list is not exhaustive and we may develop other additional methods of consultation more appropriate to key stakeholders and the matter being consulted upon.

- 3.5 We will consider the accessibility and format of every method of consultation we use in order to remove barriers to the consultation process. Specific consideration will be given as to how best to communicate with children and young people, people with disabilities (in particular people with learning disabilities) and minority ethnic communities. We take account of existing and developing good practice, including the Equality Commission's guidance *Let's Talk Let's Listen – Guidance for public authorities on consulting and involving children and young people (2008)*.

The Authority is committed to achieving effective communication with its customers and with the public. We will ensure that we provide a wide range of accessible communication channels to suit the needs of our customers, and we will also take action to promote the availability of our accessible services too. We will work to make our information services accessible through a range of different formats and will seek feedback from our customers and as appropriate, review and enhance the service provision. Particular care will be taken to ensure that we take account of the specific communication needs of people with disabilities, older people, children and young people.

Information will be made available, in a timely fashion and in accessible formats in consultation with the affected groups, usually within 15 working days.

- 3.6 Specific training will be given to staff engaged in consultations to ensure that they have the necessary skills to communicate effectively with consultees.
- 3.7 To ensure effective consultation with consultees on Section 75 matters, we will develop a programme of awareness raising on the Section 75 statutory duties and the commitments in our equality scheme by undertaking the following:

Email notification to all consultees within one month of our Equality Scheme and Action Plan being approved by the Equality Commission.

As appropriate, arranging pre-consultation meetings with key Section 75 groups and representatives to discuss specific policy issues.

- 3.8 The consultation period lasts for a minimum of twelve weeks to allow adequate time for groups to consult amongst themselves as part of the process of forming a view. However, in exceptional circumstances when this timescale is not feasible (for example implementing EU Directives or UK wide legislation, meeting Health and Safety requirements, addressing urgent public health matters or complying with Court judgements), we may shorten timescales to eight weeks or less before the policy is implemented. We may continue consultation thereafter and will review the policy as part of our monitoring commitments⁶.

Where, under these exceptional circumstances, we must implement a policy immediately, as it is beyond our authority's control, we may consult after implementation of the policy, in order to ensure that any impacts of the policy are considered.

- 3.9 If a consultation exercise is to take place over a period when consultees are less able to respond, for example, over the summer or Christmas break, or if the policy under consideration is particularly complex, we will give consideration to the feasibility of allowing a longer period for the consultation.
- 3.10 We realise that affected individuals and representative groups may have different needs and we will take appropriate measures to

⁶ Please see below at 4.27 to 4.31 for details on monitoring.

ensure full participation in any meetings that are held. We will consider for example the time of day, the appropriateness of the venue, in particular whether it can be accessed by those with disabilities, how the meeting is to be conducted, the use of appropriate language, whether a signer and/or interpreter is necessary, and whether the provision of childcare and support for other carers is required.

- 3.11 We make all relevant information available to consultees in appropriate formats to ensure meaningful consultation. This includes detailed information on the policy proposal being consulted upon and any relevant quantitative and qualitative data.
- 3.12 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy.
- 3.13 We provide feedback to consultees in a timely manner. A feedback report is prepared which includes summary information on the policy consulted upon, a summary of consultees' comments and a summary of our consideration of and response to consultees' input. The feedback is provided in formats suitable to consultees. (Please see also 6.3)
- 3.14 A list of our consultees is included in this Equality Scheme at Appendix 3. It can also be obtained from our website at www.nifha.co.uk or by contacting:

Rosemary Scott
3 St Patrick's Avenue
Downpatrick
Co Down, BT30 6DW

Telephone number: 028 4461 3844
Text phone number: 078 1133 9401
E-mail address: rosemary.scott@nifha.co.uk

- 3.15 Our consultation list is not exhaustive and is reviewed on an annual basis to ensure it remains relevant to our functions and policies.

We welcome enquiries from any person/s or organisations wishing to be added to the list of consultees. Please contact the Authority's

Downpatrick office on 028 4461 3844 to provide your contact details and have your areas of interest noted or have your name/details removed or amended. Please also inform us at this stage if you would like information sent to you in a particular format or language.

Chapter 4

Our arrangements for assessing, monitoring and publishing the impact of policies (Schedule 9 4. (2) (b); Schedule 9 4. (2) (c); Schedule 9 4. (2) (d); Schedule 9 9.(1); Schedule 9 9.(2))

Our arrangements for assessing the likely impact of policies adopted or proposed to be adopted on the promotion of equality of opportunity (Schedule 9 4. (2) (b))

- 4.1 In the context of Section 75, 'policy' is very broadly defined and it covers all the ways in which we carry out or propose to carry out our functions in relation to Northern Ireland. In respect of this Equality Scheme, the term policy is used for any (proposed/amended/existing) strategy, policy initiative or practice and/or decision, whether written or unwritten and irrespective of the label given to it, e.g., 'draft', 'pilot', 'high level' or 'sectoral'.
- 4.2 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9 9. (2) of the Northern Ireland Act 1998.
- 4.3 The Authority uses the tools of **screening** and **equality impact assessment** to assess the likely impact of a policy on the promotion of equality of opportunity and good relations. In carrying out these assessments we will relate them to the intended outcomes of the policy in question and will also follow Equality Commission guidance:
- the guidance on screening, including the screening template, as detailed in the Commission's guidance '*Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)*' and
 - on undertaking an equality impact assessment as detailed in the Commission's guidance '*Practical guidance on equality impact assessment (February 2005)*'.

Screening

- 4.4 The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations.
- 4.5 Screening is completed at the earliest opportunity in the policy development/review process. Policies which we propose to adopt will be subject to screening prior to implementation. For more detailed strategies or policies that are to be put in place through a series of stages, we will screen at various stages during implementation.
- 4.6 The lead role in the screening of a policy is taken by the policy decision maker who has the authority to make changes to that policy. However, screening will also involve other relevant team members, for example, equality specialists, those who implement the policy and staff members from other relevant work areas. Where possible we will include key stakeholders in the screening process.
- 4.7 The following questions are applied to all our policies as part of the screening process:
- What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor/major/none)
 - Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?
 - 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)
 - Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?
- 4.8 In order to answer the screening questions, we gather all relevant information and data, both qualitative and quantitative. In taking this evidence into account we consider the different needs, experiences and priorities for each of the Section 75 equality

categories. Any screening decision will be informed by this evidence.

4.9 Completion of screening, taking into account our consideration of the answers to all four screening questions set out in 4.7 above, will lead to one of the following three outcomes:

1. the policy has been 'screened in' for equality impact assessment
2. the policy has been 'screened out' with mitigation⁷ or an alternative policy proposed to be adopted
3. the policy has been 'screened out' without mitigation or an alternative policy proposed to be adopted.

4.10 If our screening concludes that the likely impact of a policy is 'minor' in respect of one, or more, of the equality of opportunity and/or good relations categories, we may on occasion decide to proceed with an equality impact assessment, depending on the policy. If an EQIA is not to be conducted we will nonetheless consider measures that might mitigate the policy impact as well as alternative policies that might better achieve the promotion of equality of opportunity and/or good relations.

Where we mitigate we will outline in our screening template the reasons to support this decision together with the proposed changes, amendments or alternative policy.

This screening decision will be 'signed off' by the appropriate policy lead within the Authority, usually the Chief Executive.

4.11 If our screening concludes that the likely impact of a policy is 'major' in respect of one, or more, of the equality of opportunity and/or good relations categories, we may subject the policy to an equality impact assessment. This screening decision will be 'signed off' by the appropriate policy lead within the Authority. This screening decision will be 'signed off' by the Chief Executive.

4.12 If our screening concludes that the likely impact of a policy is 'none', in respect of all of the equality of opportunity and/or good relations categories, we may decide to screen the policy out. If a

⁷ Mitigation – Where an assessment (screening in this case) reveals that a particular policy has an adverse impact on equality of opportunity and /or good relations, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant Section 75 categories.

policy is 'screened out' as having no relevance to equality of opportunity or good relations, we will give details of the reasons for the decision taken. This screening decision will be 'signed off' by the appropriate policy lead within the Authority usually the Chief Executive.

- 4.13 As soon as possible following the completion of the screening process, the screening template, signed off and approved by the senior manager responsible for the policy, will be made available on our website www.nifha.co.uk or by contacting:

Rosemary Scott
3 St Patrick's Avenue
Downpatrick
Co Down
BT30 6DW

Telephone number: 028 4461 3844
Text phone number: 078 1133 9401
E-mail address: rosemary.scott@nifha.co.uk

- 4.14 If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, we will review the screening decision.
- 4.15 Our screening reports are published six monthly [see below at 4.20 - 4.22 and 4.23 for details.

Equality impact assessment

- 4.16 An equality impact assessment (EQIA) is a thorough and systematic analysis of a policy, whether that policy is formal or informal, and irrespective of the scope of that policy. The primary function of an EQIA is to determine the extent of any impact of a policy upon the Section 75 categories and to determine if the impact is an adverse one. It is also an opportunity to demonstrate the likely positive outcomes of a policy and to seek ways to more effectively promote equality of opportunity and good relations.
- 4.17 Once a policy is screened and screening has identified that an equality impact assessment is necessary, we will carry out the EQIA in accordance with Equality Commission guidance. The

equality impact assessment will be carried out as part of the policy development process, before the policy is implemented.

- 4.18 Any equality impact assessment will be subject to consultation at the appropriate stage(s). (For details see above Chapter 3 “Our Arrangements for Consulting”).

Our arrangements for publishing the results of the assessments of the likely impact of policies we have adopted or propose to adopt on the promotion of equality of opportunity (Schedule 9 4. (2) (d); Schedule 9 9. (1))

- 4.19 We make publicly available on our website the results of our assessments (screening and EQIA) of the likely impact of our policies on the promotion of equality of opportunity and good relations.

What we publish

- 4.20 These are published six monthly on the Authority’s website. Our screening reports will include:
- Details of policies screened by the Authority over the six month period
 - A statement of the aim(s) of the specific policy/policies which have been screened
 - Details of the consideration given to measures which might mitigate any adverse impact
 - Consideration given to alternative policies which might better achieve the promotion of equality of opportunity;
 - Details about each screening assessment made, i.e.: -
 - whether the policy has been ‘screened in’ for equality impact assessment.
 - whether the policy has been ‘screened out’ with mitigation or an alternative policy proposed to be adopted.
 - whether the policy has been ‘screened out’ without mitigation or an alternative policy proposed to be adopted.
 - Where applicable, a timetable for conducting equality impact assessments
 - A link to the completed screening forms on our website

4.21 Completed Screening templates

For details on the availability of our completed screening forms please refer to 4.13.

4.22 Equality Impact Assessments (EQIAs)

EQIA reports are published once the impact assessment has been completed. These reports include:

- A statement of the aim of the policy assessed
- Information and data collected
- Details of the assessment of impact(s)
- Consideration given to measures which might mitigate any adverse impact
- Consideration given to alternative policies which might better achieve the promotion of equality of opportunity
- Consultation responses
- The decision taken
- Future monitoring plans.

How we publish the information

4.23 All information we publish is accessible and can be made available in alternative formats on request. Please see 6.3 below.

Where we publish the information

4.24 The results of our assessments (screening reports and completed screening forms, the results of equality impact assessments) are available on our website www.nifha.co.uk or by contacting:

Rosemary Scott
3 St Patrick's Avenue
Downpatrick
Co Down
BT30 6DW

Telephone number: 028 4461 3844
Text phone number: 078 1133 9401
E-mail address: rosemary.scott@nifha.co.uk

- 4.25 In addition to the above, screening reports (electronic link or hard copy on request if more suitable for recipients) which include all policies screened over a 6 month period are also sent directly to all consultees on a six monthly basis. Hard copies of our screening reports can also be made available on request.
- 4.26 We will inform the general public about the availability of this material through communications such as press releases where appropriate.

Our arrangements for monitoring any adverse impact of policies we have adopted on equality of opportunity (Schedule 9 4. (2) (c))

- 4.27 Monitoring can assist us to deliver better public services and continuous improvements. Monitoring Section 75 information involves the processing of sensitive personal data (data relating to the racial or ethnic origin of individuals, sexual orientation, political opinion, religious belief, etc). In order to carry out monitoring in a confidential and effective manner, the Authority follows guidance from the Office of the Information Commissioner and the Equality Commission.
- 4.28 We monitor any adverse impact on the promotion of equality of opportunity of policies we have adopted. We are also committed to monitoring more broadly to identify opportunities to better promote equality of opportunity and good relations in line with Equality Commission guidance.
- 4.29 The systems we have established to monitor the impact of policies and identify opportunities to better promote equality of opportunity and good relations are:
- The collection, collation and analysis of existing relevant primary quantitative and qualitative data across all nine equality categories on an ongoing basis.
 - The collection, collation and analysis of existing relevant secondary sources of quantitative and qualitative data across all nine equality categories on an ongoing basis.
 - An audit of existing information systems within one year of approval of this equality scheme, to identify the extent of current

monitoring and take action to address any gaps in order to have the necessary information on which to base decisions

- Undertaking or commissioning new data if necessary.

4.30 If over a two year period monitoring and evaluation show that a policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, we will ensure that the policy is revised to achieve better outcomes for relevant equality groups.

4.31 We review our EQIA monitoring information on an annual basis.

The Chief Executive and where necessary external specialist assistance is used to provide guidance to business areas on the completion of equality impact assessments and arrangements to undertake appropriate equality monitoring;

Our Section 75 Annual Progress Report to the Equality Commission includes an update on the equality monitoring actions we have undertaken and the outcomes from this action;

Customer Service complaints are regularly monitored to ensure a satisfactory level of service is maintained and that any issues raised by the customers are addressed promptly and satisfactorily.

Our arrangements for publishing the results of our monitoring
(Schedule 9 4. (2) (d))

4.32 Schedule 9 4. (2) (d) requires us to publish the results of the monitoring of adverse impacts of policies we have adopted. However, we are committed to monitoring more broadly and the results of our policy monitoring are published as follows:

4.33 EQIA monitoring information is published as part of our Section 75 annual progress report [see 2.7]

4.34 In addition the results of the Authority's Monitoring will be published on the website with hard copies made available on request.

4.35 All information published is accessible and can be made available in alternative formats on request. Please see below at 6.3 for details.

Chapter 5 Staff Training (Schedule 9 4.(2) (e))

Commitment to staff training

- 5.1 We recognise that awareness raising and training play a crucial role in the effective implementation of our Section 75 duties.
- 5.2 Our Chief Executive wishes to positively communicate the commitment of the Authority to the Section 75 statutory duties, both internally and externally.

To this end we have introduced an effective communication and training programme for all staff and will ensure that our commitment to the Section 75 statutory duties is made clear in all relevant publications.

Training Objectives

- 5.3 The Authority will draw-up a detailed training plan for its staff which will aim to achieve the following objectives:
 - to raise awareness of the provisions of Section 75 of the Northern Ireland Act 1998, our equality scheme commitments and the particular issues likely to affect people across the range of Section 75 categories, to ensure that our staff fully understand their role in implementing the scheme
 - to provide those staff involved in the assessment of policies (screening and EQIA) with the necessary skills and knowledge to do this work effectively
 - to provide those staff who deal with complaints in relation to compliance with our equality scheme with the necessary skills and knowledge to investigate and monitor complaints effectively
 - to provide those staff involved in consultation processes with the necessary skills and knowledge to do this work effectively
 - to provide those staff involved in the implementation and monitoring of the effective implementation of the Authority's equality scheme with the necessary skills and knowledge to do this work effectively.

Awareness raising and training arrangements

5.4 The following arrangements are in place to ensure all our staff and board members are aware of and understand our equality obligations:

- We will develop a summary of this equality scheme and make it available to all staff.
- We will provide access to copies of the full equality scheme for all staff; ensure that any queries or questions of clarification from staff are addressed effectively.
- Staff in the Authority will receive a briefing on this equality scheme within 6 months following approval of the scheme.
- The Section 75 statutory duties form part of induction training for new staff.
- Focused training is provided for key staff within the Authority who are directly engaged in taking forward the implementation of our equality scheme commitments (for example those involved in research and data collection, policy development, service design, conducting equality impact assessments, consultation, monitoring and evaluation).
- Where appropriate, training will be provided to ensure staff are aware of the issues experienced by the range of Section 75 groups.
- When appropriate and on an ongoing basis, arrangements will be made to ensure staff are kept up to date with Section 75 developments.
- Employees in the three Harbours have received Good Relations, Disability and Race Awareness training.
- Board members and management have received training on the New Guidance and on Disability Awareness
- Specific training on the application of screening and EQIA's will be made available to all managers involved in policy review and development.

- 5.5 Training and awareness raising programmes will, where relevant, be developed in association with the appropriate Section 75 groups and our staff.

In order to share resources and expertise, the Authority will, where possible, work closely with other bodies and agencies in the development and delivery of training.

Monitoring and evaluation

- 5.6 Our training programme is subject to the following monitoring and evaluation arrangements:
- We evaluate the extent to which all participants in this training programme have acquired the necessary skills and knowledge to achieve each of the above objectives.
 - The extent to which training objectives have been met will be reported on as part of the Section 75 annual progress report, which will be sent to the Equality Commission.

Chapter 6 Our arrangements for ensuring and assessing public access to information and services we provide (Schedule 9 4. (2) (f))

6.1 The Authority is committed to ensuring that the information we disseminate and the services we provide are fully accessible to all parts of the community in Northern Ireland. We keep our arrangements under review to ensure that this remains the case.

6.2 We are aware that some groups will not have the same access to information as others. In particular:

- People with sensory, learning, communication and mobility disabilities may require printed information in other formats.
- Members of ethnic minority groups, whose first language is not English, may have difficulties with information provided only in English.
- Children and young people may not be able to fully access or understand information.

Access to information

6.3 To ensure equality of opportunity in accessing information, we provide information in alternative formats on request, where reasonably practicable. Where the exact request cannot be met we will ensure a reasonable alternative is provided.

- Alternative formats may include Easy Read, Braille, audio formats (CD, mp3 or DAISY), large print or minority languages to meet the needs of those for whom English is not their first language.
- The Authority liaises with representatives of young people and disability and minority ethnic organisations and takes account of existing and developing good practice.

We will respond to requests for information in alternative formats in a timely manner, usually within 15 working days.

6.4 In disseminating information through the media we will seek to advertise in the press where appropriate.

- 6.5 The Authority is committed to ensuring that all of its services are fully accessible to everyone in the community across the Section 75 categories. Through our function of developing the Harbours the Authority supports and develops the local economics in the areas of the Harbours.

Access to services

- 6.6 The Authority is committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories.

The Authority also adheres to the relevant provisions of current anti-discrimination legislation.

Assessing public access to information and services

- 6.7 The Authority monitors annually across all our functions, in relation to access to information and services, to ensure equality of opportunity and good relations are promoted.
- 6.8 The Authority monitors annual progress in a number of key areas including any complaints and issues raised in relation to access to the Authority's information and services.
- 6.9 Accessibility of our information and services is also reviewed periodically through customer satisfaction surveys, feedback from customers and monitoring arrangements.

Chapter 7 Timetable for measures we propose in this equality scheme (Schedule 9 4. (3) (b))

- 7.1 Appendix 4 outlines our timetable for all measures proposed within this equality scheme. The measures outlined in this timetable will be incorporated into our business planning processes.
- 7.2 This timetable is different from and in addition to our commitment to developing action plans/action measures to specifically address inequalities and further promote equality of opportunity and good relations. We have included in our equality scheme a commitment to develop an action plan. Accordingly, this commitment is listed in the timetable of measures at Appendix 4. For information on these action measures please see above at 2.11 – 2.18.

Chapter 8 Our complaints procedure (Schedule 9 10.)

8.1 The Authority is responsive to the views of members of the public as well as from its customer base. We will endeavour to resolve all complaints made to us.

8.2 Schedule 9 paragraph 10 of the Act refers to complaints. A person can make a complaint to a public authority if the complainant believes he or she may have been directly affected by an alleged failure of the authority to comply with its approved Equality Scheme.

If the complaint has not been resolved within a reasonable timescale, the complaint can be brought to the Equality Commission.

8.3 A person wishing to make a complaint that the Authority has failed to comply with its approved equality scheme should contact:

Rosemary Scott
3 St Patrick's Avenue
Downpatrick
Co Down
BT30 6DW

Telephone number: 028 4461 3844
Text phone number: 078 1133 9401
E-mail address: rosemary.scott@nifha.co.uk

8.4 We will in the first instance acknowledge each complaint within 5 working days of receipt.

8.5 The Authority will carry out an internal investigation of the complaint and will respond substantively to the complainant within one (1) month of the date of receiving the letter of complaint. Under certain circumstances, if the complexity of the matter requires a longer period, the period for response to the complainant may be extended to two (2) months. In those circumstances, the complainant will be advised of the extended period within one month of making the complaint.

8.6 During this process the complainant will be kept fully informed of the progress of the investigation into the complaint and of any outcomes.

8.7 In any subsequent investigation by the Equality Commission, the Authority will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require.

Similarly, the Authority will co-operate fully with any investigation by the Equality Commission under sub-paragraph 11 (1) (b) of Schedule 9 to the Northern Ireland Act 1998.

8.8 The Authority will make all efforts to implement promptly and in full any recommendations arising out of any Commission investigation.

Chapter 9 **Publication of our equality scheme** (Schedule 9 4. (3) (c))

9.1 The Authority's Equality Scheme is available free of charge in print form and alternative formats from:

Rosemary Scott
3 St Patrick's Avenue
Downpatrick
Co Down, BT30 6DW

Telephone number: 028 4461 3844
Text phone number: 078 1133 9401
E-mail address: rosemary.scott@nifha.co.uk

9.2 Our equality scheme is also available on our website at:
www.nifha.co.uk

9.3 The following arrangements are in place for the publication in a timely manner of our equality scheme to ensure equality of access:

- We will make every effort to communicate widely the existence and content of our equality scheme. This may include press releases, prominent advertisements in the press, the internet and direct mail shots to groups representing the various in Section 75 categories.
- We will email a link of our approved equality scheme to our consultees on our consultation lists. Other consultees without e-mail will be notified by letter that the scheme is available on request.

Our equality scheme is available on request in alternative formats such as Easy Read, Braille, large print, audio formats (CD, mp3, DAISY) and in minority languages to meet the needs of those not fluent in English. We will respond to requests for information in attentive formats in a timely manner, usually within 15 working days.

- A summary of our Equality Scheme will be prepared and circulated for distribution to organisations representing children and young people; and people with disabilities.

9.4 For a list of our stakeholders and consultees please see Appendix 3 of the equality scheme, visit our website at www.nifha.co.uk or contact:

Rosemary Scott
3 St Patrick's Avenue
Downpatrick
Co Down
BT30 6DW

Telephone number: 028 4461 3844
Text phone number: 078 1133 9401
E-mail address: rosemary.scott@nifha.co.uk

Chapter 10 Review of our equality scheme

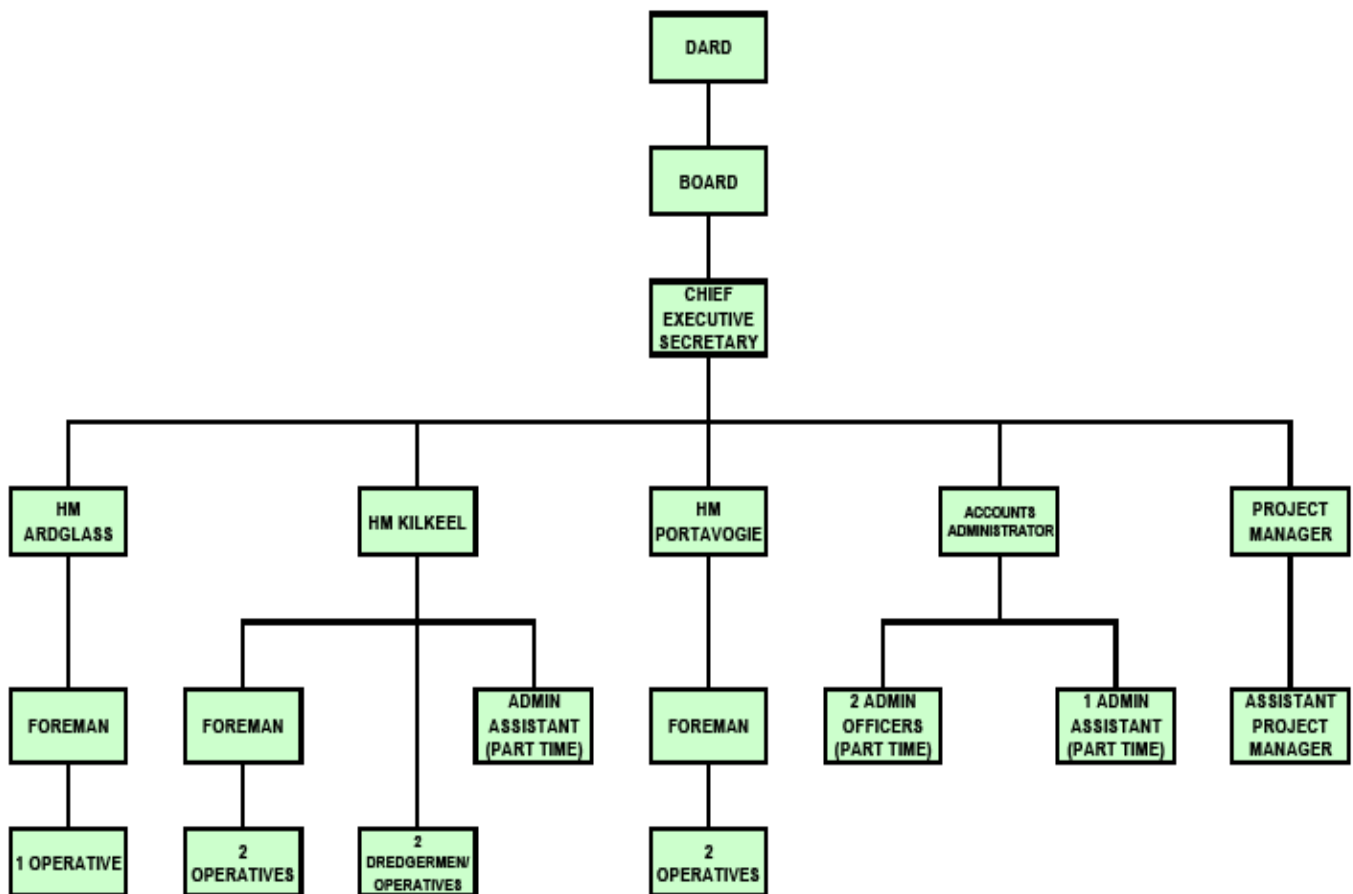
(Schedule 9 8. (3))

10.1 As required by Schedule 9 paragraph 8 (3) of the Northern Ireland Act 1998 we will conduct a thorough review of this equality scheme. This review will take place either within five years of submission of this equality scheme to the Equality Commission or within a shorter timescale to allow alignment with the review of other planning cycles.

The review will evaluate the effectiveness of our scheme in relation to the implementation of the Section 75 statutory duties relevant to our functions in Northern Ireland.

10.2 In undertaking this review we will follow any guidance issued by the Equality Commission. A report of this review will be made public on the Authority's website, with consultee notified by e-mail and sent to the Equality Commission.

Appendix 1 NIFHA Organisational Structure



Appendix 2 Example groups relevant to the Section 75 categories for Northern Ireland purposes

Please note, this list is for illustration purposes only, it is not exhaustive.

Category	Example groups
Religious belief	Buddhist; Catholic; Hindu; Jewish; Muslims, people of no religious belief; Protestants; Sikh; other faiths. For the purposes of Section 75, the term “religious belief” is the same definition as that used in the <i>Fair Employment & Treatment (NI) Order</i> ⁸ . Therefore, “religious belief” also includes any <i>perceived</i> religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “ <i>similar philosophical belief</i> ”.
Political opinion ⁹	Nationalist generally; Unionists generally; members/supporters of other political parties.
Racial group	Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; Travellers; White people.
Men and women generally	Men (including boys); Trans-gendered people; Transsexual people; women (including girls).
Marital status	Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.
Age	Children and young people; older people.
Persons with a disability	Persons with disabilities as defined by the Disability Discrimination Act 1995.
Persons with dependants	Persons with personal responsibility for the care of a child; for the care of a person with a disability; or the care of a dependant older person.
Sexual orientation	Bisexual people; heterosexual people; gay or lesbian people.

⁸ See Section 98 of the Northern Ireland Act 1998, which states: “*In this Act...“political opinion” and “religious belief” shall be construed in accordance with Article 2(3) and (4) of the Fair Employment & Treatment (NI) Order 1998.*”

⁹ *ibid*

Appendix 3 List of consultees

(Schedule 9 4. (2) (a))

A-NIFPO	Progressive Unionist Party
Age Concern NI	QueerSpace
Alliance Party	RNID Northern Ireland
Ardglass Festival Association	SDLP
Ardglass Development Association	Sinn Fein
Ards Borough Council	STEP
Aware Defeat Depression	The Workers Party
British Deaf Association (NI)	The Fisherman's Mission
C & N Chambers	Traveller Movement NI
Carafriend	Ulster Unionist Party
Carers National Association NI	Youth Council for NI
C-Fish Selling Limited	Youthnet
Chinese Welfare Association	
Church of Ireland Board for Social Responsibility NI	
Cloughmore Shellfish	
Community Relations Council NI	
DARD	
Democratic Unionist Party	
Denholm Fishselling Limited	
Disability Action	
Down District Council	
Equality Coalition	
Equality Commission for NI	
Free Presbyterian Church	
GMB Belfast Office	
Gracey Fish	
Green Party of NI	
Kilkeel Development Association	
Leavonworth Ltd T/A Kilkeel Fish Selling Company	
MENCAP	
NI Unionist Party	
NI Women's Coalition	
Newry & Mourne District Council	
NI African Cultural Centre	
NI Council for Ethnic Minorities (NICEM)	
NI Human Rights Commission	
NI Gay Rights Association (NIGRA)	
NIACRO	
NIFHA Ardglass Harbour Master	
NIFHA Kilkeel Harbour Master	
NIFHA Portavogie Harbour Master	
NIFPO Limited	
NIFSA	
NSPCC	
Portavogie & District Community Ass	

Appendix 4 Timetable for measures proposed
(Schedule 9 4.(3) (b))

Measure	Lead Responsibility	Timetable
Reflect the actions, targets and Performance Indicators in the Corporate Plan and Business Plans (2.5)	Chief Executive and Management Team	Annually in accordance with the Business Planning Cycle (Nov – February each year)
Section 75 Annual Progress Report [2.7]	Administration Officer / Chief Executive	31 August (annually)
Update to the Board on Actions and Targets	Chief Executive	Quarterly
<u>Action Plan</u>		
Consultation on draft Action Plan [2.15]	Chief Executive	April - June 2012
Finalised Action Plan published [2.18]	Chief Executive	December 2012 (Subject EC approval)
Arrangements for monitoring progress in place [2.16]	Chief Executive	December 2012
Awareness Raising of New Equality Scheme	Chief Executive	Within 6 months of publication of the Scheme
Consultation list reviewed and updated [3.15]	Administration Officer	September (annually)
Screening timetable	Chief Executive	As required
Screening Reports published six monthly [4.15]	Administration Officer	December 2012

Measure	Lead Responsibility	Timetable
EQIA timetable [4.16]	Chief Executive	TBC as required
<u>Monitoring</u> Review of monitoring information [4.31] Publication of monitoring information [4.33;4.34]	Administration Officer Chief Executive	December 2013 September 2014
<u>Training</u> Development of summary scheme [5.4] Development of overall training programme [5.5] Focussed training [5.4] Update training [5.4] Evaluation of training [5.6]	Chief Executive Chief Executive and Management Team Chief Executive Chief Executive Administration Officer	Within three months of approval of the scheme Included in Business Planning process Ongoing Ongoing Ongoing
Assessing access to information and services [6.9]	Administration Officer	Annually
Communication of equality scheme [9.3] Notification of consultees [9.3]	Chief Executive Chief Executive	Ongoing Within three months of approval of the scheme
Review of equality scheme [10.1]	Chief Executive	Within 5 years of the approval of the scheme

Appendix 5 Glossary of terms

Action plan

A plan which sets out actions a public authority will take to implement its Section 75 statutory duties. It is a mechanism for the realisation of measures to achieve equality outcomes for the Section 75 equality and good relations categories.

Action measures and outcomes

Specific measures to promote equality and good relations for the relevant Section 75 and good relations categories, linked to achievable outcomes, which should be realistic and timely.

Adverse impact

Where a Section 75 category has been affected differently by a policy and the effect is less favourable, it is known as adverse impact. If a policy has an adverse impact on a Section 75 category, a public authority must consider whether or not the adverse impact is unlawfully discriminatory. In either case a public authority must take measures to redress the adverse impact, by considering mitigating measures and/or alternative ways of delivering the policy.

Affirmative action

In general terms, affirmative action can be defined as being anything consistent with the legislation which is necessary to bring about positive change. It is a phrase used in the Fair Employment and Treatment Order(NI) 1998 to describe lawful action that is aimed at promoting equality of opportunity and fair participation in employment between members of the Protestant and Roman Catholic communities in Northern Ireland.

Article 55 Review

Under the Fair Employment and Treatment (NI) Order 1998, all registered employers must conduct periodic reviews of the composition of their workforces and of their employment practices for the purposes of determining whether members of the Protestant and Roman Catholic

communities are enjoying, and are likely to continue to enjoy, fair participation in employment in each employer's concern These reviews, which are commonly known as Article 55 Reviews, must be conducted at least once every three years.

Audit of inequalities

An audit of inequalities is a systematic review and analysis of inequalities which exist for service users and those affected by a public authority's policies. An audit can be used by a public authority to inform its work in relation to the Section 75 equality and good relations duties. It can also enable public authorities to assess progress on the implementation of the Section 75 statutory duties, as it provides baseline information on existing inequalities relevant to a public authority's functions.

Consultation

In the context of Section 75, consultation is the process of asking those affected by a policy (ie, service users, staff, the general public) for their views on how the policy could be implemented more effectively to promote equality of opportunity across the 9 categories. Different circumstances will call for different types of consultation. Consultations could, for example, include meetings, focus groups, surveys and questionnaires.

Council of Europe

The Council of Europe, based in Strasbourg, covers virtually the entire European continent, with its 47 member countries. Founded on 5 May 1949 by 10 countries, the Council of Europe seeks to develop throughout Europe common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals.

Desk audit

An audit of a draft equality scheme to ensure that the scheme conforms to the requirements on form and content as detailed in the Commission's Guidelines (the Guide).

Differential impact

Differential impact occurs where a Section 75 group has been affected differently by a policy. This effect could either be positive, neutral or negative. A public authority must make a judgement as to whether a policy has a differential impact and then it must determine whether the impact is adverse, based on a systematic appraisal of the accumulated information.

Discrimination

The anti-discrimination laws prohibit the following forms of discrimination:

- Direct Discrimination
- Indirect Discrimination
- Disability Discrimination
- Victimisation
- Harassment

Brief descriptions of these above terms follow:

Direct Discrimination

This generally occurs where a public authority treats a person less favourably than it treats (or, would treat) another person, in the same or similar circumstances, on one or more of the statutory non discrimination grounds. A decision or action that is directly discriminatory will normally be unlawful unless: (a) in an age discrimination case, the decision can be objectively justified, or (b) in any other case, the public authority can rely on a statutory exception that permits it – such as a genuine occupational requirement exception; or, a positive action exception which permits an employer to use welcoming statements or to take other lawful positive action to encourage participation by under-represented or otherwise disadvantaged groups.

Indirect Discrimination

The definition of this term varies across some of the anti-discrimination laws, but indirect discrimination generally occurs where a public authority applies to all persons a particular provision, criterion or practice, but which is one that has the effect of placing people who share a particular equality characteristic (e.g. the same sex, or religious belief,

or race) at a particular disadvantage compared to other people. A provision, criterion or practice that is indirectly discriminatory will normally be unlawful unless (a) it can be objectively justified, or (b) the public authority can rely on a statutory exception that permits it. The definition of this term varies across some of the anti-discrimination laws, but indirect discrimination generally occurs where a public authority applies to all persons a particular provision, criterion or practice, but which is one that has the effect of placing people who share a particular equality characteristic (e.g. the same sex, or religious belief, or race) at a particular disadvantage compared to other people. A provision, criterion or practice that is indirectly discriminatory will normally be unlawful unless (a) it can be objectively justified, or (b) the public authority can rely on a statutory exception that permits it.

Disability Discrimination

In addition to direct discrimination and victimisation and harassment, discrimination against disabled people may also occur in two other ways, namely:

1. *Disability-related discrimination* generally occurs where a public authority, without lawful justification, and for a reason which relates to a person's disability, treats that person less favourably than it treats (or, would treat) other people to whom that reason does not (or, would not) apply.
2. *Failure to comply with a duty to make reasonable adjustments*: One of the most notable features of the disability discrimination legislation is that in prescribed circumstances it imposes a duty on employers, service providers and public authorities to take such steps as are reasonable to remove or reduce particular disadvantages experienced by disabled people in those circumstances.

Victimisation

This form of discrimination generally occurs where a public authority treats a person less favourably than it treats (or, would treat) another person, in the same or similar circumstances, because the person has previously exercised his/her rights under the anti-discrimination laws, or has assisted another person to do so. Victimisation cannot be justified and is always unlawful.

Harassment

Harassment generally occurs where a person is subjected to unwanted conduct that is related to a non-discrimination ground with the purpose, or which has the effect, of violating their dignity or of creating for them an intimidating, hostile, degrading, humiliating or offensive environment. Harassment cannot be justified and is always unlawful.

Economic appraisal

An economic appraisal is a systematic process for examining alternative uses of resources, focusing on assessment of needs, objectives, options, costs benefits, risks, funding and affordability and other factors relevant to decisions.

Equality impact assessment

The mechanism underpinning Section 75, where existing and proposed policies are assessed in order to determine whether they have an adverse impact on equality of opportunity for the relevant Section 75 categories. Equality impact assessments require the analysis of both quantitative and qualitative data.

Equality of opportunity

The prevention, elimination or regulation of discrimination between people on grounds of characteristics including sex, marital status, age, disability, religious belief, political opinion, dependants, race and sexual orientation. The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive measures to be taken to secure equality of opportunity between the categories identified under Section 75.

Equality scheme

A document which outlines a public authority's arrangements for complying with its Section 75 obligations. An equality scheme must include an outline of the public authority's arrangements for carrying out consultations, screening, equality impact assessments, monitoring, training and arrangements for ensuring access to information and services.

Good relations

Although not defined in the legislation, the Commission has agreed the following working definition of good relations: 'the growth of relations and structures for Northern Ireland that acknowledge the religious, political and racial context of this society, and that seek to promote respect, equity and trust, and embrace diversity in all its forms'.

Mainstreaming equality

The integration of equal opportunities principles, strategies and practices into the every day work of public authorities from the outset. In other words, mainstreaming is the process of ensuring that equality considerations are built into the policy development process from the beginning, rather than being bolted on at the end. Mainstreaming can help improve methods of working by increasing a public authority's accountability, responsiveness to need and relations with the public. It can bring added value at many levels.

Mitigation of adverse impact

Where an equality impact assessment reveals that a particular policy has an adverse impact on equality of opportunity, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant Section 75 categories; this is known as mitigating adverse impact.

Monitoring

Monitoring consists of continuously scrutinising and evaluating a policy to assess its impact on the Section 75 categories. Monitoring must be sensitive to the issues associated with human rights and privacy. Public authorities should seek advice from consultees and Section 75 representative groups when setting up monitoring systems.

Monitoring consists of the collection of relevant information and evaluation of policies. It is not solely about the collection of data, it can also take the form of regular meetings and reporting of research undertaken. Monitoring is not an end in itself but provides the data for the next cycle of policy screening.

Northern Ireland Act

The Northern Ireland Act, implementing the Good Friday Agreement, received Royal Assent on 19 November 1998. Section 75 of the Act created the statutory equality duties.

Northern Ireland Statistics & Research Agency (NISRA)

The Northern Ireland Statistics and Research Agency (NISRA) is an Executive Agency within the Department of Finance and Personnel (DFP). They provide statistical and research information regarding Northern Ireland issues and provide registration services to the public in the most effective and efficient way.

OFMdFM

The Office of the First Minister and Deputy First Minister is responsible for providing advice, guidance, challenge and support to other NI Civil Service Departments on Section 75 issues.

PAFT

The Policy Appraisal and Fair Treatment (PAFT) Guidelines constituted the first non-statutory attempt at mainstreaming equality in Northern Ireland in January 1994. The aim of the PAFT Guidelines was to ensure that issues of equality and equity informed policy making and activity in all spheres and at all levels of government. PAFT has now been superseded by Section 75 of the Northern Ireland Act 1998.

Policy

The formal and informal decisions a public authority makes in relation to carrying out its duties. Defined in the New Oxford English Dictionary as 'a course or principle of action adopted or proposed by a government party, business or individual'. In the context of Section 75, the term **policies** covers all the ways in which a public authority carries out or proposes to carry out its functions relating to Northern Ireland. Policies include unwritten as well as written policies.

Positive action

This phrase is not defined in any statute, but the Equality Commission understands it to mean any lawful action that a public authority might take for the purpose of promoting equality of opportunity for all persons in relation to employment or in accessing goods, facilities or services (such as health services, housing, education, justice, policing). It may involve adopting new policies, practices, or procedures; or changing or abandoning old ones. *Positive action* is not the same as *positive discrimination*. Positive discrimination differs from positive action in that *positive action* involves the taking of lawful actions whereas *positive discrimination* involves the taking of unlawful actions. Consequently, *positive action* is by definition lawful whereas *positive discrimination* is unlawful.

Qualitative data

Qualitative data refers to the experiences of individuals from their perspective, most often with less emphasis on numbers or statistical analysis. Consultations are more likely to yield qualitative than quantitative data.

Quantitative data

Quantitative data refers to numbers, typically derived from either a population in general or samples of that population. This information is often analysed by either using descriptive statistics, which consider general profiles, distributions and trends in the data, or inferential statistics, which are used to determine 'significance' either in relationships or differences in the data.

SACHR

The Standing Advisory Commission on Human Rights (SACHR) has now been replaced by the Northern Ireland Human Rights Commission. SACHR, as part of its review of mechanisms in place to promote employment equality and reduce the unemployment differential, recommended that the PAFT Guidelines should be made a statutory requirement.

Screening

The procedure for identifying which policies will be subject to equality impact assessment, and how these equality impact assessments will be

prioritised. The purpose of screening is to identify the policies which are likely to have a minor/major impact on equality of opportunity so that greatest resources can be devoted to improving these policies. Screening requires a systematic review of existing and proposed policies.

Schedule 9

Schedule 9 of the Northern Ireland Act 1998 sets out detailed provisions for the enforcement of the Section 75 statutory duties, including an outline of what should be included in an equality scheme.

Section 75

Section 75 of the Northern Ireland Act provides that each public authority is required, in carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:-

- persons of different religious belief, political opinion, racial group, age, marital status and sexual orientation;
- men and women generally;
- persons with a disability and persons without; and
- persons with dependants and persons without.

Without prejudice to these obligations, each public authority in carrying out its functions relating to Northern Ireland must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Section 75 investigation

An investigation carried out by the Equality Commission, under Schedule 9 of the NI Act 1998, arising from the failure of a public authority to comply with the commitments set out in its approved equality scheme. There are two types of Commission investigation, these are as follows:

1. An investigation of a complaint by an individual who claims to have been directly affected by the failure of a public authority to comply with its approved equality scheme;
2. An investigation initiated by the Commission, where it believes that a public authority may have failed to comply with its approved equality scheme.

Appendix 6 NIFHA Inequalities Audit and Action Plan 2011-2014

Equality Category	Issues Identified and Source	Actions and Targets
<p>1.0 Religion</p>	<p>The Authority recognises the important socio-economic role it fulfils in each of the areas where the Harbours are located and works closely with Port Users, to raise the profile of equality and good relations and to identify relevant issues. Source:- Five Year Review to the Equality Commission</p> <p>It is stated in the DARD annual report 2007/2008 that Northern Ireland's primary inshore fisheries areas are noted for relatively high levels of inhabitants with no qualifications and that the social challenges facing the sector should not be under-estimated. Source:- DARD annual report 2007/08</p> <p>The Authority also liaises with local community groups, Councils and businesses. Source:- Five Year Review to the Equality Commission.</p> <p>The Authority monitors the religious composition of the workforce and uses this information for Article 55 Reviews, for Workforce Development policies and in compiling the Five Year Review to the Equality Commission</p> <p>The overall representation of the workforce 2004-2006 as presented in the most recent Article 55 Review demonstrates that the overall workforce is broadly comparable with</p>	<p>1.1 Action To re-visit the information on religious composition of the workforce once the new census data is available and decide the most appropriate catchment areas to determine if there is fair participation in the workforce.</p> <p>1.1 Target To use the new census data to complete the next Article 55 Review and to determine if new affirmative action measures need to be taken (possibly by 31.12.12)</p> <p>1.2 Action To collaborate with DARD and other partners to promote the sector and manage and develop the Harbours to ensure their continued sustainability and that they contribute to local economic development in each of the areas they are located.</p> <p>1.2 Target To review the Authority's audit of inequalities with that of DARD and the three Local Councils covering the ports to ensure relevant complementarity and that the Authority contributes to</p>

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	<p>the representation of the two main communities in the Travel To Work Area (TTWA) for Belfast. There is a higher than expected percentage of managers and professional grades from the protestant community in the Downpatrick Office by comparison with the comparators of the TTWA for Belfast and the NI averages. However there are only 4 people in these grades which is a relatively small number.</p> <p>The representation of the workforce in the three harbours is consistent with the religious breakdown of the community in each of the Wards where the harbours are based. For example the majority of residents in Kilkeel and Portavogie are from the protestant Community and in Ardglass from the Catholic community.</p> <p>The analysis of the workforce flows and appointments over the previous three years demonstrates that a slightly higher percentage of Catholics than would have been expected applied for jobs in the Downpatrick Office. This could be due however to the nature of the jobs advertised, where they were advertised and the fact that the applicant pool may be more representative of the local Downpatrick area. There is also an under-representation of women in the workforce. However this reflects the findings of DARD Final Report in 2005 on the EQIA of Fisheries Policy Enforcement and Aquaculture, Fish Health and Grants Administration.</p>	<p>collective outcomes in challenging inequalities and promoting good relations. This target will be further refined following the development of the DARD and Local Councils audit of inequalities.</p>

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	<p>A Good Relations Strategy has been developed and a system of monitoring put in place in each of the Harbours. Source:- Five Year Review to the Equality Commission</p> <p>DARD EQIA 2005 of Fisheries policy enforcement and Aquaculture, Fish Health and Grants Administration 2005 found 62% of respondents responding to a survey were from a Protestant background and 28% Roman Catholic. The proportional distribution is broadly consistent with the 2001 census which found of the population aged 16-74 0.1% were Catholic males and involved in the fishing industry and 0.2% were Protestant males. Source:- DARD Final Report on the Equality Impact Assessment of Fisheries: Policy Enforcement, Aquaculture, Fish Health and Grants Administration 2005.</p>	<p>1.3 Action To liaise with DARD and the Good Relations Officers in Down, Ards and Newry and Mourne during the development of their audits of inequality and the formation of their Cohesion, Sharing and Integration policies.</p> <p>1.3 Target To include an Action Point in the new Equality Scheme to review the Authority's Good Relations Policy taking into account the outcome of the consultation exercise on the CSI document and the new strategy on Good Relations.</p>
<p>2.0 Political Opinion</p>	<p>The Authority recognises the important socio-economic role it fulfils in each of the areas where the harbours are located and works closely with Port Users and to raise the profile of equality and good relations and to identify relevant issues.</p> <p>A Good Relations Strategy has been developed and a system of monitoring put in place in each of the harbours. Source:- Five Year Review to the Equality Commission.</p>	<p>As per religion in addition to the following:</p> <p>2.1 Action To more proactively promote the work of the Authority in terms of Equality and Good Relations.</p> <p>2.1 Target To proactively seek opportunities to publicise the positive work undertaken by the Authority in relation to better promotion of Equality and Good Relations.</p>

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<p>3.0 Race</p>	<p>The Authority recognises the important socio-economic role it fulfils in each of the areas where the Harbours are located and works closely with Port Users and to raise the profile of equality and good relations and to identify relevant issues. Source:- Five Year Review to the Equality Commission.</p> <p>The Authority has promoted good practice in terms of migrant workers in the Harbours through training staff and making information available in other formats. Source:- Five Year Review to the Equality Commission.</p> <p>A Good Relations Strategy has been developed and a system of monitoring put in place in each of the Harbours. Source:- Five Year Review to the Equality Commission.</p> <p>A consultation exercise with local community representatives was undertaken in 2008. The respondents made reference to the increasing numbers of migrant workers in each of the areas where the Harbours are located. Concerns were raised about the living conditions of some of the migrant workers in Portavogie and in relation to access to information on local services in other languages. Challenges were also identified in terms of building relations between the migrant workers and local community in Kilkeel. The respondents also</p>	<p>3.1 Action To keep under review changes to the legislation for migrant workers and development of good practice and to maintain the issue as a standard agenda item at Port Users meetings from April 2011.</p> <p>3.1(A)Target To include Race Equality Training for all staff in the Action Plan targets for the Authority's revised Equality Scheme.</p> <p>3.1 (B) Target To review the Good Relations strategy in accordance with the recommendations in the CSI document and the revised Race Equality Strategy.</p> <p>3.1 (C) Target To ensure the inclusion of race and migrant worker issues in the aforementioned revision of the Good Relations strategy. This will include a review of the availability of ongoing support services available to migrant workers and their families through identifying with the Harbour Masters and the Councils the initiatives that could be taken.</p>

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	<p>commented favourably on the multi-agency initiatives NIFHA was involved in and did not identify any further ways in which the Authority could enhance the actions they were taking to further promote Equality and Good Relations</p> <p>Source:- consultation report commissioned by NIFHA in each of the Harbour areas 2008.</p> <p>The Good Relations Officers in each of the council areas where the harbours are located and a number of local representatives working in the sector were consulted as part of the inequalities audit.</p> <p>It was confirmed that in Portavogie there are Eastern Europeans and Filipinos working on the fishing boats in Ardglass; Filipinos and in Kilkeel; Filipinos, Albanians and Egyptians. It was further stated that the majority of the migrant workers were Filipinos and that some boats were totally manned by them.</p> <p>Some concerns were raised about the people from the Filipino community living on the boats.</p> <p>It was confirmed that new facilities had been put in place in Portavogie, Ardglass and Kilkeel to meet the needs of the migrant workers.</p> <p>The EFF Investment Plan for NI meets the OFM/DFM cross-cutting strategies in the followings ways-</p>	

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	<p>Migrant workers are protected as they are an integral part of the employment sector.</p> <p>Source:- Economic Appraisal on the Fishing Ports Landing Sites and Shelters.</p> <p>All the respondents, with one exception, were white.</p> <p>Source:- DARD Final Report on the Equality Impact Assessment of Fisheries: Policy Enforcement, Aquaculture, Fish Health and Grants Administration 2005.</p> <p>Actions stated in the DARD 2005 EQIA - Support measures to better integrate legal migrants within the workforce.</p>	

<p>4.0 Disability</p>	<p>Disability Action has been involved in advising on relevant issues with regard to capital works e.g. parking and accessibility issues. Source:- Five Year Review to the Equality Commission</p> <p>The EQIA on the Recruitment policy led to introduction of monitoring in terms of disability and improvements to the Recruitment process. Source:- Five Year Review to the Equality Commission.</p> <p>Of those people who responded to the DARD survey 13% declared they had a disability. Source:- DARD Final Report on the Equality Impact Assessment of Fisheries: Policy Enforcement, Aquaculture, Fish Health and Grants Administration 2005.</p> <p>The Authority's EQIA in 2003 on its Employment, Selection and Promotion Policy revealed that there was an adverse impact on people with a disability with regard to their employment in operational jobs in the harbour which is due to Health and Safety issues. Actions proposed and implemented included the provision of reasonable adjustments for applicants and for any employee with a disability. This EQIA also highlighted the need for the continuous development of staff training for interview panels.</p> <p>The Authority consulted on revisions to its Disability Action Plan in 2009-2010</p>	<p>4.1 Actions To continue to liaise with local disability groups on the issues faced by local people with disabilities with respect to the Harbours.</p> <p>4.1(A) Target To produce a new Disability Action Plan in accordance with the timetable set by the Commission and to include measurable targets into the plan.</p> <p>4.1 (B) Target To implement disability equality training for all employees by end September 2011 and to review the effectiveness of this training by end December 2011.</p>
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	<p>and made a number of changes based on the comments received from Disability Lobby groups and undertook a survey on disability training. Source:- NIFHA Disability Action Plan</p> <p>During consultation for the 2008 effectiveness audit the respondents stated that the harbours are relatively high risk working environments which are accessible to members of the public and that it was felt that the Authority had been proactive in raising and promoting the issue of Equality and Good Relations at the port users meetings.</p>	
<p>5.0 Dependents</p>	<p>The EQIA on the Recruitment policy led to introduction of monitoring in terms of dependents. Source:- Five Year Review to the Equality Commission</p> <p>While it is noted that caring responsibilities mainly fall to women and that there is an under representation of women in the workforce this is more likely to be due to the nature of the jobs in organisation and not to any chill factor in terms of family friendly working practices.</p> <p>In the DARD EQIA it is noted that the fishing industry is generally family orientated and 50% of those responding to the survey declared a responsibility to care for their own children. 13 % care for another relative and 2% had other caring responsibilities. 35% declared that they had no caring responsibilities. Source:- DARD Final Report on the</p>	<p>No action required at present</p>

	Equality Impact Assessment of Fisheries: Policy Enforcement, Aquaculture, Fish Health and Grants Administration 2005.	
6.0 Sexual Orientation	<p>Further work is required in terms of monitoring.</p> <p>Source:- Five Year Review to the Equality Commission</p>	<p>6.1 Action</p> <p>To keep HR policies and practices under review and to access if further action is required when the Sexual Orientation Strategy for Northern Ireland is published.</p>
7.0 Age	<p>In the DARD EQIA 2005 it is noted that only a few young people work in the catching sector. The survey conducted by DARD indicated that only 3.5% of the workforce in the sector is aged under 25. It is also noted that the reduction in the size and scale of the industry present challenges in respect of attracting and retaining young people.</p> <p>The consultees spoken to as part of the inequalities audit confirmed that the majority of young people in each of the harbour areas are not attracted to a career in this sector due to the lack of security in terms of income and the hard nature of the work.</p> <p>Under the NI European Fisheries Fund (NIEFF) DARD intends to promote Equality through attracting young people into the industry.</p> <p>Source:- Economic Appraisal on the Fishing Ports Landing Sites and Shelters 2007-2013</p> <p>The survey indicated that 83% of those who responded were in the 26-59 age</p>	<p>7.1 Action</p> <p>To liaise with DARD and others working in this sector and to contribute where possible to initiatives that will ensure the future sustainability of the sector through encouraging more young people to consider a career in the sector.</p> <p>7.1 Target</p> <p>To support DARD and other sector representatives in their efforts to attract more local young people into the sector through support for one initiative per year.</p>

	<p>range. The census of population and the Report from the Taskforce for South Down issued in 2003 indicated that the age structure of the population in each main fishing port did not appear in any significant way different from the overall age structure of the NI population. Source:- DARD Final Report on the Equality Impact Assessment of Fisheries: Policy Enforcement, Aquaculture, Fish Health and Grants Administration 2005.</p>	
<p>8.0 Gender</p>	<p>The Department recognised in their 2005 EQIA that the Northern Ireland Fishing Industry is pre-dominantly male. However they take the view that this reflects an historical position and has not come about because of policies or programmes operated by the Department. Whilst recognising this point the Department also stated that it will ensure, wherever possible that they take account of the gender dimension when rolling out policies to ensure that they take account of the needs of the few women working in the sector.</p> <p>Source:- DARD Final Report on the Equality Impact Assessment of Fisheries: Policy Enforcement, Aquaculture, Fish Health and Grants Administration 2005.</p> <p>An action point arising from the DARD EQIA was the promotion of the “Women in Fisheries” initiative in Northern Ireland.</p> <p>Under the NI EFF the Department intends to promote Equality through promoting ‘Women in Fisheries’ in Northern Ireland.</p>	<p>8.1 Action To identify how the Authority can support the work of DARD and the women in fisheries initiative.</p> <p>8.1 Target Subject to DARD agreement to co-operate with DARD on the implementation of one action per year in support of the women in fisheries initiative.</p> <p>8.2 Action To continue to promote the Authority as an Equal Opportunities employer</p> <p>8.2 Target To monitor the fair employment participation in terms of gender in the workforce and through applications for new posts on an annual basis and to identify if affirmative action is necessary.</p>

96% of those responding to the DARD survey were males. This result is supportive of the perception of vessel owners, crew and those engaged in fishing and aquaculture, are predominately men. However both men and women are employed in processing, marketing, administration and other ancillary activities.

Source:- DARD Final Report on the Equality Impact Assessment of Fisheries: Policy Enforcement, Aquaculture, Fish Health and Grants Administration 2005.

In the DARD Annual Review 2007/8 a commitment was given to increase female representation on the Board of the Authority. This policy is ongoing.

Through the Fishing Taskforce Group DARD has provided seeding support to create the NI Women in Fisheries Group which meets monthly and undertakes two initiatives per annum that promote and sustain the fishing infrastructure.

Through consultation undertaken as part of the inequalities audit it was established that women in part-time positions make up the majority of the workforce in the food processing industry and that they are often employed in family businesses to provide administrative support.

In its Article 55 Review the Authority has confirmed that the Authority has reviewed its HR policies and has provided Equal Opportunities training.

<p>9.0 Marital Status</p>	<p>79% of those responding to the DARD EQIA survey were married and 13% declared single status. Source:- DARD Final Report on the Equality Impact Assessment of Fisheries: Policy Enforcement, Aquaculture, Fish Health and Grants Administration 2005.</p>	<p>No further action is required at this time</p>
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