



# **Revised Equality Scheme**

## **Summary of**

### **Consultation Responses**

July 2017

# Northern Ireland Local Government Officers' Superannuation Committee

## Revised Equality Scheme: Summary of Consultation Responses

### 1 INTRODUCTION

#### 1.1 Background and purpose

1.1.1 NILGOSC is the administering body for the Local Government Pension Scheme in Northern Ireland. NILGOSC was set up by the Government in April 1950 to operate a pension scheme for local councils and other similar bodies in Northern Ireland. The pension scheme is a defined benefit scheme which provides retirement benefits to local government workers on a 'career average salary' basis.

1.1.2 The pension scheme is managed by a Committee appointed by the Department for Communities. The Secretary is responsible for the day to day administration of the pension scheme which is carried out by approximately 90 NILGOSC staff. NILGOSC has no discretion over the terms of the pension scheme as set out in the Local Government Pension Scheme Regulations, but does have discretion over a number of policy areas including the administration of the scheme within the framework set out in the legislation.

1.1.3 Section 75 of the Northern Ireland Act 1998 requires NILGOSC to have due regard to the need to promote equality of opportunity between nine categories of persons, namely 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; and,
- Persons with dependants and persons without.

1.1.4 Section 75 also requires NILGOSC to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group when carrying out its functions.

1.1.5 In its Equality Scheme, NILGOSC sets out how it will fulfil its statutory obligation in this regard. NILGOSC carried out a review of its Equality Scheme and effectiveness in implementing the requirements of the Scheme in 2016. NILGOSC produced a summary report on the review of the Scheme and updated the Scheme for minor changes.

#### 1.2 The consultation process

1.2.1 NILGOSC recognises the importance of consultation throughout all aspects of the implementation of its statutory equality duties. The summary report and revised Equality Scheme were published on NILGOSC's website and the Scheme was issued for consultation in March 2017. The purpose of this consultation exercise was to obtain the views of consultees on the revised Equality Scheme.

1.2.2 All consultees, including Scheme employers, members, pensioners, staff and other representative groups, were invited to respond to the consultation on the revised Equality Scheme. The consultation ran for a period of 12 weeks and closed on 1<sup>st</sup> June 2017.

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### 2 SUMMARY OF THE CONSULTATION RESPONSES

- 2.1 A summary of the comments received and NILGOSC's response is included at Appendix A.
- 2.2 In total three responses were received by e-mail. A list of all respondents is attached at Appendix B.

### 3 NEXT STEPS

- 3.1 NILGOSC has considered the responses received in the consultation process and no changes have been made to its Equality Scheme. NILGOSC will however continue to monitor and review any changes or developments in relevant guidance from the Equality Commission for Northern Ireland and consider the impact on its Equality Scheme.
- 3.2 The revised Equality Scheme was previously considered and endorsed by the Committee, and submitted to the Equality Commission for Northern Ireland in December 2016. The Equality Scheme and this document have been made publicly available and issued to consultees, where appropriate.
- 3.3 Any comments or queries in relation to the consultation or the Equality Scheme should be sent to [equality@nilgosc.org.uk](mailto:equality@nilgosc.org.uk) or to NILGOSC's Equality Officer via the contact details below;

Post: NILGOSC, Templeton House, 411 Holywood Road, Belfast, BT4 2LP

Phone: 0345 3197 320

Fax: 0345 3197 321

Typetalk: 18001 0345 3197 320

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APPENDIX A: Summary of Consultation Responses

Equality Scheme

	<b>Summary of comments</b>	<b>NILGOSC response</b>
1	Several comments were received in relation to some of the wording used in the Scheme, suggesting the addition and removal of some wording.	NILGOSC's Equality Scheme generally follows the Model Scheme produced by the Equality Commission for public sector bodies. Some minor variations in wording have been made to tailor the Model Scheme for NILGOSC, however, this will not impact on compliance with the requirements of NILGOSC's Equality Scheme or statutory equality duties. NILGOSC notes the comments and believes the wording contained in the Scheme is appropriate.
2	As the Audit of Inequalities was carried out in 2015, one consultee noted their disappointment that the Audit did not accompany the Equality Scheme and Action Plan.  The consultee also noted that NILGOSC should commit to consulting on its Audit of Inequalities.	This consultation was solely in relation to NILGOSC's revised Equality Scheme.  The 2015 Audit of Inequalities was carried out in line with the corporate planning cycle and used to inform the 2015-18 Equality Action Plan. Both were issued for consultation in 2015. The results of the Audit of Inequalities and responses to the consultation are available on NILGOSC's website (hard copies are available on request).  Another Audit of Inequalities is due to commence in 2017 to inform the 2018-21 Equality Action Plan, both of which will be issued for consultation separately.
3	One consultee emphasised that where the audit of inequalities has identified information/evidence gaps NILGOSC must commit to commission new research.	Section 4.8.3 of NILGOSC's Equality Scheme provides a commitment for the undertaking or commissioning of new research and data to address any gaps, as reflected in the 2015-2018 Action Plan (Appendix 6 of the Equality Scheme).

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4	<p>A consultee raised concerns in regards to targeted consultations, including NILGOSC ensuring that it monitors and reviews this approach to ensure that it is open and accountable to all representative and affected individuals.</p> <p>Additionally, NILGOSC should make direct reference to its attitude to and plans for pre-consultation.</p>	<p>NILGOSC recognises this and has noted that targeted consultations will only be carried out where appropriate. The most recent consultations have been issued to a wide range of stakeholders (see most recent consultee list at Appendix 3 of Equality Scheme which is publicly available on NILGOSC's website). This is considered to be the most appropriate approach at present. NILGOSC may target specific organisations for the purposes of research and data gathering. Paragraph 3.6 of the Scheme sets out NILGOSC's approach to engagement on its means of consultation.</p>
5	<p>Consultation periods should be planned to ensure that they do not take place over holiday periods and NILGOSC should make the commitment to this in the equality scheme.</p>	<p>NILGOSC will consider this where possible, however, this may be impractical given the spread of holidays throughout the year. The 12 week consultation period should also help negate this issue.</p>
6	<p>Policy and decision makers should receive general training on Section 75 and specific training on each of the 9 categories under Section 75 to ensure all equality of opportunity implications are considered.</p> <p>NILGOSC must establish a process and provide training to enable decisions on the impact of policies on equality of opportunity to be made consistently and with informed reasoning.</p>	<p>NILGOSC considers that the training arrangements detailed in the Equality Scheme adequately address the training needs of policy/decision makers within the organisation in relation to their statutory obligations. Policy/decision makers are provided with specific guidance and training. A number of policy makers also recently attended equality screening training provided by the Equality Commission, on request by NILGOSC.</p> <p>The screening of policies is overseen by the Equality Officer and also reviewed/countersigned by a person of a more senior level of authority, to ensure decisions are made consistently and with informed reasoning.</p>

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7	<p>Consultees should be informed as soon as possible of screening results, otherwise they may not be aware of a screening outcome for 3 months (also having to check the website on a daily basis). Consultees may have expert knowledge on a given policy's impact that NILGOSC may have considered to be impact neutral.</p>	<p>NILGOSC routinely publishes policy screening reports on its website within approximately one month after each quarter end (30 April, 31 July, 31 October, 31 January) and is content to consider consultee feedback/comments at this stage. Quarterly screening reports are also issued to consultees who have requested these by hard copy, including the consultee who raised this comment.</p>
8	<p>There is a danger that policies may appear at first sight devoid of equal opportunity implications, however, such an assumption may be open to challenge if in their application they have a disproportionate or an adverse impact on any of the affected groups.</p>	<p>NILGOSC recognises this and will continue to consider when conducting future screening exercises and on implementation of policies.</p>
9	<p>One consultee recommended that all Section 75 training should be reviewed and updated accordingly. Where training is centralised, NILGOSC should use its influence with the training provider to ensure the training materials are kept up to date.</p>	<p>NILGOSC's Section 75 training is monitored and reviewed regularly to ensure it is up to date. A review of Section 75 training was recently carried out as part of the review of the Equality Scheme.</p>
10	<p>NILGOSC should include easyread within the list of alternative formats of communication.</p>	<p>NILGOSC previously met with Mencap to discuss this and it was agreed that an easy read version of Scheme literature would not be suitable due to the complex nature of pensions. As an alternative, NILGOSC offers face to face meetings where information can be explained on a one to one basis.</p> <p>NILGOSC will however consider and welcomes all requests for alternative communication formats. These will be provided where reasonably practical.</p>
11	<p>NILGOSC must monitor across all its functions in relation to access to information and services as per the ECNI Model Equality Scheme.</p>	<p>NILGOSC monitors access to information and services across all functions, including its staff. All stakeholders are welcome to make requests for alternative formats of communication and requests are recorded and monitored centrally.</p>

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12	The complaints procedure should outline how it will support the individual in bringing his/her complaint, must be fully accessible and proactively disseminated to those affected by the Section 75 duties.	NILGOSC's complaints procedure is available in hard copy or via the website and may be requested in alternative formats of communication. Chapter 8 of the Equality Scheme also sets out the process for making a complaint.
13	One consultee made a number of comments and proposed amendments to the content and structure of the 2015-18 Action Plan.	This consultation was solely in relation to NILGOSC's revised Equality Scheme. A formal consultation of the 2015-18 Equality Action Plan was carried out in 2015. NILGOSC will shortly be developing a new 2018-21 Equality Action Plan following the Audit of Inequalities, of which both will be issued for consultation. The consultee's comments have been noted and will be used to inform the Action Plan where appropriate.  See response to point 15 below also.
14	Information was requested on NILGOSC's plans for action number 12 of the 2015-18 Action Plan and the next steps, to enable informed comment to be made.	The research for the reasons behind underrepresented groups in the Scheme has now been completed. It was agreed that it was difficult to draw specific conclusions from the information and that marketing in respect of the benefits of the Pension Scheme should help reduce the number of opt outs, with view to addressing the underrepresented groups. This will continue to be monitored.
15	One consultee enquired about the progress of the actions contained in the Equality Action Plan, noting that some timescales had passed, recommending that more specific information is included and enquiring about actions carried over from the previous Action Plan.	A number of the actions on the Equality Action Plan have now been implemented, however completed actions will remain on the plan for information until the new Equality Action Plan is developed. Specific progress taken against each action is recorded internally and monitored by management on a bi-annual basis. Actions are also reviewed and updated as part of this.  Most actions that were carried forward to the 2015-18 Action Plan have now been completed.

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16	<p>A consultee made a number of comments on the Audit of Inequalities in respect of the methodology and reported outcome.</p> <p>It was also noted that data collected should be used to inform screening and EQIAs and that a robust analysis of all the Section 75 categories should be carried out.</p>	<p>The 2015 Audit of Inequalities was not part of this consultation, as per response at point 2 above. NILGOSC however notes the comments made and will consider as part of the upcoming Audit of Inequalities and revised Equality Action Plan which will be issued for consultation following completion.</p> <p>Data collected from the Audit of Inequalities has been used to inform screening of policies. Potential inequalities across all of the Section 75 categories is also fully considered when developing Action Plans and on an ongoing basis.</p>
17	<p>One consultee raised concerns on pensionable pay, in particular the tiered contribution rates based on pay ranges, believing that the system is unfair and has an adverse impact on males and non Catholics. The consultee believes that a graduated contribution banding applied to the income over and above the banded rates would be a fairer and more justified method. An Equality Impact Assessment in respect of this was suggested with a particular emphasis on the impact on gender and religion.</p>	<p>NILGOSC has no control over the Local Government Pension Scheme (LGPS) NI regulations or in determining how contribution bands are set. The Department for Communities is currently responsible for this (previously Department of Environment).</p> <p>NILGOSC liaised with the Department on the consultee's comments. The Department advised that in 2008, the former Department of Environment carried out an equality screening analysis on the proposed changes to the LGPS NI including the tiered contribution rates. It concluded that the changes would not have significant implications for equality of opportunity therefore these were screened out and no equality impact assessment was required. Tiered contribution arrangements were also applied for the LGPS in England and Wales.</p> <p>Any concerns on this issue should therefore be raised with the Department for Communities.</p>



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18	<p>Following extensive engagement with public authorities, a consultee proposed a number of changes, as per the Equality Coalition's published submission in relation to draft Equality Schemes. The changes were mainly in relation to the screening questions in paragraph 4.7 of the Equality Commission's Model Scheme and consequential amendments, in summary:</p> <ol style="list-style-type: none"> <li>1) Making explicit the factoring in of socioeconomic and geographical/rurality considerations into assessments of equality impact;</li> <li>2) The removal of the good relations 'impact' question in screening, and the adoption of a more appropriate methodology for good relations;</li> <li>3) Adding a recommended definition of good relations based on the definition of the concept in law in Great Britain and Equality Commission NI (ECNI) advice;</li> <li>4) A commitment to take proactive measures, and to the understanding that Section 75 provides for countering disadvantage and targeting disadvantaged groups, including gender specific services for women;</li> <li>5) The supplementing of the positive action questions on equality of opportunity and good relations with questions on positive attitudes and participation public life questions in relation to persons with disabilities and measures on linguistic diversity.</li> </ol> <p>In addition explicit inclusion of procurement and employment within the scope of policy decisions which the scheme applies is recommended, along with a commitment to conduct equality screening at the time of preparation of a business case.</p>	<p>NILGOSC has fully considered the proposed changes and consulted with the Equality Commission for Northern Ireland ("The Commission") to obtain their views and confirm if changes are to be made to the Commission's guidance and the model Equality Scheme.</p> <p>The Commission advised that it is currently engaged in scoping out an effectiveness review of Section 75 of the NI Act 1998. This is a commitment contained in its corporate plan which may take some time to complete. The Commission has no immediate plans however to amend its guidance or the Model Scheme in the near future.</p> <p>The Commission noted that in respect of Points 1 and 5, as such additions are not required by statute, it would be for the public authority, in the first instance, to determine how it would deal with any complaints on these issues. In respect of point 4, the Commission's view is that this is already implicit in the Guide to the Statutory Duties and therefore Equality Schemes themselves.</p> <p>NILGOSC notes the background behind the consultees proposed amendments and the Commission's comments. In regards to the first proposed change, statute requires consideration in respect of the nine equality categories as detailed in Section 75 and this does not include socioeconomic or geographical/rurality factors. The current screening questions are therefore compliant with statute and the Commission's guidance. In respect of the remaining proposed changes, NILGOSC has adopted the guidance from the Commission on the specific content of screening questions as this is not set out in statute. In light of this, no changes have been made to the screening questions or process at present. NILGOSC has complied with the Commission's guidance and developed the</p>

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		screening questions in line with the Model Scheme. Any changes or developments in the regulations or guidance will however continue to be monitored and the Equality Scheme updated accordingly, as required.
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## **APPENDIX B: RESPONDENT ORGANISATIONS**

Disability Action

NILGOSC member

Committee on the Administration of Justice on behalf of the Equality Coalition