



CAJ

**Committee on the
Administration of Justice**

CAJ's response to the

**EQIA Citizenship and Safety Education
(CASE) Programme**

February 2009

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Promoting Justice / Protecting Rights

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The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation of Human Rights. CAJ takes no position on the constitutional status of Northern Ireland and is firmly opposed to the use of violence for political ends. Its membership is drawn from across the community.

The Committee seeks to ensure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities in international human rights law. The CAJ works closely with other domestic and international human rights groups such as Amnesty International, Human Rights First (formerly the Lawyers Committee for Human Rights) and Human Rights Watch and makes regular submissions to a number of United Nations and European bodies established to protect human rights.

CAJ's activities include - publishing reports, conducting research, holding conferences, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are extensive and include policing, emergency laws and the criminal justice system, equality and advocacy for a Bill of Rights.

CAJ however would not be in a position to do any of this work, without the financial help of its funders, individual donors and charitable trusts (since CAJ does not take government funding). We would like to take this opportunity to thank Atlantic Philanthropies, Barrow Cadbury Trust, Hilda Mullen Foundation, Joseph Rowntree Charitable Trust, Oak Foundation and UNISON.

The organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the Council of Europe Human Rights Prize.

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Winner of the Council of Europe Human Rights Prize

Dympna Thornton
PSNI Knocknagoney
29 Knocknagoney Road
Belfast
BT4 2PP

4 March 2009

Dear Dympna Thornton,

RE: EQIA Citizenship and Safety Education (CASE) Programme

Please find attached a response from the Committee on the Administration of Justice (CAJ) to the above consultation. We hope that you find these comments useful.

Tim Cunningham
Equality Programme Officer

Comments from the Committee on the Administration of Justice (CAJ) to the Consultation on the Equality Impact Assessment of Citizenship and Safety Education (CASE) Programme

February 2009

The Committee on the Administration of Justice (CAJ) is an independent non-governmental organisation that was established in 1981. CAJ's activities include - publishing reports, conducting research, holding conferences, monitoring, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are extensive and include policing, emergency laws, criminal justice, equality and the protection of rights. The organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the Council of Europe Human Rights Prize.

For some time CAJ has been involved in the process of furthering the mainstreaming of equality within Northern Ireland and we are keen to contribute our views on as many equality related consultations as possible. This is particularly the case where the documents concerned evidently have important implications for those in greatest need, or who are particularly vulnerable.

CAJ would receive and respond to quite a number of Equality Impact Assessment documents from a range of public bodies across Northern Ireland and in some cases we have been particularly disappointed at the failure to engage adequately with the substantive issues under analysis. This however is clearly not the case in relation to this document. It is clear that the PSNI have undertaken a useful and critical analysis of their existing work in order to identify ways in which the particular policy in question might be creating adverse impacts for particular groups. By and large we would agree with much of the analysis presented here and we would wish to commend the PSNI for making a serious, and constructive attempt to identify ways in which specific actions can be taken which would better promote equality for particular groups. We do however have some general comments on the draft EQIA which we hope that you will find useful. For sake of clarity, the comments below relate to the individual sections of the consultation document.

1. Introduction

CAJ would argue that the purpose of an EQIA is broadly two-fold, namely to identify adverse impact, and to identify ways in which equality of opportunity might be better promoted. We would not however identify a causal link between these two objectives

as this document has done. In other words, the identification of ways in which a policy can better promote equality of opportunity is not *contingent* on their first being an identifiable adverse impact. We would therefore disagree with the statement on page 1 of the Draft EQIA which states that

“In the event that a differential impact is identified, an EQIA also assesses whether that impact is adverse and considers mitigating measures or alternative policies to better achieve the promotion of equality of opportunity”.

This issue is an important one, given that there may well be circumstances in which no adverse impact has been identified, however, in such circumstances, there will still be a duty to identify ways in which the policy can be amended to better promote equality of opportunity.

The Practical Guidance from the Equality Commission is clear on this and is perhaps worth noting. The procedures that are required are set out in Step 4 of an EQIA which states that:

“Consideration of

*Measures which might mitigate any adverse impact; and
Alternative policies which might better achieve the promotion of
equality of opportunity*

The consideration of mitigating measures and alternative policies is at the heart of the EQIA process. Different options must be delivered which reflect different ways of delivering the policy aims. The consideration of mitigation of adverse impacts is intertwined with the consideration of alternative policies. Mitigation can take the form of lessening the severity of the adverse impact.

Ways of delivering the policy aims which have a less adverse effect on the relevant equality category, or which better promote equality of opportunity for the relevant equality category, must in particular be considered. Consideration must be given to whether separate implementation strategies are necessary for the policy to be effective for the relevant group. The following must be considered:

How does each option further or hinder equality of opportunity?

How does each option reinforce or challenge stereotypes which constitute or influence equality of opportunity?

What are the consequences for the group concerned and for the public authority of not adopting an option more favourable to equality of opportunity?

How will the relevant representative groups be advised of the new or changed policy or service?

If an economic appraisal is necessary – What are the costs of implementing each option? Will the social and economic benefits to the relevant group of implementing the option outweigh the costs to the public authority or other groups?

Does the public authority have international obligations which would be breached by, or could be furthered by, each of the options?

Clear evidence of the consideration of the impacts of alternatives must be apparent in the relevant consultation document.”

This issue is perhaps less of a problem in relation to this EQIA, given that a number of adverse impacts have been identified, and the document does in fact then go on to outline some alternative measures. The point is important to note however, particularly for instances in which no adverse impact might be identified. In such cases, the duty to consider alternative measures will still apply.

CAJ broadly agrees with the thrust of the rest of the EQIA however and we will not repeat at length those aspects of the document with which we concur. We would however wish to commend the carrying out of the pre-consultation exercise which has clearly proved useful in terms of identifying some of the key issues at an early stage. We also welcome the inclusion of data showing the under-representation of certain kinds of schools. The graph in figure 5F is particularly useful, showing, as the document correctly identifies, an inverse relationship between the levels of Sinn Fein/SDLP first preference votes in an area and the proportion of schools requesting the CASE programme.

It is interesting, that in spite of the changes that Northern Ireland has experienced in recent years that there is still a pattern whereby areas with a greater Sinn Fein/SDLP population have a smaller proportion of schools requesting the CASE programme.

In terms of the nature of impacts on the Section 75 groups overall, CAJ would welcome the inclusion of data showing that there are differential impacts in schools in areas with high levels of nationalist/republican voters, Irish Language schools, Roman Catholic schools, Primary schools, and Nursery schools. It may seem an obvious point, but the only way in which policies, and policy delivery can be improved is if there is some level of analysis of what the problems might be in the first place.

Overall, CAJ would consider the list of targeting and adjustment measures included in Section 7.3 to be ones that we would support. Given the existing patterns we would endorse the need for research with the Principals of those schools in Northern Ireland not participating in CASE to identify the reasons for non-participation. Equally, we would welcome the proposal that participation in the CASE programme be actively promoted to those schools that do not request the programme currently, particularly in areas with high levels of people from a Catholic background, and high levels of nationalist and republican voters.

Certainly, CAJ would encourage the PSNI to increase the extent to which diversity measures are included in the CASE programme – such an exercise would we believe not only be beneficial in itself, but would also mean that the programme might be seen as more relevant to those people from a Catholic, or minority ethnic community background. We also welcome the fact that the PSNI will continue to develop plans for offering the CASE Programme in Irish Language as well as translating introductory and curriculum materials into Irish Language. We would be of the view that the sooner that the PSNI are able to offer the programme in Irish Language the better, not least because such a move would be seen as an example of the effective promotion of equality in practice. It is also likely that such a move would have a wider benefit for the organisation in terms of community outreach.

This leads to a broader point about communication, and the particular challenges facing Northern Ireland as a whole created by a more diverse population, particularly people for whom English will be a second language. In this context we welcome the commitment to including monitoring information of participation in the CASE Programme by people from minority ethnic communities, pupils with English as a second language and pupils with disabilities. We also consider it useful that when delivering CASE in schools where the programme has not previously been delivered, CASE officers would have a preliminary meeting with staff and pupils to discuss and agree on issues such as uniform, topics of interest and allow any questions or concerns to be discussed before the programme starts. Such an approach seems to be a useful way forward.

The only gap that CAJ might envision in the current proposed mitigating measures would be a specific identification of the way in which the CASE programme might be delivered presently to children with learning disabilities, or those for whom English is not a first language. We would suggest that this issue should be given particular consideration in addition to the other measures proposed.