

Submission by the Equality Coalition in relation to the draft Programme for Government and draft Budget, including Departmental screening/EQIA

February 2021

1. The Coalition and scope of this submission

The Equality Coalition is co-convened by the Committee on the Administration of Justice (CAJ) and UNISON. It is a network of around 100 non-governmental organisations and trade unions that cumulatively work across all nine equality categories within Section 75 of the Northern Ireland Act 1998 (as well as on other protected equality grounds). The Equality Coalition provides a forum for unity between multiple sectors when campaigning for equality. The Coalition has long been at the forefront of seeking to ensure the full implementation and prevent rollback of the rights-based provisions of the peace settlement, which included the 'Section 75' statutory equality duty as a vital tool to ensure accountability and tackle inequality.

Given their interlinking nature this submission responds to a number of consultations in relation to the Executives' Programme for Government (PfG) and budget for 2012-22, namely:

- Consultation draft PfG Outcomes Framework and EQIA (TEO, 25 Jan-22 March and to 30 April for the EQIA)
- Consultation on the draft Budget 2021-22 (DoF, 19 Jan-25 Feb)
- Consultation on draft Dept for Communities EQIA on budget (27 Jan-25-Feb)
- The Equality Screening exercises on the draft budget produced to date by the Departments of: Justice (DoJ), Health (DH), Agriculture, Environment and Rural Affairs (DAERA), Education (DE); and Finance (DoF)
- Policy decision by NIO on the release of NDNA and other funding streams

We would urge the remaining Departments of Economy and TEO to complete and publish their Equality Screenings on the draft budget. A screening from the Department of Infrastructure was released on the 23 February and will be responded to separately.

2. Executive Summary and key recommendations

For the Executive Office (TEO)

- Under the Belfast/Good Friday Agreement (GFA) and its implementation law the NI Executive is to annually seek to agree a Programme for Government (PfG) *“incorporating an agreed budget linked to policies and programmes.”*
- We are concerned that despite a draft PfG having been already negotiated in the January 2020 *New Decade New Approach* (NDNA) deal (containing important equality and rights commitments) no PfG has been adopted.
- At present the TEO is only consulting on an ‘Outcomes Framework’ for the PfG and not the PfG. There is presently no TEO commitment to seek Executive consideration of a PfG compliant with the GFA despite this being a legal duty.
- We therefore seek urgent clarification as to the intentions of TEO Ministers, and a commitment from TEO that a GFA-compliant PfG will be put to the NI Executive inclusive of the equality and rights commitments in NDNA. We are concerned of likely adverse impacts on equality of not having such commitments in the PfG.
- We very much welcome the TEO decision in the revised PfG Screening Exercise to conduct a full Equality Impact Assessment (EQIA) that has now been produced. We are keen to further engage on the draft EQIA and we make a number of comments in this submission, in particular on additional evidence sources. We would also urge that the final EQIA is not restricted to the Outcomes Framework in the abstract but also encompasses its indicators and the overall approach to the PfG. We urge reconsideration of not having an outcome focusing on housing, and also on the framing of outcomes on ‘better jobs’ and ‘infrastructure’ as well as broadening the priority reference in ‘keeping people safe’ to other protected equality grounds.

For the Northern Ireland Office (NIO)

- The budget provided under the ‘block grant’ remains at £360m below pre austerity levels. We understand the UK has among the lowest public spending *per capita* in western Europe and no additional monies have been provided to date to deal with the devastating socioeconomic consequences of the pandemic.
- The NIO had not confirmed UK funding streams by the time the DoF had to produce a draft budget. DoF is constrained by law to include only the funding that has been confirmed, meaning policy decisions by the NIO not to confirm funding streams in time have adversely affected the consultation and equality screenings. There is little transparency as to what criteria the NIO has applied to make decisions to only release some revenue streams under NDNA and not others, or on other funding streams. We urge the NIO to ensure it provides timely confirmation of funding streams, and the criteria applied to their release, and provides an overarching equality screening of these funding decisions.

For the Department of Finance (DoF)

- There were significant flaws in applying the Section 75 equality duties to the budgetary process in previous years, leading to challenges from Coalition members and ultimately a formal investigation from the ECNI into the 2019-20 process that found breaches of the Equality Scheme.
- Remedial action in the form of a process to ensure application of the equality duties to the budgetary process was set out in the investigation report. This involves individual Departments each assessing (screening and where applicable EQIAs) equality impacts on their functions of the draft Budget and DoF then presenting this information to the NI Executive for its decision on the budget.
- It is welcome that the DoF draft budget document adopts and sets out in detail this process for the current budget exercise. As per the ECNI investigation, we would seek this to be undertaken through an updated overarching equality assessment of impacts presented by DoF to the NI Executive.
- In relation to DoF's own budget settlement, the Department has highlighted the pressures it faces and produced a (limited) equality screening exercise. Whilst noting DoF has already committed to revising this equality screening, we would urge that this is now done in advance of DoF itself collating departmental equalities impact information to inform the NI Executives budget decision in accordance with the process set out in the ECNI investigation.

For the Department of Communities

- We very much welcome that DfC have produced a full draft and detailed EQIA for consultation which assists meaningful input into the process. We have included further suggestions on data sources that can inform the final EQIA. We concur that particular areas of concern for adverse impacts include the lack of allocations to extend welfare mitigations, particularly the two-child rule and the lack of allocations to fund social housing revitalisation and to meet housing need.

Department of Justice (DoJ)

- We welcome the budget outcomes document and the detail it contains on the impacts of the draft Budget on DoJ including a lack of funding to progress the Gillen Review. We call for a review of the screening decision not to proceed to a full EQIA, and for an EQIA to now be prioritised to highlight the equality impacts on DoJ of the present budget.

Department of Health (DH)

- We welcome that the DH has produced a detailed outcomes document and equality screening document on the draft Budget. The screening assesses that there will be major adverse impacts on a number of section 75 categories. This triggers an EQIA, but the screening decision to this end is not contained in the screening document. We would urge DH to proceed straight away with its EQIA.

Department of Agriculture, Environment and Rural Affairs (DAERA)

- The budget outcomes document produced by DAERA is very comprehensive and detailed. The Screening document does not follow the basic requirements of the Equality Scheme and we formally seek a review of it and a revised screening.

Department of Education (DE)

- DE has provided budget outcomes information but the screening exercise has not followed the required methodology in the DE Equality Scheme (and hence also that sought by ECNI in relation to the draft budget) to the extent of merging all the S75 impact assessment into one and 'screening out' the policy. We therefore seek a formal review of this screening decision and a revised screening exercise.

Infrastructure, TEO and Economy

- A screening from the Department of Infrastructure was released on the 23 February and will be responded to separately.
- We urge TEO and Economy to complete and release their equality screenings.

3. Context of assessing equality impacts of PfG and budget

1. Under the Belfast/Good Friday Agreement (GFA) and its implementation law the function of annually seeking to agree and review a Programme for Government “*incorporating an agreed budget linked to policies and programmes.*” sits with the NI Executive as a whole.
2. The relevant provision in the GFA is Paragraph 20 of Strand 1 which provides:
The Executive Committee will seek to agree each year, and review as necessary, a programme incorporating an agreed budget linked to policies and programmes, subject to approval by the Assembly, after scrutiny in Assembly Committees, on a cross-community basis.
3. This duty is given direct legal effect by virtue of Section 20(3) of the Northern Ireland Act 1998 (*hereafter NI Act 1998*).
4. It is the function of The Executive Office (TEO) to coordinate the PfG, including the applicable Equality Scheme process.¹
5. It is the function of the SOSNI to notify the Finance Minister the amount of UK funding available for the draft budget, and any subsequent revised figure.²
6. It is the function of the Department of Finance (DoF) to “*provide equality information as well as finance information*” to the NI Executive to inform the decision taken on the budget.³
7. It is the function of each individual Department to assess equality impacts (screening and EQIA where needed) of the budget on its functions. This information is then to be compiled by DoF and provided to the NI Executive for the final budgetary decision.
8. Under the Ministerial code the inclusion of items on the agenda of the NI Executive requires agreement between the First and deputy First Minister.⁴
9. The remainder of this document is split into the following sections:
 - Programme for Government (PfG) (TEO)
 - Consultation on the draft Budget 2021-22 (DoF / NIO)
 - Draft EQIA from Department of Communities
 - Screening exercises by: Justice (DoJ), Health (DH), Agriculture, Environment and Rural Affairs (DAERA), Education (DE); and Finance (DoF).

¹ <https://www.executiveoffice-ni.gov.uk/about-department-0>

² Sections 64(1A) and 64 (1C) NI Act 1998.

³ Equality Commission investigation: Department of Finance - in its preparation of the Budget for Northern Ireland 2019-20 – paragraph 5.3.

⁴ See paragraph 2.11 of the Ministerial Code: <https://www.northernireland.gov.uk/topics/your-executive/ministerial-code> A Protocol stipulates that the First and or deputy First Ministers should not block an item from the agenda for more than three meetings, but we understand this is not binding.

4. Programme for Government (PfG) (TEO)

10. The NI Executive was restored in January 2020, further to NDNA.
11. A year on, and with just over a year to run on the Assembly term there is currently no PfG. Notwithstanding the challenges of the Covid-19 pandemic it is not in the public domain why the PfG has not been progressed.
12. A draft outline PfG was already negotiated and included in NDNA, along with a commitment to publish fuller details of a PfG by the end of January 2020. This draft PfG included important commitments to tackle disadvantage and drive economic growth “on the basis of objective need” and an underpinning by “key supporting strategies” referencing: the *Anti-poverty strategy; a Racial Equality Strategy; a Disability Strategy; a Gender Strategy; a Sexual Orientation Strategy; an Active Ageing Strategy; a Children and Young People’s Strategy; a Childcare Strategy; a Child Poverty Strategy; and Irish Language & Ulster Scots Strategies*.⁵
13. The adoption of these and other equality and rights-progressing provisions in the PfG is very important, not least as it removes such matters from the scope of decisions taken by individual Ministers that can be blocked at the full NI Executive through the use of the ‘St Andrews veto’.⁶
14. For example, the draft NDNA PfG annex references the sexual orientation strategy, for whose development the Department for Communities (DfC) has already provided for a time bound process, informed by an expert led advisory panel.⁷ Not having the Sexual Orientation Strategy expressly referenced in the PfG, however, risks the adverse impact of the strategy being subject to the ‘St Andrews veto’ before it is implemented.
15. The inclusion of a policy or programme in the PfG will have a key linking impact to resource allocation bids during the in-year monitoring rounds. DoF Guidance on in year monitoring of expenditure states in relation to Departmental inputs that “*One of the overriding concepts of Resource Accounting and Budgeting (RAB) is the linking of expenditure to public service objectives and targets*” and that consequently it is “*demonstrate the impact of the proposal on the key commitments*” that are provided for within a PfG. This process also links to further monitoring of equality impacts.⁸

⁵ NDNA, Annex D Programme for Government, paragraphs 4.1, 4.6.

⁶ We are aware that this veto has been invoked at least four times in the last year. This was most prominently twice by the DUP in November 2020 to block the extension of public health measures proposed by the Health Minister Robin Swann MLA to contain the pandemic (and prior to this on a vote to request an extension to the Brexit transition period, with the veto also cited as an obstruction to the commissioning of abortion services required further to Westminster legislation). For further detail [see Stormont’s vetoes in the context of a pandemic – An Equality Coalition briefing note, November 2020](#).

⁷ See <https://www.communities-ni.gov.uk/articles/sexual-orientation-strategy-expert-advisory-panel-terms-reference>

⁸ DoF ‘In-Year Monitoring of Public Expenditure 2020-21 Guidelines’ 05 May 2020, Version 1.0, para 6.26 <https://www.finance-ni.gov.uk/sites/default/files/publications/dfp/2020-21%20In-Year%20Monitoring%20Guidelines.pdf>

The current PfG ‘Outcomes Framework’ consultation

16. On the 25 January 2021, a consultation was launched (until 22 March) but not on the PfG itself, rather on a draft PfG *Outcomes Framework*, that is “*intended only as an aid to the conversation – a starting point for discussion and debate.*”⁹
17. Notwithstanding the merit in incorporating an outcomes-based approach into the PfG, an Outcomes Framework itself, with no actions committed to achieve such outcomes, is not the PfG the Executive is to seek to agree annually under the terms of the GFA (i.e. “*a programme incorporating an agreed budget linked to policies and programmes.*”¹⁰).
18. There presently no commitment to consult on or adopt such a PfG.
19. The Outcomes Framework document states that after the 22 March 2021 when the consultation closes, a period of analysis will take place. After that, the Framework references more detailed ‘action plans’ being subsequently developed and the PfG being maintained in a continuous ‘live’ format, that is ‘always open to new ideas.’¹¹ It is unclear how this will work in practice and as to whether TEO Ministers have agreed to put a PfG to the Executive and Assembly to containing policies and programmes linked to the budget. It is not clear if this ‘live’ PfG will exist as a document or as a conceptual framework (from which we have previous experience through the ‘Delivering Social Change Framework’).
20. In addition to the issues of compliance with the relevant provisions of the NI Act on the PfG, we are concerned any such an approach to the PfG will lead to adverse impacts on equality of opportunity across section 75 grounds (including for the reasons set out above and below). We would therefore urge clarification of TEO Ministerial intentions and a commitment to adopt a GFA-compatible PfG inclusive of the aforementioned equality and rights commitments listed in NDNA.
21. By way of elaboration, we note that while the draft PfG Outcomes Framework document does list strategies (including the above anti-poverty and various equality strategies) as actions that could ‘help deliver’ the priorities areas of each outcome, there is no commitment *per se* to adopt and implement the strategies.
22. This includes strategies that are statutory legal obligations on the NI Executive to adopt (and that the Courts have found previous mandates have acted unlawfully in not adopting). As well as the anti-poverty strategy, this includes the statutory obligations strategies for Irish and Ulster Scots.¹² A recent UK submission to a Council of Europe treaty body states that a timeline for delivering both language strategies has been issued to the NI Executive but indicates that its inclusion on the Executives’

⁹ PfG Draft Outcomes Framework Consultation Document, 25 January 2021, page 7.

¹⁰ Paragraph 20, Strand 1 GFA, incorporated in s20(3) of the Northern Ireland Act 1998. “

¹¹ PfG Draft Outcomes Framework Consultation Document, 25 January 2021, page 8.

¹² Under [s28E Northern Ireland Act 1998](#).

agenda had been blocked.¹³ It would be helpful if TEO could confirm why this is the case.

23. The TEO draft Outcomes Framework consultation documents states that the NI Executive wishes to test the outcomes against the experiences of persons who fall within a list of Section 75 categories. The list however is of *eight of the nine Section 75 categories* and omits 'sexual orientation'. This is not an issue if this is just an oversight that can be corrected in the post-consultation document. It would be a cause for serious concern if the omission is intentional. We would therefore seek clarification from TEO as to which is the case.¹⁴
24. We welcome that an equality assessment exercise published with the PfG Outcomes Framework consultation, that did not follow the process within the TEO Equality Scheme, on being queried, was quickly removed subject to internal review and a revised screening exercise published with an extended timeframe (until the 30 April 2021).¹⁵
25. The revised screening exercise makes the following statement regarding Indicators for the PfG Outcomes Framework:

The PfG Outcomes Framework will be monitored at the population level using a suite of Indicators. The development of these is currently underway, beginning with a technical review of the Indicators used for the 2016 draft PfG Outcomes Framework. The purpose of this review is to assess the technical quality of indicators, ensure the availability of sub-population data such as geographies (urban/rural, deprivation quintiles) and Section 75 categories, identify any potential gaps/themes and consider international comparisons. It is essential that there is robust data to ensure the PfG delivers and promotes equality of opportunity for everyone and to take the action needed to target those in greatest need.¹⁶
26. We concur with the statement that is important the indicators measure the impact of the PfG across Section 75 categories and generally on the basis of objective need; and would be happy to engage on proposals to this end once they emerge.
27. Overall, the Equality Screening on the Outcomes Framework concludes there will be 'major positive impacts' on equality of opportunity all the Section 75 categories. PfG actions leading to progress across the Outcomes in a manner which is based on objective need and reduces inequality across the section 75 grounds would of course constitute such positive impacts. However, we consider it premature to be able to

¹³ [MIN-LANG \(2021\) IRIA 1, paragraph 176.](#)

¹⁴ Programme for Government, Draft Outcomes Framework, Consultation Document, January 2021, page 7 "However, the Executive recognises the need to determine the completeness of these Outcomes and wants to hear the views of people and communities, and test them against the experiences of people of different gender, age, with/without disabilities, marital status, race, religious belief, political opinion and with/without dependants."

¹⁵ The revised documents, published on the 25 January, are available [here](#).

¹⁶ [TEO revised Equality Screening draft PfG Outcomes Framework](#), page 6.

reach such a conclusion in the absence of knowing first how progress will be monitored and secondly what will actually be in the PfG. It also cannot be extrapolated that a general improvement in an outcome will necessarily be reflected in reducing present inequalities Section 75 groups.

28. A further example is provided by the Independent Review of Hate Crimes Law in NI. At present there is an Outcome in the proposed framework that “everyone feels safe”, yet in the absence of a PfG inclusive of policies and programmes there is no commitment to take forward the Hate Crimes Review. Clearly it is more reliable to assess the outcome of ‘making people feel safe’ as being likely to have a positive impact on Section 75 groups that are victims of hate crimes, if the outcome is supported by a commitment to action.

The Outcomes Framework and EQIA

29. In relation to the proposed Outcome Framework we welcome that there is a specific outcome focusing on equality.
30. The revised Screening Decision document commits to a full EQIA being conducted, and places this in the highest priority category for EQIA.¹⁷
31. We very much welcome the decision to proceed to an EQIA and that a draft has been quickly produced for consultation.
32. We would be keen for TEO to engage directly with the Equality Coalition membership on the draft EQIA and can facilitate this at an Equality Coalition meeting to assist with further input into the EQIA. The following is are some initial input and observations as regards the draft EQIA:
33. **Introduction:** this section of the draft EQIA focuses on key background information such as the PfG and the adoption of an outcomes-based approach. However, there are omissions in the information. Firstly, there is no reference to the legal requirement on the NI Executive to annually seek to adopt a PfG incorporating an agreed budget linked to policies and programmes. Secondly, whilst this section references and quotes provisions of NDNA supporting the current position of adopting an Outcomes-based approach to the PfG, there is no reference to NDNA also containing a draft PfG set out in some detail in Annex D of NDNA.¹⁸ We would urge such references be added into the introductory section of the final EQIA but also that they are used as a framework by which to measure the likely impacts on equality of opportunity under each of the proposed outcomes. (e.g. the EQIA could assess the impacts of taking forward or not taking forward the childcare strategy proposed for incorporation in the PfG against relevant outcomes; such an exercise against each of the strategic policies proposed in the draft PfG in NDNA could assist

¹⁷ [TEO revised Equality Screening draft PfG Outcomes Framework](#), page 16 (Screening decision) page 18 places the policy in priority “3” (highest) in all categories for EQIA.

¹⁸ There are also other relevant sections of NDNA on Executive priorities.

in ascertaining if the proposed Outcomes and their indicators are going to be effective in measuring the impact of commitments in the PfG.)

34. ***Defining the aims of the Policy:*** we have comments on scope and sources regarding this section.
35. As to the *scope* of the policy we consider it too narrow to just focus on the proposed Outcomes Framework in isolation. Given the links, the scope of the policy should also include both the proposed indicators for the outcomes framework and also the broader approach to the PfG. Without this it is difficult for consultees to give meaningful input in the abstract and difficult for officials to assess the likely equality impacts of the PfG.
36. The assessment of impacts conclusion itself in the draft EQIA alludes to this context in stating the following: *“the identification of Actions and associated Performance Measures, suitably targeted to the key inequalities, will unlock the Framework’s full potential to reduce inequalities and improve wellbeing for all.”*¹⁹
37. This section lists *sources* that have been used to influence the draft Outcomes. It includes the previous PfG indicators framework, stakeholder engagement, PfG Outcomes Perceptions research; NISRA research and the UN Sustainable Development Goals (SDGs).
38. We would seek clarification as to how ‘perceptions’ of outcomes has been used to influence outcomes indicators and any subsequent actions. Depending on usage there are some limitations. For example, it is one thing that a particular group in society *perceives* they face housing or employment inequality, and another thing that a group is *actually* facing such inequality, with the latter being ascertainable by factual evidence rather than perception. Furthermore, actual inequality can be measured against targets for reduction, whilst trying to reduce ‘perceptions’ of inequality is a more subjective exercise.
39. A second ‘perceptions’ issue relates to the usage of such data in shaping outcomes or actions. For example, in the previous PfG perceptions research over 40% of respondents *disagreed* with the outcome of having a more equal society.²⁰ Given the treaty based and domestic legal obligations on government to promote equality this should not lead to a downgrading of such an outcomes objective within a PfG. Rather it could lead to further consideration as to why such positions are taken, and to the extent they are shaped by prejudice or intolerance, specific actions to address same (the actual purpose of the often misconstrued ‘good relations’ duty.)
40. A second issue is that beyond the SDGs we would see merit in drawing on internationally recommended human rights-based indicators to shape the outcomes

¹⁹ Draft EQIA, page 36.

²⁰ TEO/NISRA ‘Our Population: Perceptions of the Outcomes Framework’ Public opinion from questions on the 2019/20 Continuous Household Survey’

framework; such an approach can assist both in shaping the framework and its monitoring in areas of socioeconomic rights.²¹

Relevant Data and Research

41. The draft EQIA contains reference to consideration of data sources including linking to key ECNI statements of inequalities across Section 75 grounds.
42. We would be keen for further engagement with Coalition members on this section as there is a range of broader relevant data and research across Section 75 categories (official and independent) that could be taken into consideration.
43. We would like to illustrate this with examples relating to Section 75 categories relating to community background and the LGBT community.
44. On the former the draft EQIA should acknowledge that ‘religious belief’ and ‘political opinion’ in NI are used indicators of community background and highlight key inequalities on these grounds. At present the section on ‘political opinion’ is limited to one statistic on ‘unionist, nationalist or other’ self-identification and contains no data on inequality at all. Religious belief, which similarly links to community background (as well as being an indicator for other ethnic groups in NI– e.g. Muslim, Jewish and Sikh communities) is also presently limited to one (welcome) reference to the differentials in housing inequality. There is, however, data showing a much broader range of patterns of inequality that should be recorded across these categories.
45. Thematic sections in the draft EQIA highlighting inequalities in education, employment, and healthcare make no reference to community background (although this is highlighted in the section on housing). As a consequence, sectarian inequality is not considered in these areas as a “key inequality ground” (as seen in the Table linking Outcomes to key inequality categories that is presumably to form the basis of what is to be monitored). Yet there is significant evidence of inequality in these three thematic areas from official statistics.
46. To this end we would like to draw attention and urge consideration of the following Equality Coalition- commissioned reports:
 - Professor Christine Bell and Dr Robbie McVeigh “A Fresh Start for Equality? The Equality Impacts of the Stormont House Agreement on the Two Main Communities – an Action Research Intervention” Equality Coalition 2016
 - Dr Robbie McVeigh “Sectarianism: The Key Facts” Equality Coalition, 2020²²
47. Both reports, drawing largely on official sources, highlight gaps and provide supplementary analysis with a particular focus on the political opinion and religious belief grounds (where there tends to be more limited analysis elsewhere).

²¹ For example, see the following UN toolkit and such indicators on the right to housing:

<https://www.ohchr.org/en/issues/housing/toolkit/pages/righttoadequatehousingtoolkit.aspx>

²² https://www.equalitycoalition.net/?page_id=38

48. Our member groups will also have supplementary information on other grounds, including sexual orientation, where limited data is also often cited.
49. There have been patterns of missing out data on religious/political opinion grounds in Key EQIAs, most notably that conducted by DSD on welfare reform. The NIHRC commissioned a 'cumulative impact assessment' research on the impact of tax and social security reforms that also omitted data on sectarian inequality as DfC would not release same. Whilst this data is gathered under the *Family Resources Survey (FRS) and the Living Costs and Food Survey (LCF)* (on which the assessment relied) there was an official policy of not making such data available to researchers. The NIHRC report recommended a policy change to this end.²³ Such data should be nevertheless already be available within government to inform this TEO EQIA.
50. In relation to sexual orientation, at present the draft EQIA data section is limited to passing reference to one statistical indicator on self-identification and does not identify any inequalities (a similar approach is taken to Gender with gender identity limited to stating there is no official statistic). Information on issues facing the LGBT community is contained in a number of the thematic sections.
51. The section on sexual orientation (along with all others) should contain evidence of discriminatory detriment and key inequalities issues faced by persons on this ground that is relevant to the PfG and whether the proposed Outcomes Framework and its indicators will be effective in measuring progress.
52. The EQIA does link to the ECNI (2013) policy statement and recommendations on sexual orientation. This, for example, identifies three key areas as requiring specific strategic action namely:
 - *tackling prejudicial attitudes and behaviours specifically homophobic hate crimes, harassment both inside and outside workplace and homophobic bullying in schools;*
 - *promoting positive attitudes and*
 - *raising awareness of rights of LGB people.*
53. There are also both NGO and other official reports that could inform the EQIA, including the research produced by the Rainbow Project,²⁴ Transgender NI,²⁵ and the DE report on LGBT Experiences of young people.²⁶

²³ The report recommended: "The religious affiliation variable in the FRS and LCF data should be made part of the End User Licence datasets available to researchers. This would be make it possible to analyse the distributional impact of tax and social security reforms by religious community, which is particularly important in the socio-economic and policy context of Northern Ireland." (Reed and Portes 2019: 143) <https://www.nihrc.org/publication/detail/cumulative-impact-assessment-of-tax-and-social-security-reforms-in-northern>

²⁴ <https://www.rainbow-project.org/research-and-publications>

²⁵ <https://transgenderni.org.uk/resources/>

²⁶ <https://www.education-ni.gov.uk/publications/post-primary-school-experiences-16-21-year-old-people-who-are-lesbian-gay-bisexual-and-or-transgender-0>

54. It is only through the identification of inequalities and related key issues faced on such grounds will the EQIA be able to effectively assess equalities impacts of both the approach to the PfG and its proposed Outcomes Framework.

The proposed Outcomes Framework assessment of impacts

55. The overall assessment in the draft EQIA is that impacts are likely to be positive on all grounds, given the overall aim of the PfG Outcomes Framework is grounded in principles reflecting a commitment to tackle inequality. The assessment states: “As aspirational statements, the draft Framework provides a sound basis for the development of Actions that can be targeted towards addressing inequality.”²⁷
56. It is welcome there is an overall ethos reflected within the Outcomes Framework to tackle inequality, and that a specific outcome measure on a more equal society is included in the outcomes.
57. The draft EQIA notes that the number of outcomes has been reduced from 12 to 9 from the previous PfG. This, is attributed to outworking of the ‘perceptions’ research, NDNA, Permanent Secretaries views, and stakeholder engagement.²⁸
58. The draft EQIA helpfully draws attention to two particular areas which are not included as standalone Outcomes. The first is “more people working in better jobs” (previously included as an Outcome) and the second is “housing.”
59. The stated reason for not including housing as an Outcome is that it “could unduly focus on the activity of building houses rather than on the benefits that flow from people having access to suitable housing.” However, there is no reason why a housing indicator would solely measure house building, rather it could measure housing need, inequality and supply and the broader elements of the right to adequate housing. There are UN human rights-based indicators that would assist in this approach.²⁹ Whilst the issue of housing is instead dealt with as a sub issue in other indicators, there is a significant ‘mis fit’ in this. Given it is such a core issue, we would urge reconsideration of this, as a failure to prioritise housing issues in the PfG and to tie a budget to them would constitute an adverse impact on s75 groups facing chronic housing inequality and need.
60. The dropping of the outcome of ‘more people working in better jobs’ is justified on the basis it is “too narrowly defined” and that better (sustainable, well paid) jobs “is not in itself an end-product in well being terms”. Instead, the issue of better jobs is now included in an outcome of individuals “achieving their potential”. We would urge reconsideration of this and further engagement on how issues relating to the issue of ‘better jobs’ could be better reflected in an outcome. There are also human rights indicators that could be of assistance in this process.

²⁷ Draft EQIA, page 35.

²⁸ Draft EQIA, page 44.

²⁹ <https://www.ohchr.org/en/issues/housing/toolkit/pages/righttoadequatehousingtoolkit.aspx>

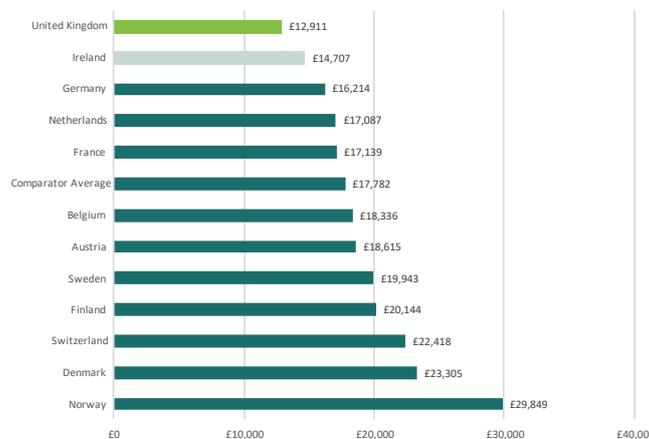
61. Back in 2016 an outcome on connecting people and opportunities through infrastructure was also considered. In the present Outcomes Framework the development of (physical and digital) infrastructure appears only as a key priority area “to grow business” rather than also for broader social goals, particular in relation to rural areas and addressing existing infrastructure deficits. We would urge further consideration of these issues.
62. Under ‘keeping people safe’ one key priority area addresses tackling sectarianism but does not reference other forms of racism or prejudice faced by the LGBT community, misogynistic abuse or other forms of prejudice and hate faced by persons across the Section 75 categories. Whilst the express reference to addressing sectarianism is welcome, we would also seek inclusion of addressing other grounds of prejudice on protected grounds as a priority.³⁰
63. Finally, we reiterate the willingness to further engage on the EQIA and urge its scope is broadened to ensure it is interconnected.

³⁰ We note that according to the PSNI, out of all the current categories for hate motivated crime, racially motivated incidents and crime have remained the highest for the last five years.
https://www.nipolicingboard.org.uk/sites/nipb/files/publications/chief-constables-report-northern-ireland-policing-board_8.pdf

5. Consultation on the draft Budget 2021-22 (DoF)

64. The NI Executive’s budget process is dependent on the confirmation of the ‘Block Grant’ (DEL) through the Spending Review and confirmation of other revenue streams by the UK Government. In the context of the pandemic the Spending Review was not announced by the Chancellor until 25 November 2020.
65. The Ministerial Forward to the previous 2020-21 budget stated that *“In real terms the Executive’s block grant is some £360 million below pre-austerity levels when comparing like for like funding.”*³¹ The present 2021-22 Block Grant from the recent Spending Review is in similar terms and *“essentially represents a stand still position in cash terms.”*³² The budget settlement hence continues to reflect this austerity deficit at a time when there is increased demand on public services and support, not least in the context of the pandemic.
66. At our February 2021 Equality Coalition meeting a presentation from the Nevin Economic Research Institute included the following graph comparing public expenditure in Western Europe, highlighting that the *per capita* expenditure in the UK is the lowest:

Public spending per person western Europe



67. We understand that competency for taxation and setting the overall budget sits with the UK Government and not the NI Executive. Unless there is a significant shift in the budgetary practices of the UK Government the policy choices that can be made over the NI budget by the Executive are significantly constrained. This is particularly the

³¹ Department of Finance, Budget 2020-21, page 3.

³² Department of Finance, draft Budget 2021-22 consultation, paragraph 1.4.

case when such budgetary practices have now existed for a decade since the financial crisis.

68. The foreword to the 2021-22 consultation document states (in relation to revenue stream of the block grant) that: *“The little additional money that is available has been used to fund the Agenda for Change pay increase for health care workers, low-income families who struggle to provide meals to their children outside of school term time, children with Special Educational Needs, and the continuation of welfare mitigations.”*³³ From an equalities perspective we concur that these areas are key priorities. Other key priorities would include childcare, the mitigation of the ‘two child rule’ (without which child poverty is exacerbated), and resourcing for social housing revitalisation programme to tackle acute longstanding housing need and inequality.
69. In relation to other funding streams, further to recent reforms, the Minister of Finance is only permitted by law to lay a draft budget based on UK funding streams that have been confirmed by the Secretary of State.³⁴
70. Resources provided specifically for COVID 19 were £3 billion in 2020-21. A further £541.8 million for 2021-22, mostly for the health service, was confirmed at the time of the draft Budget.³⁵ A further £300 million was announced by the NIO on the 15 February but this was too late to be included in the draft budget.³⁶
71. There is a much broader issue of post-pandemic rebuilding to deal with the socio economic fall out of COVID-19. The Equality Coalition in a statement in April 2020 stated that we were *“Conscious that the most vulnerable groups bore the brunt of the austerity invoked following banking bailout”* and called on *“the UK government and NI Executive to take all steps possible to ensure this is not repeated in the aftermath of Covid-19.”* This is an issue in NI and beyond (see for example the end of mission statement by the UN Special Rapporteur on extreme poverty and human rights following an EU wide mission).³⁷ At present despite NDNA the UK continues only to confirm single year budgets that restrict planning and continues to run the block grant at austerity reduced levels.
72. A particular issue for this draft budget is that only some anticipated funding streams had been confirmed by the Secretary of State.
73. The Secretary of State had confirmed £28.4m (capital) funding for shared education and housing under the *Fresh Start* Agreement, and funding for non-devolved policing functions.³⁸

³³ Department of Finance, draft Budget 2021-22 consultation, Foreword.

³⁴ [S64\(1A\) Northern Ireland Act 1998](#).

³⁵ Department of Finance, draft Budget 2021-22 consultation, Foreword.

³⁶ <https://www.gov.uk/government/news/300m-funding-boost-for-northern-ireland>

³⁷ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26698&LangID=E>

³⁸ Department of Finance, draft Budget 2021-22 consultation, paragraphs 3.43-4.

74. Funding streams resulting from the (DUP-Tory) Confidence and Supply Agreement (C&S)(£24.3m capital for Ultra-fast Broadband; £20m resource for severe deprivation, and £10m for mental health), had not been confirmed.³⁹
75. Also not confirmed were major funding streams further to NDNA anticipated by the Department of Finance to be as follows:
- “£85 million for the Agenda for Change pay dispute;
 - £49 million to support the transformation of public services;
 - £15 million Resource and £15.0 million of Capital to help deliver a Graduate Entry Medical School in Derry;
 - £25 million for Low Carbon Emission Public Transport.”
76. NDNA monies had some conditionality attached to them. However, policy decisions have been taken and announced by the NIO to open some smaller funding streams under NDNA, most notably £3m funding stream for the NI Centenary Fund.⁴⁰
77. It is in the public domain that the NIO convened in 2020 two meetings of the ‘NDNA Joint Board’ with the First and deputy First Ministers. The purpose of the Joint Board includes to “review use of funding provided under the NDNA agreement.”⁴¹ The DE equality screening document states that bids can be submitted to this NDNA Joint Board that can agree on additional allocations of NDNA funding. There is however at present no public transparency over the criteria being applied to the release of such funding or bids and as to how decisions will be equality screened, and as to whether the decisions are solely NIO decisions or joint NIO & TEO decisions.
78. It is also not clear why the NIO have ultimately made decisions (possibly outside the Joint Board) to release only some of the smaller NDNA funding packages and to presently withhold others, along with the C&S monies. We would seek clarification from the NIO if it has assessed the overall equality impacts of these decisions to, and not to, confirm funding.
79. There is also the context of the loss of EU funding further to Brexit. The draft budget document states that there is yet to be clarity over replacements for EU structural funds from the UK Government through the proposed “Shared Prosperity Fund (SPF)” and the extent to which the NI Executive, if any, will have any control over the funding (despite it engaging devolved competencies). The document does state that

³⁹ As above, paragraph 3.50.

⁴⁰ See announcement of 15 December <https://www.gov.uk/government/news/northern-ireland-secretary-to-outline-centenary-plans> and an earlier announcement of a separate £1m for centenary linked heritage projects: <https://www.gov.uk/government/news/uk-government-launches-1-million-shared-history-fund-to-mark-northern-ireland-centenary> The NDNA commitment to fund a Veterans Commissioner was also taken forward in October 2020:

<https://www.gov.uk/government/news/appointment-of-veterans-commissioner-for-northern-ireland>
⁴¹ <https://www.gov.uk/government/news/first-meeting-of-new-decade-new-approach-joint-board>

the levels of replacement funding will be lower than what had previously been provided for under EU Structural funds.⁴²

80. There was also an NIO announcement of £400 million on the 10 December 2020 as a 'New Deal for Northern Ireland' economic and infrastructure package, however this appears largely be aimed at mitigating against some the additional costs for businesses that have resulted from Brexit. It does, however, make some reference to NDNA and specifically shared education.⁴³ It is not clear from the statement how this money will be provided, or again why only some but not other NDNA funding streams have been released.
81. It is also not clear if DoF/NI Executive has sought to end annual Treasury cuts of £2.5m to the block grant to subsidise NI long haul flights that no longer exist.
82. A further issue that has arisen relates to the budget for what had originally been envisaged as the pension for seriously injured victims of the troubles. A commitment had been made to progressing a pension under the 2014 Stormont House Agreement. Westminster ultimately legislated for a scheme in 2019. This had changed to victims 'payments' rather than a pension, (pensions usually being paid through the separate 'AME' funding stream for pensions and social security benefits). Whilst the scheme is scheduled to commence this year, with the potential for back payments to the time of the Stormont House Agreement, there has not been clarity over how it is to be funded. The NI Court of Appeal in February 2021 found that Westminster legislation made the NI Executive liable to ensure that the victims payments are funded, and has given a four week period for the NIO and NI Executive to reach a solution.⁴⁴ The scheme was scheduled to start in coming months. A recent estimate from the government actuary department is that the overall cost of the scheme will run between £600 million and £1.2 billion.⁴⁵ Costs will particularly be weighted to the initial period of the scheme given issues such as backdating. Reportedly the SOSNI had refused requests from the NI Finance and Justice Ministers to meet regarding the funding of the scheme since September 2020, but following the court ruling has now agreed to meet the parties. It is not clear why the NIO decided not engage or release funding on this highly sensitive issue. The Court ruling took place after the draft Budget had been confirmed and put out for consultation and is not factored in, how the issue is now determined by the NIO and NI Executive will have a significant bearing on the final budget and should be factored into final assessments on same.

⁴² Department of Finance, draft Budget 2021-22 consultation, Foreword. Paragraphs 3.32-6 and forward.

⁴³ <https://www.gov.uk/government/news/uk-government-provides-400m-package-for-northern-ireland-in-post-transition-deal>

⁴⁴ <https://www.bbc.co.uk/news/uk-55997440>

⁴⁵ <https://www.bbc.co.uk/news/uk-northern-ireland-56158827>

The budget and the equality duties

83. In previous budgetary years Equality Coalition members have been concerned that the duties and processes in Departmental Equality Schemes were being bypassed. This prevented meaningful input from Equality Coalition members.
84. Consequently, in recent years a number of challenges were issued by Equality Coalition members in the form of formal complaints and review requests under the procedures in Departmental Equality Schemes. Following this and its own inquiries the Equality Commission used its ‘own initiative’ enforcement powers to launch a formal investigation into the DoF’s preparation of the NI Budget for 2019-20. This investigation concluded core procedural elements of the Equality Scheme had been breached.⁴⁶
85. The Investigations Report seeks remedial action in the form of an internal process within DoF to ensure the equality duty is complied with. This involves DoF providing information on equalities impacts to the NI Executive, though setting out clear requests to all Departments to carry out the Section 75 statutory duties in preparing budgetary submissions and presenting an updated equality assessment to the NI Executive for its decision on the budget.⁴⁷
86. We welcome that the DoF draft Budget contains such a process, seeking Departments to input screening and EQIA information to DoF and a commitment that DoF will then “*collate responses (screenings or impact assessments) from all NICS departments that have been developed in line with the commitments set out in their Equality Schemes*”⁴⁸ and provide them to the NI Executive to make the decision on the budget. As per the ECNI investigation, we would seek this to be undertaken through an updated overarching equality assessment of impacts.
87. We would also like to highlight the role gender budgeting can play in addressing gender inequalities and would seek that gender budgeting methodology is incorporated into the budget development processes.
88. We understand that the late timing of the Spending Review on the 25 November 2020 and the legal requirements to present the draft Budget to the Assembly in advance constrains the time for consultation on the budget and its equality impacts.⁴⁹ It is concerning, however, that the NI Executive only signed off on the draft budget on the 18 January 2021. The draft budget was originally tabled for the Executive meeting on the 10 December 2020, but was blocked from inclusion on the agenda from this and every other meeting until its approval.⁵⁰ The Finance Minister

⁴⁶ SDI/303/19 1 ECNI [Investigation under Paragraph 11 of Schedule 9 of the Northern Ireland Act 1998, Department of Finance - in its preparation of the Budget for Northern Ireland 2019-20](#). Investigation Report, September 2020.

⁴⁷ ECNI Investigation Report paragraph 7.1

⁴⁸ Department of Finance, draft Budget 2021-22 consultation, chapter 6 and paras 6.23-4.

⁴⁹ <https://www.legislation.gov.uk/ukpga/1998/47/section/64>

⁵⁰ [Ministerial Statement Public Expenditure: Draft Budget 2021-22, NI Assembly](#), 18th January 2021.

indicated to the Finance Committee that the issue related to proposals to cut other departments to replace Dept. Economy administered EU business subsidies lost as a consequence of Brexit. It is notable also, as alluded to below, that the current draft budget that was ultimately approved excludes allocations on key equalities issues such as housing transformation. The delay in the NI Executive approving the budget paper has significantly constrained the time available for consultation and consideration of the equality impacts of the budget.

89. We very much welcome that the Department for Communities moved quickly to produce and consult on a detailed draft EQIA on the impact of the draft budget on its functions. We also welcome that most other departments have now produced screening exercises.
90. It is precisely this process, required by the equality duty, that provides transparency in decision making over the equalities impacts of policy and our members with the opportunity to meaningfully engage with and input into the process as was envisaged by the architects of the equality duty.
91. The following sections will deal with Departmental assessments of equalities impacts.

6. Departmental assessments of equalities impacts

6.1 Department for Communities EQIA

The Department for Communities (DfC) published their draft Equality Impact Assessment (EQIA) on 27th January 2021.

The DfC EQIA focuses primarily on how the lack of anticipated funding for various projects will negatively impact Section 75 categories.⁵¹ The priority functions identified as being impacted by the flat Resource Draft Budget include: 1) Benefit delivery for working age customers given increased demand for working age benefits as a result of increased unemployment, and 2) employment support to help those impacted by Covid-19 related unemployment, including the £1.5m reduction in resource funding to the independent advice sector.⁵²

The previous funding stream for independent advice appears to have its origins in the Fresh Start agreement, where the NI Executive agreed to “provide additional funding for independent advice services in recognition of the complexity of welfare and tax credit changes.”⁵³ It is not clear why the NI Executive has decided to now cut this fund, we consider that a consequential collapse of a major sector frontline advice services would have major adverse impacts on Section 75 groups disproportionately suffering poverty and hardship, currently exacerbated by the fallout from the pandemic.

The DfC EQIA cites no resources being made available in the draft budget to fund a range of recommended new welfare mitigations, including mitigations to offset the Two Child Policy. This is concerning, as due to the major adverse impact of the two Child Policy on women and children, the Equality Coalition has long advocated for the policy to be eliminated and/or mitigated against.

Also of key concern to the Equality Coalition is that, as set out in the EQIA, the DfC “has received no allocation for Housing Transformation in the Draft Budget 2021-22.”⁵⁴ The impact of this is assessed as hindering progress in the long-awaited revitalisation programme to ensure sufficient social housing is available to meet demand. It will also reduce opportunities for other service and policy interventions to reduce housing need and

⁵¹ DfC states that with the current budget, efficiencies are necessary, but that these will be individually subject to a screening/EQIA process as agreed “7.3...In the context of delivering public services with constrained allocations, the Department is urgently considering options to live within its 2021-22 allocation whilst continuing to maintain effective public service delivery. These options include not filling staff vacancies and considering how efficiencies can be realised across the Department, its ALBs and programmes of work. This will be challenging given over 92% of the Department’s Resource budget is required to meet procedural, contractual, inescapable and statutory obligations.”

⁵² The DfC EQIA states that due to the lack of anticipated Covid-19 relief funding, the DfC will have to stop plans to recruit staff to process working age benefits, as well as stop several planned schemes to assist people returning to work. This is despite the increased demand due to the fallout from the pandemic.

⁵³ A Fresh Start, Section C, Paragraph 3.1

⁵⁴ DfC EQIA, paragraph 6.21. DfC has received £38 million in financial transactions capital (money which is spent in or loaned to the private sector) for the continuation of the Co-Ownership housing scheme.

inequality. The EQIA references the ECNI Key Statement of Inequalities in Housing in relation to existing inequalities across Section 75 grounds.

The DfC EQIA then makes the following findings of adverse impact across a number of s75 grounds:

People of different ages: Young people have been negatively impacted by Covid-19 related unemployment, and low paid workers are seven times more likely to have worked in a sector that is now shut down.

Men and Women Generally: Women are about 1/3 more likely to be working in a sector that is now shut down.

People with or without a disability: The lack of labour market support will adversely impact on unemployed disabled people, who will now be even further from the labour market because of Covid-19 related increases in unemployment.

People with or without dependents: The lack of anticipated funding will negatively impact children and women, particularly those on benefits and/or in need of financial support and advice.

Marital Status: impacts on single parents identified;

We also consider that there will be adverse equality impacts on ethnicity (including community background)⁵⁵ as a result of the draft budget proposals and would seek that DfC reflect this in the final EQIA.

We have long had concerns that analysis of impact on such grounds has been officially evaded, including in relation to housing inequality but also in the original DSD EQIA on welfare reform. The Equality Coalition '*Sectarianism: Key Facts*'⁵⁶ report noted that a Cumulative Impact Assessment commissioned by the NI Human Rights Commission on welfare reform had also omitted data on sectarian inequality, due to DfC holding but declining to release data that had been gathered on same under the Family Resources Survey (FRS) and the Living Costs and Food Survey (LCF). The NIHRC consequently recommended that these datasets be released to ensure equality assessments could be made on such grounds.⁵⁷ We therefore urge DfC to use data from these sources (which will be available to DfC regardless) to inform its EQIA on the currently missing grounds.

We concur that the current flat rate budget, without a commitment from the Secretary of State to approve the NDNA funding and with very limited Covid-19 relief funding, institutes major adverse impacts on the most vulnerable people living here. We urge the NIO and NI Executive to consider alternative policies, in the form of additional funding to address the adverse impacts under the current policy. If these resources are forthcoming, we urge DfC to examine mitigating measures.

⁵⁵ I.e. the section 75 categories of political opinion, racial group and religious belief.

⁵⁶ Dr Robbie McVeigh "Sectarianism: Key Facts" (Equality Coalition: 2020), page 11.

⁵⁷ "The religious affiliation variable in the FRS and LCF data should be made part of the End User Licence datasets available to researchers. This would be make it possible to analyse the distributional impact of tax and social security reforms by religious community, which is particularly important in the socio-economic and policy context of Northern Ireland." ([Reed and Portes 2019: 143](#))

6.2 Department of Justice

On 9 February 2021, the Department of Justice published two documents related to the budget, including an equality screening and a document titled “DoJ Draft Budget 2021-22 Overview and Equality Impacts” (Overview).

The Overview is a comprehensive analysis of the pressures facing the Department with the existing budget, and the potential ramifications on Departmental goals and existing programming.

By contrast, the Screening does not evaluate any of the issues related to the potential loss of staff and programming with the current budget against the impacts that will be felt by Section 75 groups. Instead, the Screening determines that ‘minor’ impacts will be felt, and therefore there is no need to progress to a full EQIA.

An example of the disconnect between the detail in the Overview and the lack of detail in the Screening is found in taking forward the recommendations in the Gillen Review. The Overview states:

“The Department will not be able to deliver the key Gillen Review recommendations in full without the necessary additional funding and investment. Not implementing these would result in failure to deliver on the Gillen recommendations and on key measures to support vulnerable victims.”

However, the only reference to the Gillen Review in the screening states:

“It is anticipated that implementation of the Gillen Review recommendations will have a positive impact on all Section 75 groups, children and those across all areas of Northern Ireland.”

The screening should consider the impact of the potential budget cuts on the implementation of the Gillen Review under the relevant S. 75 category, specifically Gender. The Overview includes evidence that women and girls are the primary victims of sexual violence in NI. This detail of need and existing inequality is however missing from the screening. Instead, the Gillen Review is deemed to benefit everyone in NI equally, and no adverse impact inference is assessed in not being able to deliver it. A similar lack of detail on the impact of the draft budget on other policy areas is found throughout the screening. The screening then identifies a ‘minor’ impact across all Section 75 categories (except for marital status which has ‘no impact’) and consequently the screening decision is not to proceed to an EQIA.

The following general commitment is made:

“The DoJ Draft Budget 2021-22 will be allocated to mitigate where possible any potential impacts across the Section 75 groups. The Department considers a minor or no impact on all section 75 groups.”

However, no information is provided as to what is proposed to mitigate the impacts in question. There is also little to no detail provided in the screening as to the different needs, experiences and priorities of each of the S.75 categories, in relation to the budget.

Under the terms of their Equality Scheme, the Department should be monitoring the equality impacts of their policies (including their budget) throughout the year. It is unclear at this point if there are information gaps as regards assessing the equality impacts of not proceeding with or limiting particular policy initiatives due to lack of budget allocations, or if the information is held but has not been included in the equality screening.

Had information been included, it could have been contrasted against the ongoing draft budget to determine the ramification of potential cuts on equality groups. If there are data gaps, in accordance with ECNI guidance, this is also a ground to favour a screening decision to conduct an EQIA.

We consider that the information in the Overview document on the Gillen review alone is sufficient to identify potential major adverse impacts on grounds of gender and consequently to trigger a full EQIA. This is likely to be replicated in other policy areas.

The equality screening fails to consider relevant information, to take into consideration details of need, experience and priority for each Section 75 group, and ultimately the screening decision is inaccurate, leading to a finding of 'minor' impact and no mitigation and no EQIA. Procedurally this does not comply with the following sections of the equality scheme: 4.2 – 4.14.

In this context we would seek to trigger the formal process (set out in paragraph 4.16 of the DoJ Equality Scheme) of a consultee requesting a review of the screening decision not to conduct an EQIA; with a view to an EQIA being undertaken.

In light of the limited time available, ideally an EQIA would be completed urgently to form part of the overarching information to be presented to the NI Executive by DoF on which a decision on the final budget is taken. This would allow DoJ to make its case that a lack of allocations will lead to adverse impacts on equality. Should it now not be possible to undertake this in the timeframe we would urge DoJ to conduct an EQIA on the final budget allocation and consider mitigating measures and alternative policies to address adverse equality impacts, this in itself could include informing 'in year' monitoring round bids.

6.3 Department of Health (DH)

The Department of Health has published an equality screening on the budget and a document titled "Department of Health 2021/22 Draft Budget Outcome" (Outcome). In general, both documents are quite comprehensive and transparent regarding the impact of the draft budget on services and resulting impacts on S.75 groups.

Notably missing is a screening decision, and we urge the Department to rectify this, and to proceed quickly to an EQIA based on finding major impacts in the screening.

The Outcome document is an overview of the various pressures facing the Department because of the draft budget. The Department has received £495.2 million additional non-recurrent funding from the 2020-21 baseline. The recurrent funding is £52.1m, specifically to cover the Agenda for Change pay increase. DH states:

Therefore the budget settlement will be very challenging to manage against our total funding requirements as it is not adequate to meet the rising demand and the growing needs of our aging population. The fact that the available recurrent mainstream resource funding has only marginally increased means it will not provide a basis for the sustainable rebuild of our health service.

The Outcome document describes anticipated NDNA funding as welcome, but not sufficient to maintain Transformation programmes at their current funding level, and therefore it is likely that COVID-19 rebuilding funding will have to be used to fill the gap.

There follows a detailed description of the £165 million required to fulfil the further priorities set out in NDNA. The Department will be examining if COVID-19 funding can be used for these priorities, however this source is non-recurring and so cannot be used for multi-year commitments. The Department states that *“The level of non-recurrent funding has now reached such a high level that it is vital that we guard against the assumption that additional funding will become available when needed.”*

The equality screening has started the process of analysing the impact of the budget on service provision, and the resulting impact on S.75 groups. Ideally, there should be much more detail in this screening, particularly considering most of the budget revolves around existing service provision, which should be continually monitored for equality impacts. In other words, DH should have a breakdown of the equality impacts of their service provision, and should be constantly measuring this against existing need of S.75 groups. The budget should essentially be an annual reporting mechanism to evaluate progress, determine priority areas of increased funding based on need, and to evaluate the impact of any cuts to services on S. 75 groups.

The Department assesses that the draft budget will have major adverse impacts on people with a disability, gender, age, and race and a minor adverse impact on sexual orientation and dependents. Under the terms of the Department’s equality scheme, the Department should now proceed to a full EQIA on the draft budget as a whole, or on the budget once agreed, as opposed to waiting to proceed to an EQIA on individual initiatives once decisions have already been made regarding budget cuts. The “considerations to options to address pressures” referenced by the DH in paragraph 25 of the screening should be explored in an EQIA prior to the final decisions being made.

6.4 Department of Agriculture, Environment and Rural Affairs (DEARA)

On 11 February 2021, The Department of Agriculture, Environment and Rural Affairs (DAERA) published two budget documents, “Further details on draft budget 2021-22 outcome for the Department of Agriculture, Environment and Rural Affairs” (Outcome) and a draft budget screening.

The Outcome document is one of the most comprehensive breakdowns of budgetary allocation by service area and programme from any Department so far. By contrast, the equality screening is one of the least compliant with the equality scheme out of all Departmental responses thus far.

The Outcome document is a detailed analysis of budgetary funding by programme area, and discusses the key functions of the Department, including the PfG, EU exit, Environment, and COVID recovery. The Outcome documents states the draft budget allocation as well as the ‘anticipated’ funding yet to come, and highlights the shortfalls in budget allocation against need, which come to £33.9m.

These pressures include: EU replacement funding, Pay Inflation, Carrier Bag Levy Income, Environment Fund, Bovine TB Eradication Strategy Operational Costs and more. The Department states that despite the reinstatement of funding from 2021-22, additional Protocol funding and EU replacement funding, they are still facing a shortfall of £33.9 million.

Regarding Capital DEL, the Department anticipates taking forward £130.5 million in Capital over the year. This includes: Programmes: £48.1m; IT Systems: £21.6m; Estate Transformation: £3.8m; Research and Development: £22m; EU funding (mainly from Rural Development Programme): £35m

The Outcome document details the various elements of these funding strands, including their aims, objectives and services. In conclusion, the Department states that more Capital funding would have specifically helped to enhance the allocations to the Green Growth Foundation Programmes, Estate Transformation and Recurring Capital.

The budget equality screening contains essentially none of the detailed information on budgetary spend and service delivery found in the Outcomes document and hence any equalities impacts of the budget proposals for DAERA are not assessed. Rather under the likely impact on equality of opportunity the Department has decided that the draft budget will have no impacts on any S. 75 group, because it will benefit everyone. The lack of information or detail is quite odd as the Outcome document (published on the same day as the screening) highlights that key business areas will likely be impacted by the draft budget. DAERA states “Equality assessments and rural needs screening for the key business areas impacted will be undertaken by relevant Business Areas within the Department once final decisions based on their allocations are taken and any mitigating actions can be considered.” However, there is a duty under the equality scheme for screening to occur at the earliest stage of policy development.

We would therefore request a formal review of the screening decision (under the process in the DAERA’s equality scheme) as the process in paras 4.3-4.12 of the Scheme has not been followed despite the apparent availability of relevant data.

6.5 Department of Education

On 16 February 2021, the Department of Education published two documents related to the budget, the “Department of Education (DE) 2021-22 Draft Budget” and the “proposed 2021-22 Resource Budget Equality and Human Rights Budget Screening” (screening). The Budget document states that in 2021-22 DE is facing a resource funding gap of £321.3m and a Capital funding gap of £59.8m (assessed prior to the January Monitoring round). The Resource funding gap is made up of:

- General Pressures: 137.2 m
- COVID-19 Pressures: 73.7 m
- NDNA pressures: 110.4

The stated NDNA pressures include: Teachers Pay Deal 2017 and 2018, Resourcing Pressures in Schools, SEN funding for schools, Executive Childcare Strategy, and more. General Education Pressures include: Period Poverty, Summer Schools, Engage, Emotional Health and Wellbeing Framework, and more.

The budget screening contains minimal details of evidence or information relating to Section 75 groups. The details of needs, experiences and priorities of each category are not examined in relation to the draft budget and the services and programmes previously provided, proposed services and potentially cut services, but rather are seemingly random phrases and statements of general need disconnected from the policy in question. It appears that the information may have simply been cut and pasted from a prior screening.⁵⁸

The Screening does not examine the impact of the budget on individual S. 75 categories, but rather has merged all of the boxes and put in a general and vague statement and based on this identifies a 'minor' impact on all Section 75 groups.

DE has determined that because budget decisions have not been finalised, the impact of the proposed budget is impossible to determine. In fact, the purpose of screening is to examine policies that are likely to have an impact on equality of opportunity, at the earliest stage of policy formation. Therefore, it is not too early to provide details on the plans and related impacts of potential budget cuts to service provision. Other Departments have been able to provide this information. Only by screening these plans will the Department be able to adequately identify potential adverse impacts and present a case for mitigation in relation to the final budget. Rather than being separate from policy making, screening should be an embedded part of the process.

We would therefore request a formal review of the screening decision (under the process in the DE equality scheme) and seek a revised exercise that follows the prescribed methodology for screening in the DE Equality Scheme.

6.6 Department of Finance

On 12 February, the Department published the equality screening on the draft budget 2011-22. The Department describes their services as follows:

“DoF also provides a range of frontline services, for example, in the areas of civil registration, rates collection, valuation, land registration and mapping information. The Department is responsible for the NI Direct Programme which aims to modernise and improve services to the citizen and drive channel shift to on-line

⁵⁸ For example, under “Racial Group” the Department has put the phrase: “Children from the Traveller community and Roma children have some of the lowest levels of attainment of all equality groups.” This single phrase is the only piece of evidence that the Department has been able to gather on the diverse needs, experiences, and priorities of children of different ethnic backgrounds living in NI and there is no link between it and the implications of the draft budget proposals.

transactions. The Department is also responsible for Civil Law Reform, Public Sector Reform, and is the NI sponsor body for the Special EU Programmes Body.

The aim of the DoF budget for 2021-22 is to enable the Department to continue to carry out these core services and to take forward initiatives to benefit the NI citizen and make the NICS truly representative of the people we serve.

The Department is also considering how it can continue to help support local businesses and the NICS employees following the COVID-19 outbreak including rate relief and increased agile working.

The Department will continue to consider how it currently operates and reduce or stop non-essential areas and streamline functions where possible.”

The screening does not however assess how the draft 2021-22 budget allocation will impact these existing frontline services and functions despite the indication that the budget will require it to “reduce or stop non-essential areas and streamline functions where possible.”

Separate from the screening, the DoF has published a document entitled “Department of Finance Budget 2021-22”, which elaborates on the financial position of the Department including the pressures facing DoF, and their plans for service provision. This describes plans for new priorities, including the establishment of a Fiscal Council “which will prepare an annual assessment of the Executive’s revenue streams and spending proposals and how these allow the Executive to balance their budget” and a Fiscal Commission which will “examine options for the further devolution of tax powers to the Executive as well as other revenue raising measures” to deliver priorities in the PfG.

Ultimately, the Department concludes that they are facing pressures in the region of £16m, and:

“Consideration is being given into how the Department can manage within its opening baseline position and will endeavour to protect frontline services. **However, it is too early to provide details on such plans or related impacts.** In addition it is anticipated that the Department’s income levels will be reduced as a result of COVID and will need to manage the continuing spend from within the baseline.” (emphasis added)

As alluded to above in our response to the DE screening we do not concur it is too early to assess the equality impacts that the draft budget would have on DoF functions.

The Department does commit to revisiting the screening once the budget decisions have been made on “any reductions or allocations.” This is welcome yet we would urge DoF, as with other departments, to revise its screening to inform the final budget decision by the NI Executive first. The revised screening should also ensure it remedies the limited data or evidence in the current screening

The following Departments have not published an equality screening or EQIA on the draft budget as of 25 February 2021: The Executive Office and Department for the Economy. The Department for Infrastructure produced its screening on the 23 February and we will respond separately to it.

25 February 2021

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