

## **Comments received on HSENI's draft equality scheme**

This document outlines the background to the consultation exercise on HSENI's draft Equality Scheme and addresses the comments received.

The draft Equality Scheme issued on 19 December 2011 for consultation with a closing date of 20 March 2012. Everyone on the HSENI's Equality Consultation List in Appendix 3 received notification of the consultation exercise. Staff from HSENI's Corporate Support Group attended a consultation event on 14 March 2012, organised by the Equality Coalition where members of the coalition discussed various issues with HSENI's officials.

Two organisations, listed below, provided written comments on HSENI's draft Equality Scheme, which, together with our response, are as follows:

Disability Action  
Autism NI

HSENI would like to thank them for the time and effort involved in responding to the consultation.

## Details of the comments received to the consultation exercise on HSENI's draft Equality Scheme and HSENI's Response

Date Rec'd	Rec'd From	Summary of Comments	HSENI Action
10 Feb 2012	Disability Action	<ol style="list-style-type: none"> <li data-bbox="424 389 948 864">1. Disability Action notes that the Health &amp; Safety Executive Northern Ireland has omitted a commitment to develop and deliver a programme for communication and training for staff and develop a programme of awareness raising for consultees. Disability Action recommends that these two omissions be addressed in the revised equality scheme. (Paragraph 5, Foreword)</li> <li data-bbox="424 972 948 1335">2. Disability Action notes that again the HSENI has deviated from the ECNI Model Equality Scheme in regard to clearly defining its functions – service provision, employment and procurement. Disability Action requests that this anomaly be addressed in the revised equality scheme. (Paragraph 6, Foreword)</li> <li data-bbox="424 1397 948 1684">3. Disability Action would advise the HSENI that the Foreword and Appendices are fundamental elements of the equality scheme. Disability Action recommends that this fact be made clear in the revised equality scheme. (Foreword)</li> <li data-bbox="424 1733 948 1939">4. Disability Action believes that the HSENI should also commit to consulting on its Audit of Inequalities and screening of policies. (Item 3.1, Page 10)</li> </ol>	<ol style="list-style-type: none"> <li data-bbox="979 389 1525 685">1. The commitment to staff has now been included. At this stage HSENI is unable to commit to a programme of awareness raising for consultees, but will use all appropriate opportunities eg Corporate Plan to raise awareness for consultees on the Section 75 duties and our commitments within our Equality Scheme.</li> <li data-bbox="979 990 1503 1052">2. Agreed and amended with regard to HSENI's key functions.</li> <li data-bbox="979 1393 1311 1420">3. Agreed and amended</li> <li data-bbox="979 1729 1506 1792">4. This action is already taken, equality scheme amended to clarify this.</li> </ol>

	<p>5. Disability Action notes that the HSENI have omitted a reference to ‘a direct economic or personal interest’ as stated in paragraph 3.2.1 of the ECNI Model Equality Scheme. (Item 3.3, Page 10)</p> <p>6. Disability Action has concerns in regard to targeted consultation. The HSENI must ensure that it monitors and reviews this approach to consultation to ensure that it is open and accountable to all representative and affected individuals and does not result in a “closed shop” list of consultees. (Item 3.4)</p> <p>7. Disability Action notes that the HSENI has omitted a key element of Section 75 consultation regarding engaging with affected individuals and representative groups. Disability Action refers the HSENI to paragraph 3.2.2 of the ECNI Model Equality Scheme. Disability Action requests that this anomaly be addressed in the revised equality scheme.</p> <p>8. Disability Action notes the absence of a timeframe for the provision of alternative formats and requests that one be added to the revised equality scheme. (Item 3.8, Page 11)</p> <p>9. Again, Disability Action notes that the HSENI has omitted paragraph 3.2.5 of the ECNI Model Equality Scheme. Disability Action requests that this anomaly be addressed in the revised equality scheme.</p>	<p>5. Wording amended to include individuals</p> <p>6. Noted. All consultations are publically advertised via the website to help ensure the openness of the consultation process.</p> <p>7. Noted. Content has been amended in para 3.5.</p> <p>8. Noted. Amendment made.</p> <p>9. Noted. Although HSENI already uses and will use all appropriate opportunities eg Corporate Plan to raise awareness for consultees on the commitment it has made to its Section 75 duties and Equality Scheme.</p>
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	<p>15. Regarding availability of the screening outcomes Disability Action believes consultees should be informed as soon as possible of results otherwise they may not be aware of a screening outcome for some indefinite time. (Item 4.16, Page 17)</p> <p>16. This is of particular importance where a policy has been screened out as minor or where mitigation or alternative policy has been used. Consultees will have expert knowledge on a given policy's impact that the HSENI might review as impact neutral.</p> <p>17. Disability Action believes that 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 <b>application</b> they have a disproportionate or an adverse impact on any of the affected groups.</p> <p>18. Furthermore, it is impossible for the under-resourced community/voluntary sector to check public authorities' websites on a daily basis.</p> <p>19. Regarding screening reports Disability Action strongly recommends that the HSENI provides the details of the screening reports as per paragraph 4.20 of the ECNI Model Equality Scheme.</p> <p>20. Disability Action has again noted the HSENI deviation from the ECNI Model Equality Scheme at paragraph 4.24 and omitted</p>	<p>15. The outcome of screening processes is sent out as part of the consultation process. This was outlined in the original para 4.16 but for clarification purposes this paragraph will now be moved to the start of the section on screening.</p> <p>16. As above.</p> <p>17. Noted, however this is considered during screening and the results are available during consultation phase and therefore there is the opportunity to comment on the potential for disproportionate or adverse impact on any of the affected groups.</p> <p>18. HSENI notes the difficulties faced by the community/voluntary sector and therefore prefers to directly contact them as part of the consultation process.</p> <p>19. HSENI feels that further action is not necessary given the current system of sending all screening reports directly to its consultees.</p> <p>20. Noted. This point is clarified in the revised equality scheme.</p>
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		<p>completely paragraph 4.25. Disability Action requests that these anomalies be addressed in the revised equality scheme.</p> <p>21. Disability Action notes the omission of clear reference to primary and secondary sources of qualitative and quantitative data and requests the HSENI to address this anomaly in the revised equality scheme.</p> <p>22. Regarding other monitoring Disability Action refers the HSENI to paragraph 4.31 of the ECNI Model Equality Scheme.</p> <p>23. Regarding Disability Awareness Training arrangements Disability Action notes the HSENI deviation from paragraph 5.4 of the ECNI Model Equality Scheme. Disability Action would ask the HSENI to explain the rationale for this deviation both here and throughout the equality scheme.</p> <p>24. Disability Action recommends that all Section 75 training should be reviewed and updated accordingly. Where training is centralised Disability Action believes that the HSENI must use its influence with the training provider. (Item 5.6, Page 22)</p> <p>25. Regarding monitoring and evaluation Disability Action notes the deviation from paragraph 5.6 of the ECNI Model Equality Scheme.</p> <p>26. Regarding accessing public</p>	<p>21. Noted, amendments made..</p> <p>22. Noted, amendment made.</p> <p>23. Noted, amendments made.</p> <p>24. HSENI attends the NICS Training Commissioner's meetings and can therefore exert its influence to assist with future shaping of courses via this route.</p> <p>25. Whilst HSENI notes the deviation, the organisation believes the content is reflective of the current processes in place, which deliver the same outcome as paragraph 5.6 of the ECNI Model Equality Scheme.</p> <p>26. Noted. Text revised to clarify that</p>
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		<p>access to information and services Disability Action recommends the HSENI to monitor across all its functions as per paragraph 6.8 of the ECNI Model Equality Scheme.</p> <p>27. Disability Action believes that the complaints procedure should outline how it will support the individual to bring his/her complaint (eg interpreter support, specialist transport costs, advocacy services). The complaints procedure must be fully accessible and proactively disseminated to those affected by the Section 75 duties. (Chapter 8, Pages 29 &amp; 30)</p> <p>28. Disability Action notes that the HSENI has not outlined its arrangements for communicating its equality scheme to children and young people and people with disabilities as per paragraph 9.3 of the ECNI Model Equality Scheme.</p>	<p>the Customer Satisfaction Survey monitors across all functions.</p> <p>27. Noted. Amended.</p> <p>28. HSENI will make the scheme available to people with disabilities through Section 75 representative bodies and via the arrangements outlined in section 9.3, final bullet point. There are no plans in place at the minute to communicate the Equality Scheme directly with children. HSENI has established channels of communication with children via its Child Safety on Farms Campaign and its work with young people before going into the work environment for the first time.</p>
23 Dec 2011	Autism NI	<p>Currently, inequalities regarding access to services, external and internal training for the workforce and families, as well as public awareness of ASD, are supported by the failure of our disability legislation to recognise Autism.</p> <p>This situation will be addressed as part of required compliance with the Autism Act (NI) 2011.</p> <p>The natural consequence is therefore a requirement upon all</p>	<p>Noted, HSENI will issue a fact sheet on autism, to all staff as soon as possible .</p>

		<p>Equality Schemes and Action Plans to be updated to take account of the social and communication barriers faced by individuals with ASD in accessing public services and public facilities, e.g.</p> <ul style="list-style-type: none"><li><input type="checkbox"/> improved visual signage;</li><li><input type="checkbox"/> clearly structured public areas delineated by function;</li><li><input type="checkbox"/> assessments based upon social functioning, not merely mental and physical ability.</li></ul>	
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