

Foreword

On behalf of the Public Prosecution Service I am pleased to support this Equality Scheme which arises out of the implementation of Section 75 of the Northern Ireland Act 1998.

Section 75 of the Northern Ireland Act 1998 requires public authorities, in carrying out their functions, powers and duties, to promote equality of opportunity and good relations among a range of groups. Public Authorities, as defined by the legislation, are required to send an Equality Scheme to the Equality Commission, showing how they intend to carry out their new duties.

These duties are entirely consistent with our aim to provide the people of Northern Ireland with an independent, fair and effective prosecution service. In delivering our services to the community we adhere to the values of independence, fairness and impartiality; shared purpose, personal responsibility and diversity; excellence and communication and partnership. These values are reflected in our Equality Scheme.

For the purposes of Section 75 of the Act, the functions of the PPS do not include those relating to the prosecution of offences. These are specifically excluded by Section 38 of the Justice (Northern Ireland) Act 2002.

Commitments made in the Equality Scheme refer to how the PPS carries out all its functions, powers and duties relating to Northern Ireland which fall within the scheme. The PPS will ensure that the necessary resources (in terms of people, time and money) are made available to support the effective promotion of equality of opportunity and good relations in all its policies and practices. We will ensure that the duties are effectively complied with and that progress is monitored and reviewed.

The PPS will actively seek to develop a programme of communication and training to ensure that staff are made aware of and understand the new equality obligations. The purpose of this draft Equality Scheme is to set out how the PPS will fulfil the new statutory duties.

Acting Director of
Public Prosecutions for
Northern Ireland

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1.0

Context

- 1.1 The Public Prosecution Service is headed by the Director of Public Prosecutions for Northern Ireland. The Public Prosecution Service and its predecessor the Department of the Director of Public Prosecutions for Northern Ireland, were not subject to Section 75 of the Northern Ireland Act 1998 when it was first brought into operation. The Justice (Northern Ireland) Act 2002 formally established the Public Prosecution Service and amended the Northern Ireland Act 1998 so as to add the Director of Public Prosecutions for Northern Ireland to the list of public authorities to which sections 75 and 76 of that Act apply.
- 1.2 The amendment to Section 75 of the Act specifies –
- “(4A) The references in sub-sections (1) and (2) and Schedule 9 to the functions of the Director of Public Prosecutions for Northern Ireland do not include any of his functions relating to the prosecution of offences.”
- Similarly the amendment of Section 76 of the Act specifies –
- “(8) This section does not apply to a decision of the Director of Public Prosecutions for Northern Ireland not to institute, or to discontinue, criminal proceedings or, where such a decision has been made, to any act done for the purpose of enabling the decision whether to institute or continue the proceedings to be made or for securing that the proceedings are discontinued.
- (9) No injunction may be granted in respect of a contravention of this section by the Director of Public Prosecutions for Northern Ireland unless the court is satisfied that it would not prejudice any decision to institute criminal proceedings or any criminal proceedings.
- (10) Where a party to proceedings for a contravention of this section applies for a stay of those proceedings on the ground of prejudice to a decision to institute criminal proceedings, or of prejudice to particular criminal proceedings, the court must grant the stay unless it is satisfied that continuance of the proceedings for the contravention would not result in the prejudice alleged.”
- 1.3 In the course of debates on these provisions it was explained on behalf of the government that these exemptions were necessary to ensure the continuing independence of the Director of Public Prosecutions. It was confirmed that the exemptions applied to prosecution decisions and also policies relating to such decisions.

2.0

Introduction

- 2.1 For the purposes of Section 75 of the Act, the functions of the PPS do not include those relating to the prosecution of offences. These are specifically excluded by Section 38 of the Justice (Northern Ireland) Act 2002. This exclusion also applies to policies relating to the prosecution of offences. The functions of the PPS which do not relate to the prosecution of offences are hereafter referred to as “relevant functions” for the purpose of this scheme.
- 2.2 Section 75 of the Northern Ireland Act 1998 (‘the Act’) requires the Public Prosecution Service (PPS) in carrying out its relevant functions, to have due regard to the need to promote equality of opportunity:
- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
 - between men and women generally;
 - between persons with a disability and persons without; and
 - between persons with dependants and persons without.
- 2.3 In addition, without prejudice to its obligation above, the PPS will, in carrying out its relevant functions, have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
- 2.4 This Equality Scheme sets out how the PPS proposes to fulfil the duties imposed by Section 75.
- 2.5 In the exercise of prosecutorial functions the PPS acts in accordance with the Code for Prosecutors which incorporates the Code of Ethics. The development of the Code of Ethics has been guided by guidelines for the role of prosecutors adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Havana between 27th August and 7th September 1990; the Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors (1999) adopted by the International Association of Prosecutors; and the Council of Europe Recommendation 19 (2000) on the Role of the Public Prosecution in the Criminal Justice System.

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- 2.6 In the exercise of all its functions the PPS is bound to act in accordance with the rights of the individual guaranteed by the European Convention on Human Rights.
- 2.7 Whilst the PPS came into effect as a statutory body on 13 June 2005, the new PPS structures are not yet fully in place throughout Northern Ireland. The rollout of the new Service has been ongoing and is expected to be completed by September 2007.

3.0

Organisation, functions, structure, services & timescales

The Criminal Justice Review (CJR) 2000 was the key factor that shaped the design of the PPS. The Terms of Reference of the CJR included a review of “the arrangements for the organisation and supervision of the prosecution process and for safeguarding its independence.”

THE ORGANISATION

The Public Prosecution Service (PPS) will be the principal prosecuting authority in Northern Ireland. Subject to its full implementation, the Service will assume responsibility for all criminal cases previously prosecuted by the former Department of the Director of Public Prosecutions (DPPNI) and the Police Service of Northern Ireland (PSNI).

In addition to taking decisions as to prosecution in all cases submitted by the police in Northern Ireland, it will also deal with cases submitted by other statutory authorities, for example, the Driver and Vehicle Testing Agency.

The PPS was established in June 2005 by the commencement of the Justice (NI) Act 2002. The Act defines the Public Prosecution Service, its statutory duties and commitments and the legislative framework within which it provides its services.

The PPS has been designed to build on the strengths of the Department of the Director of Public Prosecutions while also incorporating good practice on a national and international basis.

**THE FUNCTIONS -
THE FUNCTIONS OF THE PUBLIC PROSECUTION SERVICE ARE SET OUT BELOW**

Function	Does this Function relate to the prosecution of offences and is it therefore excluded from the operation of Section 75 of the Northern Ireland Act 1998?
<p>Consider police investigation file Provide prosecutorial and pre-charge advice to police; consider facts and information reported by police and apply test for prosecution; review all charges preferred by police.</p>	<p>Function wholly relating to the prosecution of offences: Section 75 does not apply.</p>
<p>Prepare case for court Prepare prosecution papers and arrange effective service upon the accused; make decisions as to disclosure of unused material and appropriate applications for the admission of evidence; make decisions as to admissible and relevant evidence, venue and mode of trial; utilise Causeway IT effectively; make decisions for alternative disposals as appropriate, eg informed warning, caution, youth conferencing.</p>	<p>Function wholly relating to the prosecution of offences: Section 75 does not apply.</p>
<p>Prepare and present cases at court Provide representation in accordance with agreed advocacy standards and present case in court effectively; select counsel in accordance with established/agreed guidelines and brief counsel effectively; select jury in accordance with applicable procedures; make all such applications to court as required.</p>	<p>The preparation and presentation of cases at court is a function wholly relating to the prosecution of offences: Section 75 does not apply. The selection of counsel and the exercise of the power to apply to the court for potential jurors to stand by are not functions relating to the prosecution of offences: Section 75 applies.</p>

Function	Does this Function relate to the prosecution of offences and is it therefore excluded from the operation of Section 75 of the Northern Ireland Act 1998?
<p>Support Victims and Witnesses during prosecution process</p> <p>Ensure that victims are kept informed of the progress of cases; refer where appropriate to NSPCC or VSNI; make appropriate applications for special measures to assist victims and witnesses giving evidence; make applications for confiscation and/or compensation in appropriate cases; ensure that prosecutors, in exercising their functions, act in a manner consistent with international human rights standards relevant to the criminal justice system.</p>	<p>Decisions whether to apply for special measures to support witnesses giving evidence in individual cases is a function wholly related to the prosecution of offences: Section 75 does not apply. Keeping victims and witnesses informed of the progress of cases and making referrals in appropriate cases to VSNI and NSPCC are not functions relating to the prosecution of offences: Section 75 applies.</p>
<p>Policy Development</p> <p>Ensure appropriate input to policy development in criminal justice system and consultation on proposed legislative reform; ensure staff have available information and receive appropriate and effective training on relevant developments on law and practice; respond to FOI requests, PQ's and other requests for information.</p>	<p>Insofar as the policy development relates to the prosecution of offences it is excluded from the operation of Section 75. Policy which is not so related is subject to Section 75.</p>

Function	Function Does this Function relate to the prosecution of offences and is it therefore excluded from the operation of Section 75 of the Northern Ireland Act 1998?
<p>Human Resources Recruitment, internal transfers, management of performance, management of absenteeism, management of conduct, grievance procedures, staff health and welfare, non-pay employee conditions, industrial relations, development, training and further education, equal opportunities policy and procedures, policy.</p>	<p>Section 75 applies.</p>
<p>Business Improvement Management Information; provision of responses to relevant requests for information; development and maintenance of information reports; case management system validation; development and implementation of internal/external surveys; provision of statistical analysis and advice; development and co-ordination of corporate, regional/section scorecards including PPS Annual Business Plan and Corporate Plan; co-ordination of internal business plan monitoring reports; development and co-ordination of corporate region/ section risk registers; conduct of formal efficiency reviews; grading and loading of posts in accordance with JEGS/JESP guidelines; corporate governance support.</p>	<p>Section 75 applies.</p>

Function	Function Does this Function relate to the prosecution of offences and is it therefore excluded from the operation of Section 75 of the Northern Ireland Act 1998?
<p>Accommodation Provision of suitable accommodation to meet the needs of the Public Prosecution Service.</p>	Section 75 applies.
<p>Health & Safety To provide a safe and secure working environment</p>	Section 75 applies.
<p>Finance Normal budgetary preparation and control; management of delegated budgets; corporate governance and risk management; business case reviews and business planning; management of internal control; finance policies; accounts preparation.</p>	Section 75 applies.
<p>Information Communication Technology Project work including ongoing change control of Causeway/CMS DSM0 and development of Causeway DSM1; service delivery.</p>	Section 75 applies.

THE STRUCTURE OF THE PPS

The Public Prosecution Service is headed by the Director of Public Prosecutions for Northern Ireland. There is also a Deputy Director. There is also a Management Board, including a number of independent members, which supports the Director in his leadership of the PPS and in reaching decisions as to the development and implementation of appropriate strategy and proper governance of the Service.

The Public Prosecution Service is a regionally based organisation. On full implementation of the Service, there will be four regions each coterminous with one or more court divisions.

Each of the four regions will be headed by an Assistant Director. The Assistant Director will have overall responsibility for decisions as to prosecution and for the conduct of all prosecutions in that region, with the exception of those files that are transferred to prosecutors in Headquarters.

REGIONAL OFFICES

There will be six regional offices, known as Chambers, across Northern Ireland. The Belfast Regional Office is located in Belfast Chambers, the corporate headquarters for the PPS. The preferred locations for the regional offices of the Public Prosecution Service were selected after detailed consideration of a range of factors including workload, court locations, Targeting Social Need; and accessibility.

An additional Belfast office will accommodate a number of central legal functions and support services, including Finance and Human Resources.

NEW SERVICES

A range of new services have been designed to enhance the effectiveness of the PPS.

Each of the regional offices will provide access to the full range of services. For example, each local office will include a Community Liaison function. The Community Liaison teams will provide information to victims and witnesses regarding the progress of their case.

A range of options has been developed for dealing with offenders other than through prosecution. These include restorative cautioning, informed warnings and youth conferencing.

4.0

Arrangements for assessing compliance with section 75 duties

4.0 ORGANISATIONAL ARRANGEMENTS

4.1 The Public Prosecution Service (PPS) is committed to fulfilling its Section 75 obligations. Statutory responsibility for the effective implementation of the Scheme lies with the Director.

4.2 While the Director is independent in the exercise of his prosecutorial functions he will be accountable to the Attorney General for the development, maintenance and review of the Scheme in accordance with the legislation, including any good practice or guidance that may be issued by the Equality Commission.

4.3 Responsibility for the implementation of the equality scheme and the point of contact within the PPS will be the chair of the Equality Scheme Steering Group: -

Title	Assistant Director Policy & Information
Address	Belfast Chambers 93 Chichester Street Belfast BT1 3JR
Tel No	028 90 544715
Fax No	028 90 544720
E Mail	policy@ppsni.gsi.gov.uk

4.4 The Chair of the Equality Scheme Steering Group will report regularly to the Management Board (MB) and respond to any queries for all those affected by the statutory duties.

4.5 Objectives and targets relating to the statutory duties will be integrated into the PPS strategic and operational plans. Staff who are directly engaged in this work will include implementation of the statutory duties in their personal performance plans, which are subject to appraisal in the annual performance review. In addition, a commitment to the statutory duties will be included in all job descriptions. Progress on meeting the range of objectives will be monitored and reported upon to the PPS MB on a quarterly basis.

PROGRESS REPORTING

4.6 The PPS will conduct an Annual Review of Progress in relation to the implementation of the Equality Scheme, in complying with the statutory duties. The PPS will forward a report of this review to the Equality Commission by 31 July each year. This report, which will have regard to any guidance on annual reporting issued by the Equality Commission, will also be included in the organisational Annual Report.

4.7 Moreover, the PPS will liaise closely with the Equality Commission to build a close working relationship so that progress on the implementation of the Scheme is maintained.

CONSULTATION

4.8 The PPS acknowledges the emphasis on consultation in the development and implementation of the Scheme, and is committed to full and meaningful consultation on its Equality Scheme, screening, equality impact assessments and monitoring arrangements. Details of this commitment are set out in the following sections.

COMPLAINTS

4.9 When a complaint is made on the grounds that the PPS has failed to comply with the Scheme, the point of contact will be

Address	Community Liaison Belfast Chambers 93 Chichester Street BELFAST BT1 3JR
Tel No	028 90 897070
Email	complaints@ppsni.gsi.gov.uk
Fax No	028 90 897069

4.10 The complaint will be referred to the Deputy Director who will designate the appropriate officer to conduct an internal investigation. A response will be issued to the complainant within one month. During this process, the complainant will be kept fully informed of the procedures for dealing with the complaint. The PPS will also undertake to provide assistance to any complainant who requires information in a format that ensures equality of opportunity.

4.11 In any subsequent investigation by the Equality Commission, the PPS will co-operate fully, and will consider reasonable requests for access to any relevant documentation that the Equality Commission may require. Similarly, the PPS will co-operate fully with any investigation by the Equality Commission under sub-para 11 (1) (b) of Schedule 9 to the Northern Ireland Act 1998.

REVIEW OF THE SCHEME

4.12 The PPS will conduct a thorough review of the Scheme within five years of its submission to the Equality Commission. This review will evaluate the effectiveness of the PPS in meeting its Section 75 obligations. In undertaking this review the PPS will have due regard to any guidance issued by the Equality Commission. A report of this review will be made public and sent to the Equality Commission.

5.0

Consultation

- 5.1 The Public Prosecution Service (PPS) recognises the importance of consultation in all aspects of the implementation of its statutory equality duties. It affirms that all consultation will be carried out in accordance with the Equality Commission's Guiding Principles as detailed in its 'Guide to Statutory Duties' (Blue Section 2c) as early as possible. In particular, it will endeavour to conduct all consultations in a timely, open and inclusive way in accordance with the Equality Commission's Guiding Principles.
- 5.2 The PPS will consult on the screening processes as widely as possible to ensure that any organisation or group which has a legitimate, particular interest in its work and /or the likely impact of its policies on the promotion of equality of opportunity and good relations will be included in the process of engagement.

THOSE BEING CONSULTED

- 5.3 A list of those being consulted regarding the screening and equality impact assessments and the Scheme itself are detailed in Appendix 2. The list is not exhaustive and may be amended and reviewed throughout the lifetime of the equality scheme to promote inclusive consultation. The PPS welcomes enquiries from any organisation wishing to be added to the list of consultees, who should contact the PPS to have their interest noted. (See 4.9 above)
- 5.4 The PPS will include the Equality Commission, the Community Relations Council, voluntary groups, community groups, trade union groups and other groups with a legitimate interest in the matter, including those directly affected, in all consultations whether or not they have a direct economic or social interest in the work of the PPS. Organisations representing the various categories included in Section 75 will also be included in any consultation carried out. The Equality Commission will be included in all consultations on matters relevant to the PPS equality duties including screening processes and equality impact assessments.

TIMESCALE FOR CONSULTATION

- 5.5 In order to facilitate meaningful consultation, the PPS will ensure that consultation with groups and individuals will begin as early as possible.

5.6 The PPS is conscious that some groups will need sufficient time to consult among themselves in order that their contributions to any consultation may be informed. All consultations will aim to allow a period of at least eight weeks except in emergencies. Such situations will include:

- policies which have to be implemented urgently to protect health and safety;
- policies which have to be implemented urgently to comply with court judgements.

5.7 The PPS wishes to minimise the number of exceptions to good practice guidelines on the timescale for consultation. When exceptions do occur, the PPS will report such instances. Exceptions to the normal eight week consultation period will be monitored, kept under review, justified clearly and reported by the PPS in its annual report to the Equality Commission.

PROCEDURES FOR ENSURING INCLUSIVE CONSULTATION

5.8 In consulting on any matter to which this scheme relates, the PPS will engage with affected and umbrella groups from the Section 75 categories in order to identify how best to consult or engage with stakeholders and obtain their views. Face to face meetings, advisory groups, surveys, consultative panels, internet discussions and other innovative ways of consulting are amongst the methods which will be considered as a means of consultation for different groups and it will be important to establish the basis for dialogue and engagement during the life of the scheme.

5.9 It is intended that barriers to proper consultation will be removed by ensuring that language is as clear as possible. Reasonable requests for presentations, meetings and information on this Scheme to be made available in an appropriate format to representatives of people with learning disabilities, minority community language speakers, people with disabilities, young people and Travellers will be considered.

5.10 To ensure the highest level of inclusivity in any policy decision-making, information will be made available in consultation with groups affected by Section 75. Reasonable requests for information to be made available in accessible formats such as Braille, disc, and audiocassette and in minority languages to meet the needs of those who are not fluent in English will be considered.

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- 5.11 Extra consideration will be given to ensuring that all consultations reflect the needs of young people and those with learning disabilities through the provision of accessible formats in a timely manner. The PPS will liaise with representatives of young persons and learning disability organisations in the first place (by correspondence/direct communication) in order to reflect the needs of these groups in consultations.
 - 5.12 To ensure that sufficient timely and appropriate information is provided to enable all affected groups and individuals to consider the full implications of proposals, the PPS will release relevant quantitative and qualitative data relating to equality issues as they affect the Section 75 categories and other related documents such as consultation reports. Information will be made available in consultation with the affected groups to ensure the highest level of inclusivity in any policy decision making.
 - 5.13 Specific training will be developed for PPS staff undertaking consultation exercises to ensure they have the necessary skills to communicate effectively. Any training delivered will be developed in consultation with relevant Section 75 groups.
 - 5.14 Steps will also be taken to ensure full participation in any consultation meetings that are held. The PPS will consider the time of day, the suitability of the venue, whether it can be accessed by those with disabilities, how the meeting is to be run, the use of languages other than English, whether a signer is needed, and childcare arrangements. The PPS will recognize and in good faith meet reasonable access related costs.

6.0

Assessing the impact of relevant policies on the promotion of equality of opportunity

SCREENING

- 6.1 The Public Prosecution Service (PPS) is committed to carrying out a systematic review of all its existing and new/proposed policies to which Section 75 applies to determine whether there are any equality of opportunity implications. Policies relating to the prosecution of offences are excluded from the operation of Section 75 and will not be screened. Policies to which Section 75 applies are hereafter referred to as “relevant policies”.
- 6.2 The definition of a ‘policy’ under the Equality Commission’s Guide to the Statutory Duties has a wide remit and includes policies relating to all functions and activities, including internal policies. The PPS will monitor the implementation of a policy that it operates of behalf of another public authority, and will work in partnership with other bodies where such a policy is subject to an equality impact assessment.
- 6.3 The PPS will consider the impact of each relevant current and new/proposed policy on equality of opportunity in terms of the nine categories listed at Section 75 of the Act when considering which policies will be subject to equality impact assessment. A systematic review of each relevant policy is required and the PPS will take the following steps when screening:
- identify all policies, written and unwritten;
 - internally appraise the significance of equality of opportunity and good relations for each policy, taking account of the screening criteria and prioritisation factors detailed below;
 - produce a list detailing relevant policies to be subject to equality impact assessment, together with a draft timetable for conducting the assessments. This should take account of the need to join up equality impact assessments of related policies;
 - consult with Section 75 groups to seek their views on whether all relevant policies have been identified, whether all equality impacts have been identified, and whether they agree with the list of policies to be subject to equality impact assessment and the proposed timetable;
 - consider and take account of feedback from the consultation exercise;
 - provide information to consultees on the conclusions reached following the initial consultation on screening, on amendments made to the list of policies, and on the final equality impact assessment timetable, in a screening report.

6.4 For each relevant policy the following criteria will be applied:

- is there any indication or evidence of higher or lower participation or uptake by different groups*?
- is there any indication or evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy?
- have previous consultations with relevant groups, organisations or individuals indicated that particular policies create problems that are specific to them?
- is there an opportunity to better promote equality of opportunity or good relations by altering the policy or working with others in government or in the larger community?

* The main groups within each of the nine categories are identified at Appendix 4.

If the answer to any of these four questions is yes, consideration will be given to whether to subject the relevant policy to the equality impact assessment procedure.

EVIDENCE

6.5 The PPS will make arrangements to obtain relevant information, whether quantitative or qualitative, so that it can clearly demonstrate why a relevant policy is screened in for impact assessment or screened out as not requiring an equality impact assessment.

6.6 Evidence may include information from the PPS's own information management systems, including service monitoring and complaints handling systems, or from engagement in research, surveys or consultation exercises. Information may also be sourced from commissioned research or from research produced by other public authorities, representative groups, umbrella groups, and trades unions or universities. Information from consultation exercises on previous equality impact assessments or those undertaken by other public authorities within the same sector will also be considered. Anecdotal evidence, feedback from service users and affected groups or ongoing experience within the authority will also be considered.

PRIORITISATION & TIMETABLING

- 6.7 Having screened relevant existing policies or new policies using the four criteria set out above, a view must then be reached on prioritising policies for equality impact assessment. Priorities may be established based on factors such as:
- Social need;
 - effect on people’s daily lives;
 - effect on economic, social and human rights;
 - significance of the policy in terms of expenditure;
 - significance of the policy in terms of strategic importance.
- 6.8 An initial timetable will be developed setting out a programme and timescale for equality impact assessments, see appendix 5. The PPS will annually provide a list of relevant new and proposed policies identifying policies included and excluded for equality impact assessment to consultees. New policies identified for equality impact assessment will be incorporated into the overall timetable as appropriate
Screening Report
- 6.9 A detailed report of the screening exercise will be provided to consultees and included in the Annual Report sent to the Equality Commission. The report will include details of: (1) those policies which will be subject to equality impact assessment, (2) those policies proposed by those consulted, as appropriate for impact assessment, but which have not been subsequently included – giving a explanation for this course of action, (3) the factors for prioritising assessments, and (4) the timetable for equality impact assessments.
- 6.10 Consultation on screening will allow at least eight weeks, and will comply with the Equality Commission’s ‘Guiding Principles of Consultation’. Consultations will seek the views of the Equality Commission, representative groups of Section 75 categories, other public authorities, voluntary groups, community groups, Trade Unions and other groups with a legitimate interest in the matter including those directly affected by the policy whether or not they have a direct economic or personal interest (see Appendix 2).

THE CONDUCT OF EQUALITY IMPACT ASSESSMENTS

- 6.11 All equality impact assessments carried out will be conducted in accordance with all the procedures outlined in Annex 1 of the Equality Commission's 'Guide to the Statutory Duties'.
- 6.12 In common with other aspects of the statutory equality duties, the PPS will ensure that any equality impact assessment will be subject to consultation. All consultations will seek the views of the Equality Commission, representative groups of Section 75 categories, other public authorities, voluntary groups, community groups, Trade Unions and other groups with a legitimate interest in the matter whether or not they have a direct economic or personal interest and those directly affected by the policy (see Appendix 2).
- 6.13 In making any decision on a current or proposed policy, the PPS will take into account any relevant equality impact assessment and the outcome of associated consultation.

MONITORING ADVERSE IMPACT AND ACCESS TO SERVICES

- 6.14 A system will be established to monitor the impact of relevant policies and access to services across all functions in order to identify their effects on the relevant groups and ensure equality of opportunity. This system will involve:
- an audit of existing information systems within one year of approval of the scheme, similar to that included in Appendix 4 of the Commission's Practical Guidance on EQIA, to identify the extent of current monitoring and a plan to address any gaps so that impacts can effectively be monitored through equality impact assessments.
 - the collection and collation of existing relevant primary quantitative and qualitative data across all nine equality categories on an ongoing basis;
 - the collection and collation of existing relevant secondary sources of quantitative and qualitative data across all nine equality categories on an ongoing basis;
 - identifying where more detailed data is needed in order to have the necessary information on which to base decisions;
 - undertaking or commissioning new data if necessary.

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

6.16 This system will be reviewed on an annual basis and the results will be published as part of the organisation annual report to the Equality Commission. In all cases relating to the holding of monitoring information or the collection of data, the PPS will act sensitively in accordance with Equality Commission guidance and the wishes of representatives from S75 organisations.

PUBLICATION OF EQUALITY IMPACT ASSESSMENTS AND MONITORING

6.17 The PPS will make publicly available the outcome of any equality impact assessment and of any monitoring undertaken to measure the adverse impact of relevant policies. Reasonable requests for impact assessments to be made available in accessible formats (i.e. Braille, disk, audio cassette and minority languages) will be considered by the Departmental Records and Information Manager, Public Prosecution Service, Belfast Chambers, 93 Chichester Street, BELFAST, BT1 3JR.

6.18 Extra consideration will be given to ensure that young people and those with learning disabilities are able to access impact assessments in a timely fashion.

6.19 The PPS will inform the general public about the availability of this material through press releases. It will also directly inform bodies listed in Appendix 2 when this material is available and it will place information in publications associated with Section 75 categories and invite them to put the information in communications associated with their groups.

6.20 All published information will comply with guidance outlined by the Equality Commission in its 'Guide to Statutory Duty' (Section 1). The PPS will publish information on equality impact assessments that:

- includes the aims of the policy to which the assessment relates;
- details any consideration given to mitigating adverse impact of the policy on the promotion of equality of opportunity;
- details any consideration given to the consideration of alternative policies which might better achieve the promotion of equality of opportunity.

7.0

Public access to information and services

7.1 The PPS is committed to ensuring that the information it disseminates and the services it provides are made accessible to ensure equality of opportunity. It is aware that some Section 75 groups will not have the same access to information as others. These include:

- children and young people who may have difficulties in accessing or understanding information;
- people with sensory and learning disabilities that may have difficulties with information in print;
- members of minority ethnic groups, whose first language is not English, and who may have difficulties with information provided only in English.

Consideration will be given on how to provide accessible information in a timely manner to all these groups.

7.2 The PPS will, within a year of approval of this scheme, review its arrangements for providing information in an accessible and timely manner. The assessment will take account of:

- the statutory requirements of the Disability Discrimination Act 1995; the likely demand for information of various formats across its main policy areas;
- the resource implications and recommendations from the Northern Ireland cross-departmental Promoting Social Inclusion (PSI) working groups on minority ethnic people and on access to information.

7.3 Any recommendations arising from the review on how public access to information can be better ensured by improving arrangements for providing information in different formats and languages will be considered. The PPS will publish relevant findings of the review on its website and will notify relevant Section 75 groups of any proposed changes.

7.4 The PPS intends that all of its services are fully accessible to all parts of the community in Northern Ireland. The PPS will review its arrangements for the dissemination of information for promoting as wide access as possible for implementing statutory equality duties.

7.5 The PPS will ensure that all sections of the community have equal access to PPS offices. PPS offices will maintain a welcoming and harmonious environment. The PPS will adhere to relevant provisions of the Disability Discrimination Act 1995.

8.0

Training and communication

- 8.1 The PPS will ensure that an effective communication and training programme will be developed for all staff. A series of targets for the implementation of the commitment to training and communication will be outlined in Equality Scheme Action Plan section of this document (Appendix 5).
- 8.2 In order to share resources and expertise, the PPS will work closely with other bodies and agencies in the development and delivery of training.

Training

- 8.3 The PPS will draw up a detailed training plan for all its staff over the 5 year period to which this Scheme refers which will aim to achieve the following objectives:
- to raise awareness of current anti-discrimination legislation, including the provisions of Section 75 and Section 76 of the Northern Ireland Act 1998. This will include an explanation of the duties and their implications for all employees;
 - to provide those employees involved in screening of relevant policies with the necessary skills and knowledge to do this work effectively;
 - to provide those employees involved in the equality impact assessment of policies with the necessary skills and knowledge to do this work effectively;
 - to provide those employees who deal with complaints in relation to the implementation of the PPS's Equality Scheme with the necessary skills and knowledge to investigate and monitor complaints effectively;
 - to provide those employees involved in consultation processes with the necessary skills and knowledge to do this work effectively;
 - to provide those employees involved in the implementation and monitoring of the effective implementation of the PPS's Equality Scheme to do this work effectively; and
 - to evaluate the extent to which all participants in this training programme have acquired the necessary skills and knowledge to achieve each of the above objectives.
- 8.4 A report indicating the extent to which training objectives have been met will be included as part of the Annual Review of the implementation of the statutory duties, which will be sent to the Equality Commission.

-
- 8.5 All staff in the PPS will receive their required training within one year of the approval of the Scheme (including those being inducted). Focused training will be provided for all staff within the organisation undertaking consultation with relevant Section 75 groups to ensure they have the necessary skills to communicate effectively.
- 8.6 All training will be developed in association with the appropriate Section 75 groups.
- 8.7 The Director of Public Prosecution wishes to positively communicate the commitment of the PPS to the statutory duties (both internally and externally). The PPS will:
- develop a summary of the Scheme and make it available to all staff;
 - provide access to copies of the full Scheme for all staff;
 - ensure that its commitment to the statutory duties are made clear in all relevant PPS publications (such as the Annual Report); and
 - will ensure that any queries or questions of clarification from staff are addressed effectively.

9.0

Implementing the scheme

PUBLICATION OF THE SCHEME

9.1 Following submission to the Equality Commission, this scheme will be available in print form and alternative formats free on request from the Public Prosecution Service (PPS).

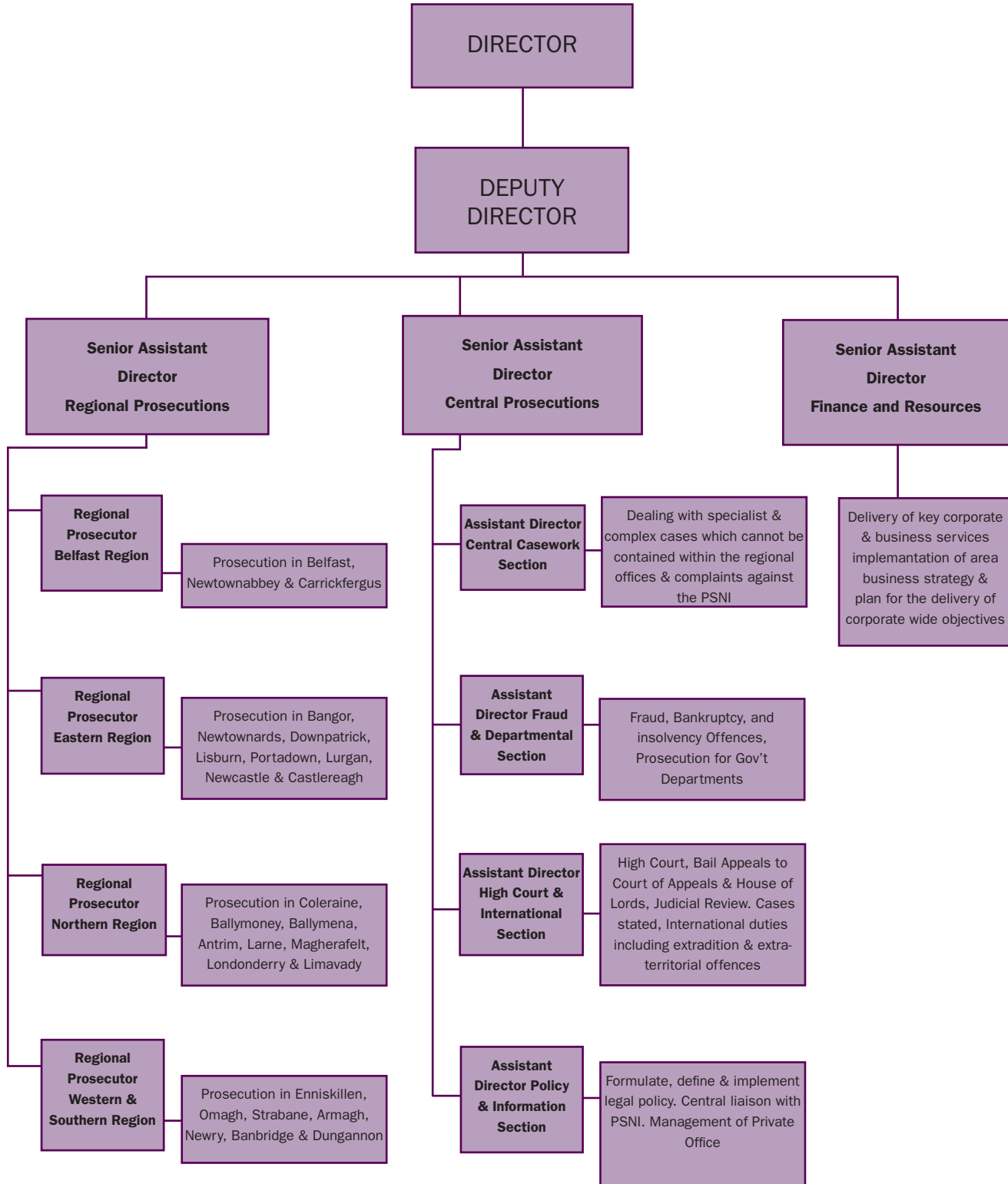
9.2 The following arrangements will be made for the publication of the Scheme and to ensure equality of access:

- the Scheme will be available on request in formats such as Braille, disc, and audiocassette and in minority languages to meet the needs of those not fluent in English;
- systems will be in place to ensure that requests for the Scheme in accessible formats will be dealt within a timely manner;
- specific consideration will also be given to how best to communicate the Scheme to young people and those with learning disabilities;
- the PPS will develop a plain English summary of the Scheme;
- a press release and a prominent advertisement in the press will be placed by the PPS whenever the Scheme is approved by the Equality Commission;
- a copy of the Scheme will also be posted on the PPS website;
- copies of the approved Scheme will also be sent to key stakeholders.

TIMETABLE FOR IMPLEMENTING THE SCHEME

9.3 Appendix 5 outlines an action plan for implementing the Scheme including date milestones and performance indicators for each task.

PUBLIC PROSECUTION SERVICE FOR NORTHERN IRELAND



APPENDIX 2: LIST OF ORGANISATIONS TO BE CONSULTED

Probation Board for NI
The NI Policing Board
The Police Ombudsman for NI
Juvenile Justice Board
Civil Service Commissioners for NI
The Chief Electoral Officer for NI
The Parades Commission

Political Parties

Labour
Conservative
Liberal Democrat
UUP
SDLP
DUP
Sinn Fein
APNI
Green
NIUP
UKUP
Women's Coalition
PUP
UDP
Workers' Party
UUAP
IRSP
Religious Organisations
Church of Ireland
Roman Catholic Church
Presbyterian Church
Baptist Church
Methodist Church
Free Presbyterian Church

Christian Scientists
NI Inter-Faith Forum
Belfast Hebrew Congregation
Belfast Islamic Centre

Representative Organisations

Committee on the Administration of Justice
Equality Commission
Community Relations Council
NI Human Rights Commission
British-Irish Rights Watch
Justice
Liberty
Amnesty International
Age Sector Reference Group
Putting Children First
Youth Council for NI
Chinese Welfare Association
Indian Community Centre
Multi-Cultural Resource Centre
NI Council for Ethnic Minorities
Traveller Movement NI
NI African Cultural Centre
Coalition on Sexual Orientation
NI Gay Rights Association
Gay and Lesbian Youth NI
Disability Action
MENCAP
NI Association for Mental Health
British Deaf Association
RNID NI
RNIB NI
Womens' Forum NI
NI Womens' Aid Federation

Gingerbread NI
Carers National Association NI
NIPSA
NIC-ICTU
FDA
UNISON
Northern Ireland Office
Recruitment Service (DFP)
Institute of Personnel and Development
(NI Branch)

Police Service for Northern Ireland
Police Federation
Superintendents' Association
ACPO
Northern Ireland Policing Board

Prison Officers Association
Prison Governors Association
Boards of Visitors and the Visiting Committee
Lord Chief Justice
Council of HM County Court Judges
Resident Magistrates Association
NI Juvenile Courts Association
NI Courts Service
Law Society
Bar Council
Sentence Review Commissioners
UK Immigration Service
Institute of Criminology (QUB)
HMCI
Amnesty International
Howard League
Prison Reform Trust
Red Cross

European Committee for the Prevention of
Torture and Inhumane or Degrading
Treatment
NIACRO
Extern
Prison Fellowship
Ulster Quaker Service
Victim Support
EPIC
Tar Anall
Coiste na n-Irchimi
PANG

**APPENDIX 3:
COMMENTS RECEIVED FROM CONSULTATION WITH
THE ORGANISATIONS RESPONSE**

Organisation	Summary of Comments received	Our Response

**APPENDIX 4:
MAIN GROUPS RELEVANT TO THE SECTION 75 CATEGORIES
FOR NORTHERN IRELAND PURPOSES**

Category	Main Groups
Religious belief	Protestants; Catholics; people of non-Christian faiths
Political opinion	Unionists generally; Nationalist generally; members/supporters of any political party
Racial group	White people; Chinese; Travellers; Indians; Pakistanis; Black people
Men and women generally	Men (including boys); women (including girls), Trans-gendered people, Transsexual people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	Children under 16; people of working age (16/65); people over 65
Persons with a disability	Persons with a physical, sensory or learning disability as defined in sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
Persons with dependants	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexual people; homosexual people; bisexual people

APPENDIX 5 – ACTION PLAN FOR IMPLEMENTING EQUALITY SCHEME

Area of Implementation	Element	Performance Indicator	Milestone	Responsibility
Organisational Arrangements	<ul style="list-style-type: none"> Integration of equality objectives into departmental business plans 	<ul style="list-style-type: none"> BOM agrees equality objectives Equality objectives included in business plans for 2007-2008 Equality objectives reviewed annually in consultation with BOM and included in business plans in years 2008-2009 	<ul style="list-style-type: none"> annually annually annually 	Head of Finance and Resources
Progress Reporting	<ul style="list-style-type: none"> Regular reports to the Public Prosecution Service Annual reports to Equality Commission Review of Scheme 	<ul style="list-style-type: none"> Minuted reports at least quarterly Report sent after approval by the Public Prosecution Service Report incorporated in the Public Prosecution Service Annual Report Review conducted, published and sent to Commission 	<ul style="list-style-type: none"> ongoing annually annually annually 	Head of Finance & Resources

Area of Implementation	Element	Performance Indicator	Milestone	Responsibility
Consultation	<ul style="list-style-type: none"> • Overview of Consultation 	<ul style="list-style-type: none"> • Meeting takes place to consider joint approaches to consultation with criminal justice agency partners 	<ul style="list-style-type: none"> • 05/07 	Head of Finance & Resources
	<ul style="list-style-type: none"> • Consultation on Equality Impact Assessments 	<ul style="list-style-type: none"> • Consultation takes place for Screening of relevant policies in line with the 2 stage approach • Report of consultation on screening exercise to be included as part of annual report to Equality Commission • Consultation takes place on each Equality Impact Assessment 	<ul style="list-style-type: none"> • 06/08 • 07/08 • ongoing 	
Training	<ul style="list-style-type: none"> • Training programme 	<ul style="list-style-type: none"> • Training programme agreed by BOM 	<ul style="list-style-type: none"> • Ongoing 	Head of Finance & Resources and BOM
	<ul style="list-style-type: none"> • Top Level briefing on Equality Scheme 	<ul style="list-style-type: none"> • Briefing on Equality Scheme for Public Prosecution Service staff and Senior Managers takes place 	<ul style="list-style-type: none"> • 09/07 	
	<ul style="list-style-type: none"> • Awareness training 	<ul style="list-style-type: none"> • All staff trained by end 2007 • All new staff to receive equality awareness training within 1 year of joining. 	<ul style="list-style-type: none"> • 01/08 • ongoing 	
	<ul style="list-style-type: none"> • Specialised/focused training 	<ul style="list-style-type: none"> • Specialised/focused of training) for key staff (minimum of 1 in year 1) 	<ul style="list-style-type: none"> • ongoing 	

Area of Implementation	Element	Performance Indicator	Milestone	Responsibility
Equality Impact Assessments (EQIAs)	<ul style="list-style-type: none"> Screening 	<ul style="list-style-type: none"> Finalise screening instrument and procedures, and pilot with sample of policies Screen all relevant policies Prioritise policies for EQIA Consult with relevant interest groups on outcome of screening exercise (including proposed priorities for EQIA) 	<ul style="list-style-type: none"> 09/07 11/07 11/07 02/08 	Head of Finance & Resources
	<ul style="list-style-type: none"> Plan for EQIAs 	<ul style="list-style-type: none"> Develop plan for carrying out EQIAs, taking account of consultation responses Agree plan for EQIAs with BOM Agree plan with Service 	<ul style="list-style-type: none"> 06/08 06/08 06/08 	Head of Finance & Resources and BOM for service
	<ul style="list-style-type: none"> Carrying out EQIAs 	<ul style="list-style-type: none"> Begin EQIAs Review Plan for EQIAs Carry out EQIAs in accordance with for EQIAs 	<ul style="list-style-type: none"> 10/08 annually ongoing 	

Area of Implementation	Element	Performance Indicator	Milestone	Responsibility
Communication	<ul style="list-style-type: none"> Publication of Equality Scheme Dissemination to key stakeholders 	<ul style="list-style-type: none"> Scheme to be published after approval from the Equality Commission Summary of Scheme to be developed and made available Scheme to be made available in accessible formats on request Scheme to be published on website Copy of Scheme to be made available to all staff Copy of Scheme mailed to all those consulted on the Scheme, and to others on request Press Release to the media informing them of the publication of the Equality Scheme 	<ul style="list-style-type: none"> 11/07 12/07 ongoing 12/07 	Head of Finance & Resources
Access	<ul style="list-style-type: none"> Review of Access to Information and Services 	<ul style="list-style-type: none"> To conduct a review within one year of the implementation of the scheme covering all aspects of access to information and services, and produce report making recommendations To consult on review with key stakeholders Produce action plan for acting on review recommendations Implementation of action plan begins Carry out action plan to meet performance indicator targets 	<ul style="list-style-type: none"> 02/07 05/07 09/07 12/07 ongoing 	Head of Finance & Resources
Complaints	<ul style="list-style-type: none"> Complaints procedure 	<ul style="list-style-type: none"> To respond to any complaints of non-compliance within one month of complaint being made To report on complaints made on an annual basis to the Equality Commission as part of annual report 	<ul style="list-style-type: none"> ongoing annually 	Head of Finance & Resources