

A Sense of Belonging:

**Delivering Social Change
through a Racial Equality
Strategy for Northern Ireland
2014 – 2024**

**Prepared by the Office of the First Minister
and Deputy First Minister**

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About the word “Community” ...

This consultation document uses the term “community” to mean “a group of people having cultural, religious or other characteristics in common”.

We recognise that “community” is a complicated term. To speak of ‘the black community’, ‘the Muslim community’, ‘the Protestant and Catholic communities’, and so forth, is to refer accurately to a strong sense of group solidarity. But these communities are not homogeneous sets, with fixed internal ties and unchanging boundaries. Our new communities are distinct cultural formations, but they are not cut off from the rest of society. Maintaining tradition is critical to their self-identities, but their sense of community owes as much to how they are treated as to where they came from.

Community is and must be inclusive. The great enemy of community is exclusivity. Groups that exclude others because they are of a different race or religion are not communities; they are cliques - actually a resistance against community.

Our minority ethnic communities are not, and have never wanted to be, separate enclaves. They are not locked into unchanging traditions. In the main they would wish to interact at every level with mainstream social life, trying to adapt their inherited beliefs and values in the light of their experience of living here.

There is increasing recognition that despite the many social and cultural divisions in our society, there is a desire to bring people

together to live and work in an integrated way which recognises and values equality and diversity.

Ministerial Foreword

We are pleased to present our joint proposals for a new Racial Equality Strategy. We have developed these proposals with minority ethnic representative groups and representatives of the wider community through our Racial Equality Panel.

The Strategy will establish a framework for Government departments and others:

- to tackle racial inequalities and to open up opportunity for all;
- to eradicate racism and hate crime; and
- along with Together: Building a United Community, to promote good race relations and social cohesion.

The provisional title for our Strategy is “A Sense of Belonging”. We want everyone – including people from minority ethnic backgrounds - to have a sense of belonging. And we want that “sense of belonging” to be acknowledged and valued by people from all backgrounds.

We would urge all those who want to see a fairer and more equal society, regardless of ethnicity or background, to play a part in the consultation.

The consultation will last until 10th October and officials will be working hard over the next few months to ensure that the views and opinions of everyone is taken on board

Chapter 1

Introduction and background

The Belfast (or Good Friday) Agreement recognised “the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity¹.”

To ensure that people of different ethnicities and followers of non-Christian faiths would have equal opportunity, Direct Rule Ministers published a Racial Equality Strategy for Northern Ireland in July 2005 to cover the period 2005-2010. The Strategy was the product of extensive consultation with people from a minority ethnic background and wider civil society during 2003 and 2004. Following devolution, the Strategy was endorsed by the Assembly in a debate on 3 July 2007.

Since the publication of that Strategy, much has changed. The socio-economic and political landscape here has changed significantly, as the continued outworkings of the peace process have become more apparent. Notwithstanding the economic downturn, Northern Ireland becomes ever more multi-cultural. Politically, justice matters have been devolved, yet Westminster retains control over immigration law and policy.

In addition, the Executive has brought forward two initiatives which have significant potential to improve the lives of minority

¹ The section on *Rights, Safeguards And Equality Of Opportunity* paragraph 1

ethnic people: *Together: Building a United Community and Delivering Social Change*.²

A revised Strategy which takes account of these and other changes is appropriate and urgent.

Accordingly, Ministers announced their intention to publish a revised Strategy. They stated: *“We consider that the six shared aims set out in the original Racial Equality Strategy are robust and comprehensive and that the section concerning the “Scale of the challenge” in the Strategy is as relevant now as ever before, although we remain open to suggestions as to how we might strengthen these six shared aims. We are committed to developing the new Strategy through a partnership process with minority ethnic groups and the wider community, as was the case with the original Strategy”*³.

This consultation document is one of the ways in which we are seeking to gather and to understand your views and the views of all those people who will be affected by the Strategy about what the Strategy should contain. We will also use other ways of consulting.

As with the previous Strategy, this document proposes six or seven strategic “shared” aims that the Executive will pursue in tackling racial inequalities. These are based on the six shared

² <http://www.ofmdfmi.gov.uk/together-building-a-united-community-Strategy.pdf>
<http://www.ofmdfmi.gov.uk/index/delivering-social-change.htm>

³ AQW 6370/11-15 answered on 12 January 2012

aims contained in the original Strategy, updated where this was needed and strengthened where possible. It is intended to provide a framework for action by individual Departments and agencies.

But Government alone cannot eradicate the racism and the inequalities suffered by minority ethnic people in Northern Ireland. If we are to combat racism and racial inequalities we will need to enlist the support and active participation of all sections of society. The Strategy will provide a framework for action by all sections of society.

It also sets out how Departments will work in partnership with others in pursuit of the strategic aims.

Finally, it maps out how we might measure the success of the Strategy.

Much has already been done towards achieving the strategic aims in the previous Strategy. Departments, individually and working in partnership with each other and others (including the Equality Commission for Northern Ireland, the Community Relations Council and minority ethnic and minority faith groups), are already engaged in a wide variety of initiatives that are contributing to meeting the strategic aims.

In order to provide long-term stability, the Strategy is intended to last for ten years. During the life of the Strategy, progress towards meeting the strategic aims will be measured. We will review progress and the Strategy in line with successive Comprehensive

Spending Reviews (i.e., every three or four years) to determine whether any further revision is needed and towards the end of the ten-year period with a view to determining the way forward.

Consultation question

- Do you agree that the Strategy should last for 10 years with reviews to fit with the Comprehensive Spending Review?

Following the consultation, working with minority ethnic people and their representatives, we will develop and publish a Strategy that reflects the outcome of the consultation. We will then – with the help of our Racial Equality Panel - develop a programme of work to implement the Strategy.

About this consultation paper

This consultation paper was prepared in close consultation with the Racial Equality Panel, a group chaired by the Office of the First Minister and Deputy First Minister and made up of representatives from Government departments, relevant statutory agencies and minority ethnic and minority faith representative organisations.

We would like to hear views on both the Strategy itself and to obtain responses to the questions asked throughout the paper. A summary of the questions can be found at Annex E. It is vital that we receive as many comments as possible as they will help to inform the Strategy and ensure that it is well adapted to meet its aims. The consultation period will last until 10th October 2014.

Equality assessment

We have included, at Annex A, an assessment of the equality impact of the proposals in this document. This document deals with an overarching and high-level Strategy which, when implemented, may generate a number of policies at Departmental or local council level. The relevant public authority or authorities will consider these policies for Equality Impact Assessment. Nonetheless, through the consultation process, we would value your views on the assessment. This will inform final decisions to be taken by Ministers.

We believe that the proposals in this document, which aim to promote race equality and tackle racism, will help to raise awareness of the issues and responsibilities in this area. They will foster good relations and thus promote greater social cohesion and equality of opportunity for everyone here.

Annex D explains how people can let us know their thoughts on this paper and the questions asked. We welcome and take account of all responses and would encourage everyone to make their views known to us.

The Strategy will be underpinned by international human rights instruments, most notably the International Convention on the Elimination of All Forms of Racial Discrimination, the European Convention on Human Rights and the Framework Convention for the Protection of National Minorities. It will also provide a framework for the Executive to meet its obligations under these instruments and to address the issues raised in the “concluding

observations” issued by treaty bodies following periodic reports by the United Kingdom. It will contribute to meeting the UK Government’s commitments to actions agreed at the 2001 UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the development of a National Action Plan against Racism.

Consultation questions

- Do you agree that these are the most important instruments?
- Are there any other instruments that should be considered?

We have drawn on developments internationally, and within Britain and the Republic of Ireland, in combating racism and racial inequalities. We will continue to draw on developments as we develop and implement the Strategy through links with the Home Office, the Department for Communities and Local Government, the Scottish Government, the National Assembly for Wales and the Government of the Republic of Ireland.

It is important, however, to bear in mind that racism in our society is, to an extent, shaped by sectarianism⁴ and while there is much to learn from other jurisdictions in addressing racism, the context for racism here is different to that in Britain or the Republic of Ireland. The conflict here has created patterns and attitudes – such

⁴ See, for example, *Research to identify additional difficulties faced by minority ethnic groups and migrant workers because of the conflict in N. Ireland*, South Tyrone Empowerment Programme, January 2010
<http://www.migrationni.org/DataEditorUploads/STEP%20Report%20Migrants%20and%20the%20Conflict.pdf>

as residential segregation and heightened territorial awareness - that now impact upon minority ethnic communities.

We acknowledge the link between sectarianism and racism and that we cannot hope to tackle one without tackling the other. The Committee on the Elimination of Racial Discrimination, in its Concluding Observations on the UK's most recent report, highlighted this relationship ("intersectionality") between sectarianism and racism and proposes a holistic approach towards the fight against racism and sectarianism⁵.

When launching the Programme for Government 2011-15 on 12 March 2012, the First Minister and the deputy First Minister emphasised the Delivering Social Change (DSC) framework through which Ministers will work together to tackle poverty and social exclusion. The Framework seeks to co-ordinate key actions between Government departments in order to deliver a sustained reduction in poverty and associated issues across all ages, improve children and young people's health, well-being and life opportunities and break the long-term cycle of multi-generational problems.

Delivering Social Change complements and adds extra focus to the much larger social and economic policies and programmes which operate against poverty.

As with the previous Strategy, this Strategy will be, first and foremost, for the Executive and it will lead on implementation. But

⁵ <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.GBR.CO.18-20.pdf>

Government alone cannot eradicate the racism and the inequalities suffered by minority ethnic people here. Combating racism and racial inequalities is a task for all sections of our society. Each and every one of us has a responsibility for, and a part to play in, achieving the vision we have set out. There is a need for political, civic and community leadership to combat racism.

Accordingly, the implementation will involve us in work with all sections of society. To achieve the shared aims will require us to engage, and work in partnership with, individuals, communities and organisations across society – and to spur others into action. The Strategy acknowledges and seeks to build on the efforts of many individuals and organisations who are working in their neighbourhoods, places of worship and work places to tackle racism.

Chapter 2

Racism and racial inequalities: the scale of the challenge

We should not underestimate the size of the challenges posed by racism here. Nor should we be under any illusions as to the continuing urgency of the task of tackling racism and racial inequalities. Racism “hinders the development of its victims, perverts those who practise it, divides nations internally, impedes international co-operation and gives rise to political tensions between people...”⁶.

Racism manifests itself in a variety of ways and can either be overt or subtle. It can range from snubs and exclusion through to the use of language, discrimination, the creation of barriers to inclusion at all levels in public and private institutions, and to acts of intimidation and violence.

While the statistics for racist incidents⁷ show that while reports of these incidents and racially motivated crime had dipped in 2011/12 to their lowest since 2004/05⁸ the figures have increased for the past two years. There can be no doubt that there is substantial underreporting of these incidents⁹.

The economic downturn has increased racial tension as unemployment rises. Misplaced resentment of migrants in the

⁶ Article 2(2) of the UNESCO Declaration on Race and Racial Prejudice, 1978

⁷ A ‘racist incident’ means any incident with a race dimension – and covers both crimes and non-crimes (to use the McPherson phrase). While it includes attacks on people and property it also includes incidents which would not normally result in criminal proceedings.

⁸ Trends in Hate Motivated Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2011/12 - Annual Bulletin published 05 July 2012, PSNI

⁹ In its follow-up inspection on hate crime, the Criminal Justice Inspectorate issued its second report in 2010 and stated that “It is widely recognised that hate crime is under-reported throughout the United Kingdom.”

wake of growing unemployment has contributed towards growing hostility towards migrants¹⁰.

The evidence of racial inequalities and exclusion suffered by minority ethnic people continues to mount as further research is carried out into their experiences here.

The Executive has put on record its abhorrence of all forms of intolerance and has stressed its commitment to tackle racism in all its forms.

For the purposes of this Strategy, we have identified four main manifestations of racism (although these manifestations are often inter-linked and overlapping):

- racist harassment (including abusive language, assaults, racist graffiti, threatening behaviour, and incitement);
- discrimination;
- stereotyping; and
- systemic (or “institutional”) racism.

We should stress that much of what concerns us in the Strategy is the need to acknowledge and tackle inequalities in opportunity as well as focusing on racism and direct discrimination. In much of our work, we have found that apathy, poor understanding by public authorities, failure by public authorities to get information to the people who need it and lack of resources are just as much of an

¹⁰ See, for example, *Za Chlebem': The Impact of the Economic Downturn on the Polish Community in Northern Ireland* Dr Robbie McVeigh and Chris McAfee, NICEM 2012

issue in minority ethnic and migrant communities accessing services, employment and the social sphere as direct discrimination.

As to the inequalities experienced by some minority ethnic people, indications are that while we have made some headway since the previous Racial Equality Strategy many of the issues remain the same, not least because of fresh immigration: The previous Strategy (pp 29-30) cited Dr Paul Connolly's report "Race and Racism in Northern Ireland: A Review of the Research Evidence". It identifies particular "cross-cutting" issues involving more than one Department or agency that disproportionately affect the minority ethnic population.

These are:

- **The language barrier** –a proportion of people from minority ethnic communities do not have English as a first language. Poor or no English causes particular problems in relation to access to services such as health, education and training and employment;
- **Lack of information** – there is a lack of information accessible to minority ethnic people about the services that are available to them or to which they are entitled;
- **Training needs of staff** – lack of understanding or cultural sensitivity among public sector staff of the needs of minority ethnic people when trying to access public services; and

- **The cultural needs of minority ethnic people** –the need within public services (for example, hospitals, schools etc.) to recognise and provide for the basic cultural needs of minority ethnic people especially in terms of catering for diet and religious observance.

There has been a considerable amount of research since the previous Strategy was published. The Strategy and subsequent Programme of Work will take full account of this evidence.

A recent significant contribution to our understanding of racial inequalities has been the Joseph Rowntree Foundation study examining the evidence on how people across different ethnic groups here experience poverty and how this affects their access to work and support, including key services¹¹.

This research notes the following key points

- New migrants have joined longstanding communities of people from minority ethnic groups during the last decade and have contributed positively to the local economy.
- People from minority ethnic groups are employed at all levels in the economy, but low grade, low paid employment appears commonplace, despite many having high qualifications and skills.

¹¹ *Poverty and ethnicity in Northern Ireland* Alison Wallace, Ruth McAreavey and Karl Atkin - 4 February 2013 - <http://www.jrf.org.uk/publications/poverty-ethnicity-northern-ireland>

- Some people from minority ethnic groups are disadvantaged by limited skills or education, and the present recession may have disproportionately affected them.
- In-work and child poverty appear to be problematic, but to what extent people from minority ethnic groups receive benefits when eligible to claim is unclear.
- There has been a focus on access to services, but little is known about education and health outcomes. Housing conditions may vary, but poor management by landlords, high costs and overcrowding are evident.
- Despite positive policy changes, people from minority ethnic groups have experienced racism as service users, employees and pupils, with mixed responses from organisations, employers and schools.
- The relationship between tackling race equality and combating the legacy of sectarianism is complex, and provides a unique but little understood context to poverty among minority ethnic groups locally.

- Other concerns include the weakness of ethnic monitoring, a perceived 'policy vacuum' in senior government, and ad hoc initiatives with little shared learning on effective responses.

The Strategy and subsequent Programme of Work will take full account of this evidence and seek to address these issues.

Consultation questions

- Do you agree that the issues identified by Paul Connolly are still relevant? Are there any issues that you would add?
- Do you have any comments on the key issues identified by the Joseph Rowntree research?
- Are there any specific inequalities that you would wish to highlight? Any information or evidence you can give us will be greatly appreciated.

Chapter 3

The purpose, vision and aims of this Strategy

The Strategy will establish a framework for Government departments (and others):

- to tackle racial inequalities and to open up opportunity for all;
- to eradicate racism¹² and hate crime; and
- along with *Together: Building a United Community*, to promote good race relations and social cohesion.

It will also provide a framework for tackling inequalities experienced by followers of minority non-Christian faiths. The definition of 'racial group' has, in any case, been extended by case law to include mono-ethnic religious communities, such as Jews and Sikhs.

Taking account of the available research evidence, and after discussion with the Racial Equality Panel, we have identified a vision and shared aims which point the strategic direction for Departments, agencies and other organisations, working individually and together, to make a significant difference to the lives of people from minority ethnic backgrounds.

¹² "Racism includes racist ideologies, prejudiced attitudes, discriminatory behaviour, structural arrangements and institutionalised practices resulting in racial inequality as well as the fallacious notion that discriminatory relations between groups are morally and scientifically justifiable; it is reflected in discriminatory provisions in legislation or regulations and discriminatory practices as well as in anti-social beliefs and acts; it hinders the development of its victims, perverts those who practise it, divides nations internally, impedes international co-operation and give rise to political tensions between peoples; it is contrary to the fundamental principles of international law and , consequently, seriously disturbs international peace and security." (paragraph 2, Article 2 of the UNESCO Declaration on Race and Racial Prejudice, 1978)

Our vision is one of:

A society in which racial equality and diversity is supported, understood, valued and respected and where people of minority ethnic backgrounds have a sense of belonging which is acknowledged and valued by people from all backgrounds.

The Strategy also sets out six strategic aims that the Executive will pursue in eradicating racism and tackling racial inequalities.

SIX SHARED¹³ AIMS

Elimination of Racial Inequality

To eliminate racism, racial inequality and unlawful racial discrimination and promote equality of opportunity in all aspects of economic, social, cultural, political and public life, for people of different ethnic backgrounds .

Combating racism and hate crime

To combat racism, and race hate crime and provide effective protection and redress against all manifestations of racism and racist crime and to promote a victim-centred approach.

Equality of Service Provision

To ensure equality of opportunity for people from a minority ethnic background in accessing and benefiting from all public services and jointly work towards removing barriers that prevent this.

¹³ The aims are described as “shared”, because they have been developed in consultation with minority ethnic representatives as being appropriate not just for Government but for all of Northern Ireland society

Participation

To increase participation, representation and a sense of “belonging” of people from minority ethnic backgrounds in all aspects of public, political, economic, social and cultural life.

Social Cohesion

To strengthen social relations, interactions and ties between different faiths and cultural backgrounds, both long standing within Northern Ireland and recent arrivals to these shores, guided by overarching human rights norms.

Capacity Building

To support and enable minority ethnic communities develop leadership and collective capacity at local and regional level, contributing to fulfilling these shared aims.

The Executive recognises that it will need to take “positive action” in certain circumstances to achieve these shared aims. This is to prevent or compensate for disadvantage suffered by a group of persons of a particular racial or ethnic origin for social or economic reasons or for reasons to do with past or present discrimination. Positive action is not the same as positive discrimination, which is illegal. This approach is in line with the EU Racial Equality Directive¹⁴.

¹⁴ Preamble 17 of the Directive provides that “The prohibition of discrimination should be without prejudice to the maintenance or adoption of measures intended to prevent or compensate for disadvantage suffered by a group of persons of a particular racial or ethnic origin, and such measures may permit organisations of persons of a particular racial or ethnic origin where their main object is the promotion of the special needs of those persons.” Under the heading “Positive action” Article 5 of the Directive states “With a view to ensuring full equality in practice, the principle of equal

It has been suggested that there is a need for a seventh Shared Aim relating to one's rights to maintain one's cultural identity. Minority ethnic people may wish to retain their culture and traditions and to pass them on to subsequent generations. However, cultural identity expressed in the wrong way can contribute to barriers between groups. And members of smaller cultural groups can feel excluded from society if others obstruct, or are intolerant of, their cultural practices.

Also, there are cultural practices that should not be encouraged, e.g., female genital mutilation.

We believe that the Strategy provides a framework for Government departments to tackle racial inequalities and to promote and encourage good race relations and social cohesion for Irish Travellers, minority ethnic people whose families have been here a number of generations or who have recently arrived, migrant workers and asylum seekers¹⁵.

We believe, however, that there is a strong case for a separate Refugee Integration Strategy – to ensure a smooth transition between being an asylum seeker and a refugee.

treatment shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin.”

¹⁵ An asylum seeker is a person from overseas who has come to the United Kingdom and claims asylum from persecution in their home country. While the claim is being assessed the person is considered as an asylum seeker. Once the Home Office has made a decision on the claim, the person is either granted permission to stay (becoming known as a refugee) or is refused permission to remain in the United Kingdom. A refugee is generally entitled to the same services as a citizen of the United Kingdom.

While we do not see it as being in anyone's interest to have a proliferation of strategies or a Strategy for every minority ethnic group, we recognise that there may need to be specific programmes of work to address particular challenges and vulnerabilities facing particular groups such as Irish Travellers and the Roma.

Consultation questions

- Do you agree that the Strategy should also provide a framework for tackling inequalities experienced by followers of minority non-Christian faiths?
- Are you happy with the vision and the six shared aims?
- Do these cover everything that needs to be covered?
- Do any of them need to be reworded?
- Is there need for an additional shared aim concerning the rights to maintain one's cultural identity?
- Do you agree that positive action measures should be used in certain circumstances to achieve the six shared aims?
- What do you think of the idea of "a sense of belonging" in the vision and as the title? Does it make sense? Is it easy enough to understand?
- Do we need to have research on "the sense of belonging of ethnic minority people in NI" to benchmark the progress of this Strategy?

- Do you agree that there is a need for a specific Refugee Integration Strategy?
- Do you agree that there is a need for specific programmes of work to address particular challenges and vulnerabilities facing particular groups?

Chapter 4

The relationship of the Strategy with *Together: Building a United Community (TBUC)* and *Delivering Social Change (DSC)*

There are two particular initiatives worthy of specific mention because of their potential for impact upon minority ethnic people: *Together: Building a United Community* and *Delivering Social Change*

Together: Building a United Community

As the document¹⁶ states, it “*is not intended to replace or subsume our work on racial equality and good race relations. Rather it will complement and provide the co-ordinated framework for aspects of its delivery*”. The policies and mechanisms being put in place to implement *Together: Building a United Community* are not just about the scourge of sectarianism. They apply equally to tackling racism and promoting good race relations.

Delivering Social Change

The Programme for Government 2011-15 commits the Executive to deliver a range of measures to tackle poverty and social exclusion through the *Delivering Social Change* delivery framework¹⁷.

The *Delivering Social Change* framework is designed to assist the delivery of the Programme for Government commitments, by finding new ways to ensure effective cross-Departmental working. It is intended that a range of cross-cutting programmes will be

¹⁶ <http://www.ofmdfmi.gov.uk/together-building-a-united-community-Strategy.pdf - 1.30> page 18

¹⁷ <http://www.northernireland.gov.uk/pfg-2011-2015-final-report.pdf> page 38

developed across education, health, the economy and justice to address long-term problems associated with deprivation.

We consider it very important to retain a specific focus on racial equality and good race relations in the implementation of this Strategy. Therefore we will retain the Racial Equality Panel rather than subsume its functions into the arrangements for *Together: Building a United Community or Delivering Social Change*. Where various issues are competing for attention and resource, it is all too easy for a hierarchy of equalities to emerge, with the loudest voices getting all the attention.

However, we also recognise that through Delivering Social Change there are established structures to bring together Ministers and senior officials from all Departments – specifically the Delivering Social Change Programme Board and Ministerial Sub-Committees. We will ensure that the collective voice of the Racial Equality Panel is listened and responded to through these structures.

We will, however, ensure that there are clear arrangements for specific issues to be taken up by the *Together: Building a United Community* or *Delivering Social Change* frameworks where this is appropriate.

Multiple identities and multiple discrimination and disadvantage

We recognise that people's identities are complex and that an individual's identity may be made up of several factors such as gender, age, religion, disability, ethnicity and sexual orientation. We acknowledge that some people may, therefore, face multiple discrimination and disadvantage. Effective linkage of the Strategy with *Delivering Social Change, Together: Building a United Community* and other strategies will be important in addressing this aspect.

We recognise the need to address issues of multiple identity and multiple discrimination. We need to maintain clear linkages between the Racial Equality Strategy and other anti-discrimination policies and strategies as they are implemented. We will ensure effective links between the implementation of this Strategy and other policies and strategies to tackle inequalities. Specific attention will be paid to the multiple identities, multiple discrimination and inequalities experienced by minority ethnic people in the development, implementation and monitoring of the programme of work. We will include where appropriate the development of programmes of work, shared actions with other strategies and the development of associated performance indicators. An important strand will be to collect disaggregated data to enable the measurement of the impact of actions on multiple discrimination and disadvantage.

We would value your opinion on this approach. We would also value your opinion on how we should focus on addressing the issue of multiple identities and multiple discrimination.

Consultation questions

- How should we focus on addressing the issue of multiple identities and multiple discrimination?
- Do you agree that we should refer to T:BUC and DSC?
- Do you agree that we should retain the Racial Equality Panel and a specific focus on race?

Chapter 5

The evidence of racial inequalities and ethnic monitoring

The evidence of racial inequalities

As a recent research report from the Joseph Rowntree Foundation notes, “[r]esearch interest in the circumstances of people from minority ethnic communities in Northern Ireland grew over the last decade”. “[T]he new evidence sought to understand new populations in the region and in particular their access to services”¹⁸. The report goes on to note that “With the current absence of robust, reliable statistical or administrative analysis, significant gaps exist in the knowledge base”.

If we are to make progress in tackling racial inequalities, it is essential that we tackle these gaps. Failure to address this issue systematically will mean that we never get beyond tokenism.

Monitoring frameworks that have been developed incrementally or organically are not fit for purpose. Public bodies need robust information to monitor inequalities, develop evidence based policy and to plan service delivery.

Why monitor?

The previous Racial Equality Strategy was clear about the need for ethnic monitoring. It stated:

¹⁸ *ibid*

4.21 Ethnic monitoring (the process used to collect, store, and analyse data about people's ethnic backgrounds) by service providers of key aspects of their services is essential to achieve racial equality. To have a racial equality policy without ethnic monitoring has been likened to aiming for good financial management without keeping financial records. A proper system of ethnic monitoring will allow service providers to:

- *highlight possible inequalities;*
- *investigate their underlying causes; and*
- *remove any unfairness or disadvantage.*

It will let service providers know which groups are using their services, and how satisfied they are with them. They can then consider ways of reaching under-represented groups and making sure that their services are relevant to those groups' needs, and provided fairly.

Without ethnic monitoring, Government departments and agencies will never know whether their race equality work is having any impact. There is a risk that people will just see their work as paying lip service to racial equality. If this happens, the work will lose credibility and commitment among the staff that have to deliver it, as well as the people who are affected by it.

Ethnic monitoring is key to achieving racial equality in service provision and as employers.

The previous Racial Equality Strategy had stated that the Racial Equality Unit in OFMDFM would work with departments and service providers to help them to ensure that ethnic monitoring is carried out appropriately on key areas of service provision.

To this end, OFMDFM published Guidance for Monitoring Racial Equality

(http://www.ofmdfmi.gov.uk/guidance_for_monitoring_racial_equality_v2.pdf) in July 2011. This is the definitive monitoring guide to assist public bodies in improving service delivery and equality for minority ethnic and migrant populations living here. The guidance presents a standardised monitoring framework for the collection of data. It is based on best practice, recent developments in National Statistics guidance and the 2011 Census of Population.

With the support of the Northern Ireland Statistics and Research Agency (NISRA) and the Racial Equality Unit, Government departments and agencies will, as a matter of priority, examine where they should introduce ethnic monitoring and draw up proposals to do so.

The Department for Health, Social Services and Public Safety have already taken this step:

The Health & Social Care Board has led on a project to address data gaps and improve ethnic monitoring within Health and Social

Care (HSC). The project seeks to help HSC commissioners and providers to robustly capture critical patient/ service user information and through this help HSC organisations to: develop and enhance service provision to all members of the community; respond to the needs of a changing society; and, help to ensure that Equality and Human Rights obligations are met. Changes are being implemented across the following systems:-

- *Child Health System (CHS),*
- *Community Systems –*
 - *Social Services Client Administration and Retrieval Environment (SOSCARE),*
 - *Regional Sure Start Database,*
- *Hospital Systems –*
 - *Patient administration System (PAS) inpatients,*
 - *A&E systems, and*
 - *Northern Ireland Maternity System (NIMATS).*

Implementation is supported by appropriate staff training and support including information for service users explaining why the information is needed. After a period of 12-18 months of operation each system will be evaluated to determine its effectiveness.

To support this work and ensure consistency HSC ethnic monitoring guidance has been drafted incorporating OFMDFM's 2011 Guidance for Monitoring Racial Equality. The HSC guidance will also apply to any other Health and Social Care systems which implement Ethnic Monitoring.

Consultation questions

- Do you agree that ethnic monitoring is a critically important measure that Government must undertake?
- What form should this monitoring take so that we can move to outcomes as a matter of urgency?

Chapter 6

The legislative framework

Legislation has an essential role to play in tackling racial inequalities, eradicating racism and promoting good race relations and social cohesion.

Legislation is important in deciding the principles that should govern behaviour and in setting minimum standards that must be observed. In this way, legislation can signal and bring about change. But change can also be influenced by action to make sure that the principles of law are incorporated into policies and practices as they are developed.

This section is intended to describe succinctly key elements of the legal framework within which the Race Equality Strategy operates. It is not intended to be a comprehensive account of all the relevant legislation.

The Strategy will, of course, operate within the context of existing legislation and proposed legislation in this area.

The most significant piece of legislation is **the Race Relations (Northern Ireland) Order 1997**.

The Order defines “racial groups” as “a group of persons defined by reference to colour, race, nationality or ethnic or national origins”. It explicitly defines Irish Travellers as a “racial group” in that they are “a community of people commonly so called who are

identified by themselves and by others as people with a shared history, culture and traditions, including historically a nomadic way of life on the island of Ireland”.

The Order makes it unlawful to discriminate, either directly or indirectly on racial grounds in the areas of employment and training; education; the provision of goods, facilities or services; the disposal and management of premises and advertisements. It also places a statutory duty on district councils to make appropriate arrangements with a view to ensuring that their various functions are carried out with due regard to the need:

- (a) to eliminate unlawful racial discrimination; and
- (b) to promote equality of opportunity, and good relations, between persons of different racial groups.

The Order was amended by the Race Relations Order (Amendment) Regulations (Northern Ireland) 2003 to give effect to the EU Racial Equality Directive. It was further amended by the Race Relations Order (Amendment) Regulations (Northern Ireland) 2009 to extend the definition of indirect discrimination to include both persons who are put at a disadvantage by a discriminatory provision or practice **and those who would be put at a disadvantage** and by the Race Relations Order (Amendment) Regulations (Northern Ireland) 2012 in respect of seafarers.

The previous Racial Equality Strategy noted that the 2003 Regulations did not extend to all the categories covered by the original Race Relations (Northern Ireland) Order 1997: specifically,

they did not cover colour and nationality. It stated that the “Government will explore legislative options to rectify this anomaly as soon as possible”.

Following a debate on 26 May 2009 the Assembly resolved:

That this Assembly calls on the First Minister and deputy First Minister to review the current Race Relations (Northern Ireland) Order 1997, in view of the fact that the current law does not offer the same levels of protection as in other parts of the United Kingdom and the Republic of Ireland, and also given the deficiencies in the Race Relations Order (Amendment) Regulations (Northern Ireland) 2003¹⁹.

There are a range of views on legislation. A key stakeholder is the Equality Commission, which has written that legislation here does not provide the same level of protection as that provided in GB. With regard to racial equality, one of the three principle duties of the Equality Commission is to keep under review the working of the Order and, when it is so required by OFMDFM or otherwise thinks it necessary, to draw up and submit to the Department proposals for mending the Order.

In summary, the Equality Commission recommends that the race equality legislation is amended to²⁰:

¹⁹ Hansard. <http://archive.niassembly.gov.uk/record/reports2008/090526.htm#a11>

²⁰ Equality Commission for Northern Ireland - Racial Equality Policy – Priorities and recommendations http://www.equalityni.org/sections/default.asp?secid=8&cms=Publications_Race_consultation+responses&cmsid=7_38_253&id=253

- *provide increased protection against discrimination and harassment on the grounds of colour and nationality across the scope of the race equality legislation;*
- *ensure increased protection against racial discrimination and harassment by public bodies²¹, such as the police or prison authorities, when carrying out their public functions;*
- *give stronger protection against racial harassment including racial harassment of employees by clients or customers;*
- *remove or modify certain exceptions, including those relating to immigration, and the employment of foreign nationals in the civil, diplomatic, armed or security and intelligence services and by certain public bodies;*
- *expand the scope of positive action which employers and service providers can lawfully take in order to promote racial equality;*
- *increase protection for Councillors and certain categories of agency workers against racial discrimination and harassment;*
- *increase protection under the race equality legislation for individuals against victimisation;*
- *introduce protection against multiple discrimination²²;*

²¹ Currently, protection against discrimination by public authorities when exercising public functions is limited to four areas; namely, social security, health care, social protection or social advantage.

²² 'Multiple discrimination' occurs when a person is treated less favourably because of more than one equality ground. It can be experienced in several different ways. When the discrimination involves

- *amend the enforcement mechanism for education complaints;*
- *improve the powers of the Commission to issue additional Codes of Practice under the race equality legislation; and to enforce effectively the race equality legislation;*
- *strengthen tribunal powers to ensure effective remedies for complainants bringing racial complaints.*

The Committee on Racial Discrimination in its Concluding Observations in 2011 recommended that “a single equality law and a Bill of Rights are adopted in Northern Ireland or that the Equality Act is extended to Northern Ireland.” (Para. 19)

Consultation questions

- Do you agree that an effective legal protection will enhance the achievement of the six shared aims of this Strategy?
- Do you think that reform of Race Relations (Northern Ireland) Order 1997 is a priority?
- Do you agree with the Equality Commission’s proposals?
- Do you think that there are any areas of Race Relations law which require reform, additional to those identified by the Equality Commission?

more than one equality ground and it is the unique combination of characteristics that results in discrimination, in such a way that they are completely inseparable, then this is known as intersectional multiple discrimination .The current discrimination law framework does not always provide a remedy for it.

Chapter 7

Immigration

A significant proportion of minority ethnic people living and working here are under immigration control²³. *Nationality; immigration, including asylum and the status and capacity of persons in the United Kingdom who are not British citizens; free movement of persons within the European Economic Area; issue of travel documents* are all excepted matters under Schedule 2 of the Northern Ireland Act 1998.

Immigration remains the responsibility of the Westminster Parliament and it is the UK Government which makes the decisions about what restrictions should be imposed upon the people who are under immigration control. However, immigration matters have substantial implications for Government here – as service deliverers, and for people living here under immigration control, and are thus a legitimate concern of the devolved administration.

Restrictions on people under immigration control may include how long they can stay here or whether or not they can work. They may also have 'no recourse to public funds' which means that they are not allowed to claim most benefits, tax credits or housing assistance that are paid by the state.

²³ "This term normally applies to a person who is in the United Kingdom under a category of the immigration rules that imposes restrictions on them, for example how long they can stay in the country and whether or not they can work". UKBA web-site glossary
<http://www.ukba.homeoffice.gov.uk/glossary?letter=l>

Their access to services provided by government here may also be restricted.

Clearly the fact that some people have fewer entitlements than others presents very significant challenges to work to integrate all minority ethnic people fully into our society.

At times our regional interests will not coincide with those of Britain. We have for example recognised the importance of legal advice in assisting migrants to attain the stability that underpins long term integration. As a result, we have not reduced coverage of legal aid for immigration work or proposed a residence test for legal aid as in England and Wales.

The results of the 2012 Northern Ireland Life and Times Survey showed a mark difference – at this time anyway – between how immigration is viewed here and how it is viewed in GB. Questions were asked on the wider effects of immigration: on the impact on Northern Ireland overall, on the economy, and on the cultural life of the region. Responses showed that 24% viewed immigration as bad overall, with a further 31% stating that it was neither good nor bad. However, the largest number of respondents (45%) saw immigration as ‘good’ or ‘very good’ overall. In relation to the economy, 43% noted that immigration was either ‘good’ or ‘very good’²⁴.

²⁴ Research Update Number 86 November 2013 ARK Northern Ireland - <http://www.ark.ac.uk/publications/updates/update86>

% saying that the number of immigrants should be	%	
	NI	GB
Increased a lot or a little	10	3
Remain the same as it is	43	18
Reduced a little	21	24
Reduced a lot	26	51

Also experience has shown that some changes to practice and procedure in immigration law overlook local needs and concerns. This will require the devolved administration to work to ensure that our needs are recognised within the constraints of the wider policy. We are also aware of the positive economic contribution made by migrants – including refugees - in Northern Ireland²⁵.

It is important to recognise the indirect power of the Executive as regards issues that are not devolved. Regardless of whether powers are devolved or not, the devolved administration must scrutinise all issues at hand and deal with them as best it can.

The relationship between Immigration and Belonging

Immigration status necessarily affects one's ability to integrate and access local services. It also impacts profoundly on one's sense of belonging. Ministers have shown a willingness to create a better Northern Ireland based on the concept of cohesion and integration. The 2009 ECNI report 'New Migration, Equality and Integration: Issues and Challenges for Northern Ireland'²⁶ highlighted the views

²⁵ See for example <http://www.delni.gov.uk/the-economic-labour-market-and-skills-impact-of-migrant-workers-in-northern-ireland.pdf>.

²⁶ <http://www.equalityni.org/archive/pdf/ICRMigrantworkersJanuary2009.pdf>

of the sector on the links between cohesion, integration and migration.

“Lastly one overarching question needs to be urgently considered. If equality is the counterpart to integration, is it possible to integrate migrants fully into society, if they are not given the same rights and freedoms as everyone else, or if they are subjected to unequal or discriminatory treatment by virtue of the organisation of the immigration system”.

There will continue to be an unresolved tension here, as long as the Westminster government insists on a “one size fits all” immigration policy.

The Executive will continue to work towards an immigration policy that recognises and takes account of our different needs and concerns here.

We will do this through our work on Northern Ireland Strategic Migration Partnership, a multi-agency, cross-party and cross-departmental body working to reflect the regionally specific needs of Northern Ireland in the development and implementation of UK immigration policy. We will also do this bilaterally with the Westminster government and multi-laterally. We may seek to establish a forum of Ministers from the devolved administrations and the Home Office as a mechanism for change on specific areas of interest.

Consultation questions

- Are there any actions that we can and should take under existing devolved powers in this area?
- What should be the aims of a regional immigration policy?
- Do you agree with the proposal for a forum for Ministers from the devolved administrations and the Home Office as a mechanism for change?
- Do you have any alternative views as to how we might lever change?

Chapter 8

Making it happen: implementing the Racial Equality Strategy

Ministerial responsibility for the Strategy

The First Minister and deputy First Minister, assisted by two Junior Ministers, have responsibility for equality and good relations issues, including this Strategy. They, together with their Ministerial colleagues, will have responsibility for driving forward work on the Strategy and its programme of work within the departments and agencies for which they have responsibility.

Structures and responsibilities

If the Strategy is to make a real difference, it must result in action across Government and wider civic society to tackle racism and racial inequalities on the ground.

For this to happen there must be clear lines of responsibility and accountability. There must also be appropriate structures in place to achieve a joined-up, targeted approach.

This chapter sets out responsibilities and accountability and describes the structures that have been or will be put in place, including the Racial Equality Panel which will oversee the detailed work on the implementation of the Strategy.

Action at a regional level

The Racial Equality Unit

The Racial Equality Unit within the Office of the First Minister and Deputy First Minister will have central policy responsibility for overseeing the implementation of the Strategy.

The Racial Equality Forum

The previous Racial Equality Strategy for Northern Ireland 2005 – 2010 had tasked the Racial Equality Forum with developing an action plan to implement the Strategy.

However, with increasing inward migration and greater diversity of nationalities and backgrounds here, the Forum had expanded to the point of being very unwieldy. Over 50 people regularly attended – too many to allow it properly to fulfil its purpose.

Accordingly, OFMDFM officials, in consultation with the Forum, reviewed its remit and structures to assess whether it was fit for purpose under devolution and to consider its work programme. It was agreed that a Racial Equality Panel should be established to take forward the business of the wider Forum.

Representatives from the minority ethnic sector were appointed by self nomination to the Panel. These nominations were proposed and seconded by two other members of the Forum from outside the nominee's organisation. The Panel members appointed as a result of this process are required to consult widely with the minority ethnic sector and to feed back Panel proceedings.

The Forum also agreed that a thematic sub-group should be established to consider immigration-related issues within the local context. This sub-group is chaired by the Law Centre (NI). The thematic sub-group on Migrant Workers, led by DEL, also continues.

The Racial Equality Panel

The Racial Equality Panel will have the task of helping to draw up a programme of work to implement this Strategy and to monitor and review progress. The Racial Equality Forum will no longer meet. The Panel will assume oversight of the two thematic sub-groups.

Terms of reference and membership are at Annex C.

The Racial Equality Unit will provide the secretariat for the Racial Equality Panel. It will have responsibility for challenging obstacles to the implementation of the Racial Equality Strategy and supporting the chair in ensuring that the panel achieves its objectives.

Consultation questions

- Are you content with the proposals as defined above?
- Are you content with the terms of reference and membership of the Racial Equality Panel?

Departments and agencies

While OFMDFM will take the lead in implementing the overall Strategy, relevant departments and agencies will take a range of practical measures. Delivering racial equality and good race relations potentially affects every aspect of public service delivery. It can only be achieved by rethinking the way that things are done. This requires good change management, which depends upon leadership. Racial equality will continue to be integrated into departmental objectives, targets and behaviours of staff.

Departments, with the assistance of the Racial Equality Unit and the advice of the Racial Equality Panel, will identify appropriate actions, consistent with the Strategy's principles, which will contribute to the achievement of the aims of the Strategy as priorities for inclusion in the Strategy's programme of work.

Departments will ensure that all the policies and operational practices of their department and agencies take account of the aims and principles of the Strategy.

Departments will communicate to all staff the Strategy and the department's commitment to it and ensure that members of staff have an awareness and understanding of racial equality and issues arising for specific action within the department's policy and operational areas.

Departments will cascade the Strategy to non-departmental public bodies and other service providers and will encourage and work with them to ensure its effective implementation. They will also

share knowledge, expertise and good practice with others. These are in line with departments' work to meet their obligations under Section 75 of the Northern Ireland Act 1998.

The Racial Equality Unit in OFMDFM will work with departments to help them to assess their current performance in racial equality and to identify and challenge the barriers preventing progress. This challenge and support role will be backed up by research capacity, monitoring and evaluation. The help and advice provided by OFMDFM will take full account of the different legislative context in Northern Ireland, including Section 75 of the Northern Ireland Act 1998.

Developing a Programme of Work

As a first step towards implementing the Strategy, departments working with minority ethnic people and their representatives and others through the Racial Equality Panel will, building on previous proposals, develop a programme of work. It will include, where appropriate, contributions from agencies and non-departmental public bodies. It will also identify priorities for action that apply across Departments. It will focus on identifying delivering and measuring actions and targets that deliver real change.

The programme of work will be co-ordinated by the Racial Equality Unit within the Office of the First Minister and Deputy First Minister and will include contributions from individual departments covering their specific areas of responsibility.

The programme of work will be submitted to Ministers for approval.

It is expected that new actions will be added to the programme of work throughout the life of the Strategy. It will have input from the Racial Equality Panel. The Panel will monitor and assess progress on implementation of the programme of work, in the context of the Racial Equality Strategy. The Office of the First Minister and Deputy First Minister will report annually to Ministers and the OFMDFM Committee of the Assembly on the implementation of the programme of work, taking account of the forum's comments.

The Executive recognises that it will need to take “positive action” in certain circumstances to achieve these shared aims. This is to prevent or compensate for disadvantage suffered by a group of persons of a particular racial or ethnic origin for social or economic reasons or for reasons to do with past or present discrimination. This approach is in line with the EU Racial Equality Directive²⁷.

One lesson that we have learned from our attempts to implement the previous Racial Equality Strategy is that there is a real danger that one ends up compiling long lists of existing activities – “what we were going to do anyway” - without adding value.

²⁷ Preamble 17 of the Directive provides that “The prohibition of discrimination should be without prejudice to the maintenance or adoption of measures intended to prevent or compensate for disadvantage suffered by a group of persons of a particular racial or ethnic origin, and such measures may permit organisations of persons of a particular racial or ethnic origin where their main object is the promotion of the special needs of those persons.” Under the heading “Positive action” Article 5 of the Directive states “With a view to ensuring full equality in practice, the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin.”

As with *Delivering Social Change* we want to move away from “plans with long lists of existing activities towards a smaller number of actions which can really make a difference”²⁸.

We want to see a smaller number of targets that will make a real impact on the racial inequalities that people experience.

These targets will be informed by available research including the Equality Commission’s *Racial Equality Policy – Priorities and Recommendations - August 2013* and the Audit of Inequalities and Equality Action Plan that the Equality Commission has asked to be compiled alongside equality schemes.

Consultation question

- Do you agree with these proposals for developing a programme of work?

Action at the local level

The Race Relations (Northern Ireland) Order 1997 (RRO) places a statutory duty on district councils to make appropriate arrangements with a view to ensuring that their various functions are carried out with due regard to the need:

- to eliminate unlawful racial discrimination; and
- to promote equality of opportunity, and good relations between persons of different racial groups

²⁸ <http://www.ofmdfmi.gov.uk/index/delivering-social-change/delivering-social-change-introduction.htm>

Delivery of Policy Advice and Challenge to Government

Together: Building a United Community acknowledges that for it to be as robust and effective as possible, there is a need for an independent and statutorily-based organisation to provide advice to Government and to challenge all levels of Government in terms of its performance in improving good relations here²⁹.

6.26 We also believe that a strong, independent voice on community relations is important in stimulating public debate and in providing developmental support to those groups and individuals across our society who play their part in contributing to the vision of this Strategy. The presence of a regional delivery body is a valuable link with District Councils and local organisations and projects. In this way, the implementation of this Strategy can be monitored and developed at all levels of delivery.

6.27 The Equality Commission for Northern Ireland already fulfils a role in terms of monitoring public authorities' performance against the statutory duties outlined in section 75 of the Northern Ireland Act 1998. For us to be serious about shaping a better future here and delivering good relations, we must ensure that Government is equally challenged in terms of its duties in promoting good relations.

6.28 We believe that the best way to do this is through an Equality and Good Relations Commission that will act as an independent, statutorily-based organisation that provides

²⁹ *Together: Building a United Community* 6.25 et seq.

policy advice and a challenge to Government. In order to achieve this we will amend the remit, roles and responsibilities of the existing Equality Commission and incorporate the following functions into an Equality and Good Relations Commission:

- Advice and challenge to Government;*
- Research and evaluation on good relations issues;*
- Scrutiny;*
- Scrutiny of and challenge to District Council Good Relations Delivery Programme; and*
- Regional advisory role to individuals and groups working on good relations issues.*

6.29 In practice, these augmented functions will result in the Equality and Good Relations Commission fulfilling the following statutory duties:

- To challenge and scrutinise Government in its progress towards meeting the commitments and aims of this Strategy;*
- To scrutinise and provide advice on action plans arising from this Strategy;*
- To enforce and investigate as appropriate where there is a failure to comply with section 75(2);*
- To promote good relations across all sections of the community and support the development of best practice across the public service and the private sector;*

- *To commission appropriate research in order to inform the implementation and delivery of this Strategy;*
- *To carry out an assessment of progress against the objectives of this Strategy and produce a report to the Assembly every two years;*
- *To provide advice and scrutiny to the Ministerial Panel in the development of the District Council Good Relations Programme;*
- *To challenge District Councils in respect of their performance against Good Relations Action Plans;*
- *To submit an annual work plan to OFMDFM and report on progress against agreed targets;*
- *To facilitate the sharing of best practice on a North-South, East-West, European and international level;*
and
- *To connect actions to promote good relations at a regional, sub-regional and localised level.*

6.30 The Commission will be instrumental in monitoring Government's performance in how all policies and spending decisions are proofed for good relations impacts. To this end, an augmented impact assessment will be developed that assesses the extent to which policies and other interventions contribute to meeting the objectives of this overarching Strategy.

Of course, this applies equally well to race relations as it does to community relations.

The Community Relations Council and the Equality Commission already sit on the Racial Equality Panel.

Consultation question

- How do you think the proposed *Equality and Good Relations Commission* should fulfil the role outlined above in respect of racial equality and race relations?

Information

Ministers and departments will keep the public well informed of major developments and achievements on this Strategy by way of Ministerial announcements, press releases and speeches, as well as through the Racial Equality Panel.

Chapter 9

Resourcing implementation of the Racial Equality Strategy

The Government's *Priorities and Budget*³⁰ reflects the social and economic priorities of government policy and represents the spending needed to put policy into practice.

Racial equality and good race relations should already have been taken into account during the whole process of policy development in all government functions, and in the subsequent implementation, review and evaluation of that policy. As part of the annual process of developing policy priorities and budgets, DFP and OFMDFM consult widely on how the Budget proposals may impact on different Section 75 equality categories including racial groups. The organisations consulted include the Equality Commission and groups representing minority ethnic people. This process of mainstreaming the racial equality perspective has a number of benefits, one of which is promoting better customer-focused government.

Where necessary, departments will bid for resources for specific racial equality initiatives.

We would expect significant bids from various departments to implement ethnic monitoring for example.

³⁰ available at <http://www.northernireland.gov.uk/pfg-2011-2015-final-report.pdf>

These bids will be assessed against the competing priorities within Government, while taking into account the Government's commitment and duty to promote equality of opportunity across the Section 75 equality categories.

The issues set out here will not be addressed through piecemeal initiatives. This Strategy will require the deployment of current mainstream funding more effectively to tackle racial inequalities and to promote good relations. In the long run, mainstreaming of racial equality and good race relations should lead to a more effective and efficient delivery of public services.

The immediate effect on current funding will be largely neutral and will only become apparent following the development of the programme of work. However, action to promote racial equality should be readily aligned with the process of existing policy development in areas such as education, regional strategic planning, urban and rural regeneration and culture, arts and leisure. Also, action to promote good relations should be a priority within existing funding programmes.

Government recognises the vital role played by minority ethnic voluntary organisations in supporting people from minority ethnic backgrounds and the vital opportunities that they provide for involvement not only within their own communities, but also within the wider community. Government also acknowledges the key role that the community and voluntary organisations have to play in working towards meeting the key aims of the Strategy.

Accordingly Government has recently renewed its support for minority ethnic communities and projects that will contribute to achieving these aims. The Racial Equality Unit within the Office of the First Minister and Deputy First Minister manages the fund, worth at least £1.1m per annum.

Consultation question

- Do you wish to make any comment on the resourcing of the Racial Equality Strategy?

Chapter 10

Monitoring and reviewing progress

As we have already stated, ethnic monitoring is key to tackling racial inequalities and racism (Chapter 4 The evidence of racial inequalities and ethnic monitoring).

It is essential that Departments and agencies implement ethnic monitoring as soon as possible.

It is also essential for employers to examine the ethnic make-up of their workforce and of applicants and appointees.

However, as well as ethnic monitoring within individual service areas, we need to put in place arrangements to monitor and evaluate progress towards achieving the vision and the six shared aims set out in this Strategy.

Departments already hold an extensive amount of data but the information currently held about people from minority ethnic backgrounds is incomplete. Departments are working together to improve the quality and scope of the information available in relation to Section 75 categories generally and to share information with each other. To this end, the Northern Ireland Statistics and Research Agency (NISRA) maintain a database of data sources, indicating whether they include information on each of the Section 75 categories (<http://www.equality.nisra.gov.uk/>).

Since 2007, OFMDFM has published a set of Good Relations Indicators which had been developed to monitor progress under A

Shared Future – Policy and Strategic Framework for Good Relations in Northern Ireland and the previous Racial Equality Strategy. The baseline report was published in 2007 and the latest update was published in January 2013.

There is a commitment in *Together: Building a United Community* to review the existing Good Relations Indicators. To date, the review has also incorporated the development of indicators for this Strategy. While there will be a certain amount of overlap between *TBUC* and the new Racial Equality Strategy, to capture the full extent of what we hope and expect to be the outcomes of the Racial Equality Strategy will require a specific set of racial equality and good race relations indicators.

The Good Relations Indicators are under review. However, it has been agreed that the Racial Equality indicators would benefit from being developed separately. They will take into account the shared aims and objectives of this Strategy. The indicators will measure progress under a set of Key Strategic Priorities:

1. Equality of Service Provision (including health, education, housing, employment, learning and sport);
2. Combating Prejudice, Racism and Hate crime;
3. Participation, Representation and Belonging; and
4. Respecting Cultural Diversity.

The Racial Equality indicators have been reviewed by an expert advisory group and are set out in the Racial Equality Indicator document – this will be available shortly at:

www.ofmdfmi.gov.uk/racial-equality-strategy. We would value any comments that you may have on them.

Consultation question

- Do you agree on the need to treat TBUC indicators and Indicators for the Racial Equality Strategy separately?

**Equality assessment
Background**

Section 75 of the Northern Ireland Act 1998, which came into force on 1st January 2000, states:

A public authority shall in carrying out its functions relating to Northern Ireland, have due regard to the need to promote equality of opportunity;

(a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;

(b) between men and women generally;

*(c) between persons with a disability and persons without;
and*

(d) between persons with dependants and persons without.

Without prejudice to its obligations above, a public authority shall, in carrying out its functions relating to Northern Ireland, have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

In line with commitments in its approved Equality Scheme, the Office of the First Minister and Deputy First Minister is committed to adhering to the principles of Section 75 of the Northern Ireland Act 1998 when reviewing and developing policy.

Consideration of available data and research

Chapters 2 and 5 (“The evidence of racial inequalities and ethnic monitoring”), above, sets out some of the difficulties relating to

data/evidence about minority ethnic people. Substantial gaps in the available data remain.

One of the tasks that we face in implementing the Strategy will be to fill these gaps.

Because of the population size most of the research in this area, including research sponsored by the Office of the First Minister and the Deputy First Minister (such as Dr Paul Connolly's recent reports on racism) has been qualitative to date. This research has clearly highlighted an "ethnic penalty" within Northern Ireland with regard to language, racist attitudes, exclusion of minority ethnic people, difficulties in accessing services and a general lack of understanding on the part of the so called "majority white" population. This research is thus of value in considering the differential impact on groups covered by section 75.

In drawing up this Strategy to tackle racial inequalities and address this "ethnic penalty", Government worked through the Racial Equality Panel. The Panel has helped shape the consultation document and will help shape the final Strategy.

Representatives on the Panel included:

- key statutory bodies (including the Equality Commission, and Government departments that deliver services); and
- voluntary and community groups working in the area of racial equality.

Assessment of impact

On the basis of an analysis of research findings and consultations with the working groups, there is evidence that the negative effects of racism, racial attitudes and social exclusion impact differentially on persons of different racial groups.

The disadvantage currently experienced by the minority ethnic community must be addressed and our view is that this Strategy should have a positive impact on equality of opportunity for persons of different racial groups. We also believe that as these recommendations are built on Section 75(ii), they should promote good relations overall. In addition, we believe that an improvement in relationships, within and between communities, which is a main policy aim of this Strategy, should promote greater social cohesion and equality of opportunity for everyone here.

Consideration of mitigating measures or alternative policies

These proposals will have a positive impact on equality of opportunity for persons of different racial groups. They will also carry this positive impact in crossover areas of Section 75 groups, i.e. different genders within the minority ethnic communities, minority ethnic people with/without disabilities or with/without dependants, age, religion, political opinion, marital status or sexual orientation.

Having a particular positive impact on persons of different racial groups does not necessarily lead to a negative (or less positive) impact on other Section 75 groupings. It is not a zero sum game. Given the evidence of the social exclusion and disadvantage

experienced by the minority ethnic community, to do nothing to redress this situation is not a valid option. Any positive effect on this community is intended to reduce their disadvantage and social exclusion, i.e. “redress the imbalance”. It is not intended to disadvantage any other grouping in any way.

As we have stated, we recognise the need to take “positive action” to prevent or compensate for disadvantage suffered by a group of persons of a particular racial or ethnic origin for social or economic reasons or for reasons to do with past or present discrimination. Positive action is not the same as positive discrimination.

Consultation

To enable us to complete or refine this equality assessment of our proposals, we are seeking views on their equality impact through this consultation process

Decision and publication

Taking account of this public consultation, the equality assessment will be completed and taken into account prior to final decisions by Ministers. It is our intention that the finalised equality assessment will then be published with the Strategy.

Equality assessment consultation questions

- Do you agree that using positive action as a mitigation measure or alternative policy is appropriate to redress the experience of racial inequalities, social exclusion disadvantage of minority ethnic people in Northern Ireland?
- Are there any other data or information that might be drawn upon to assess the equality impact of the proposals in this Strategy?
- Do you consider that the proposals have any positive or negative equality impacts on any of the groups included within Section 75 of the Northern Ireland Act 1998 and if so how?
- Do you consider that, taking account of existing legislation, there are alternative approaches to the promotion of racial equality, and, if so, what are they?
- Do you have any other comments on the assessment of the equality impact of these proposals?

Extracts from Together: Building a United Community (TBUC)

Racial Equality (pp 17-18)

1.28 By the end of 2013, following a full public consultation we will be developing and publishing a new Racial Equality Strategy to replace “A Racial Equality Strategy for Northern Ireland 2005-2010” which was endorsed by the Assembly on 3 July 2007.

1.29 Like the current Racial Equality Strategy, the new document will establish a framework that will allow us:

- To tackle racial inequalities in Northern Ireland and to open up opportunity for all;
- To eradicate racism and hate crime; and
- Together with this Strategy, to initiate actions to promote good race relations.

1.30 This Strategy is not intended to replace or subsume our work on racial equality and good race relations. Rather it will complement and provide the co-ordinated framework for aspects of its delivery. Chapter 6 outlines how interventions to promote racial equality and good race relations will be co-ordinated and driven forward within the delivery architecture established under this Strategy.

1.31 The new Racial Equality Strategy will take full account of recent developments, including the unprecedented inward

migration we have seen in recent years and the challenges and opportunities that this presents. It will have a strong implementation mechanism to ensure that it makes a difference to the lives of members of minority ethnic communities and that it contributes appropriately to achieving the overarching vision of this Strategy.

1.32 We have launched a refreshed Minority Ethnic Development Fund following the recommendations of an evaluation of the Fund. It, too, has a significant contribution to make to achieve our shared vision.

Delivering Social Change (pp 102-103)

6.13 When launching the Programme for Government 2011-15 on 12 March 2012 the First Minister and the deputy First Minister emphasised the Delivering Social Change (DSC) framework through which Ministers will work together to tackle poverty and social exclusion. The Framework seeks to co-ordinate key actions between Government Departments in order to deliver a sustained reduction in poverty and associated issues across all ages, improve children and young people's health, well-being and life opportunities and break the long-term cycle of multi-generational problems.

6.14 Delivering Social Change complements and adds extra focus to the much larger social and economic policies and programmes which operate against poverty. It also complements the Economic Strategy with a broad and integrated approach to tackling poverty

that will ensure that more people join and/or remain in the labour force.

6.15 The Delivering Social Change framework is designed to assist the delivery of the Programme for Government, by finding new ways to ensure effective cross-Departmental working. The framework's initial focus has been on the needs of children and families to ensure the most urgent and significant problems in our society are addressed; problems such as poor educational outcomes, poor physical and mental health, economic inactivity, social exclusion and disadvantage.

6.16 In line with the framework's initial focus Ministers have agreed a Children and Young Persons Early Action Document which identifies key priorities to be taken forward over the coming years under the Delivering Social Change programme.

6.17 As well as the work around early action the Executive felt that it was critical that Departments came together to deliver a number of immediate actions. On 10 October 2012, the First Minister and deputy First Minister announced, under Delivering Social Change, the development of six significant signature programmes totalling £26 million to be taken forward by lead Departments. These Programmes focus on immediate actions to tackle issues such as improving literacy and numeracy levels, family support and pathways to employment for young people.

6.18 Although Delivering Social Change has initially focussed on the needs of children and young people and families through the

six Signature Programmes, its longer term objective is to lay the basis for sustained social improvement for all our vulnerable groups.

6.19 For the purposes of this Strategy, specific delivery architecture has been established in recognition of the importance of continuing to make progress in advancing good relations here.

Racial Equality Panel – Draft Terms of Reference

These terms of reference are intended to be a living document. They will be kept under review by the Panel which can suggest amendments at any time.

Remit

The Racial Equality Panel has been established to support and drive forward work on racial equality and good race relations. The Panel will determine and agree a work programme that will:

- Promote the aims of the current Racial Equality Strategy and input to the development and implementation of future government racial equality and good relations policy;
- Monitor and review progress on the implementation of the Race Equality Strategy and report annually to Ministers;
- Facilitate a partnership approach and joint working between Government Departments, statutory bodies, voluntary/community organisations, and other agencies, so as to help participating organisations (and others) avoid duplication of effort and share resources;
- Provide an arena for exchange of information, identification of best practice and lessons learned, suggesting possible areas where more research is needed; and

- Keep the effectiveness of current provision to the minority ethnic sector under review and make recommendations for further policy and Strategy as appropriate.

The Panel will determine and agree a work programme that reflects its overall objectives and aims as outlined in the remit above.

The Panel will contribute, as appropriate, to the development and implementation of the Together: Building a United Community and Delivering Social Change including the development of implementation mechanisms.

In fulfilling these terms of reference the Panel will take account of relevant legislation and the wider policy environment.

Membership

The Panel should include representatives from the minority ethnic sector, departments, the Northern Ireland Human Rights Commission (NIHRC), the Equality Commission for Northern Ireland, business, relevant faith groups, equality groups and local government and members will be appointed by OFMDFM.

The membership will include those Departments which have a role to play in service delivery. These departments will be expected to work in consultation with each other to deliver upon their aims.

Representatives from the minority ethnic sector will be appointed by self nomination. These nominations must be proposed and seconded by two other organisations outside the nominee's organisation. The members appointed as a result of this process are required to consult widely with the minority ethnic sector and to feed back Panel proceedings. Any nominated member of the Panel who does not comply with this requirement will be replaced.

The other members of the Panel will have a representative role on behalf of their respective agency/Department. The Human Rights Commission will be represented on the Panel in its advisory capacity on measures which ought to be taken to protect human rights.

The Panel will review its membership from time to time. Any changes to the membership will need to be agreed by OFMDFM.

Individuals may be co-opted on to the Panel on a temporary basis while individuals may also be invited to give presentations or provide briefing.

Papers for Panel meetings should be circulated at the earliest opportunity to allow minority ethnic representatives to consult others within the minority ethnic sector.

Thematic Groups

Thematic and other sub-groups can be established by the Panel if required, for time bound projects with a specific remit. Sub-groups

will need to stay flexible and responsive and act in response to need.

These thematic groups may comprise representatives from Departments, statutory and voluntary/community organisations and other knowledgeable individuals as agreed by the Panel. Sub-groups may be chaired by individuals from outside the Panel if appropriate and agreed.

Sub-groups will report the outcomes of their meetings on a regular basis. The Panel will continue to review the work of the sub-groups and ensure that they are fit for purpose. The establishment of sub-groups will be subject to resource constraints.

Frequency of Meetings

The Panel will generally meet three times a year (but can meet more or less often depending on need).

Support/Secretariat

OFMDFM officials will support the chair in ensuring that the Panel fulfils its terms of reference. It will provide the secretariat to the Panel.

When recommending the creation of a thematic group, the Panel will also make a recommendation as to which organisation would be most appropriate to chair and support the particular thematic group.

Review

The Panel's operation and role will be reviewed on a regular basis to ensure it remains fit for purpose. An assessment will be made of the need to continue operation of the Panel. The Panel will, of course, be expected to have input into the assessment process.

Chair

The Panel will be chaired by an official from OFMDFM.

Meetings with Ministers

Representatives of the Panel will meet the Minister on a regular basis to report on progress and share issues of concern.

Ministers may attend or chair meetings of the Panel.

How to Respond - Consultation Process

We welcome all comments you have about the proposed Strategy, particularly any issues relevant to racial equality and good race relations that we have not addressed in this document.

You are welcome to reply to this consultation by completing the online questionnaire. The questionnaire should not take long to complete. Your views are important to us and will allow us to make our Strategy - a Sense of Belonging – stronger and more effective.

While we have asked specific questions to which we would appreciate your answer, please do not feel constrained by these - we would welcome your views on any aspect of a Sense of Belonging.

If you do not wish to complete the online questionnaire, Please send your views in writing either by post or by email to the address below. The closing date for all responses is 10th October 2014.

In addition, we will be meeting face-to-face the people on whose lives this Strategy will have the biggest impact. If you feel that meeting us would be helpful, please contact us.

This consultation document and online questionnaire will be available on our website at www.ofmdfmi.gov.uk/racial-equality-strategy

Let us know your views by completing the online questionnaire or emailing your views. You can contact us at:

Email: race.equality@ofmdfmni.gov.uk

Tel: (028) 905 28560

Written responses should be sent to:

OFMDFM Equality Directorate

Racial Equality Unit

Room E4.15

Castle Buildings

Stormont Estate

Belfast

BT4 3SQ

Please also contact us if you require additional copies of this document or if the document is not in a format that meets your needs.

We also intend to consult the Equality Commission for Northern Ireland, the Human Rights Commission and Trade Unions.

Freedom of Information Act 2000 - Confidentiality of Consultations

The Freedom of Information Act gives the public a right of access to any information held by a public authority (in this case the Department). This includes access to information provided in response to a consultation exercise. The Department cannot

automatically consider information supplied to it during consultation as confidential if that information is subsequently requested under Freedom of Information. However, if there is a Freedom of Information request for information submitted during this present consultation, the Department will consider carefully whether it should be made public, or treated confidentially.

If we are asked to disclose responses under Freedom of Information legislation, we will take any requests for confidentiality into account. However, confidentiality cannot be guaranteed.

We will handle any personal data provided during consultation in accordance with the Data Protection Act 1998.

For further information about confidentiality of responses, please contact the Information Commissioner's Office or visit their website at: http://ico.org.uk/about_us/our_organisation/northern_ireland

Summary of consultation questions

Chapter 1

- Do you agree that the strategy should last for 10 years with reviews to fit with the Comprehensive Spending Review?
- Do you agree that these are the most important instruments?
- Are there any other instruments that should be considered?

Chapter 2

- Do you agree that the issues identified by Paul Connolly are still relevant? Are there any issues that you would add?
- Do you have any comments on the key issues identified by the Joseph Rowntree research?
- Are there any specific inequalities that you would wish to highlight? Any information or evidence you can give us will be greatly appreciated.

Chapter 3

- Do you agree that the strategy should also provide a framework for tackling inequalities experienced by followers of minority non-Christian faiths?
- Are you happy with the vision and the six shared aims?

- Do these cover everything that needs to be covered?
- Do any of them need to be reworded?
- Is there need for an additional shared aim concerning the rights to maintain one's cultural identity?
- Do you agree that positive action measures should be used in certain circumstances to achieve the six shared aims?
- What do you think of the idea of “a sense of belonging” in the vision and as the title? Does it make sense? Is it easy enough to understand?
- Do we need to have research on “the sense of belonging of ethnic minority people in NI” to benchmark the progress of this strategy?
- Do you agree that there is a need for a specific Refugee Integration Strategy?
- Do you agree that there is a need for specific programmes of work to address particular challenges and vulnerabilities facing particular groups?

Chapter 4

- How should we focus on addressing the issue of multiple identities and multiple discrimination?
- Do you agree that we should refer to TBUC and DSC?

- Do you agree that we should retain the Racial Equality Panel and a specific focus on race?

Chapter 5

- Do you agree that ethnic monitoring is a critically important measure that Government must undertake?
- What form should this monitoring take so that we can move to outcomes as a matter of urgency?

Chapter 6

- Do you agree that an effective legal protection will enhance the achievement of the six shared aims of this Strategy?
- Do you think that reform of Race Relations (Northern Ireland) Order 1997 is a priority?
- Do you agree with the Equality Commission's proposals?
- Do you think that there are any areas of Race Relations law which require reform, additional to those identified by the Equality Commission?

Chapter 7

- Are there any actions that we can and should take under existing devolved powers in this area?
- What should be the aims of a regional immigration policy?

- Do you agree with the proposal for a forum for Ministers from the devolved administrations and the Home Office as a mechanism for change?
- Do you have any alternative views as to how we might lever change?

Chapter 8

- Are you content with the proposals as defined above?
- Are you content with the terms of reference and membership of the Racial Equality Panel?
- Do you agree with these proposals for developing a programme of work?
- How do you think the proposed *Equality and Good Relations Commission* should fulfil the role outlined above in respect of racial equality and race relations?

Chapter 9

- Do you wish to make any comment on the resourcing of the Racial Equality Strategy?

Chapter 10

- Do you agree on the need to treat TBUC indicators and Indicators for the Racial Equality Strategy separately?

Equality assessment consultation questions

- Do you agree that using positive action as a mitigation measure or alternative policy is appropriate to redress the experience of racial inequalities, social exclusion disadvantage of minority ethnic people in Northern Ireland?
- Are there any other data or information that might be drawn upon to assess the equality impact of the proposals in this Strategy?
- Do you consider that the proposals have any positive or negative equality impacts on any of the groups included within Section 75 of the Northern Ireland Act 1998 and if so how?
- Do you consider that, taking account of existing legislation, there are alternative approaches to the promotion of racial equality, and, if so, what are they?
- Do you have any other comments on the assessment of the equality impact of these proposals?