

**August 2018**



***Equality Scheme for Criminal Justice Inspection Northern Ireland***

***Drawn up in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998***

***This document is available in a range of formats on request. Please contact us with your requirements.***

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Approved by the Equality Commission for Northern Ireland

## Foreword

Section 75 of the Northern Ireland Act 1998 (the Act) requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined in the Act<sup>1</sup>.

In our equality scheme we set out how Criminal Justice Inspection Northern Ireland proposes to fulfil the Section 75 statutory duties.

We will commit the necessary resources in terms of people, time and money to make sure that the Section 75 statutory duties are complied with and that the equality scheme is implemented effectively, and on time.

We commit to having effective internal arrangements in place for ensuring our effective compliance with the Section 75 statutory duties and for monitoring and reviewing our progress.

We will develop and deliver a programme of communication and training with the aim of ensuring that all our staff are made fully aware of our equality scheme and understand the commitments and obligations within it. We will develop a programme of awareness raising for our consultees on the Section 75 statutory duties and our commitments in our equality scheme.

We, the Chief inspector and CEO of Criminal Justice Inspection Northern Ireland, are fully committed to effectively fulfilling our Section 75 statutory duties across all our functions (including service provision, employment and procurement) through the effective implementation of our equality scheme.

We realise the important role that the community and voluntary sector and the general public have to play to ensure the Section 75 statutory duties are effectively implemented. Our equality scheme demonstrates how determined we are to ensure there are opportunities, for people affected by our work, to positively influence how we carry out our functions in line with our

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<sup>1</sup> See section 1.1 of our Equality Scheme.

Section 75 statutory duties. It also offers the means whereby persons directly affected by what they consider to be a failure, on our part, to comply with our equality scheme, can make complaints.

On behalf of Criminal Justice Inspection Northern Ireland and our staff we are pleased to support and endorse this equality scheme which has been drawn up in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998 and Equality Commission guidelines.

**Brendan McGuigan**

**Chief Inspector of Criminal Justice** .....

**James Corrigan**

**Deputy Chief Inspector and Chief Executive** .....

**Date** .....

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*Please note: Foreword and Appendices 3 and 4 form part of this equality scheme.*

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## Chapter I Introduction

### Section 75 of the Northern Ireland Act 1998

1.1 Section 75 of the Northern Ireland Act 1998 (the Act) requires CJI to comply with two statutory duties:

#### Section 75 (1)

In carrying out our functions relating to Northern Ireland we are required to have due regard to the need to promote equality of opportunity between

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- men and women generally
- persons with a disability and persons without
- persons with dependants and persons without.

#### Section 75 (2)

In addition, without prejudice to the obligations above, in carrying out our functions in relation to Northern Ireland we are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

“Functions” include the “powers and duties” of a public authority<sup>2</sup>. This includes our employment and procurement functions.

Please see below under “Who we are and what we do” for a detailed explanation of our functions.

The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive measures to be taken to facilitate the promotion of equality of opportunity between the categories identified in Section 75 (1). The equality duty should not deter a public authority from taking action to address disadvantage among particular sections of society – indeed such action may be an appropriate response to addressing inequalities. There is no conflict

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<sup>2</sup> Section 98 (1) of the Northern Ireland Act 1998.

between the Section 75 statutory duties and other affirmative action measures or positive action measures which a public authority may undertake under anti-discrimination laws.

Individuals do not neatly fit into one Section 75 category or another, individuals will invariably be members of a number of Section 75 categories. Thus Section 75 enables multiple identity issues to be considered as well as issues regarding particular categories of people.

## **How we propose to fulfil the Section 75 duties in relation to the relevant functions of CJI**

1.2 Schedule 9 4. (1) of the Act requires CJI as a designated public authority to set out in an equality scheme how it proposes to fulfil the duties imposed by Section 75 in relation to its relevant functions. This equality scheme is intended to fulfil that statutory requirement. It is both a statement of our arrangements for fulfilling the Section 75 statutory duties and our plan for their implementation.

1.3 Criminal Justice Inspection Northern Ireland is committed to the discharge of our Section 75 obligations in all parts of our organisation and we will commit the necessary resources in terms of people, time and money to ensure that the Section 75 statutory duties are complied with and that our equality scheme can be implemented effectively.

## **Who we are and what we do**

### Background and Objectives

The Office of the Chief Inspector of Criminal Justice in Northern Ireland (CJI) was established as an executive Non-Departmental Public Body under s.45 of the Justice (Northern Ireland) Act 2002.

The Chief Inspector was appointed by the Secretary of State for Northern Ireland in August 2003 to inspect or ensure the inspection of all aspects of the criminal justice system in Northern Ireland and to contribute in a significant way to the efficient and effective running of the criminal justice system, while helping to guarantee that it functions in an even handed way. CJI went live in October 2004 and since that time has conducted annual programmes of inspections which had been agreed annually with the Secretary of State.

On 12 April 2010 Justice functions in Northern Ireland were devolved to the Northern Ireland Assembly and the Department of Justice came into existence as a new Northern Ireland Department. From this date CJI became an executive non-departmental public body of the Department of Justice. Following the devolution of policing and justice matters on 12 April 2010, responsibility for agreeing CJI's inspection programme passed to the locally-elected Minister of Justice.

#### Remit of Criminal Justice Inspection

Under section 46 of the Justice (Northern Ireland) Act 2002 (as amended), CJI must inspect the following agencies:

| <b><i>Key criminal justice organisations</i></b>  | <b><i>Other organisations inspected by CJI</i></b>  |
|---|---|
| <ul style="list-style-type: none"> <li>• The Police Service of Northern Ireland (PSNI);</li> </ul>                | <ul style="list-style-type: none"> <li>• The Northern Ireland Social Security Agency;</li> </ul>                  |
| <ul style="list-style-type: none"> <li>• The Public Prosecution Service for Northern Ireland (PPS);</li> </ul>    | <ul style="list-style-type: none"> <li>• The Compensation Agency;</li> </ul>                                      |
| <ul style="list-style-type: none"> <li>• The Northern Ireland Prison Service (NIPS);</li> </ul>                   | <ul style="list-style-type: none"> <li>• The Youth Justice Agency for Northern Ireland (YJA);</li> </ul>          |
| <ul style="list-style-type: none"> <li>• The Probation Board for Northern Ireland (PBNI);</li> </ul>              | <ul style="list-style-type: none"> <li>• The Northern Ireland Child Support Agency;</li> </ul>                    |
| <ul style="list-style-type: none"> <li>• Forensic Science Northern Ireland (FSNI);</li> </ul>                     | <ul style="list-style-type: none"> <li>• The Department of Enterprise, Trade and Investment (DETI);</li> </ul>    |
| <ul style="list-style-type: none"> <li>• The Police Ombudsman's Office for Northern Ireland (OPONI);</li> </ul>   | <ul style="list-style-type: none"> <li>• The Health and Safety Executive for Northern Ireland (HSENI);</li> </ul> |
| <ul style="list-style-type: none"> <li>• The Northern Ireland Courts and Tribunals Service (NICTS);</li> </ul>    | <ul style="list-style-type: none"> <li>• The Royal Mail Group (RMG);</li> </ul>                                   |
| <ul style="list-style-type: none"> <li>• The Legal Services Commission (LSC);</li> </ul>                          | <ul style="list-style-type: none"> <li>• Belfast International Airport Ltd (BIA);</li> </ul>                      |
| <ul style="list-style-type: none"> <li>• The State Pathologist's Department for Northern Ireland (SPD)</li> </ul> | <ul style="list-style-type: none"> <li>• The Northern Ireland Tourist Board (NITB).</li> </ul>                    |



|   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• The Parole Commissioners (formerly the Life Sentence Review Commissioners):</li> </ul> | <ul style="list-style-type: none"> <li>• Probation and bail hostels (Approved Premises).</li> </ul>         |
|   | <ul style="list-style-type: none"> <li>• Department of Agriculture and Rural Development (DARD).</li> </ul> |
|   | <ul style="list-style-type: none"> <li>• Health and Social Services Boards and Trusts;</li> </ul>           |
|   | <ul style="list-style-type: none"> <li>• Department of the Environment (DoE);</li> </ul>                    |
|   | <ul style="list-style-type: none"> <li>• Community Restorative Justice schemes;</li> </ul>                  |
|   | <ul style="list-style-type: none"> <li>• Larne Harbour Ltd;</li> </ul>                                      |
|   | <ul style="list-style-type: none"> <li>• Belfast Harbour Commissioners</li> </ul>                           |

### CJI Vision

CJI’s vision is summed up as ‘A better justice system for all’. By that we mean a criminal justice system that works smoothly and efficiently, protecting everyone, working to reduce crime and helping to put offenders back on the right track so that they will not offend again; and a system that does all that with absolute fairness, promotes equality and human rights and is responsive to the real concerns of the community.

That vision requires the collaboration of all the agencies of the criminal justice system and of voluntary sector, political and community-based organisations to bring it about. CJI contributes to it by conducting inspections of individual agencies and cross-cutting thematic reviews of aspects of the criminal justice system.

### CJI Mission

The CJI mission is to work closely with the inspected agencies in a professional and mature way. To maintain our robustness and independence producing relevant, respected inspection reports that add value to the CJS and enhance the public’s experience of contact with every part of the criminal justice system.

We will achieve our mission by:

- Maintaining our values at all times;

- communicating clearly and frankly;
- listening to all interested parties;
- identifying and communicating good practice;
- producing enabling, balanced reports;
- taking account of sensitive issues;
- providing a supportive work environment that reflects our values; and,
- pursuing excellence.

### Aims and Objectives

CJI contributes to the Department of Justice's aims by improving public confidence in the justice system. It will do so by assisting the criminal justice agencies in Northern Ireland to become more efficient and effective, and by ensuring that they are being fair and equitable in all their policies and operations.

CJI's objectives are to:

- promote efficiency and effectiveness through assessment and inspection to facilitate performance improvement;
- provide an independent assessment to Ministers and the wider community on the working of the criminal justice system;
- provide independent scrutiny of the conditions for and treatment of, users of the criminal justice system, in particular victims and witnesses, children and young people, prisoners and detainees; and
- work in partnership to deliver a high quality, independent and impartial inspection programme.

To achieve these objectives, CJI will:

- ensure the inspection of the main agencies of the criminal justice system in Northern Ireland;
- conduct cross-cutting thematic reviews of subjects which involve more than one agency;
- determine CJI's programme of inspection and action plan reviews/inspection follow-up reviews each year in consultation with the Minister of Justice and the Attorney General for Northern Ireland;
- present inspection reports to the Minister of Justice;

- publish an annual report of CJI's activities; and
- employ a small number of appropriately qualified and experienced Inspectors and seek expert assistance from other inspection agencies as necessary.

## **Values and Principles**

We value:

- Independence
- Impartiality
- Honesty
- Integrity
- Respect
- Openness and,
- Robustness

In support of our values CJI will at all times:

- conduct inspections and complete reports with honesty and impartiality, basing its findings upon evidence;
- be open about its practices and procedures and about the expectations against which judgements are made;
- publish all its reports and make all its papers freely available, subject to the normal exceptions for security and personal information;
- encourage self-assessment, and make improvement the main purpose of all its inspections;
- work in a non-adversarial, consultative and interactive way, collaborating wherever possible with other agencies and Inspectorates;
- aim to minimise the demands it makes on those inspected;
- treat people courteously, fairly and without discrimination, valuing diversity and promoting equality in accordance with s.75 of the Northern Ireland Act 1998;
- monitor and evaluate its own performance from the perspective of value for money; and
- welcome and be responsive to any complaints or other feedback from the agencies inspected.

## **Types of Inspections**

Agency-specific Inspections. These can focus on the organisation themselves or the services they provide.

Thematic Inspections. These are cross cutting inspections of how a particular service is dealt with by all or relevant parts of the criminal justice system.

Announced Inspections of prisons, prison escort arrangements, police custody suites, court cells, juvenile justice centre, offender hostels and community restorative justice schemes.

Unannounced Inspections of prisons, prison escort arrangements, police custody suites, court cells, juvenile justice centre, offender hostels and community restorative justice schemes.

Reviews/Inspections requested by the Minister of Justice. These are conducted under S47.4 of the Justice Act 2002 and can relate to any matter relating to the criminal justice system in Northern Ireland (apart from a matter relating to a court or tribunal).

Action Plan/Follow-up Reviews. These are normally conducted 12-18 months after the original inspection and are usually short reports to assess progress against accepted recommendations.

## **Inspection Methodology**

The aim of all CJI's activities is improvement. Its inspections examine organisations or inter-agency working for strengths and areas for improvement . It will make recommendations designed to help an organisation to improve in any aspect of its performance.

CJI inspections proceed in two stages:

1. Collecting data in advance, and forming provisional judgements as to the strengths and weaknesses of the organisation.

2. Testing those judgements in the inspection, finalising them and turning them, where appropriate, into recommendations.

CJI does not believe that the most productive way to promote improvement is by 'naming and shaming' agencies. There may be occasions when the work of an agency is of such a poor standard and when it shows neither the will nor capacity to improve, that the Inspectorate would have no option but to state publicly that the position was unacceptable. However, most of the time CJI works in partnership with the agencies, on the basis that their managers share the common aim of improvement.

Inspections conducted by CJI fully reflect the Cabinet Office principles for the inspection of public services to:

- pursue the purpose of improvement;
- focus on outcomes;
- take a user perspective;
- be proportionate to risk;
- encourage self-assessment by managers;
- use impartial evidence wherever possible;
- disclose the criteria used for judgement;
- be open about the processes involved;
- have regard to value for money, including that of the inspecting body; and
- continually learn from experience.

Each inspection will seek the views of the agency's partners in the criminal justice system and the community on the agency's performance. In appropriate circumstances the agency itself will be invited to self-assess against the inspection criteria identified in the agreed terms of reference, identifying as honestly as possible its own strengths and areas for improvement – not for use against it, but as a demonstration of its commitment to inspection and as an aid to improvement. The aim of self-assessment is to internalise within agencies the drive towards improvement, and the development of a capacity for rigorous and perceptive self criticism among the management of the agencies is fundamental from that point of view.

## **Chapter 2 Our arrangements for assessing our compliance with the section 75 duties (Schedule 9 4. (2) (a))**

2.1 Our arrangements for assessing our compliance with the Section 75 statutory duties are outlined in other relevant parts of this equality scheme chapters 2 to 10.

- monitoring arrangements (4.27);
- assessment of impact of policies arrangements (4.1 – 4.18);
- consultation (3.1 – 3.15);
- publication(4.19 – 4.26); and,
- complaints (chapter 8).

In addition we have the following arrangements in place for assessing our compliance:

### **Responsibilities and reporting**

2.2 We are committed to the fulfilment of our Section 75 obligations in all parts of our work.

2.3 Responsibility for the effective implementation of our equality scheme lies with the Chief Executive Officer (CEO). The CEO is accountable to the Criminal Justice Inspection Northern Ireland for the development, implementation, maintenance and review of the equality scheme in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998, including any good practice or guidance that has been or may be issued by the Equality Commission.

2.4 If you have any questions or comments regarding our equality scheme, please contact in the first instance the Equality officer at the address given below and we will respond to you as soon as possible:

The Equality Officer,  
CJINI,  
CJINI,  
Block 1, Knockview Buildings  
Stormont Estate  
Belfast BT4 3SJ

Telephone 02890765764

2.5 Objectives and targets relating to the statutory duties will be integrated into our corporate and business plans<sup>3</sup>.

2.6 Employees' job descriptions and performance plans reflect their contributions to the discharge of the Section 75 statutory duties and implementation of the equality scheme, where relevant. The personal performance plans are subject to appraisal in the annual performance review.

2.7 CJI prepares an annual report on the progress we have made on implementing the arrangements set out in this equality scheme to discharge our Section 75 statutory duties (Section 75 annual progress report).

The Section 75 annual progress report will be sent to the Equality Commission by 31 August each year and will follow any guidance on annual reporting issued by the Equality Commission.

Progress on the delivery of Section 75 statutory duties will also be included in our (organisational) annual report.

2.8 The latest Section 75 annual progress report is available on our website:

[www.cjini.org](http://www.cjini.org)

or by contacting:

The Equality Officer,

CJINI,

Block 1, Knockview Buildings

Stormont Estate

Belfast BT4 3SJ

Telephone 02890765764

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<sup>3</sup> See Appendix 4 'Timetable for measures proposed' and section 2.11 of this equality scheme.

e-mail [info@cjini.org](mailto:info@cjini.org)

2.9 CJI liaise closely with the Equality Commission to ensure that progress on the implementation of our equality scheme is maintained.

2.10 Progress on the delivery of section 75 duties will be reported as necessary by the Equality Officer to the monthly General Staff meeting.

### **Action plan/action measures**

2.11 CJI has developed an action plan to promote equality of opportunity and good relations. This action plan is set out in Appendix 6 to this equality scheme. The action plan will not form part of the approved equality scheme. It is set out here to enable consultees to consider the equality scheme in its full context.

2.12 The action measures that will make up our action plan will be relevant to our functions. They will be developed and prioritised on the basis of an audit of inequalities. The audit of inequalities will gather and analyse information across the Section 75 categories<sup>4</sup> to identify the inequalities that exist for our service users and those affected by our policies<sup>5</sup>. The audit of inequalities will be updated with further information to ensure that it remains a 'living' document to continue to inform development of CJI's action measures.

2.13 Action measures will be specific, measurable, linked to achievable outcomes, realistic and time bound. Action measures will include performance indicators and timescales for their achievement.

2.14 We will develop any action plans for a period of between one and five years in order to align them with our corporate and business planning cycles. Implementation of the action measures will be incorporated into our business planning process.

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<sup>4</sup> See section 1.1 of this equality scheme for a list of these categories.

<sup>5</sup> See section 4.1 of this equality scheme for a definition of policies.



2.15 We will seek input from our stakeholders and consult on our action plan and on our audit of inequalities before we send the scheme and plan to the Equality Commission and thereafter when reviewing the plan as per 2.16 below.

2.16 We will monitor our progress on the delivery of our action measures annually and update the action plan as necessary to ensure that it remains effective and relevant to our functions and work.

2.17 CJI will inform the Commission of any changes or amendments to our action plan and will also include this information in our Section 75 annual progress report to the Commission. Our Section 75 annual progress report will incorporate information on progress we have made in implementing our action plans/action measures.

2.18 Once finalised, our action plan will be available from:

The Equality Officer,

CJINI,

Block I, Knockview Buildings

Stormont Estate

Belfast BT4 3SJ

Telephone 02890765764

or at [www.cjini.org](http://www.cjini.org)

If you require it in an alternative format please contact us on the details provided.

## Chapter 3 Our arrangements for consulting

(Schedule 9 4. (2) (a)) - on matters to which a duty (S75 (1) or (2)) is likely to be relevant (including details of the persons to be consulted).

(Schedule 9 4. (2) (b)) on the likely impact of policies adopted or proposed to be adopted by us on the promotion of equality of opportunity.

3.1 We recognise the importance of consultation in all aspects of the implementation of our statutory equality duties. We will consult on our equality scheme, action measures, equality impact assessments, audit of inequalities and other matters relevant to the Section 75 statutory duties.

3.2 We are committed to carrying out consultation in accordance with the following principles (as contained in the Equality Commission's guidance '*Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)*'):

3.3 All consultations will seek the views of those directly affected by the matter/policy, the Equality Commission, representative groups of Section 75 categories, other public authorities, voluntary and community groups, our staff and their trades unions and such other groups who have a legitimate interest in the matter, whether or not they have a direct economic or personal interest. Initially all consultees (see Appendix 3), as a matter of course, will be notified (by email or post) of the matter/policy being consulted upon to ensure they are aware of all consultations. Thereafter, to ensure the most effective use of our and our consultees' resources, we will take a targeted approach to consultation for those consultees that may have a particular interest in the matter/policy being consulted upon and to whom the matter/policy is of particular relevance. This may include for example regional or local consultations, sectoral or thematic consultation etc.

3.4 Consultation with all stakeholders will begin as early as possible. We will engage with affected individuals and representative groups to identify how best to consult or engage with them. We will ask our consultees what their preferred consultation methods are and will give consideration to these. Methods of consultation could include:

- Face-to-face meetings

- Focus groups
- Written documents with the opportunity to comment in writing
- Questionnaires
- Information/notification by email with an opportunity to opt in/opt out of the consultation
- Internet discussions or
- Telephone consultations.

This list is not exhaustive and we may develop other additional methods of consultation more appropriate to key stakeholders and the matter being consulted upon.

3.5 We will consider the accessibility and format of every method of consultation we use in order to remove barriers to the consultation process. Specific consideration will be given as to how best to communicate with children and young people, people with disabilities (in particular people with learning disabilities) and minority ethnic communities. We take account of existing and developing good practice, including the Equality Commission's guidance *Let's Talk Let's Listen – Guidance for public authorities on consulting and involving children and young people (2008)*.

Information will be made available, on request, in alternative formats<sup>6</sup>, in a timely manner, usually within ten working days of the request being known to CJI. We will ensure that such consultees have equal time to respond.

3.6 Specific training is provided to those facilitating consultations to ensure that they have the necessary skills to communicate effectively with consultees.

3.7 To ensure effective consultation with consultees<sup>7</sup> on Section 75 matters, we will develop a programme of awareness raising on the Section 75 statutory duties and the commitments in our equality scheme by undertaking where appropriate the following:

- preliminary meetings with consultees on Inspection topics and their relationship with section 75 matters;

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<sup>6</sup> See Chapter 6 of our equality scheme for further information on alternative formats of information we provide.

<sup>7</sup> Please see Appendix 3 for a list of our consultees.

- inclusion of explanation of relevant section 75 matters on semi-structured interviews conducted for inspections
- inclusion of CJI section 75 equality action plan in communication with consultees for inspections

3.8 The consultation period lasts for a minimum of twelve weeks to allow adequate time for groups to consult amongst themselves as part of the process of forming a view. However, in exceptional circumstances when this timescale is not feasible (for example implementing EU Directives or UK wide legislation, meeting Health and Safety requirements, addressing urgent public health matters or complying with Court judgements), we may shorten timescales to eight weeks or less before the policy is implemented. We may continue consultation thereafter and will review the policy as part of our monitoring commitments<sup>8</sup>.

Where, under these exceptional circumstances, we must implement a policy immediately, as it is beyond our authority's control, we may consult after implementation of the policy, in order to ensure that any impacts of the policy are considered.

3.9 CJI will plan to consult during periods which do not include holidays. However, where it is not possible to avoid the main holiday periods when consultees are less able to respond, for example, over the summer or Christmas break, or if the policy under consideration is particularly complex, we will give consideration to the feasibility of allowing a longer period for the consultation.

3.10 We are conscious of the fact that affected individuals and representative groups may have different needs. We will take appropriate measures to ensure full participation in any meetings that are held. We will consider for example the time of day, the appropriateness of the venue, in particular whether it can be accessed by those with disabilities, how the meeting is to be conducted, the use of appropriate language, whether a signer and/or interpreter is necessary, and whether the provision of childcare and support for other carers is required.

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<sup>8</sup> Please see below at 4.27 to 4.31 for details on monitoring.

3.11 We make all relevant information available to consultees in appropriate formats to ensure meaningful consultation. This includes detailed information on the policy proposal being consulted upon and any relevant quantitative and qualitative data.

3.12 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy.

3.13 We provide feedback to consultees in a timely manner. A feedback report is prepared which includes summary information on the policy consulted upon, a summary of consultees' comments and a summary of our consideration of and response to consultees' input. The feedback is provided in formats suitable to consultees. (Please see also 6.3)

3.14 A list of our consultees is included in this equality scheme at Appendix 3. It can also be obtained by contacting The Equality Officer,

CJINI,

Block I, Knockview Buildings

Stormont Estate

Belfast BT4 3SJ

Telephone 02890765764

or at [www.cjini.org](http://www.cjini.org)

3.15 Our consultation list is not exhaustive and is reviewed on an annual basis to ensure it remains relevant to our functions and policies.

We welcome enquiries from any person/s or organisations wishing to be added to the list of consultees. Please contact:

The Equality Officer,

CJINI,

Block I, Knockview Buildings

Stormont Estate

Belfast BT4 3SJ

Telephone 02890765764

or at [www.cjini.org](http://www.cjini.org)

to provide your contact details and have your areas of interest noted or have your name/details removed or amended. Please also inform us at this stage if you would like information sent to you in a particular format or language.

## **Chapter 4 Our arrangements for assessing, monitoring and publishing the impact of policies**

(Schedule 9 4. (2) (b); Schedule 9 4. (2) (c); Schedule 9 4. (2) (d); Schedule 9 9. (1); Schedule 9 9.(2))

### **Our arrangements for assessing the likely impact of policies adopted or proposed to be adopted on the promotion of equality of opportunity (Schedule 9 4. (2) (b))**

4.1 In the context of Section 75, ‘policy’ is very broadly defined and it covers all the ways in which we carry out or propose to carry out our functions in relation to Northern Ireland. In respect of this equality scheme, the term policy is used for any (proposed/amended/existing) strategy, policy initiative or practice and/or decision, whether written or unwritten and irrespective of the label given to it, eg, ‘draft’, ‘pilot’, ‘high level’ or ‘sectoral’.

4.2 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9, section 9(2) of the Northern Ireland Act 1998.

4.3 CJI uses the tools of **screening** and **equality impact assessment** to assess the likely impact of a policy on the promotion of equality of opportunity and good relations. In carrying out these assessments we will relate them to the intended outcomes of the policy in question and will also follow Equality Commission guidance:

- the guidance on screening, including the screening template, as detailed in the Commission’s guidance ‘*Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)*’ and
- on undertaking an equality impact assessment as detailed in the Commission’s guidance ‘*Practical guidance on equality impact assessment (February 2005)*’.

## Screening

4.4 The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations.

4.5 Screening is completed at the earliest opportunity in the policy development/review process. Policies which we propose to adopt will be subject to screening prior to implementation. For more detailed strategies or policies that are to be put in place through a series of stages, we will screen at various stages during implementation.

4.6 The lead role in the screening of a policy is taken by the policy decision maker who has the authority to make changes to that policy. However, screening will also involve other relevant team members, for example, equality specialists, those who implement the policy and staff members from other relevant work areas. Where possible we will include key stakeholders in the screening process.

4.7 The following questions are applied to all our policies as part of the screening process:

- What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor/major/none)
- Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?
- To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group? (minor/major/none)
- Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?

4.8 In order to answer the screening questions, we gather all relevant information and data, both qualitative and quantitative. In taking this evidence into account we consider the different needs,



experiences and priorities for each of the Section 75 equality categories. Any screening decision will be informed by this evidence.

4.9 Completion of screening, taking into account our consideration of the answers to all four screening questions set out in 4.7 above, will lead to one of the following three outcomes:

1. the policy has been 'screened in' for equality impact assessment;
2. the policy has been 'screened out' with mitigation<sup>9</sup> or an alternative policy proposed to be adopted; or,
3. the policy has been 'screened out' without mitigation or an alternative policy proposed to be adopted.

4.10 If our screening concludes that the likely impact of a policy is 'minor' in respect of one, or more, of the equality of opportunity and/or good relations categories, we may on occasion decide to proceed with an equality impact assessment, depending on the policy. If an EQIA is not to be conducted we will nonetheless consider measures that might mitigate the policy impact as well as alternative policies that might better achieve the promotion of equality of opportunity and/or good relations.

Where we mitigate we will outline in our screening template the reasons to support this decision together with the proposed changes, amendments or alternative policy.

This screening decision will be 'signed off' by the appropriate policy lead within CJI.

4.11 If our screening concludes that the likely impact of a policy is 'major' in respect of one, or more, of the equality of opportunity and/or good relations categories, we will normally subject the policy to an equality impact assessment. This screening decision will be 'signed off' by the appropriate policy lead within CJI.

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<sup>9</sup> Mitigation – Where an assessment (screening in this case) reveals that a particular policy has an adverse impact on equality of opportunity and / or good relations, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant Section 75 categories.

4.12 If our screening concludes that the likely impact of a policy is 'none', in respect of all of the equality of opportunity and/or good relations categories, we may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, we will give details of the reasons for the decision taken. This screening decision will be 'signed off' by the appropriate policy lead within CJI.

4.13 As soon as possible following the completion of the screening process, the screening template, signed off and approved by the senior manager responsible for the policy, will be made available on our website.

[www.cjini.org](http://www.cjini.org)

and on request to:

The Equality Officer,  
CJINI,  
Block I, Knockview Buildings  
Stormont Estate  
Belfast BT4 3SJ  
Telephone 02890765764  
or at [www.cjini.org](http://www.cjini.org)

4.14 If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, we will review the screening decision.

4.15 Our screening reports are published regularly [see below at 4.20 - 4.22 and 4.23 for details]. CJI will inform all our consultees upon completion of screening reports and when they are made available on the CJI website.

### **Equality impact assessment**

4.16 An equality impact assessment (EQIA) is a thorough and systematic analysis of a policy, whether that policy is formal or informal, and irrespective of the scope of that policy. The

primary function of an EQIA is to determine the extent of any impact of a policy upon the Section 75 categories and to determine if the impact is an adverse one. It is also an opportunity to demonstrate the likely positive outcomes of a policy and to seek ways to more effectively promote equality of opportunity and good relations.

4.17 Once a policy is screened and screening has identified that an equality impact assessment is necessary, we will carry out the EQIA in accordance with Equality Commission guidance. The equality impact assessment will be carried out as part of the policy development process, before the policy is implemented.

4.18 Any equality impact assessment will be subject to consultation at the appropriate stage(s). (For details see above Chapter 3 “Our Arrangements for Consulting”).

**Our arrangements for publishing the results of the assessments of the likely impact of policies we have adopted or propose to adopt on the promotion of equality of opportunity**

(Schedule 9 4. (2) (d); Schedule 9 9. (1))

4.19 We make publicly available the results of our assessments (screening and EQIA) of the likely impact of our policies on the promotion of equality of opportunity and good relations.

**What we publish**

4.20 Screening reports

These are published regularly. Screening reports detail:

- All policies screened by CJI over the period
- A statement of the aim(s) of the policy/policies to which the assessment relates
- Consideration given to measures which might mitigate any adverse impact
- Consideration given to alternative policies which might better achieve the promotion of equality of opportunity;
- Screening decisions, i.e:
  - whether the policy has been ‘screened in’ for equality impact assessment.

- whether the policy has been 'screened out' with mitigation or an alternative policy proposed to be adopted.
- whether the policy has been 'screened out' without mitigation or an alternative policy proposed to be adopted.
- Where applicable, a timetable for conducting equality impact assessments
- A link to the completed screening template(s) on our website

#### 4.21 Screening templates

For details on the availability of our screening templates please refer to 4.13.

#### 4.22 Equality impact assessments

EQIA reports are published once the impact assessment has been completed. These reports include:

- A statement of the aim of the policy assessed
- Information and data collected
- Details of the assessment of impact(s)
- Consideration given to measures which might mitigate any adverse impact
- Consideration given to alternative policies which might better achieve the promotion of equality of opportunity
- Consultation responses
- The decision taken
- Future monitoring plans.

#### **How we publish the information**

4.23 All information we publish is accessible and can be made available in alternative formats on request. Please see 6.3 below.

#### **Where we publish the information**

4.24 The results of our assessments (screening reports and completed templates, the results of equality impact assessments) are available on our website

[www.cjini.org](http://www.cjini.org)

and by contacting:

The Equality Officer,  
CJINI,  
Block I, Knockview Buildings  
Stormont Estate  
Belfast BT4 3SJ  
Telephone 02890765764  
or at [www.cjini.org](http://www.cjini.org)

4.25 In addition to the above, screening reports (electronic link or hard copy on request if more suitable for recipients) which include all policies screened over a period are also sent directly to all consultees on a quarterly basis.

4.26 We will inform the general public about the availability of this material through communications such as press releases where appropriate.

### **Our arrangements for monitoring any adverse impact of policies we have adopted on equality of opportunity**

(Schedule 9 4. (2) (c))

4.27 Monitoring can assist us to deliver better public services and continuous improvements. Monitoring Section 75 information involves the processing of sensitive personal data (data relating to the racial or ethnic origin of individuals, sexual orientation, political opinion, religious belief, etc). In order to carry out monitoring in a confidential and effective manner, CJI follows guidance from the Office of the Information Commissioner and the Equality Commission.

4.28 We monitor any adverse impact on the promotion of equality of opportunity of policies we have adopted. We are also committed to monitoring more broadly to identify opportunities to better promote equality of opportunity and good relations in line with Equality Commission guidance.

4.29 The systems we have established to monitor the impact of policies and identify opportunities to better promote equality of opportunity and good relations are:

- The collection, collation and analysis of existing relevant primary quantitative and qualitative data across all nine equality categories on an ongoing basis
- The collection, collation and analysis of existing relevant secondary sources of quantitative and qualitative data across all nine equality categories on an ongoing basis
- An audit of existing information systems within one year of approval of this equality scheme, to identify the extent of current monitoring and take action to address any gaps in order to have the necessary information on which to base decisions
- Undertaking or commissioning new data if necessary.

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

4.31 We review our EQIA monitoring information on an annual basis. Other monitoring information is reviewed annually.

### **Our arrangements for publishing the results of our monitoring**

(Schedule 9 4. (2) (d))

4.32 Schedule 9 4. (2) (d) requires us to publish the results of the monitoring of adverse impacts of policies we have adopted. However, we are committed to monitoring more broadly and the results of our policy monitoring are published as follows:

4.33 EQIA monitoring information is published as part of our Section 75 annual progress report [see 2.7]

4.34 Regular updates of the monitoring information will be available on the CJI website. The Equality officer will share the results of any equality research with CJI staff through the regular meeting programme so that all staff have the most current information on which to base screening decisions.

4.35 All information published is accessible and can be made available in alternative formats on request. Please see below at 6.3 for details.

## **Chapter 5 Staff training**

(Schedule 9 4.(2) (e))

### **Commitment to staff training**

5.1 We recognise that awareness raising and training play a crucial role in the effective implementation of our Section 75 duties.

5.2 Our Chief Executive wishes to positively communicate the commitment of the CJI to the Section 75 statutory duties, both internally and externally.

To this end we have introduced an effective communication and training programme for all staff and will ensure that our commitment to the Section 75 statutory duties is made clear in all relevant publications.

### **Training objectives**

5.3 CJI will provide access to information and training which will aim to achieve the following objectives:

- to raise awareness of the provisions of Section 75 of the Northern Ireland Act 1998, our equality scheme commitments and the particular issues likely to affect people across the range of Section 75 categories, to ensure that our staff fully understand their role in implementing the scheme
- to provide those staff involved in the assessment of policies (screening and EQIA) with the necessary skills and knowledge to do this work effectively
- to provide those staff who deal with complaints in relation to compliance with our equality scheme with the necessary skills and knowledge to investigate and monitor complaints effectively
- to provide those staff involved in consultation processes with the necessary skills and knowledge to do this work effectively



- to provide those staff involved in the implementation and monitoring of the effective implementation of the CJI equality scheme with the necessary skills and knowledge to do this work effectively.

### **Awareness raising and training arrangements**

5.4 The following arrangements are in place to ensure all our staff are aware of and understand our equality obligations.

- We will develop a summary of this equality scheme and make it available to all staff.
- We will provide access to copies of the full equality scheme for all staff; ensure that any queries or questions of clarification from staff are addressed effectively.
- Staff in CJI will receive a briefing on this equality scheme within 1 month after approval of scheme.
- The Section 75 statutory duties form part of induction training for new staff.
- Focused training is provided for key staff within CJI who are directly engaged in taking forward the implementation of our equality scheme commitments (for example those involved in research and data collection, policy development, service design, conducting equality impact assessments, consultation, monitoring and evaluation).
- Where appropriate, training will be provided to ensure staff are aware of the issues experienced by the range of Section 75 groups.
- When appropriate and on an ongoing basis, arrangements will be made to ensure staff are kept up to date with Section 75 developments.

5.5 Training and awareness raising programmes will, where relevant, be developed in association with the appropriate Section 75 groups and our staff.

In order to share resources and expertise, CJI will, where possible, work closely with other bodies and agencies in the development and delivery of training.

## **Monitoring and evaluation**

5.6 Our training is subject to the following monitoring and evaluation arrangements:

- We evaluate the extent to which all participants in training have acquired the necessary skills and knowledge to achieve each of the above objectives.
- The extent to which training objectives have been met will be reported on as part of the Section 75 annual progress report, which will be sent to the Equality Commission.

## **Chapter 6 Our arrangements for ensuring and assessing public access to information and services we provide**

(Schedule 9 4. (2) (f))

6.1 CJI is committed to ensuring that the information we disseminate and the services we provide are fully accessible to all parts of the community in Northern Ireland. We keep our arrangements under review to ensure that this remains the case.

6.2 We are aware that some groups will not have the same access to information as others. In particular:

- People with sensory, learning, communication and mobility disabilities may require printed information in other formats.
- Members of ethnic minority groups, whose first language is not English, may have difficulties with information provided only in English.
- Children and young people may not be able to fully access or understand information.

### **Access to information**

6.3 To ensure equality of opportunity in accessing information, we provide information in alternative formats on request, where reasonably practicable. Where the exact request cannot be met we will ensure a reasonable alternative is provided.

Alternative formats may include Easy Read, Braille, audio formats (CD, mp3 or DAISY), large print or minority languages to meet the needs of those for whom English is not their first language. CJI liaises with representatives of young people and disability and minority ethnic organisations and takes account of existing and developing good practice. We will respond to requests for information in alternative formats in a timely manner, we will acknowledge requests within 10 working days and will make information available in the requested alternative format as soon as possible afterwards.

6.4 CJI works closely with Participation Network, the Northern Ireland Commissioner for Children and Young People (NICCY) and other relevant statutory and non-statutory organisations

to ensure that we take account of the views of young people, people with learning disabilities and minority ethnic people.

6.5 In disseminating information through the media we will seek to advertise in the press where appropriate.

### **Access to services**

6.6 CJI are committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories.

CJI also adheres to the relevant provisions of current anti-discrimination legislation.

6.7 CJI publishes all of its inspection reports free of charge on the CJI website at [www.cjini.org](http://www.cjini.org) and produces reports in hard copy and in alternative formats on request.

### **Assessing public access to information**

6.8 We monitor on a monthly basis across all our functions, in relation to access to information and services to ensure equality of opportunity and good relations are promoted.

6.9 Access to the CJI website is constantly monitored, including levels of access to software designed to promote access to people with sensory disabilities. Feedback and comment received from service users with regard to accessibility of information and services is collated and considered as part of our annual review of operations. An internal monthly report is produced which sets out how CJI's services are accessed.

## Chapter 7 Timetable for measures we propose in this equality scheme

(Schedule 9 4. (3) (b))

7.1 Appendix 4 outlines our timetable for all measures proposed within this equality scheme.

The measures outlined in this timetable will be incorporated into our business planning processes.

7.2 This timetable is different from and in addition to our commitment to developing action plans/action measures to specifically address inequalities and further promote equality of opportunity and good relations. We have included in our equality scheme a commitment to develop an action plan. Accordingly, this commitment it is listed in the timetable of measures at Appendix 4. For information on these action measures please see above at 2.11 – 2.18.

7.3 In addition to the timetable of measures set out in appendix 4 relating to action measures the following timetable applies to all other measures set out in the CJI Equality Scheme.

| Measure  | Lead responsibility   | Timetable   |
|--|---|---|
| Training:<br>Staff training <ul style="list-style-type: none"> <li>• to raise awareness of all staff so they fully understand their role in implementing the equality scheme</li> <li>• to provide those staff involved in screening and EQIA with the necessary skills and knowledge</li> <li>• to provide those staff who deal with complaints in relation to compliance with our equality scheme with the necessary skills and knowledge</li> </ul> | Business manager<br><br>Business manager/Equality officer<br><br>Business manager<br><br>Business manager | In place by 31 March 2021<br><br>Delivered by 31 March 2018 and ongoing on annual review/report on S75 arrangements<br><br>Delivered by 31 March 2017 and ongoing annual review<br><br>Delivered by 31 March 2017 and ongoing annual review |

|   |   |   |
|---|---|---|
| <ul style="list-style-type: none"> <li>• to provide those staff involved in consultation processes with the necessary skills and knowledge to do this work effectively</li> <li>• to provide those staff involved in the implementation and monitoring of implementation of the equality scheme with the necessary skills and knowledge to do this work effectively.</li> </ul> | <p>Business manager</p> <p>Business manager</p> | <p>Delivered by 31 March 2018</p> <p>Delivered by 31 March 2018</p>                                   |
| <p>Policy monitoring</p> <p>Most existing CJI policies are DoJ or NICS policies which have been subjected to screening by the appropriate body. CJI will screen any policy it proposes to adopt or has adopted or developed bespoke to its area of operation.</p>   | <p>Equality Officer</p>                         | <p>All existing policies not previously screened to be screened by 31 March 2017</p>                  |
| <p>Access to information and services</p> <p>Reports to be made available to the CEO and Chief Inspector on a monthly basis.</p>  | <p>Equality Officer</p>                         | <p>Access reports to be collated and included in the annual review of operations by 31 March 2017</p> |

## Chapter 8 Our complaints procedure

(Schedule 9 10.)

Complaints made about CJI's activities or its staff are an important source of information from which organisational improvement can be made. In the event of a complaint being made against CJI about an alleged failure of CJI to comply with its approved equality scheme CJI will enable the complainant to bring his/her complaint by providing support such as interpreter services, help with access and other support services.

8.1 CJI is committed to managing complaints throughout their lifecycle; from creation and maintenance through to ultimate disposal; in line with related organisational policies. CJI is responsive to the views of any complainants including members of the public. We will endeavour to resolve all complaints made to us.

All complaints made about CJI are to be clearly identified and recorded following procedures set out in this policy and in the guide to making a complaint published on the CJI website.

CJI is committed to managing complaints to ensure that:

- **The complaint is recorded:**
- **The complaint is dealt with:**
- **The complainant is kept informed**
- **The complaint is used as appropriate to further organisational development:**

8.2 What is a complaint?

A complaint is defined as when a person expresses dissatisfaction with any aspect of CJI's standard of service. This may include the conduct of any permanent or temporary member of CJI or other people carrying out inspection related work for or on behalf of CJI. A person can make a complaint to CJI if the complainant believes he or she may have been directly affected by an alleged failure of CJI to comply with its approved equality

scheme. If the complaint has not been resolved within a reasonable timescale, this type of complaint can be brought to the Equality Commission.

CJI will adopt the following as the framework for managing complaints:

### 8.3 COMPLAINTS PROCEDURE

If anyone wishes to make a complaint about CJI activities or its staff they are directed to take the following steps:

#### **First Stage:**

If you are dissatisfied with any aspect of CJI speak with an appropriate member of CJI and explain your complaint. Alternatively explain your complaint in writing and send it to CJI in hard copy to:

The Complaints Officer  
Criminal Justice Inspection  
Block I,  
Knockview Buildings,  
Stormont Estate  
Belfast BT4 3SJ  
02890 765764

Or you may communicate your complaint by e-mail to: [info@cjini.org](mailto:info@cjini.org)

### 8.4 What a complainant can expect at Stage One:

- CJI will acknowledge in writing, any complaint within 7 working days of receiving it.
- On receipt of a complaint the CJI officer receiving it or an officer nominated by the CJI Complaints Officer will attempt to resolve your complaint by informal resolution.
- CJI will attempt to resolve a first stage complaint as soon as we can and in any case within 15 working days of receiving it.
- If CJI has been unable to resolve your complaint within 15 working days of receipt of it we will write to you and keep you informed of its progress.



## 8.5 What does this mean for a member of staff who receives a complaint?

- Complaints made by any means (written, e-mail, telephone or verbally) will be recorded by the receiving officer using the [complaints register](#) and a link will be forwarded to the Complaints Officer (Chief Executive).
- The Complaints Officer will ensure that the complainant receives written acknowledgement of their complaint within 7 working days.
- The Complaints Officer will direct an appropriate member of staff to attempt to resolve the complaint by informal resolution or will attempt to do so himself/herself.
- The Complaints Officer will ensure that the complaint is dealt with and that the complainant is informed of the outcome within 15 working days of its receipt.
- If the complaint cannot be dealt with during the first 15 days the Complaints Officer will inform the complainant of progress.
- The [complaints register](#) will be kept updated by the officer dealing with the complaint at every stage.
- Once the complaint has been dealt with the Complaints Officer will be responsible for reviewing the work of the investigating officer before signing off the complaint.
- Upon signing off the complaint the Complaints Officer will inform the complainant of its outcome by letter or email where appropriate.
- The Complaints Officer will ensure lessons learned from the complaint will be taken into the next available management review meeting.

The Complaints register is available through the Management System at item 5.0 Obtain Customer Feedback; level 1: Action complaints and incorporate feedback.

If a complainant is dissatisfied with how their complaint has been dealt with at stage one they are advised that they may take the following action:

**Second Stage:**

If you still feel that your complaint has not been resolved to your satisfaction you may contact the Northern Ireland Ombudsman:

By phone: 0800 34 34 24 (this is a Freephone number) or 028 9023 3821

By fax: 028 9023 4912

By E-mail: [ombudsman@ni-ombudsman.org.uk](mailto:ombudsman@ni-ombudsman.org.uk)

By writing to: The Ombudsman, Freepost BEL 1478, Belfast BT1 6BR

By calling, between 9:30 am and 4 pm, at:

The Ombudsman's Office

Progressive House

33 Wellington Place

Belfast

The Northern Ireland Ombudsman deals with complaints from people who believe they have suffered injustice as a result of poor administration or the wrong applications of rules by government departments and public bodies in Northern Ireland. The Ombudsman is the 'last resort', normally only investigating cases when the complainant has already exhausted the formal complaints procedure of the organisation concerned.

All complaints made to the Ombudsman are treated in the strictest confidence. The service is FREE of charge to all complainants.

## 8.6 Policy Review and Audit

The Officer responsible for seeing that this policy is complied with will be the CJI Business Manager.

Compliance with this policy will be regularly monitored.

Following established procedures, monitoring activities will be carried out by the Complaints Officer and by the Business manager.

Such reviews will examine organisational performance and user satisfaction with the system.

Modifications to the policy and procedure will be made if these are found to be unsuitable or ineffective.

Systems compliance and monitoring will be documented and reports will be maintained and published across the organisation on a regular basis.

This policy will be reviewed by the Complaints Officer once every two years or earlier if required, to maintain its relevance, fitness for purpose and ensure it is consistent with current legislation, codes of practice, best practice and any internal changes to the organisation.

The review will be reported on in the appropriate General Staff meeting and to the CJI Audit and Risk Committee.

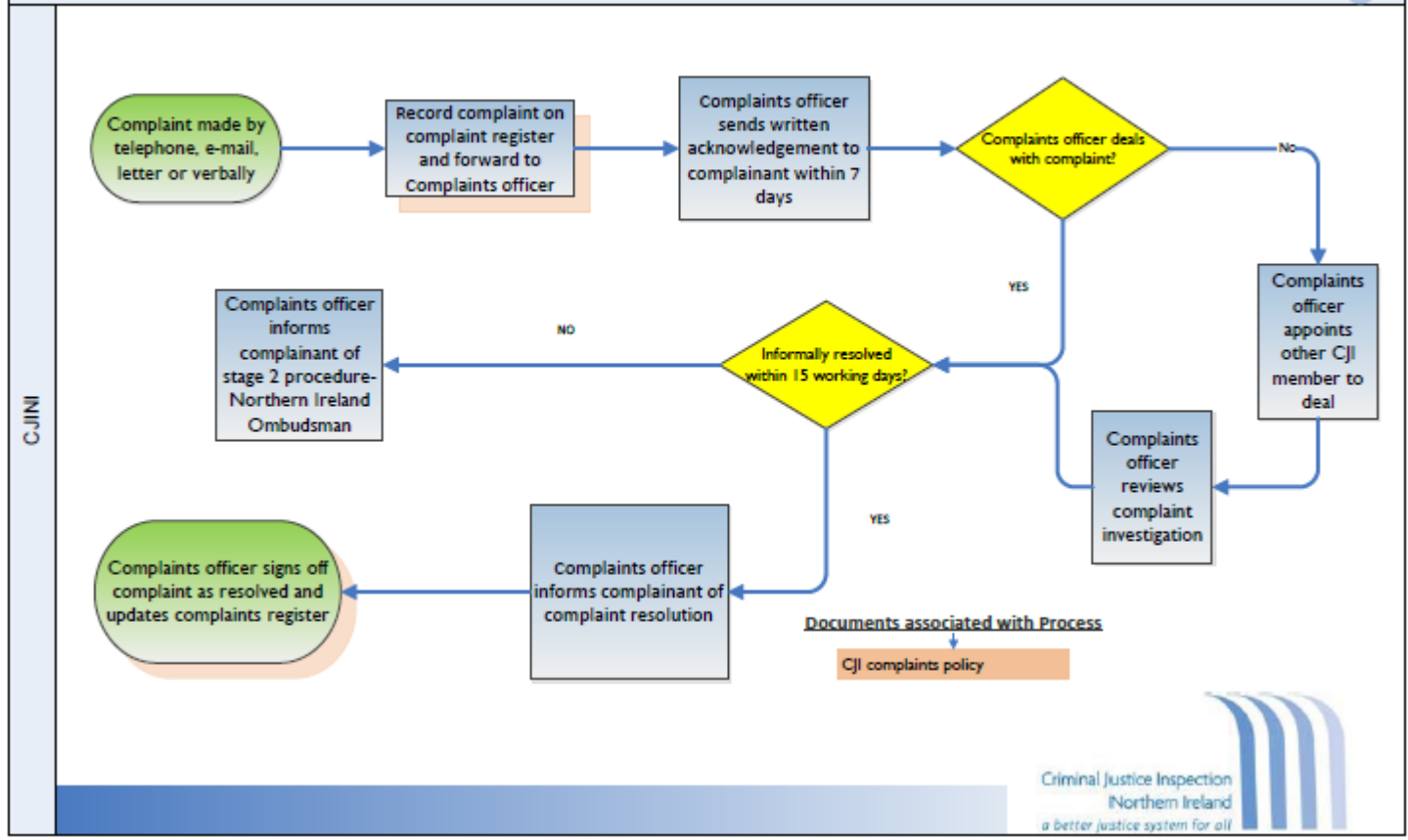
CJI will endeavour to follow this policy within all relevant procedures and guidance used for operational activities. Interpretation of the policy will be monitored and there will be a regularly planned audit to assess how the policy is being put into practice. The policy audit will be conducted after one year of implementation and then subsequently reviewed every two years.

The audit will seek to:

- Identify areas of operation that are covered or not covered by the policy and to identify which procedures and/ or guidance should adhere to the policy;
- Follow a mechanism for adapting the policy to cover missing areas;
- Set requirements by implementing new procedures, including obtaining feedback where the procedures do not match the desired activity;
- Highlight where non-conformance to the procedures is occurring and suggest a tightening of controls and adjustment to related procedure

5.0 Obtain customer feedback, Conduct annual review and stakeholder conference

Level 2: Complaints stage 1



8.7 In any subsequent investigation by the Equality Commission CJI will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require.

Similarly, CJI will co-operate fully with any investigation by the Equality Commission under subparagraph 11 (1) (b) of Schedule 9 to the Northern Ireland Act 1998.

8.8 CJI will make all efforts to implement promptly and in full any recommendations arising out of any Commission investigation.

## **Chapter 9 Publication of our equality scheme**

(Schedule 9 4. (3) (c))

9.1 CJI's equality scheme is available free of charge in print form and alternative formats from:

The Equality Officer,  
CJINI,  
Block I, Knockview Buildings  
Stormont Estate  
Belfast BT4 3SJ  
Telephone 02890765764  
or at [www.cjini.org](http://www.cjini.org)

9.2 The following arrangements are in place for the publication in a timely manner of our equality scheme to ensure equality of access:

- We will make every effort to communicate widely the existence and content of our equality scheme. This may include press releases, prominent advertisements in the press, the internet and direct mail shots to groups representing the various categories in Section 75.
- We will email a link to our approved equality scheme to our consultees on our consultation lists. Other consultees without e-mail will be notified by letter that the scheme is available on request. We will respond to requests for the equality scheme in alternative formats in a timely manner, usually within 4 weeks.
- Our equality scheme is available on request in alternative formats such as Easy Read, Braille, large print, audio formats ( CD, mp3, DAISY) and in minority languages to meet the needs of those not fluent in English.

9.3 For a list of our stakeholders and consultees please see Appendix 3 of the equality scheme, visit our website at [www.cjini.org](http://www.cjini.org)

or contact

The Equality Officer,

CJINI,

Block I, Knockview Buildings

Stormont Estate

Belfast BT4 3SJ

Telephone 02890765764

or at [www.cjini.org](http://www.cjini.org)

## **Chapter 10 Review of our equality scheme**

(Schedule 9 8. (3))

10.1 As required by Schedule 9 paragraph 8 (3) of the Northern Ireland Act 1998 we will conduct a thorough review of this equality scheme. This review will take place either within five years of submission of this equality scheme to the Equality Commission or within a shorter timescale to allow alignment with the review of other planning cycles.

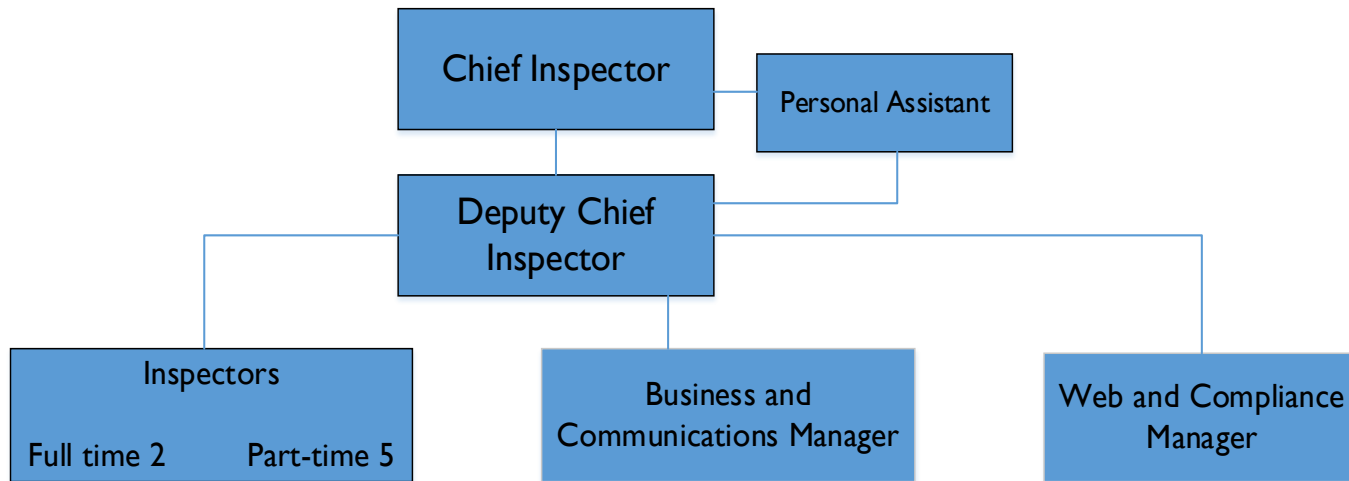
The review will evaluate the effectiveness of our scheme in relation to the implementation of the Section 75 statutory duties relevant to our functions in Northern Ireland.

10.2 In undertaking this review we will follow any guidance issued by the Equality Commission. A report of this review will be made public through our website and will be sent to the Equality Commission.



Appendix I Organisational chart

# Criminal Justice Inspection



## Appendix 2 Example groups relevant to the Section 75 categories for Northern Ireland purposes

*Please note, this list is for illustration purposes only, it is not exhaustive.*

| Category                        | Example groups  |
|---------------------------------|---|
| Religious belief                | Buddhist; Catholic; Hindu; Jewish; Muslims, people of no religious belief; Protestants; Sikh; other faiths.<br><br>For the purposes of Section 75, the term “religious belief” is the same definition as that used in the <i>Fair Employment &amp; Treatment (NI) Order</i> <sup>10</sup> . Therefore, “religious belief” also includes any <i>perceived</i> religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “ <i>similar philosophical belief</i> ”. |
| Political opinion <sup>11</sup> | Nationalist generally; Unionists generally; members/supporters of other political parties.  |
| Racial group                    | Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; Travellers; White people.  |
| Men and women generally         | Men (including boys); Trans-gendered people; Transsexual people; women (including girls).   |
| Marital status                  | Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.   |
| Age                             | Children and young people; older people.  |
| Persons with a disability       | Persons with disabilities as defined by the Disability Discrimination Act 1995.   |

<sup>10</sup> See Section 98 of the Northern Ireland Act 1998, which states: “*In this Act...*”*political opinion*” and “*religious belief*” shall be construed in accordance with Article 2(3) and (4) of the *Fair Employment & Treatment (NI) Order 1998*.”

<sup>11</sup> *ibid*

|                         |  |
|-------------------------|--|
| Persons with dependants | Persons with personal responsibility for the care of a child; for the care of a person with a disability; or the care of a dependant older person. |
| Sexual orientation      | Bisexual people; heterosexual people; gay or lesbian people.   |

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### **Appendix 3 List of consultees**

(Schedule 9 4. (2) (a))

This list of consultees is not exhaustive and is reviewed on an annual basis to ensure it remains up to date and relevant to our functions and policies. The list is tailored to each Inspection topic CJI pursues to ensure all relevant organisations and individuals are included to the fullest extent in each individual inspection.

Action for Children

Age NI

All major political parties in Northern Ireland

Amnesty International

An Munia Tober

ASCERT

Assembly Ombudsman for Northern Ireland

Barnardos

Belfast Door Outreach Project

Belfast Harbour Commissioners

Belfast International Airport Ltd

Belfast RESPECT

Childline

Children's Law Centre

Consumer Council

Community Relations Council

Community Restorative Justice Ireland

Commission for Victims and Survivors Northern Ireland

Compensation Agency

Chinese Welfare Association

Department for Communities

Department for the Economy

Department of Health

Department of Justice

Department of Agriculture, Environment and Rural Affairs

Disability Action

Equality Commission Northern Ireland  
Education and Training Inspectorate  
Equality Coalition  
Extern  
Forensic Science Northern Ireland  
Health and Safety Executive for Northern Ireland  
Institute for Conflict Research  
Include Youth  
Larne Harbour Ltd  
Legal Services Commission  
Links Youth Work Project  
National Children's Bureau  
NEXUS Institute  
Northern Ireland African Cultural Centre  
Northern Ireland Assembly  
Northern Ireland Association for the Care and Resettlement of Offenders  
Northern Ireland Audit Office  
Northern Ireland Child Maintenance & Enforcement Division  
Northern Ireland Commissioner for Children and Young People  
Northern Ireland Council for Ethnic Minorities  
Northern Ireland Council for Voluntary Action  
Northern Ireland Courts and Tribunal Service  
Northern Ireland Human Rights Commission  
Northern Ireland Prison Service  
Northern Ireland Probation Board  
Northern Ireland Public Service Alliance  
Northern Ireland Ombudsman  
Northern Ireland Social Security Agency  
Northern Ireland Tourist Board  
NSPCC  
Office of the Police Ombudsman for Northern Ireland  
Opportunity Youth  
Parole Commissioners

Pat Finucane Centre  
Police Ombudsman for Northern Ireland  
Police Service of Northern Ireland  
Prince's Trust  
Prisoner Ombudsman  
Probation Board for Northern Ireland  
Public Prosecution Service for Northern Ireland  
Queens University Belfast  
Rainbow Project  
Rape Crisis and Sexual Abuse Centre  
Rathbone  
Regulation and Quality Improvement Authority  
Royal Mail Group  
Rural Community Network  
Save the Children  
Simon Community  
South East Health and Social Services Trust  
State Pathologist's Department  
Supporting Communities Northern Ireland  
Training for Life  
Ulster Quaker Service Committee  
University College Dublin  
University of Ulster  
Victim Support Northern Ireland  
Women's Aid Federation (NI)  
Youth Justice Agency

## Appendix 4 Timetable for measures proposed

(Schedule 9 4.(3) (b))

| Measure                                | Lead responsibility              | Timetable  |
|--|----------------------------------|--|
| Section 75 Annual Progress Report      | Equality Officer/Chief Executive | 31 August (annually)                               |
| <b>Action plan</b>                     |                                  |  |
| Consultation on draft action plan      | Equality Officer                 | Alongside consultation on Equality Scheme          |
| Finalised action plan published        | Equality Officer/Chief Executive | 31 March 2017                                      |
| Delivery of action plan                | Equality officer/Chief Executive | By end of corporate planning cycle – 31 March 2017 |
| Consultation list reviewed and updated | Equality Officer                 | March (annually)                                   |
| Screening Reports                      | Equality Officer                 | Quarterly  |
| Communication of Equality Scheme       | Equality Officer                 | March 2017   |
| Review of Equality Scheme              | Equality Officer                 | Five Year Review                                   |

## **Appendix 5 Glossary of terms**

### Action Plan

A plan which sets out actions a public authority will take to implement its Section 75 statutory duties. It is a mechanism for the realisation of measures to achieve equality outcomes for the Section 75 equality and good relations categories.

### Measures and outcomes

Specific measures to promote equality and good relations for the relevant Section 75 and good relations categories, linked to achievable outcomes, which should be realistic and timely.

### Adverse impact

Where a Section 75 category has been affected differently by a policy and the effect is less favourable, it is known as adverse impact. If a policy has an adverse impact on a Section 75 category, a public authority must consider whether or not the adverse impact is unlawfully discriminatory. In either case a public authority must take measures to redress the adverse impact, by considering mitigating measures and/or alternative ways of delivering the policy.

### Affirmative action

In general terms, affirmative action can be defined as being anything consistent with the legislation which is necessary to bring about positive change. It is a phrase used in the Fair Employment and Treatment Order (NI) 1998 to describe lawful action that is aimed at promoting equality of opportunity and fair participation in employment between members of the Protestant and Catholic communities in Northern Ireland.

### Audit of inequalities

An audit of inequalities is a systematic review and analysis of inequalities which exist for service users and those affected by a public authority's policies. An audit can be used by a public authority to inform its work in relation to the Section 75 equality and good relations duties. It can also enable public authorities to assess progress on the implementation of the Section 75 statutory duties, as it provides baseline information on existing inequalities relevant to a public authority's functions.



### Consultation

In the context of Section 75, consultation is the process of asking those affected by a policy, i.e. service users, staff, the general public for their views on how the policy could be implemented more effectively to promote equality of opportunity across the 9 categories. Different circumstances will call for different types of consultation. Consultations could, for example, include meetings, focus groups, surveys and questionnaires.

### Differential impact

Differential impact occurs where a Section 75 group has been affected differently by a policy. This effect could either be positive, neutral or negative. A public authority must make a judgement as to whether a policy has a differential impact and then it must determine whether the impact is adverse, based on a systematic appraisal of the accumulated information.

### Equality impact assessment

The mechanism underpinning Section 75, where existing and proposed policies are assessed in order to determine whether they have an adverse impact on equality of opportunity for the relevant Section 75 categories. Equality impact assessments require the analysis of both quantitative and qualitative data.

### Equality of opportunity

The prevention, elimination or regulation of discrimination between people on grounds of characteristics including sex, marital status, age, disability, religious belief, political opinion, dependants, race and sexual orientation. The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive measures to be taken to secure equality of opportunity between the categories identified under Section 75.

### Equality Scheme

A document which outlines a public authority's arrangements for complying with its Section 75 obligations. An Equality Scheme must include an outline of the public authority's arrangements for carrying out consultations, screening, and equality impact assessments, monitoring, training and arrangements for ensuring access to information and services.

### Good Relations

Although not defined in the legislation, the Commission has agreed the following working definition of good relations: 'the growth of relations and structures for Northern Ireland that acknowledge the religious, political and racial context of this society, and that seek to promote respect, equity and trust, and embrace diversity in all its forms'.

### Mainstreaming equality

The integration of equal opportunities principles, strategies and practices into the every day work of public authorities from the outset. Mainstreaming can help improve methods of working by increasing a public authority's accountability, responsiveness to need and relations with the public. It can bring added value at many levels.

### Mitigation of adverse impact

Where an equality impact assessment reveals that a particular policy has an adverse impact on equality of opportunity, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant Section 75 categories; this is known as mitigating adverse impact.

### Monitoring

Monitoring consists of continuously scrutinising and evaluating a policy to assess its impact on the Section 75 categories. Monitoring must be sensitive to the issues associated with human rights and privacy. Public authorities should seek advice from consultees and Section 75 representative groups when setting up monitoring systems. Monitoring consists of the collection of relevant information and evaluation of policies. It is not solely about the collection of data, it can also take the form of regular meetings and reporting of research undertaken. Monitoring is not an end in itself but provides the data for the next cycle of policy screening.

### Northern Ireland Act

The Northern Ireland Act, implementing the Good Friday Agreement, received Royal Assent on 19 November 1998. Section 75 of the Act created the statutory equality duties.

## Policy

The formal and informal decisions a public authority makes in relation to carrying out its duties. Defined in the New Oxford English Dictionary as ‘a course or principle of action adopted or proposed by a government party, business or individual’. In the context of Section 75, the term “policies” covers all the ways in which a public authority carries out or proposes to carry out its functions relating to Northern Ireland. Policies include unwritten as well as written policies. In the context of the operations of CJI the inspection programme is regarded as ‘policy’.

## Schedule 9

Schedule 9 of the Northern Ireland Act 1998 sets out detailed provisions for the enforcement of the Section 75 statutory duties, including an outline of what should be included in an Equality Scheme.

## Section 75

Section 75 of the Northern Ireland Act provides that each public authority is required, in carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:-

- persons of different religious belief, political opinion, racial group, age, marital status and sexual orientation;
- men and women generally;
- persons with a disability and persons without; and
- persons with dependants and persons without

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

**Appendix 6 Equality Action Plan (This action plan will not form part of the approved equality scheme)**

| Identified Inequality  | Section 75 Groups                              | Action Measure  | Outcome  | Performance Indicator  | Lead Responsibility & Timescale   |
|--|--|---|--|--|---|
| <p>Young people are overrepresented in the justice system whether as victims or offenders. This is especially so with regard to young males and community background. Not all children and young people get the best start in life, particularly Looked After Children</p> | <p>Age<br/>Gender<br/>Dependant<br/>Status</p> | <p>To take cognisance of Section 75 categories in all inspection processes and reports. To continue inspection work focusing on young people in the justice system to identify any differential impacts in outcomes experienced by, and identifying particular needs, of service users, including:</p> <p>Effectiveness of Youth Interventions and Diversions during 2017-2019;<br/>The Treatment of Victims and Witnesses;<br/>Complaints;<br/>Child Sexual Exploitation (CSE);<br/>Human trafficking;<br/>Juvenile Justice inspections;<br/>Equality and Diversity;<br/>Domestic Violence;<br/>Sexual Violence;<br/>Local Policing;<br/>Police Custody;</p> | <p>Identification of differential impacts for equality groups of service users. This information will assist the formulations of recommendations for change within the justice system.</p> | <p>To produce an inspection report that includes analysis to identify whether there is differential impact in terms of outcomes for the relevant section 75 categories. To identify through inspection, particular needs of section 75 groups.</p> | <p><b>CEO and lead Inspector for each of the inspections identified in Action Measure</b></p> <p>March 2019</p> |

|  |   |  |   |   |  |
|--|---|--|---|---|--|
|  |   | Avoidable Delay;<br>Also follow-up review of Youth Conferencing.   |   |   |  |
| Lack of provision for people with disabilities within the justice system.<br><br>To increase the quality of justice system engagement for people with disabilities | Disability (learning and mental health disabilities as well as those with literacy and communication disabilities). | Inspection work which includes examining the provisions made by the justice system for people with disabilities:<br>Adult Safeguarding;<br>Complaints;<br>Prison Inspections;<br>Partnership working between agencies and departments;<br>Policing community safety partnerships;<br>Police Custody;<br>Local Policing;<br>Equality and Diversity;<br>Domestic Violence;<br>Sexual Violence;<br>Victims and Witnesses;<br>CSE;<br>Human Trafficking;<br>Avoidable delay. | Formulation of evidence based recommendations to justice agencies for improvements in the provision of services for people with disabilities. | Publication of inspection reports and the annual summary of inspection findings with recommendations that are framed to improve the provision of services for people with disabilities. | <b>CEO and lead Inspector for each of the inspections identified in Action Measure</b><br><br>March 2019 |
| We have an aging population. Older people are perceived to be especially vulnerable and have   | Age   | Inspections of:<br>Adult Safeguarding;<br>Complaints;<br>Policing community safety partnerships;<br>Prisons inspections;   | Recommendations to the relevant justice agencies aimed at providing improved services to older  | Inspection reports with recommendations which include those aimed at reducing older people's fear of  | <b>CEO and lead Inspector for each of the inspections identified in</b>                                  |

|   |  |   |  |  |  |
|---|--|---|--|--|--|
| <p>an increased fear of crime compared to other users of the justice system. Similarly, the needs of aging prisoners have specific health requirements.</p> |  | <p>Equality and Diversity;<br/>Domestic Violence;<br/>Sexual violence;<br/>Avoidable delay</p>          | <p>people and reducing their fear of crime.</p>  | <p>crime and improvement of the provision of services to older people.</p>   | <p><b>Action Measure</b></p> <p>March 2019</p> |
| <p>Specific areas of inequality as identified by S.75</p>   | <p>Race<br/>Age<br/>Gender<br/>Nationality</p> | <p>Inspections of:<br/><br/>Human trafficking;<br/>CSE;<br/>Domestic Violence;<br/>Sexual Violence.</p> | <p>Recommendations to the relevant justice agencies aimed at providing improved services to those groups and individuals exposed to human trafficking and Child sexual exploitation.</p> | <p>Publication of inspection reports and the annual summary of inspection findings with recommendations that are framed to deal with crimes of human trafficking and child sexual exploitation and improve the service to these particular groups and individuals.</p> |  |