



2 July 2021

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Dear Ms Pearson

TEO – Building Forward: Draft Consolidated NI COVID-19 Recovery Plan – Final Draft

Thank you for your letter to the Chief Commissioner of 24 June seeking our expert views on the final draft of *Building Forward: Consolidated NI COVID-19 Recovery Plan*, which has been passed to me for reply. We welcome its development and the intent to use the Plan as a ‘recovery’ bridge between efforts to initially ‘respond’ to the pandemic and those to subsequently ‘renew’ and improve the delivery of public services through future Programmes for Government

While we accept that there is a need to respond to the pandemic at pace, we however regret that this final draft version has been shared with the Commission / key stakeholders with only one week to consider. Advance notice of the request might have allowed us to plan more time to consider. Our response reflects what has been possible to produce in the limited time available and should be considered an initial response. We reserve the right to revert with further comment on the Plan, which we understand is to be a ‘living document’ and subject to change over time.

I make some general points in this letter and in the Annex you will find additional comments and information which I trust are helpful to you in the next stage of planning. We have not completed the online survey in light of time constraints and your request for feedback by 5pm today.

In general terms, we consider that a targeted plan of immediate time-bound interventions has the potential to ensure individuals and groups are better off. However, there is a need for the Executive Office, Departments and wider Public Authorities to ensure that the proposed Recovery Plan comprehensively and directly addresses inequalities impacting on people in the statutory equality groups, which have emerged, or been exacerbated by, the COVID-19 pandemic and/or the policy responses to it. We set out in the attached Annex a number of issues that we consider the Recovery Plan should address.

Section 75 Statutory Duties

The Commission is concerned that the Final Draft Recovery Plan does not include any indication that TEO or the other Departments have paid due regard to the need to promote equality of opportunity between persons across the range of protected statutory equality grounds, as required by the Section 75 duties set out in the Northern Ireland Act 1998 (the section 75 duties). It does not contain any equality assessment (screening/EQIA) and nor does it demonstrate how the duties have impacted on the development of this Plan. Evidence of impacts and opportunities to promote equality are not presented across the Section 75 grounds, mitigation measures are not identified or alternate policies considered.

We have consistently highlighted the importance of ensuring that the existing equality frameworks are used in support of planning and policy development in the work of Government, the Executive and officials in the context of addressing COVID 19. Equality matters in such difficult times - both in the initial response to the pandemic and also in the longer term recovery from it.

In making decisions about actions, Ministers and officials will need to weigh carefully potential impacts that such decisions have on those who are already disadvantaged, ensuring that any inequalities are not exacerbated, and that individuals are not exposed unnecessarily to direct or indirect risks or further disadvantaged.

The Commission recommends that TEO follows the arrangements in its equality scheme and equality assesses this Plan. This equality assessment should clarify the responsibilities for the application of the statutory duties as policies arising from the Plan are implemented. Where more than one public authority has some responsibility for

developing policy, each public authority should satisfy itself that it has paid the appropriate level of regard to the statutory duties and adhered to its equality scheme arrangements. In addition, monitoring arrangements should be established, in adherence with equality scheme arrangements, to monitor any adverse impacts of the adopted policies, so that any mitigations may be considered in a timely manner. In this context, it is stressed that the Section 75 statutory duties are continuing duties, with considerations of equality and/or good relations required as policies arising from the Plan are further reviewed and developed.

I understand, following a request earlier this week on the application of the equality duties to the Draft Plan, that some initial work is being done to seek information from Departments and that contact will be made with our advisory staff shortly.

Tackling Inequality

We welcome the Draft Recovery Plan including ‘tackling inequalities’ as one of its four ‘recovery’ accelerators. We are however concerned that neither this accelerator, nor the wider document, makes explicit reference to tackling inequalities across the statutory equality grounds covered by the Section 75 duties.

We note that the strategic intent statement under the ‘tackling inequalities’ accelerator is “*We have an inclusive society where people have equitable access to opportunities*”. It is not clear what this means nor why the phrase ‘equality of opportunity’ is not used, the language of the equality law frameworks. We recommend that this is reviewed.

More broadly, the draft Plan does not convey that it is built on any analysis of COVID-19 impacts across the full range of equality grounds. While there is some mention of issues (for example age, gender or disability), the Plan generally does not convey a consideration of the impacts of COVID-19 on equality grounds or that it directly addresses specific inequalities across the protected statutory equality grounds which have emerged, or been exacerbated by, COVID-19. Indeed, data presented often spans a time period well before the onset of the COVID-19 in March 2020.

Across the Plan as a whole, we recommend that evidence-based policy proposals should be built on analyses of key metrics which are also disaggregated by equality ground. Doing so should enable actions to be identified, prioritised and targeted at advancing equality of opportunity

for equality groups and at reducing disparities between equality groups across all key metrics – with a particular focus on areas which have emerged, or been exacerbated by COVID-19 and/or the public policy response to it.

We also note that, where there are references to issues impacting on some equality groups in the Plan, it is often not clear if or how actions in the annex are explicitly targeted to addressing the issue(s) identified. We recommend that this is reviewed.

Progress Measurement/Equality Data

We note the indication (p20) that a *“laser-focus on progress measurement over the period will be needed to effectively mobilise and move from Recovery Planning to data-driven implementation.”*

To inform effective responses, tailored to the specific circumstances and needs in Northern Ireland, we recommend that TEO and wider Departments ensure that data which spans the range of equality groups is comprehensively collected, analysed and reported for all key outcome and programme metrics.

All relevant measures should not only be tracked in aggregate but also tracked for the impact on individuals from across each of the Section 75 equality grounds.

Adopting this as a key supporting focus of the Recovery Plan will assist Departments to identify and address any disparities by equality groups across key outcome measures. It should also help ensure that ‘recovery’ actions are more tightly targeted to tackle inequalities which have emerged due to, or been exacerbated by, COVID-19. In addition, it can seed longer term improvements into future Programmes for Government and the ‘renew’ focus. Following our recommendation on this would be consistent with, and contribute to, the ‘strengthening’ aspects of the supporting action plan and, if effectively progressed, to the longer term ‘innovation’ and transformation’ goals.

Given that the Draft Recovery Plan and actions are intended as a bridge between the ‘respond’ and ‘renew’ phases, the latter of which will be taken forward by future Programmes for Government, it is vital also that the ‘recovery’ plans set out what will be achieved (outcomes and outputs) by the end of the (proposed 24 month) delivery period. This will

enable officials and wider stakeholders to monitor and ensure appropriate progress across the priority areas.

We set out a number of additional points aligned to the four Recovery Accelerators and wider Recovery Plan in Annex 1.

I trust that this is helpful and look forward to further engagement in due course.

Yours sincerely

Personal Data

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