

Governance and Accountability Notice 03/20 – Section 75 duties when developing Covid-19 related policies

From: Alan Russell

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To: Heads of Division

Purpose

1. The purpose of this Notice is bring to your attention new guidance from the Equality Commission on Section 75 duties when developing Covid-19 related policies. The guidance is available on the Commission's website.

Key Points

2. The normal statutory duties to have due regard to the need to promote equality of opportunity and the desirability of promoting good relations when implementing new or revised policies still apply during the pandemic.
3. In practice these duties will continue to be met through the Equality Screening and (if deemed necessary) Equality Impact Assessment processes. Equality Screening must be undertaken during the decision-making process, not afterwards, with the completed Screening used to inform the final policy decision.
4. However, it is recognised that the development of policies to alleviate the consequences of Covid-19 may need to be developed and implemented with the utmost urgency. In such instances, if the Screening cannot be completed before the policy is implemented, it should be conducted as soon as practicable afterwards. The results of the Screening should then be used to inform any necessary reviews to the policy and future decision-making regarding its extension/continuation.
5. Where it is deemed necessary to implement the policy before the Screening can be conducted, a clear written record should be kept outlining the supporting rationale.

Action

6. You should bring this new guidance to the attention of relevant staff within your Division. Sponsor Teams should also share with their ALBs as appropriate.

Alan Russell

Head of Corporate Governance and Equality Branch