

Ilex Draft Regeneration Masterplan – Draft Equality Impact Assessment Response to the Draft EQIA

Participation and the Practice of Rights (PPR)

Participation and the Practice of Rights (PPR) supports disadvantaged communities and groups to assert their right to participation in social and economic decisions which affect their lives. Currently PPR works on issues including mental health, adequate housing, regeneration and the right to play with groups across the island of Ireland.

In 2008 PPR convened the Girdwood Residents Jury. A diverse group of residents from the communities surrounding the Girdwood Barracks/Crumlin Road Gaol site in North Belfast heard evidence from a range of local, national and international experts on how regeneration can improve quality of life in accordance with human rights standards. PPR staff and members of the Girdwood Residents' Jury welcomed the invitation to deliver a presentation at the 'Changing Patterns – Changing Outcomes' Conference held by Ilex on 20th November 2008 in Derry. The seminar "focused on learning from... past experiences and on changing the existing patterns of deprivation by ensuring the participation of the community, in order to ensure that the outcomes of this regeneration project effectively tackle inequality." ('Changing Patterns – Changing Outcomes' Conference Report, p.1). The content of that presentation focused on how to ensure equality, participation and accountability are mainstreamed into a regeneration process.

PPR welcomes the opportunity to respond to the Ilex Regeneration Draft EQIA received from Ilex on 5th January 2011, and to make a continued contribution to the objective of changing existing patterns of inequality and outcomes which currently fail the most marginalized in our society. PPR's consultation response is structured as follows:

- 1. Ilex Mission Statement**
- 2. Overall impact assessed without consideration of individual proposals**
- 3. Lack of effective targets to promote equality**
- 4. Problems with determination of impacts**
- 5. Failure to consider documented religious inequalities**
- 6. 'Targeting' Without Prioritising**
- 7. 'Spatial Targeting', Statutory Duty and Religious Inequality**
- 8. Consideration of Mitigating Measures & Alternative Policies/Options**
- 9. Conclusion**

1. Ilex Mission Statement

1.1 PPR welcomes the Mission Statement of the Ilex Regeneration as providing a solid basis and criteria from which to mainstream the promotion of equality and targeting of objective need through the development, implementation, and evaluation of the regeneration proposals:

"Our Mission is to deliver Renewal – Economic, Physical and Social, building a stronger and more vibrant economy with increased prosperity for our city and region, in ways which ensure that opportunities and benefits from regeneration are targeted towards the most deprived groups in our communities."

"In using the words "targeted/targeting" throughout this document we mean that, in developing all proposals for the Mark II Regeneration and Investment Plans, the

proposals must demonstrate how they will bring about measurable improvements for those groups who have been identified as experiencing inequality, for example in housing, education, employment, and health.” – Mission Statement for the Ilex Regeneration (*emphasis added*).

- 1.2 Despite this Mission Statement, and the obvious extensive work that went into producing the Draft EQIA, PPR is concerned that the overall Draft EQIA, in its current form, is not capable of targeting resources at those experiencing inequality, and of delivering on the Mission Statement.

2. Overall impact assessed without consideration of individual proposals

- 2.1 It is a cause for concern that the Ilex Draft EQIA defers the consideration of the equality impacts of catalyst programmes and supporting actions, two extremely critical elements of the regeneration plan, to a future date:

*“recognising the strategic focus of the Regeneration Plan, the equality impacts of **individual** catalyst programmes and supporting actions, which may be delivered, are not specifically considered here. These will continue to be subject to equality screening and, where appropriate and in line with statutory duty, full EQIA by the relevant departments and their agencies and relevant statutory authorities...”* (p.60)

There are 114 proposals under the heading of catalyst programmes and supporting actions. The detail in which they are presented shows that they have been given thorough consideration (p.206-217), yet they have not been the subject of an equality analysis.

- 2.2 The failure to consider the equality impacts of these proposals is justified on the basis that the current Ilex Draft EQIA is “strategic” in focus (p.60).
- 2.3 **PPR would like to emphasise that the ‘overall’ impacts of a regeneration process cannot be properly assessed if the individual impacts of proposals have not been determined.**
- 2.4 This fracturing of the EQIA process, is identical to the approach utilised by the North Belfast Community Action Unit in the Girdwood Barracks and Crumlin Road Gaol Regeneration Final EQIA (March 2010). This approach was criticised by the Girdwood Residents Jury as ineffective in mainstreaming equality precisely because the details of specific measures proposed to promote equality, and the assessments of these, were deferred – when these should actually be central to the process. These criticisms are applicable to the Ilex Draft EQIA.
- 2.5 On this basis, the commitment in the Ilex Mission Statement, to demonstrate how all of the proposals will bring about measurable improvements for groups experiencing inequality, cannot be fulfilled.

3. Lack of effective targets to promote equality

- 3.1 Joe McNeely of the Central Baltimore Partnership, (invited speaker at ‘*Changing Patterns – Changing Outcomes*’) spoke in May 2008 at the Girdwood Residents Jury event in Belfast, about the importance of developing targets which will address need and inequality:

*“We have learned over the years that a plan is not a worthy tool unless it had its implementation plan already in place and that includes the concrete steps for achieving human rights and social objectives. **It is not enough to make general references to the deprivation of the community, there have to be specific mechanisms and timetables spelled out...**” (emphasis added)*

- 3.2 This is expressed clearly in the Ilex Regeneration Mission statement through its requirement that all proposals must demonstrate how they will bring about measurable improvements for those experiencing inequality. However, the current Draft EQIA does not fulfill this requirement.
- 3.3 The Draft EQIA is structured around 5 Transformational Themes - Employment & Economy, Education & Skills, Building Better Communities, Health & Wellbeing, and Sustainable & Connected City Region. Each theme includes a range of actions. The Draft EQIA outlines what are defined as ‘indicative’ targets – 18 in total - which are intended outcomes from the range of proposals. These targets will be used, during the monitoring and evaluation stages to measure whether or not the proposals listed under each of the Transformational Themes have been successful or not.
- 3.4 Of the 18 targets listed in the Draft EQIA, only one relates to the promotion of equality under Section 75, and that is the adoption of measures to promote equality for “young protestant males” as regards educational attainment (p.44).
- 3.5 The Post Project Evaluation of the Gasworks Regeneration (a model of regeneration which received heavy criticism at the ‘*Changing Patterns – Changing Outcomes*’ Conference) evidenced how the ‘targets’ for that regeneration were not linked to promoting equality but rather relied on a ‘trickle-down’ approach. Ken Humphries, of the Churches Community Work Alliance, spoke at the ‘*Changing Patterns – Changing Outcomes*’ conference, spoke of the “unspoken realities” of the Gasworks regeneration:

“There are currently 4500 people employed at the Gasworks, out of which 12 come from the local community. 3 call centre workers, 7 cleaners, 1 tea lady and a shop assistant”

Residents in Donegall Pass, Lower Ormeau and Markets and of South Belfast were failed by the regeneration. The Ilex Draft EQIA adopts only a slightly modified version of this approach.

- 3.6 Instead of demonstrating how they will bring about measurable improvements for those identified as experiencing inequality, the rest of the ‘targets’ are either:
- ‘net-based’ (e.g. “Inward Investment – attract an average of at least 500 jobs per annum up to 2020 from investment outside the city” (p.40)
 - broad ‘area based’ targets (e.g. “Labour Market Inequality – increase resident employment rate to a minimum of 50% for all wards by 2020”).

These points, respectively, rely on a ‘trickle-down’ theory of benefit to those experiencing inequality or are likely to be achieved by engaging those closer to the labour market rather than those furthest away.

- 3.7 In the context of a Draft EQIA which intends to take a ‘strategic focus’ (p.60), and which has involved the collection of a vast amount of data, it is unclear why there are not more targets aimed specifically at promoting equality. PPR is concerned that this approach fails to deliver on the Mission Statement which requires:

“the proposals must demonstrate how they will bring about measurable improvements for those groups who have been identified as experiencing inequality, for example in housing, education, employment, and health.”

- 3.8 Additionally, one of the targets entitled ‘Poverty’ commits to achieving “a reduction in Income Support claimants from 16% to less than 9% by 2020 (equivalent to at least 4,000 fewer income support claimants)” (p.46). It is important to note that the re-categorisation of individuals from official ‘economic inactivity’ to official ‘economic activity’, as determined by the type of benefit being claimed, does not necessarily result in enhanced opportunities or outcomes. For example, there is concern that the recent attempts by the current UK Government to reduce the numbers of claimants on Income Support will result in the inaccurate re-categorisation of existing claimants – and effectively reduce their benefit entitlements.

This is currently occurring with existing Income Support and Incapacity Benefit claimants being re-designated to Employment and Support Allowance and Job Seekers Allowance. Ilex needs to ensure that targets are capable of being linked to concrete outcomes from the actual regeneration proposals, and that they promote equality.

- 3.9 The Draft EQIA must include measurable targets which aim to promote equality for identified groups if it is to be capable of delivering on the commitments outlined in the Mission Statement.

4. Problems with determination of impacts

- 4.1 PPR has a number of concerns regarding the section on ‘Consideration of Adverse Impact’, as outlined below:

4.2 a) The ‘Consideration of Adverse Impact’ section draws conclusions which are not evidenced based

Individual proposals (under catalyst programmes, and supporting actions) which have not been subject to an equality analysis, are cited in this section (p.60-170) to evidence that there will be “No Adverse Impact” on the nine Section 75 groups. One example includes:

“In delivering the Regeneration Plan, the Strategy Board is committed to addressing the barriers to education. It is anticipated, therefore, that the implementation of the priority area in education will have a positive impact on Irish Travellers, Chinese and people whose first language is not English.” (p.99, emphasis added)

- 4.2.1. Beyond the stated commitment of the Strategy Board, no evidence is provided as to how this will be done and no equality targets are developed. Measures to promote equality for groups should be outlined clearly in this Draft EQIA.

4.3 b) New definitions of ‘adverse impact’

- 4.3.1 On at least nine occasions throughout this section (p.60-170), a new ‘grading’ of adverse impact is introduced into the assessment. Instead of stating that there will be “no adverse impacts” on particular Section 75 groups, the document states that there will be “no significant adverse impact” on particular groups. On the face of it, this seems to suggest that there will indeed be an “adverse impact”, but as this formulation lacks any legislative basis it is unclear how this is being defined.

4.3.2 The Draft EQIA also draws the conclusion several times that there will be a “differential impact” on a particular group(s), but then goes on to say that there is no “evidence” of the “differential impact” becoming an “adverse impact”, for example:

*“Overall, while recognising that there may be differential impacts, **there is no evidence of an adverse impact on persons of different age**, rather it is concluded that implementation of the measures associated with the priority will benefit all groups.” (p.70 – emphasis added)*

4.3.3 Despite the plethora of statistics and tables used in the EQIA, no evidential basis is presented which is capable of supporting these statements, such as the one above.

4.4 c) Making a conclusion on Adverse Impact

4.4.1 On at least seven occasions (p.113, 124, 135, 138, 154 (2), 158) the Draft EQIA fails to reach a final assessment of adverse impact, following consideration of an issue across the nine named groups.

4.4.2 Conversely, on at least two occasions, (p.153/4, 164) there is **no** consideration of evidence - yet an assessment of “no adverse impact” **is** concluded. This is particularly concerning as the subject at hand is the impact of ‘Health & Well Being’ proposals on people of different ages. As peoples health needs change with age, this is an area that would obviously require consideration of evidence.

4.5 The core problem with this section is that there is no evidential basis from which to determine the impacts of the proposals, precisely because the equality impacts of individual proposals – either the potential for adverse impact or the ability to promote equality – have not been assessed.

5. Failure to consider documented religious inequalities

5.1 The Ilex Draft EQIA does cite the relationship between poverty and religion (p.138/9) noting that Catholics are at greater risk of multiple deprivation. However there is no subsequent targeting of this Section 75 group in any of the proposals.

5.2 Despite the consideration of employment and housing issues, the Ilex Draft EQIA is silent on religious inequality in relation to these themes.

5.3 According to the 2009 Labour Force Survey Religion Survey Report (National Statistics & NISRA, November 2010) Catholics (who make up 42% of the NI population) comprise 61% of the long-term unemployed (unemployed for 12+ months), compared to 39% of Protestants (who make up 50% of the population). 31% of Catholics are economically inactive, compared to 25% of Protestants. Additionally, according to the 2008 Annual Average of Long Term Unemployment (DETI), 29 of the top 38 electoral wards most affected by employment deprivation across Northern Ireland have at least an 85% ‘catholic’ population. Such statistics warrant and require further examination into religious inequality to indicate what measures to promote equality are required.

5.4 Information similar to that quoted above is neither included nor explored in the Draft EQIA. This is a very worrying omission given the historical link between religious belief and employment patterns in Northern Ireland. In order to ascertain religious differentials, and establish if measures to promote equality on the

grounds of religion are required, this information should be considered as part of any EQIA. This is particularly important as the Equality Commission's report 'Employment Inequalities in an Economic Downturn', (September 2010) notes that long-term unemployment "also brings with it other social problems including poverty, homelessness, ill health, crime, drug and alcohol abuse and the impact on the wider household." (p.21)

5.5 In relation to housing, the Ilex Draft EQIA states:

"The Strategy Board commitment to tackling inequalities in the access to affordable housing, advice and assistance is likely to have a positive impact on areas across the city which experience housing stress and a lack of affordable housing." (p.123)

However, the Draft EQIA does not describe any measures being taken to address such housing inequality. Instead, the section which considers housing (Building Better Communities, p.122-151) refers on numerous occasions to proposals for "shared housing" schemes to promote "good relations" and address "segregation".

5.6 The role that housing inequality played in the conflict is well documented. So too is the continuing impact of the religious differential which impedes Catholic applicants from accessing housing in areas such as North Belfast, West Belfast and Derry. Figures provided to PPR by the Northern Ireland Housing Executive in March 2009 demonstrate that Catholics in Derry are almost 10 times as likely to be in housing stress and on the waiting list than their Protestant neighbours (NIHE CLA Areas Londonderry 1, 2, and 3 - 631 Catholic applicants, and 65 Protestant applicants in housing stress). However, while consideration is given to evidence of discrimination and inequality in housing for groups of different gender, age, and racial origin, any consideration of religious inequality is entirely absent from this section.

5.7 While religious differentials in housing are not considered, the good relations aspect of housing is considered at length (p.139), with a conclusion being drawn that:

"a key aim of the priority is also to address sectarianism, racism and intolerance and to build a shared and better future." (p.139)

Trying to build good relations on foundations of inequality is like trying to build good relations on sand. Not only is the Section 75(1) duty to promote equality of opportunity a higher duty than the section 75(2) good relations duty, but the legislation also dictates that section 75(2) should be pursued in a manner which does not 'prejudice' the duty to promote equality of opportunity contained in section 75(1). Given this, the approach taken by Ilex to housing inequality is incompatible with the legislation and must be addressed.

6. 'Targeting' Without Prioritising

6.1 PPR welcomes the concept of a targeting methodology which has the potential to operationalise the promotion of equality as outlined in the Ilex Mission Statement.

6.2 However, the very concept of ‘targeting’ requires specificity and prioritisation which can only be achieved through a rigorous process of data collection and analysis of existing inequalities.

6.3 Unfortunately, the targeting methodology outlined in the Ilex Draft EQIA falls down at the initial stage of identifying groups experiencing inequality. For example, in the ‘Co-operative and Social Enterprise Hub’, the following groups have been identified as the ‘**Primary Target Groups**’:

“Unemployed (especially 12+ months), under 25s, lone parents, economically inactive, those with dependents, older persons. Long-term Unemployed, lone parents [nb - repeated], people with dependents, people with low or no skills, young people aged 16-24, people with disabilities, women” (p.90)

6.4 There are a number of *prima facie* issues regarding this.

6.5 First, this list includes groups who are not ‘named groups’ under Section 75, for example, economically inactive, long-term unemployed, people with low or no skills. The purpose of the ‘targeting’ methodology should, in the first instance, find out the Section 75 groupings who are experiencing inequality through, for example, being disproportionately represented on the long-term unemployed register.

6.6 Second, there is no explicit evidence produced of how all of these groups were identified – *i.e.* what datasets and statistics were used to produce these Primary Target Groups? In the interests of clarity and accuracy, the first step in this process should have been the explicit agreement amongst the regeneration partners on what datasets would be used to identify groups experiencing inequality across housing, education, health, employment, etc. It is apparent that this has not been done. This runs the risk of creating a sprawling data collection and analysis exercise which is unfocused and incapable of producing the specificity required.

6.7 Thirdly, there does not seem to be any prioritisation. From the list above, it is difficult to ascertain who will **not** be targeted. If there was a clear agreement on datasets used, it would be easier to identify which groups experience multiple inequalities (*e.g.* catholic lone-parent females, young protestant males, disabled individuals with dependents, etc), and can be prioritised. However, the methodology used does not prioritise any specific groups. A lack of direction is evident and PPR is concerned that this will render it ineffective.

6.8 One example of this failure to prioritise is evidenced in the ‘Higher Education Expansion’ proposal, (p.117) which includes “those in employment” among its **Primary Target Group**. Aside from this not being a Section 75 grouping, how do ‘those in employment’ constitute the most disadvantaged in terms of employment or education? This assertion is made without an evidence base, but it is also deeply concerning as the purpose of the targeting methodology is to ensure those in most need and identified as experiencing inequality, are targeted.

7. ‘Spatial Targeting’, Statutory Duty and Religious Inequality

7.1 The Ilex Mission Statement sets the requirement for any proposals to be ‘targeted’. This is critical in ensuring that the promotion of equality is made real.

7.2 The Ilex Draft EQIA seeks to include the category of 'spatial', or geographical location, with the nine designated Section 75 categories by including "Persons living in disadvantaged communities" as a tenth named group in the 'Considering Adverse Impact' (p.60-170) section. The rationale for this is outlined as follows:

"Section 75 analysis provides a significant tool to address inequality amongst those who experience 'status inequality' e.g. ethnic groups, gender and disability. However, in the context of a city within which 50% of the population experience significant inequality then the analysis is blunted insofar as spatial inequality is a better predictor of the level of inequality and outcomes rather than status itself." (p.191)

7.3 There are a number of problems to this approach which have concrete implications for the actual delivery of any plan.

7.4 Professor Chris McCrudden, in his presentation at the 'Changing Patterns – Changing Outcomes' conference stated:

"Ilex needs to recognise that S75 is not just a legal duty, it is also a source of legal power in that it provides extra authority in dealing with other government agencies."

7.5 Targeting Objective Need, which is often calculated on an area basis, is a government priority which does not impose a statutory obligation on public bodies. Section 75 duties do impose a statutory obligation on public authorities to promote equality.

7.6 As Professor McCrudden states, the use of Section 75 confers the required legal authority on Ilex needed to ensure, for example, that public procurement opportunities arising from this regeneration contain contract clauses which extract maximum outcomes for those experiencing inequality.

7.7 However the approach adopted by Ilex above gives a primacy to targeting area based objective need which is not backed up by law. It is also based on incomplete, inconsistent, and sometimes conflicting interpretations of data.

7.8 It is important to factor in that any proposals, such as the 114 listed in the catalyst programmes and supporting actions, will require the co-operation and agreement of relevant statutory bodies and public authorities. This 'agreement' will require the relevant Department, or indeed the NI Executive, to conduct policy reviews, policy changes, potential legislative changes, and commit financial and human resources to ensure the implementation of the catalyst programmes and supporting actions. It is therefore even more troubling that Ilex's approach to targeting is not being built on a solid basis of enforcing statutory duty.

7.9 Additionally, and related to the above point, the use of 'spatial targeting' to compensate for the "blunted" (p.191) ability of Section 75, actually seems to hide a significant Section 75 'status' inequality - that is Catholic inequality.

7.10 Across Derry, and indeed across Northern Ireland, the areas which have the highest amounts of deprivation and social-economic inequality are mostly comprised of majority Catholic populations. This in no way denies the self-evident existence of inequality and deprivation in areas with majority Protestant populations (as witnessed by the NI Multiple Deprivation Measure) , but rather goes towards the identification of a relationship between socio-economic inequality and religious belief/community background – which is actually recognised, but not actioned upon, in the Ilex Draft EQIA (p.138).

7.11 This methodology produces confusing and conflicting results. For example the Ilex Draft EQIA notes that “young protestant males” should be targeted for education proposals due to disproportionately low levels of educational attainment among this Section 75 group. However, the areas that the ‘Education and Skills’ proposals will be targeted at (p.116) are all areas which contain overwhelmingly Catholic majorities. This indicates a problem in the consideration of data, or in the targeting methodology.

8. Consideration of Mitigating Measures & Alternative Policies/Options

8.1 Without prejudice to the problems outlined above, the formal approach to this section of the EQIA – namely the identification of targeted groups, identification of where and what type of mitigating measures will be required – is to be welcomed.

8.2 However this section of the EQIA requires a robust analysis and clear outcomes to have been identified in the previous sections, which unfortunately is not evident.

9. Conclusion

9.1 PPR welcomes elements of the approach taken in the Ilex Draft EQIA, such as the Mission Statement, the attempts to mainstream the promotion of equality and targeting objective need, and the aim of developing a targeting methodology to operationise the Mission Statement.

9.2 However, PPR is seriously concerned that the implementation of the equality duty – right from the initial stages of data collection and analysis, through the identification of groups experiencing inequality, to the development of proposals and targets – has fundamental flaws that need to be addressed. As outlined above, this will have the effect of bypassing those experiencing the worst effects of inequality.

9.3 We concur with, and welcome, the sentiments expressed by the Chairperson of Ilex URC, Sir Roy McNulty, who said at the ‘*Changing Patterns – Changing Outcomes*’ Conference “*We will have one chance to get it right and I certainly intend that we do just that.*” PPR’s consultation response is a contribution towards this.

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