

Draft Revised Northern Ireland Equality Scheme

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

Published 27 January 2025





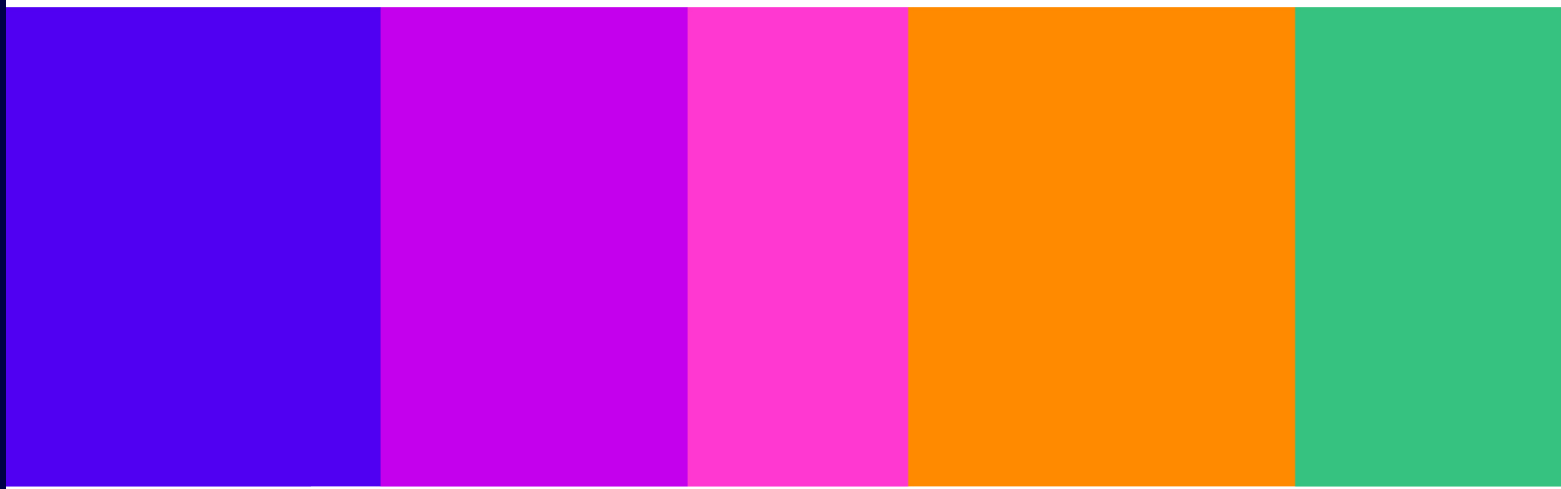
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Ofcom Northern Ireland
Landmark House
5 Cromac Quay
The Gasworks
Belfast
BT7 2JD

Telephone: 028 90 417500 or 0300 123 3333

Email: ofcomnorthernirelandoffice@ofcom.org.uk

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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 Act¹.

In this updated equality scheme, we set out how Ofcom proposes to continue to fulfil its Section 75 duties.

We will commit the necessary resources in terms of people, time and money to make sure that the Section 75 duties are complied with and that our 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 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 our colleagues are made fully aware of our equality scheme and understand the commitments and obligations within it. We are committed to raising awareness of the Section 75 duties in our equality scheme among consultees.

We, the Chairman and Chief Executive of Ofcom, are fully committed to effectively fulfilling our Section 75 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 in ensuring the Section 75 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 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 Ofcom and our colleagues 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 Act and the Equality Commission guidelines.



Lord Grade, CBE
Chair



Dame Melanie Dawes, DCB
Chief Executive

¹ See section 1.1 of our Equality Scheme.

Preface

So much has changed in the five years since 2019 when we last revised our Northern Ireland Equality Scheme. The coronavirus pandemic affected everything from the way we work to how we stay connected with friends and family. We have seen political, social and economic change, which in turn is affecting how people follow the news and understand the world around us.

Communications services have never been more important and Ofcom's job of making communications work for everyone is more crucial than ever.

We are working to support better broadband and mobile services for people, wherever they are in the UK, delivering fibre broadband to rural areas and making more airwaves available for mobile services. We have set new expectations on telecoms firms for supporting lower income and vulnerable customers. We have continued to protect audiences from harm on TV and radio and set clearer rules to make TV accessible to people with hearing or sight impairments. We have put forward proposals to protect the universal postal service on which so many people rely. And we have taken on an important new role in protecting people from harmful content online.

If we are to do our job effectively for everyone in the UK – across our nations, regions and communities, and for people of all ages and backgrounds – then Ofcom itself must reflect the UK today.

We published our UK Diversity & Inclusion Strategy in 2021, setting out Ofcom's ambitions and targets for a diverse workforce and a naturally inclusive culture. This updated Equality Scheme for Northern Ireland complements that work. We have conducted our five-year review of the scheme and found that it remains appropriate for our aims. But we have also made some changes to the scheme to reflect how Ofcom's remit, role and approach has changed since the scheme was last updated in 2019.

As part of those changes, this document includes a new Action Plan with a sharp focus on what Ofcom is doing to promote equality of opportunity and good relations, both as an employer and as the communications regulator. I hope this plan, and the changes we are making to the Equality Scheme, demonstrate our commitment to serving and reflecting the needs of Northern Ireland's people and businesses.



Melissa Tatton, CBE
Chief Operating Officer & Corporate Group Director

Introduction

Section 75 of the Northern Ireland Act 1998

1.1. Section 75 of the Act requires us 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 dependents 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 authority². These include our employment and procurement functions. Please see below under “Who we are and what we do” for a detailed explanation of our functions.

How we propose to fulfil the Section 75 duties in relation to our relevant functions

1.2. Schedule 9, paragraph 4(1) of the Act requires Ofcom as a designated public authority to set out in an equality scheme how we propose to fulfil the duties imposed by Section 75 in relation to our 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. We are committed to the discharge of our Section 75 obligations in all parts of our organisation and we will commit the necessary available resources in terms of people, time and money to ensure that the Section 75 duties are complied with and that our equality scheme can be implemented effectively.

Who we are and what we do

Ofcom’s mission is to make communications work for everyone

1.4. We regulate fixed-line and mobile telecoms, TV and radio broadcasting, video-on-demand and online services, post, and the radio spectrum used by wireless devices. We help UK businesses and individuals get the best from communications services and protect them

² Section 98(1).

from harmful treatment and practices. Where appropriate, we promote competition, investment and innovation as the basis for delivering good consumer outcomes.

- 1.5. The most significant changes in Ofcom's duties since we published our revised Northern Ireland Equality Scheme in 2019 are that we now have powers in relation to on-demand services and video sharing platforms, telecoms security and most recently have taken on additional responsibilities as the UK's online safety regulator under the Online Safety Act 2023.
- 1.6. We are an independent public authority and accountable to Parliament and through the Courts. To perform our role effectively we need to engage openly and constructively with the UK and devolved Governments. We provide technical advice to governments (for example, our work regarding the implementation of a UK broadband universal service provider) and in some cases, we act as a formal representative of the UK Government (for example, in international negotiations on spectrum).

Our principal duty is to further citizen and consumer interests

- 1.7. Ofcom was established under the Office of Communications Act 2002 and operates under a number of Acts of Parliament. Section 3 of the Communications Act 2003 states that our principal duty in carrying out our functions is to further the interests of citizens in relation to communications matters and to further the interests of consumers in relevant markets, where appropriate by promoting competition. We implement and enforce communications, competition and consumer protection laws; our competition powers are outlined later in this section.

Our main legal duties guide the direction of our work

- 1.8. In October 2023, the new Online Safety Act came into force giving Ofcom responsibility to help make online services safer for the people who use them. It introduces a new duty for Ofcom to secure the adequate protection of users from harm caused by content on regulated services. This will require providers to design appropriate systems and processes to reduce the risk of such harm.
- 1.9. Ofcom can enforce consumer law on behalf of consumers but does not have the power to resolve individual consumer complaints about telecoms, postal services or online safety, unlike in TV and radio. Where appropriate, we provide advice to complainants and refer them to the alternative dispute resolution (ADR) schemes that we have approved.
- 1.10. In performing our duties, we are required under section 3(4) of the Communications Act³ to have regard to a number of matters, as they appear to us to be relevant in the circumstances, including the needs of disabled people, of the elderly and of those on low incomes; the opinions of consumers in relevant markets and of members of the public generally; and the different interests of persons in the different parts of the United Kingdom, of the different ethnic communities within the United Kingdom and of persons living in rural and in urban areas.

³ <https://www.legislation.gov.uk/ukpga/2003/21/section/3>

1.11. Additionally, in performing our duties, section 3(3)(a) of the Communications Act requires us to have regard to the principle under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed.

Ofcom's competition law powers

1.12. In addition to our regulatory responsibilities set out above, we have powers in relation to communications matters to:

- Enforce the prohibitions on anti-competitive agreements and abuse of a dominant position, set out in the Competition Act 1998;
- Investigate markets and make references under the Enterprise Act 2002 to the Competition and Markets Authority (CMA); and
- Report to the Secretary of State under section 44A of the Enterprise Act 2002 in relation to media mergers.

1.13. We consider whether it is more appropriate to exercise competition or sectoral powers in any given case, subject to the specific legislative requirements.

1.14. Alongside our Section 75 duties for Northern Ireland, we also have general duties (known as 'public sector equality duties') under section 149 of the UK's Equality Act 2010. This legislation states that we have a responsibility to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups sharing one of the below protected characteristics; and
- foster good relations between different groups sharing one of the following protected characteristics:
 - > age;
 - > disability;
 - > gender reassignment;
 - > pregnancy and maternity;
 - > race;
 - > religion or belief;
 - > sex; and
 - > sexual orientation

1.15. The Equality Act requires us to consider equality issues in the context of persons affected by our regulatory policy work as well as colleagues affected by our internal people policies. The Equality Act impacts on a range of employment issues – from providing training opportunities; to giving everyone fair access to our facilities, to maternity and paternity leave and flexible working time. As an employer of approximately 1,400 people across the UK, we must promote equality in the way we recruit new colleagues, and in how we treat our colleagues on a day-to-day basis. Our internal people policies also reflect ACAS codes of practice.

- 1.16. Our [Diversity & Inclusion Strategy](#) addresses all these duties and shapes the way we work, both as an employer and as a regulator. The strategy was published in 2021 and covers the period until 2026. The strategy is available on our [website](#).

Our work in Northern Ireland

- 1.17. Since its inception in 2003, Ofcom has had a presence in all the UK's devolved nations, meeting our statutory duty to have regard to the different interests of persons in the different parts of the UK. Our presence in Northern Ireland has grown significantly over recent years, with more than 20 colleagues now based in our Belfast office and working across Ofcom's remit.
- 1.18. Our Northern Ireland team in Belfast represents Ofcom in Northern Ireland and Northern Ireland in Ofcom. They ensure that we keep in touch with the views and opinions of citizens and consumers, the regulated industries and stakeholders more generally in Northern Ireland and put these at the heart of our decision making.
- 1.19. Ofcom is further supported in Northern Ireland by a statutory Advisory Committee, which provides us with advice on the interests and opinions of people in Northern Ireland. National interests are also represented by members of our Content Board and the Communications Consumer Panel.
- 1.20. Our relationship with government is underpinned by a formal Memorandum of Understanding (MoU) with the Northern Ireland Executive, Northern Ireland Assembly and UK Government.
- 1.21. The MoU provides for transparency and accountability for Ofcom to the Northern Ireland Assembly, while we have a Board Member for Northern Ireland who represents Northern Ireland's interests at Board level. They are appointed by the NI Minister for the Economy, in consultation with the UK Secretary of State for Science, Innovation and Technology.

2. Our arrangements for assessing our compliance with the Section 75 duties

- 2.1. Some of our arrangements for assessing our compliance with the Section 75 duties are outlined in other relevant parts of this equality scheme. For example, Chapter 4 considers how we assess the impact of our policies and how we publish this information, while Chapter 8 explains our complaints procedure. 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 Operating Officer. Ofcom's Northern Ireland Director is accountable to the Chief Operating Officer and to Ofcom's Operations Board for the development, implementation, maintenance, and review of the equality scheme in accordance with Section 75 and Schedule 9 of the Act, including any good practice or guidance that has been issued by the Equality Commission for Northern Ireland (ECNI).
- 2.4. The Northern Ireland Director arranges for colleagues throughout Ofcom to support the implementation and monitoring of the Equality Scheme.
- 2.5. If you have any questions or comments regarding our equality scheme, please contact our Northern Ireland Director, Jonathan Rose, in the first instance at the address below:

Ofcom Northern Ireland
Landmark House
5 Cromac Quay
The Gasworks
Belfast
BT7 2JD

Telephone: 028 90417500

Email: jonathan.rose@ofcom.org.uk

- 2.6. We also offer a video relay service free of charge for consumers wishing to contact us in British Sign Language. Deaf or speech-impaired people can contact us via text relay. Details of our accessibility services are available on our [website](#).
- 2.7. Objectives and targets relating to the statutory duties will be integrated into our strategic and operational business plans.
- 2.8. Employees' job descriptions and performance plans reflect their contributions to the discharge of the Section 75 duties and implementation of the equality scheme, where relevant. The personal performance plans are subject to appraisal in the annual performance review.

- 2.9. We prepare an annual report on the progress we have made in implementing the arrangements set out in this equality scheme to discharge our Section 75 duties. The Section 75 Annual Progress Report is normally sent to the ECNI by 31 August each year and follows any guidance on annual reporting issued by the ECNI.
- 2.10. Progress on the delivery of our Section 75 duties will also be included in Ofcom's Annual Report whenever relevant. The latest Section 75 Annual Progress Report is available on our [website](#), or by contacting us at the address shown in paragraph 2.5 above.
- 2.11. We will liaise closely with the ECNI to ensure that progress on the implementation of our equality scheme is maintained.
- 2.12. We will ensure that Ofcom's Operations Board is aware of our equality activity in Northern Ireland and that this activity is aligned with our Diversity & Inclusion Strategy.

Action plan / action measures

- 2.13. We have developed an action plan to promote equality of opportunity and good relations. This action plan is set out in Annex 6 to this equality scheme.
- 2.14. The action measures that make up our action plan are relevant to our functions. They have been developed and prioritised based on an audit of inequalities. The audit of inequalities gathers and analyses information across the Section 75 categories to identify the inequalities that exist for our service users and those affected by our policies.
- 2.15. Action measures are specific, measurable, linked to achievable outcomes, realistic and time bound.
- 2.16. Our action plan is designed to align with our corporate and business planning cycles. The Action Plan in this Scheme runs from 2025 to 2030, to align broadly with what we expect to be the next five years of our Diversity & Inclusion Strategy. Implementation of the action measures are incorporated into our business planning process.
- 2.17. We seek input from our stakeholders and consult on our action plan before we send it to the ECNI and thereafter when reviewing the plan.
- 2.18. We monitor our progress in delivering our action measures annually and update the action plan as necessary to ensure that it remains effective and relevant to our functions and work.
- 2.19. We will inform the ECNI of any changes or amendments to our action plan and will also include this information in our Section 75 Annual Progress Report to the ECNI. Our Section 75 Annual Progress Report incorporates information on progress we have made in implementing our action plans/action measures.
- 2.20. Once finalised, our action plan will be available on our website as part of this equality scheme, or by contacting us at the address shown in paragraph 2.5 above. Please let us know if you require the scheme in an alternative format.

3. Our arrangements for consulting

(Schedule 9, paragraph 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, paragraph 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 the implementation of our statutory equality duties. We will consult on our equality scheme, action measures, equality impact assessments and other matters relevant to the Section 75 duties.
- 3.2. Ofcom has seven consultation principles – outlined in Annex 7 – that we follow for our public consultations. For any consultations relating specifically to our equality duties in Northern Ireland, we are committed to carrying out consultation in accordance with the [ECNI's guidance](#).
- 3.3. All consultations where our Section 75 duties are engaged will seek the views of those directly affected by the matter/policy, the ECNI, representative groups of Section 75 categories, other public authorities, voluntary and community groups, our colleagues and their trade unions and other such groups who have a legitimate interest in the matter, whether or not they have a direct economic or personal interest.
- 3.4. Initially all consultees (see Annex 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.
- 3.5. 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 or opt-out of the consultation

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.

- 3.6. 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 is given 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.
- 3.7. Information will be made available, on request, in alternative formats, in a timely manner. We will ensure that such consultees have ample time to respond.
- 3.8. We will ensure that those people facilitating consultations have the necessary skills to communicate effectively with consultees.
- 3.9. To ensure effective consultation on Section 75 matters, we raise awareness of our Section 75 duties and the commitments in our equality scheme by:
- Having a specific section of our website where our equality work in Northern Ireland will be outlined and documents will be available to the public; and
 - Ensuring that statutory equality duties in Northern Ireland are reflected in our annual plan whenever appropriate.
- 3.10. 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, 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.
- Where, under these exceptional circumstances, we must implement a policy immediately, as it is beyond our control, we may consult after implementation of the policy, in order to ensure that any impacts of the policy are considered.
- 3.11. If a consultation is to take place over a period 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 consider the feasibility of allowing a longer period for the consultation.
- 3.12. We are conscious of the fact that affected individuals and representative groups may have different needs. We take appropriate measures to ensure full participation in any meetings that are held. We consider for example the time of day, the appropriateness of the venue, 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.
- 3.13. 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.

- 3.14. In making any decision with respect to a policy adopted or proposed to be adopted, we consider any assessment and consultation carried out in relation to the policy.
- 3.15. We provide feedback to consultees in a timely manner. After the consultation, a policy statement is prepared which includes a summary of consultees' comments and a summary of our consideration of and response to consultees' input. In line with Ofcom's consultation principles, we also publish the non-confidential responses on our website during and after the consultation period.
- 3.16. A list of our equality consultees is included in this equality scheme at Annex 3. It will also be available on our website, or by contacting us at the address shown in paragraph 2.5 above.
- 3.17. 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 Jonathan Rose 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.

4. Our arrangements for assessing, monitoring and publishing the impact of policies

(Schedule 9, paragraph 4(2)(a))

Our arrangements for assessing the likely impact of policies adopted or proposed to be adopted on the promotion of equality of opportunity

(Schedule 9, paragraph 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 strategy (whether proposed, amended or existing), 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 consider any assessment and consultation carried out in relation to the policy, as required by Schedule 9, paragraph 9(2) of the Act.
- 4.3. Ofcom uses impact assessments to help us understand and assess the potential impact of our policy decisions before we make them. They also help us explain the policy decisions we have decided to take.
- 4.4. Ofcom updated its own [impact assessment guidance](#) in July 2023 which sets out our general approach to how we assess and present the impact of our proposed decisions. It updates our previous guidance to reflect our legal obligations as well as best practice and experience. Our impact assessment guidance was subject to a public consultation in 2023 and the final [statement](#) is available on our website.
- 4.5. In this revised equality scheme, we want to acknowledge Ofcom’s UK-wide approach to how we assess the impact of our policies, while also remaining consistent with the ECNI’s guidance on screening and equality impact assessments.
- 4.6. Whenever our Section 75 duties are engaged, we will use our established two-stage Equality Impact Assessment (EIA) approach to assess the likely impact of a policy on the promotion of equality of opportunity and good relations. This two-stage approach was approved by the ECNI in the 2014 version of our scheme and continued in the 2019 version.
 - **Stage 1 EIA** is carried out on all new projects/policies in line with our impact assessment guidance and is our equivalent to ‘screening’, as defined by the ECNI.
 - **Stage 2 EIA** is a more in-depth equality impact assessment which is our equivalent to an equality impact assessment (‘EQIA’), as defined by the ECNI.

- 4.7. In carrying out these assessments we will relate them to the intended outcomes of the policy in question and will also have due regard to the ECNI's guidance on screening and equality impact assessments. We will continue to engage with the ECNI to ensure that our process remains equivalent.

Stage 1 Equality Impact Assessment

- 4.8. The purpose of a Stage 1 EIA is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations.
- 4.9. A Stage 1 EIA is completed at the earliest opportunity in the policy development/review process. Policies which we propose to adopt will be subject to Stage 1 EIA prior to implementation. For more detailed strategies or policies that are to be put in place through a series of stages, we will carry out a Stage 1 EIA at various stages during implementation.
- 4.10. The lead role in undertaking a Stage 1 EIA of a policy is taken by the policy decision maker who has the authority to make changes to that policy. However, it will also involve other relevant team members, for example, equality specialists, those who implement the policy and colleagues from other relevant work areas. Where possible, we will include key stakeholders in the process.
- 4.11. The following questions are applied to all our policies as part of the Stage 1 EIA 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?
- 4.12. In order to answer these 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 Stage 1 EIA decision will be informed by this evidence.
- 4.13. Completion of a Stage 1 EIA, taking into account our consideration of the answers to all four screening questions set out in 4.11 above, will lead to one of the following three outcomes:
- the policy has been 'screened in' for a Stage 2 EIA;
 - the policy has been 'screened out' with mitigation or an alternative policy proposed to be adopted; or
 - the policy has been 'screened out' without mitigation or an alternative policy proposed to be adopted.

- 4.14. If our Stage 1 EIA 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 a Stage 2 EIA, depending on the policy. If a stage 2 EIA 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 EIA 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 Ofcom.

- 4.15. If our Stage 1 EIA 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 a Stage 2 EIA. This decision will be signed-off by the appropriate policy lead within Ofcom.
- 4.16. If our Stage 1 EIA 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 no further assessment is required. If a policy is ‘screened out’ as having no relevance to equality of opportunity or good relations, we will give reasons for the decision taken. This decision will be ‘signed-off’ by the appropriate policy lead within Ofcom.
- 4.17. Our Stage 1 EIA decisions will be reflected in the impact assessment published in the relevant policy consultation(s) and decision statements which will be available on our website.
- 4.18. If a consultee, including the ECNI, raises a concern about a Stage 1 EIA decision based on supporting evidence, we will review the decision.
- 4.19. As noted in 4.17, our individual Stage 1 EIA decisions will be included in the impact assessments which are published as part of our public consultations and policy decision statements. In addition, we will collate our impact assessments and publish them in a report bi-annually. Ofcom’s Annual Report & Accounts contain details on the number and nature of impact assessments we conducted during that reporting year.

Stage 2 Equality Impact Assessment (EIA)

- 4.20. A Stage 2 EIA 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 a Stage 2 EIA 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.
- 4.21. Once a policy has undergone a Stage 1 EIA which has identified that a Stage 2 EIA is necessary, we will carry out the EIA in accordance with the ECNI guidance and consistent

with Ofcom's own guidance on impact assessments. The Stage 2 EIA will be carried out as part of the policy development process, before the policy is implemented.

- 4.22. Any Stage 2 EIA will be subject to consultation at the appropriate stage(s). (For details see 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, paragraph 4(2)(d); Schedule 9, paragraph 9(1))

- 4.23. We make publicly available the results of our assessments (Stage 1 & Stage 2 EIAs) of the likely impact of our policies on the promotion of equality of opportunity and good relations.

What we publish

Stage 1 EIA

- 4.24. We publish Stage 1 EIAs as part of the impact assessment contained in each individual policy public consultation and final policy decision statement.
- 4.25. We will collate our impact assessments and publish them in a report bi-annually. These reports will detail:
- All policies we assess over the six months
 - A statement of the aim(s) of the policy/policies to which the assessment relates
 - Consideration given to measures which might mitigate adverse impact
 - Consideration given to alternative policies which might better achieve the promotion of equality of opportunity
 - Stage 1 EIA decisions
 - Where applicable, a timetable for conducting Stage 2 EIAs
- 4.26. In addition, Ofcom's Annual report & Accounts, published every July, includes an analysis of all the impact assessments Ofcom has carried out in the previous financial year. The analysis outlines the number of consultation documents published in each sector Ofcom regulates, and the number of impact assessments explicit in the published document.

Stage 2 EIA

- 4.27. Individual Stage 2 EIA reports are published once the impact assessment has been completed and are included in the individual policy consultation and final policy decision statement for the matter under consideration. The policy document's impact assessment will 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; and
- Future monitoring plans.

How we publish the information

4.28. All information we publish is accessible and can be made available in alternative formats on request. Please see Chapter 6, below, for further details.

Where we publish the information

4.29. All our policy consultations and statements, which will include the individual impact assessments and equality impact assessments are published on our website, or available by contacting us at the address shown in paragraph 2.5 above. Ofcom's Annual Reports, which contain an annual summary of the impact assessments we have carried out, are also available on our website and are sent to our consultees each year.

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

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

(Schedule 9, paragraph 4(2)(c))

4.31. 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, we follow guidance from the Office of the Information Commissioner's Office and the ECNI.

4.32. 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 ECNI's guidance.

4.33. 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.
- 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.

- 4.34. If over a two-year period monitoring and evaluation show that a policy results in greater adverse impact than predicted, or if opportunities arose 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.
- 4.35. Ofcom's impact assessment guidance explains how we monitor and evaluate the outcomes of a policy. This may be through our ongoing sectoral monitoring programme, existing research programmes, or through later targeted evaluation work.
- 4.36. We review all our EIA (Stage 1 and Stage 2) monitoring information annually. Other monitoring information is reviewed annually, including:
- The ongoing programme of research we publish to assess consumer opinion and activities. Full details of our research programme can be found in our [Statistical Release Calendar](#).
 - Our work in Northern Ireland is informed by the contribution of a number of committees and advisory bodies, most notably our Advisory Committee for Northern Ireland. The Committee meets quarterly and helps guide and shape our policies by broadening our understanding of the needs of consumers and citizens.

Our arrangements for publishing the results of our monitoring

(Schedule 9, paragraph 4(2)(d))

- 4.37. Schedule 9, paragraph 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 part of our Section 75 Annual Progress Report. The most recent edition of this report is available on our [website](#).
- 4.38. As noted in paragraph 4.34 above, we have an ongoing programme of ex-post evaluations to help us understand the impact of our work on consumer outcomes. We publish these ex-post evaluations on our website.

5. Training

(Schedule 9, paragraph 4(2)(e))

Commitment to 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 Northern Ireland Director wishes to communicate positively our commitment to the Section 75 duties, both internally and externally. To this end we have introduced an effective communication and training programme for all our colleagues and ensure that our commitment to the Section 75 duties is made clear in all relevant publications.

Training objectives

- 5.3. Our training for colleagues aims to achieve the following objectives:
 - to raise awareness of the provisions of Section 75 of the Act, our equality scheme commitments and the particular issues likely to affect people across the range of Section 75 categories, to ensure that our colleagues fully understand their role in implementing the Scheme;
 - to provide those colleagues involved in the assessment of policies with the necessary skills and knowledge to do this work effectively;
 - to provide those colleagues 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 colleagues involved in consultation processes with the necessary skills and knowledge to do this work effectively;
 - to provide those colleagues involved in the implementation and monitoring of the effective implementation of our 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 colleagues are aware of and understand our equality obligations:
 - This equality scheme is available to all colleagues.
 - Colleagues in our Northern Ireland office are briefed on the revised/updated equality scheme with immediate effect.
 - The Section 75 duties form part of induction training for new colleagues in Ofcom's Northern Ireland team.
 - Focused training is provided for key staff who are directly engaged in taking forward the implementation of our equality scheme commitments. For example, our Policy Profession network provides ongoing guidance, support, and bespoke training to help

colleagues understand and complete impact assessments and equality impact assessments.

- All colleagues undertake mandatory e-learning courses every year, including a course on 'Respect, Diversity and Inclusion', which covers all our equality duties.
- When appropriate and on an ongoing basis, arrangements will be made to ensure colleagues are kept up to date with Section 75 developments.
- Every colleague whose role involves direct contact with citizens and consumers – for example those involved in Consumer Advice or Field Engineering Operations – is provided with mandatory specific training on disability.

5.5. Training and awareness raising programmes will, where relevant, be developed in association with the appropriate Section 75 groups and our colleagues. In order to share resources and expertise, we will, where possible, work closely with other bodies and agencies in the development and delivery of training.

Monitoring and evaluation

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

- Our People & Culture team monitors colleagues' completion of our mandatory e-learning courses.
- We work with our 'Policy Profession' network to monitor and evaluate any bespoke training they have delivered.
- The extent to which training objectives have been met will be reported on as part of the Section 75 Annual Progress Report, which is sent to the ECNI.
- We provide colleagues with an opportunity to share their views in an annual Colleague Survey. We ask a series of diversity-related questions and seek to act on the feedback, for example by improving our policies or working practices.

6. Our arrangements for ensuring and assessing public access to information and services we provide

(Schedule 9, paragraph 4(2)(f))

- 6.1. We are 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 try to provide a reasonable alternative.
- 6.4. Alternative formats may include accessible PDF, large print, easy read, audio recording or braille.
- 6.5. We will liaise with representatives of young people and disability and minority ethnic organisations and take account of existing and developing good practice.
- 6.6. We will respond to request for information in alternative formats in a timely manner, usually within 21 working days.
- 6.7. As well as providing documents in alternative formats, we also offer text relay and video relay services free of charge. Details of our accessibility services are available on our [website](#).
- 6.8. We will continue to ensure that disability stakeholders in Northern Ireland are informed of policy developments in a relevant or timely manner.
- 6.9. We regularly publish Plain English or Easy Read summaries of our publications on our website.
- 6.10. In disseminating information through the media, we will seek to advertise in the press where appropriate.

Access to services

- 6.11. We are committed to ensuring that all our services are fully accessible to everyone in the community across the Section 75 categories. We also adhere to the relevant provisions of current anti-discrimination legislation.
- 6.12. We have an ongoing programme of media relations to make sure that our consultations and policy announcements are communicated appropriately to the public and all relevant stakeholders.
- 6.13. We hold two keynote public events in Northern Ireland every year – our Plan of Work stakeholder consultation and the launch of our Media Nations research report. A wide range of stakeholders are invited to these events and that includes equality and diversity organisations.
- 6.14. In order to accommodate guests with disabilities, we have provided sign language interpreters at these events whenever required.
- 6.15. We want as many people as possible to be able to use our website: www.ofcom.org.uk. For example, users should be able to:
- change colours, contrast levels and fonts
 - zoom in up to 200% without the text spilling off the screen
 - View the browser in a one column format (1280px browser width and zoom in to 400%)
 - navigate some of the website using just a keyboard
 - navigate most of the website using speech recognition software
 - listen to most of the website using a screen reader (including the most recent versions of JAWS, NVDA and VoiceOver)
 - Watch videos with subtitles
 - Have a meaningful heading structure on most pages
 - Experience AA standards for 1.4.3 Contrast
 - Make a reasonable request for alternative formats, which Ofcom will consider
- 6.16. We have an [Accessibility](#) section on our website which is regularly updated.

Assessing public access to information and services

- 6.17. We monitor annually across all our functions, in relation to access to information and services, to ensure equality of opportunity and good relations are promoted.
- 6.18. This includes monitoring our own publications to ensure that diversity within society is reflected in our communications. For example, where we use photos or video clips, we will make sure diversity groups are represented.
- 6.19. We monitor our media coverage daily. We also monitor correspondence from politicians to evaluate any wider equality and diversity issues that are raised.

7. Timetable for measures we propose in this equality scheme

(Schedule 9, paragraph 4(3)(b))

- 7.1. Annex 4 outlines our timetable for all measures proposed within this equality scheme. The measures outlined in this timetable are incorporated into our business planning processes.
- 7.2. This timetable is different from and in addition to our 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 is listed in the timetable of measures in Annex 4.

8. Our complaints procedure

(Schedule 9, paragraph 10)

- 8.1. We always do our best to meet the needs of businesses, consumers, viewers and listeners. But sometimes things can go wrong – or we can fall short of our own high standards. If this happens, we have procedures to handle your complaints.
- 8.2. Schedule 9 paragraph 10 of the Act refers to complaints. A person can make a complaint to a public authority if the complainant believes they have been directly affected by an alleged failure of the authority to comply with its approved equality scheme. Any complaints relating to our Section 75 duties are integrated into our general complaints procedures, outlined below.
- 8.3. There is a two-stage process for you to follow if you are not satisfied with the way your complaint has been handled, or with the response that you have been given.
- 8.4. In the first instance, please contact the person or team that dealt with you and discuss your concerns directly with them. They will often be in the best position to understand your situation and give you an explanation as to what has happened.
- 8.5. If this does not resolve your concerns, please contact the office of the Secretary to the Corporation (corporationsecretary@ofcom.org.uk). Please set out the grounds for your complaint as clearly and concisely as you can – and it helps if you can explain why you are dissatisfied with how your complaint has been handled, or with the response you have been given.
- 8.6. Every effort will be made to send a full and clear reply within 20 working days of your complaint being received. However, this is not a limit on how long it takes to resolve complaints, and the process can take longer.
- 8.7. If we cannot investigate your complaint fully within that time, we will let you know.
- 8.8. If your complaint concerned our Section 75 duties and you remain dissatisfied with the response you have been given, then you can raise a complaint with the ECNI.
- 8.9. In any subsequent investigation by the ECNI, we will co-operate fully, providing access in a timely manner to any relevant documentation that the ECNI may require.
- 8.10. We will make all efforts to implement promptly and in full any recommendations arising out of any ECNI investigation.

9. Publication of our equality scheme

(Schedule 9, paragraph 4(3)(c))

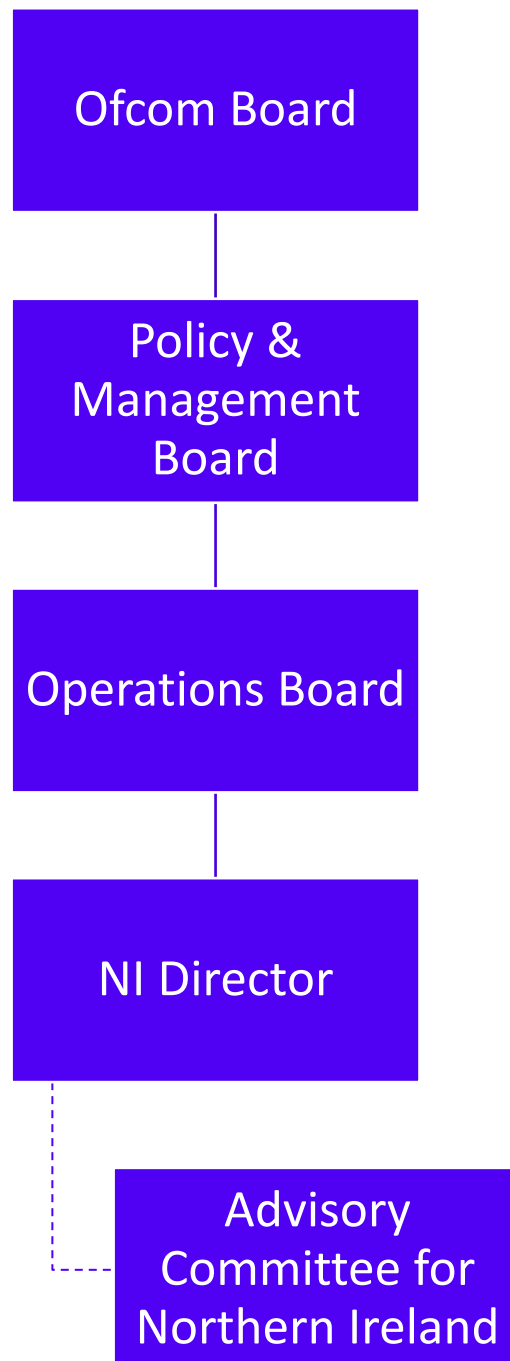
- 9.1. Our equality scheme is available free of charge in print form and alternative formats from our Northern Ireland office. Our contact details are shown in paragraph 2.5 above. Our equality scheme is also available on our [website](#).
- 9.2. The following arrangements are in place for the publication 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 publication on our website 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 list. If necessary, consultees without access to email 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; and
 - Our equality scheme is available on request in alternative formats such as large print, Braille, audio formats 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 Annex 3 of the equality scheme.

10. Review of our equality scheme

(Schedule 9, paragraph 8(3))

- 10.1. As required by Schedule 9 paragraph 8(3) of the Act 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 ECNI or within a shorter timescale to allow alignment with the review of other planning cycles.
- 10.2. The review will evaluate the effectiveness of our scheme in relation to the implementation of the Section 75 duties relevant to our functions in Northern Ireland.
- 10.3. In undertaking this review, we will follow any guidance issued by the ECNI. A report of this review will be made public and sent to the ECNI.

Annex 1: Governance framework for Ofcom's Northern Ireland Equality Scheme



Annex 2: Example groups relevant to the Section 75 categories for Northern Ireland purposes

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

Category	Example groups
Religious belief	Buddhist; Catholic; Hindu; Jewish; Muslims, people of no religious belief; Protestants; Sikh; other faiths. For the purposes of Section 75, the term “religious belief” is the same definition as that used in the Fair Employment & Treatment (NI) Order ⁴ . Therefore, “religious belief” also includes any perceived religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “similar philosophical belief”.
Political opinion ⁵	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.
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.

⁴ See Section 98 of the Act, 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.”

⁵ ibid

Annex 3: List of consultees

(Schedule 9, paragraph 4(2)(a))

Action on Hearing Loss	Commissioner for Older People for Northern Ireland
Action Mental Health	Communications Consumer Panel
Advice Space	Community Media Council
African and Caribbean Support Organisation Northern Ireland	Community Relations Council
Age NI	Consumer Council for Northern Ireland
Age Sector Platform	Department of Agriculture, Environment and Rural Affairs
Alliance Party	Department for Communities
Antrim and Newtownabbey Borough Council	Department for the Economy
Ards and North Down Borough Council	Department of Education
Armagh City, Banbridge and Craigavon Borough Council	Department of Finance
Arts Council of Northern Ireland	Department of Health
Association of Baptist Churches in Ireland	Department for Infrastructure
Barnardos	Derry City and Strabane District Council
Bauer NI	Disability Action
Belfast City Council	DUP
Cara Friend	Equality Commission for Northern Ireland
Carers Northern Ireland	Eir
Causeway Coast and Glens Borough Council	Electoral Commission
CBI	Federation of Small Businesses
Children In Northern Ireland	Fermanagh and Omagh District Council
Chinese Welfare Association NI	Fibrus
	Foras na Gaeilge

Free Presbyterian Church	PACT
General Synod of the Church of Ireland	Parenting NI
Green Party	Presbyterian Church in Ireland
Indian Community Centre	Q Radio
Institute of Directors	Raidió Fáilte
Irish Catholic Bishops Conference	Rainbow Project
Irish Congress of Trade Unions	RNIB Northern Ireland
Lisburn and Castlereagh City Council	Royal Mail
Mencap	RTÉ
Methodist Church in Ireland	Rural Community Network
Mid and East Antrim Borough Council	Rural Development Council
Mid Ulster District Council	SDLP
Newry, Mourne and Down District Council	Sinn Féin
NICVA	TG4
Northern Ireland Chamber of Commerce & Industry	The Executive Office
Northern Ireland Commissioner for Children and Young People	Traditional Unionist Voice
Northern Ireland Human Rights Commission	U105
Northern Ireland Local Government Association	Ulster Farmers' Union
Northern Ireland Screen	Ulster Scots Agency
NSPCC	Ulster Unionist Party
NVTV	UTV
Ofcom Advisory Committee for Northern Ireland	Virgin Media O2
Openreach Northern Ireland	Women's Aid Federation
	Youth Action NI

Annex 4: Timetable for measures proposed

(Schedule 9, paragraph 4(3)(b))

Measure	Lead responsibility	Timetable
Section 75 Annual Progress Report	Northern Ireland Director	31 August (annually)
Delivery of Section 75 duties reflected in our annual Plan of Work and Annual Report	Northern Ireland Director	Plan of Work: March Annual Report: July
Consultation on draft Action Plan	Northern Ireland Director	January 2025
Finalised Action Plan published	Northern Ireland Director	Spring 2025
Action plan: Arrangements for monitoring progress in place	Northern Ireland Director	Summer 2025
Consultation list reviewed and updated	Northern Ireland Director	July (annually)
Stage 1 & Stage 2 EIAs published in consultations and statements	Ofcom's policy teams	As per policy project schedule in annual Plan of Work
Impact Assessment (EIA) reports	Northern Ireland team Governance & Accountability	July & December In Annual Report (July)
Monitoring of impact of policies	Strategy team	In annual Plan of Work (March) and in individual policy statements (ongoing).
Monitoring of training programme	Northern Ireland Director	August (in Section 75 annual progress report)
Access to information and services	Northern Ireland team	Plan of Work event – January (annually) Media Nations event – September (annually)
Communication of equality scheme	Northern Ireland Director	Within three months of approval
Notification of consultees	Northern Ireland Director	Within three months of approval
Review of equality scheme	Northern Ireland Director	2030

Annex 5: Glossary of terms

For this glossary we have replicated the ECNI's model scheme glossary and included additional Ofcom-related references.

ACAS

ACAS is the Advisory, Conciliation and Arbitration Service. It is an independent UK public body providing free and impartial advice to employers, employees and their representatives.

Action 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.

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.

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.

Advisory Committee for Northern Ireland

Ofcom's Advisory Committee for Northern Ireland advises Ofcom about the interests and opinions, in relation to communications matters, of people living in Northern Ireland. The Committee meets formally every quarter.

Annual Report & Accounts

Ofcom document presented to Parliament pursuant to Paragraphs 11 and 12 of Schedule 1 of the Office of Communications Act 2002. The Annual report is published in July and covers the 12-month period from the previous 1 April to 31 March.

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.

Colleagues

All the people Ofcom employs.

Consultation

In the context of Section 75, consultation is the process of asking those affected by a policy (ie, 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.

Discrimination

The anti-discrimination laws (Equality Act 2010) prohibit the following forms of discrimination:

- Direct discrimination
- Indirect Discrimination
- Disability Discrimination
- Victimisation
- Harassment

Brief descriptions of these above terms follow:

Direct discrimination

This generally occurs where a public authority treats a person less favourably than it treats (or, would treat) another person, in the same or similar circumstances, on one or more of the statutory non-discrimination grounds. A decision or action that is directly discriminatory will normally be unlawful unless: (a) in an age discrimination case, the decision can be objectively justified, or (b) in any other case, the public authority can rely on a statutory exception that permits it – such as a *genuine occupational requirement exception*; or, a *positive action exception* which permits an employer to use “welcoming statements” or to take other lawful positive action to encourage participation by under-represented or otherwise disadvantaged groups.

Indirect discrimination

The definition of this term varies across some of the anti-discrimination laws, but indirect discrimination generally occurs where a public authority applies to all persons a particular provision, criterion or practice, but which is one that has the effect of placing people who share a particular equality characteristic (e.g. the same sex, or religious belief, or race) at a particular disadvantage compared to other people. A provision, criterion or practice that is indirectly discriminatory will normally be unlawful unless (a) it can be objectively justified, or (b) the public authority can rely on a statutory exception that permits it.

Disability discrimination

In addition to direct discrimination and victimisation and harassment, discrimination against disabled people may also occur in two other ways: namely, (a) *disability-related discrimination*, and (b) *failure to comply with a duty to make reasonable adjustments*.

- a) *Disability-related discrimination* generally occurs where a public authority, without lawful justification, and for a reason which relates to a disabled person’s disability, treats that

person less favourably than it treats (or, would treat) other people to whom that reason does not (or, would not) apply.

- b) *Failure to comply with a duty to make reasonable adjustments*: One of the most notable features of the disability discrimination legislation is that in prescribed circumstances it imposes a duty on employers, service providers and public authorities to take such steps as are reasonable to remove or reduce particular disadvantages experienced by disabled people in those circumstances.

Victimisation

This form of discrimination generally occurs where a public authority treats a person less favourably than it treats (or, would treat) another person, in the same or similar circumstances, because the person has previously exercised his/her rights under the anti-discrimination laws, or has assisted another person to do so. Victimisation cannot be justified and is always unlawful.

Harassment

Harassment generally occurs where a person is subjected to unwanted conduct that is related to a non-discrimination ground with the purpose, or which has the effect, of violating their dignity or of creating for them an intimidating, hostile, degrading, humiliating or offensive environment. Harassment cannot be justified and is always unlawful.

Diversity & Inclusion Strategy

Ofcom's Diversity and Inclusion Strategy explains how diversity and equality are essential to how we operate, both as an employer and as the UK's communications regulator. The current strategy sets out our objectives and actions for 2021-2026.

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, equality impact assessments, monitoring, training and arrangements for ensuring access to information and services.

Fibre broadband

Fibre broadband is a means of connecting to the internet and it is delivered via clusters of fibre optic cables. 'Full-fibre' (or a similar term) describes networks which use fibre-optic cables all the way from the telephone exchange to the customer's premise. 'Part-fibre' (or a similar term) describes those services with a fibre-optic connection from the local exchange to the street cabinet and then usually a copper wire connecting the street cabinet to the customer's premise. Northern Ireland currently leads the UK for the availability of full-fibre, which is the faster form of fibre broadband.

Good relations

Although not defined in the legislation, the ECNI 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'.

Governance & Accountability team

Ofcom's Secretariat function is managed by the Governance and Accountability team who are part of the Corporate Group within Ofcom. They are responsible for managing Ofcom's governance including:

- Board and Committee membership
- Board and Committee meetings
- Freedom of Information
- Data Protection
- Information Management
- Gifts and hospitality
- Security

Impact assessment

An impact assessment is a structured process to consider the possible effect of a policy, including: general impacts on citizens and consumers; impacts on the industries subject to regulation; and impacts on specific groups of persons, including persons sharing protected characteristics identified in equality legislation.

Media Nations Report

This annual Ofcom report provides data and analysis on traditional broadcast television and radio services and looks at the take-up and impact of subscription on-demand and streaming services. The report is a reference publication for industry, stakeholders, academics and consumers. It provides context to the work Ofcom undertakes in looking after the interests of people in the markets we regulate. In addition to the UK-wide report and the interactive report, there are separate reports for Northern Ireland, Scotland and Wales.

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.

Ofcom Board

The Board is Ofcom's main decision-making body and provides strategic direction for the organisation. It has a Non-Executive Chairman, Executive Directors (including the Chief Executive), and Non-Executive Directors. The Executive runs the organisation and answers to the Board. The Ofcom Board meets at least once a month (except for January and August). Agendas, summary notes and minutes are published regularly on the Ofcom website.

Operations Board

The Operations Board is a governance and oversight body appointed by the Policy Management Board (PMB) with responsibility for overseeing Ofcom's internal operational initiatives. Its primary role is to provide challenge, guidance and approval on internal operational initiatives to ensure that they best support the effective delivery of Ofcom's remit.

Plan of Work

Ofcom document published annually to outline our strategic purposes, proposed priorities and work programme. Each plan covers a specific financial year, ie. the twelve months from 1 April to 31 March.

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.

Policy & Management Board

Ofcom's Policy & Management Board is chaired by Ofcom's Chief Executive and includes all the Group Directors. PMB meets monthly and oversees the management of the organisation as well as Ofcom's regulatory duties. It is a single forum which looks at policy development and associated risk, resourcing and prioritisation issues. Issues of greatest significance will be escalated to the Ofcom Board.

PSTN

Landline phone calls have traditionally been delivered over a network known as the 'public switched telephone network' (PSTN). This network is old, and becoming harder and more expensive to maintain, so it needs to be replaced with a faster and more reliable fibre-based network.

BT has taken the decision to retire its PSTN by January 2027 and this means other providers that use BT's network must follow the same timescale. Other companies with their own networks such as Virgin Media plan follow a similar timescale.

Public Service Broadcasters

The public service broadcasters are those providing Channel 3 services, Channel 4, Channel 5, S4C and the BBC.

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.

Section 75 investigation

An investigation carried out by the ECNI, under Schedule 9 of the NI Act 1998, arising from the failure of a public authority to comply with the commitments set out in its approved equality scheme.

There are two types of Commission investigation, these are as follows:

1. An investigation of a complaint by an individual who claims to have been directly affected by the failure of a public authority to comply with its approved equality scheme;
2. An investigation initiated by the Commission, where it believes that a public authority may have failed to comply with its approved equality scheme.

Universal postal service

The universal postal service requires Royal Mail to deliver letters six days a week (Monday to Saturday) and parcels five days a week (Monday to Friday) to every address in the UK, at affordable

prices that are uniform throughout the UK. These minimum requirements are set out in legislation, and any changes to them can only be made by the UK Government and Parliament.

As the postal regulator, Ofcom's job is to ensure that a universal postal service is provided, taking account of the need for that service to be financially sustainable and efficient. When making regulation, we must make sure we understand postal users' needs.

Video-sharing platforms

Video-sharing platforms (VSPs) are a type of online service which allow users to upload and share videos with the public. Since 1 November 2020, UK-established VSPs must comply with rules around protecting users from harmful videos.

VoIP

The traditional PSTN landline networks are being replaced and in the future landline calls will be delivered over digital technology, called Voice over Internet Protocol (VoIP). You might also see this referred to as 'digital phone' or 'digital voice'.

2G

The second generation of mobile phone systems provided improved quality and flexibility over the first generation, analogue mobile phone services and standardised the technology needed to allow mobile phones to make and receive calls when the user is travelling abroad. 2G mobile systems evolved to offer many advanced technical features that are used to support a wide portfolio of services including international roaming, Short Message Service texting, web-browsing and picture messaging.

3G

Third generation of mobile systems provide high-speed data transmission and support multimedia applications such as full-motion video, video-conferencing and internet access, alongside conventional voice services.

4G

4G is the fourth generation of mobile phone technology and follows on from 2G and 3G. 4G services make it much quicker to access the internet on your connected device and because of this, 4G is ideally suited for services which demand more capacity like video streaming, mapping and social networking sites.

5G

5G is the new generation of wireless technology. It follows previous generations of mobile technology which gave us mobile internet access that led to the launch of smartphones. 5G goes further than previous technology, offering the capacity for thousands of devices in a small area to be connected at the same time.

Annex 6: Action plan for Northern Ireland

The Northern Ireland Action Plan is outlined below. It is based on an Audit of Inequalities and for this we have drawn mainly on our own research of the communications markets in Northern Ireland and our Section 75 Annual Progress Reports over the past five years.

Inequality	Section 75 categories	Actions
<p>Changing telecoms technology will see the old 2G and 3G mobile networks, and 'PSTN' landline networks switched-off as we move exclusively to faster 4G, 5G mobile networks and 'VoIP' landline networks.</p> <p>Some customers may need extra support to make the switch to the new networks.</p>	<ul style="list-style-type: none"> • Age • Persons with a disability 	<p>We will work closely with industry and government to ensure vulnerable customers are supported and protected through these transitions.</p>
<p>Some Public Service Broadcasters, such as BBC, ITV and Channel 4, are required to make programmes in Northern Ireland to be shown across the UK and/or locally.</p> <p>This can affect how Northern Ireland is reflected to itself and portrayed to the rest of the UK.</p>	<ul style="list-style-type: none"> • Religious belief • Political opinion 	<p>We will monitor and report on the Public Service Broadcasters' programming output made in Northern Ireland, and also measure and report on audiences' attitude to it.</p>
<p>There is significant demand from community-based groups to run broadcast radio stations.</p> <p>These stations can cater for communities of interest or location who otherwise might not be as well served.</p>	<ul style="list-style-type: none"> • Religious belief • Political opinion • Sexual orientation • Age • Racial group 	<p>We will seek to provide interested groups with appropriate information on relevant licensing processes.</p>
<p>Online users in Northern Ireland may be exposed to sectarian and terrorism-related content on social media and video-sharing platforms.</p>	<ul style="list-style-type: none"> • Religious belief • Political opinion • Racial group • Age • Gender 	<p>We will work with online services to ensure their systems and processes for user safety incorporate Northern Ireland-related hate content.</p>

<p>Many communications services are available and consumed on an all-island basis, such as mobile usage and TV channels.</p> <p>Not all such services are always available on an equitable basis in Northern Ireland.</p>	<ul style="list-style-type: none"> • Religious belief • Political opinion 	<p>We will work with fellow regulators, governments and industry to preserve cross-border communications services for Northern Ireland consumers.</p>
<p>The UK's postal service is going through significant change, adapting to people sending fewer letters and more parcels.</p> <p>In Northern Ireland, Royal Mail's universal service is of significant importance to consumers in vulnerable circumstances.</p>	<ul style="list-style-type: none"> • Age • Persons with a disability 	<p>We will work to ensure that the opinions and needs of people in Northern Ireland are considered in any proposed reform of Royal Mail's universal service obligations.</p>
<p>Ofcom is growing its 'out-of-London' presence to be more reflective of the whole of the UK.</p> <p>Potential job applicants may not be aware of the opportunity to work for Ofcom in Northern Ireland.</p>	<ul style="list-style-type: none"> • Religious belief • Political opinion • Men and women 	<p>We will ensure as many Ofcom jobs as possible are open to applicants wishing to be based in Northern Ireland.</p> <p>We will continue to monitor our workforce to ensure it remains reflective of Northern Ireland's society.</p>

Annex 7: Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

1. Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

2. We will be clear about whom we are consulting, why, on what questions and for how long.
3. We will make the consultation document as short and simple as possible, with an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.
4. We will consult for up to ten weeks, depending on the potential impact of our proposals.
5. A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
6. If we are not able to follow any of these principles, we will explain why.

After the consultation

7. We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish the responses on our website at regular intervals during and after the consultation period. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.