

# Northern Ireland Equality Scheme

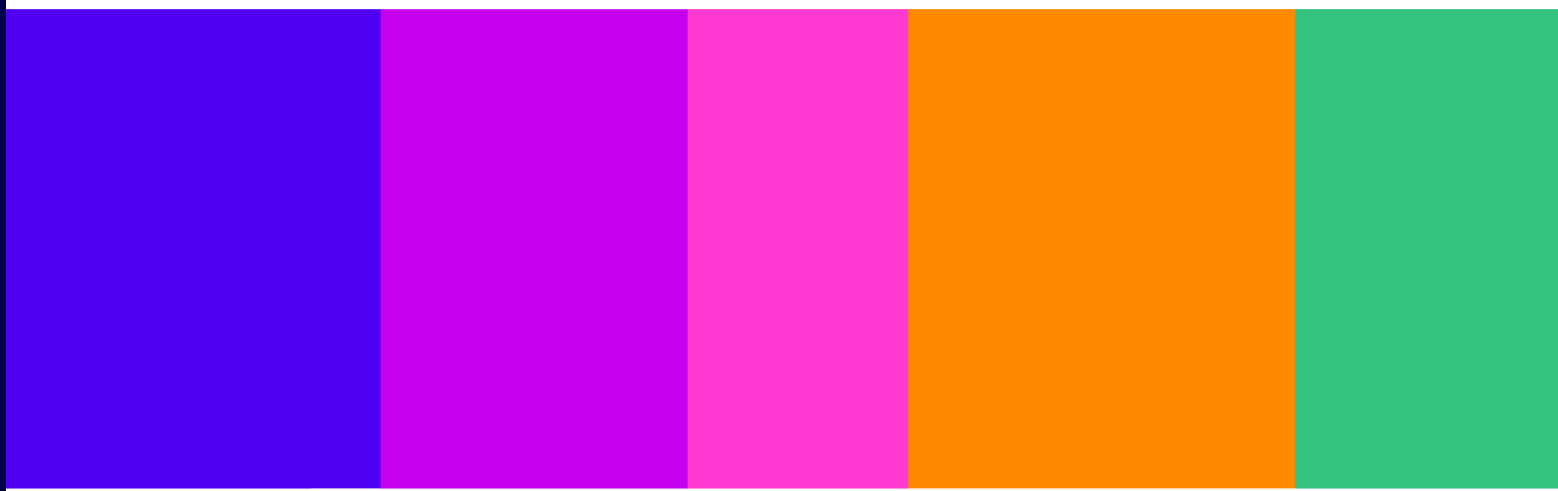
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5-year review and proposed update

## Consultation

Published 27 January 2025

Closing date for responses: 25 April 2025



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# 1. Overview

- 1.1 As a UK-wide public body operating in Northern Ireland, Ofcom has had a Northern Ireland Equality Scheme in place since shortly after Ofcom was established in 2003.
- 1.2 Our scheme has been revised and updated periodically, most recently in 2019. We have now conducted a 5-year review of our scheme and are consulting on the changes we propose to make to the scheme.
- 1.3 The updated scheme continues to follow the template provided by the Equality Commission for Northern Ireland (ECNI) and is presented in an accompanying document.

## What we are proposing – in brief

We propose to update the scheme to reflect the following key changes:

- The additional statutory duties and powers Ofcom has been given since 2019. These include powers in relation to on-demand services and video sharing platforms, telecoms security and most recently our new role as the Online Safety regulator for the UK.
- Changes to Ofcom’s senior management, our governance structures, and the UK-wide Diversity & Inclusion work we conduct both as an industry regulator and as an employer.
- Acknowledging Ofcom’s updated guidance on how we carry out policy Impact Assessments, and how this guidance relates to our equality duties in Northern Ireland.

We have also conducted a fresh Audit of Inequalities to help us draw-up a new equality Action Plan, on which we are seeking consultees’ views.

We are not proposing significant changes to any other arrangements in our current scheme.

## 2. Review of our current Northern Ireland Equality Scheme

### How we have reviewed our scheme

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- 2.1 An equality scheme describes the arrangements that a public authority has in place to fulfil the duties imposed on it by Section 75(1) and (2) of the Northern Ireland Act (1998) (the Act). These duties are: to have due regard to the need to promote equality of opportunity; and regard to the desirability of promoting good relations.
- 2.2 The equality scheme includes arrangements for (a) training staff, (b) assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity, and (c) monitoring any adverse impact of those policies that have been adopted.
- 2.3 Ofcom's first equality scheme for Northern Ireland was published in 2005 and it has been revised and updated periodically, most recently in December 2019.
- 2.4 As required by Schedule 9 paragraph 8 (3) of the Act, public authorities must conduct a thorough review of their equality scheme every five years. The purpose of a 5-year review is to examine how the scheme's arrangements have been applied and to assess how effective they have been in assisting public authorities to comply with the Section 75 duties.
- 2.5 We have reviewed our current scheme in line with the [guidance provided by the ECNI](#) for conducting a 5-year review of an equality scheme. We have used our Annual Section 75 Progress Reports to the ECNI as evidence for how our scheme has operated since it was last updated in 2019. We have also assessed changes to Ofcom's duties and our approach to our statutory equality duties.

### What we have found

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#### Our current Equality Scheme remains fit for purpose

- 2.6 Having reviewed our Annual Section 75 Progress Reports since our scheme was last updated in 2019, our conclusion is that the arrangements in our current scheme are working effectively. The reports provide consistent evidence of how Ofcom's policy developments have helped promote equality of opportunity and good relations, both as a regulator and an employer.
- 2.7 The reports also outline our record on conducting consultations and impact assessments, staff training and publishing information. We have received no complaints during the lifetime of our current scheme.
- 2.8 The Annual Progress Reports demonstrate how we have consistently delivered on the five elements of our scheme's Action Plan for Northern Ireland. Some of the measures in the Action Plan are time-bound, and during the course of the existing scheme Ofcom's

regulatory duties have expanded. It is therefore timely to review our Audit of Inequalities and create a new Action Plan for the next 5-year period.

## Ofcom remains committed to our equality obligations

- 2.9 Ofcom remains determined to do all we can to promote diversity and inclusion inside our organisation and in the wider sectors we regulate. During the term of our current NI Equality Scheme we published our UK-wide [diversity and inclusion strategy \(PDF, 1.7 MB\)](#) in January 2021. It set out our five-year strategy for making Ofcom a more diverse and more inclusive organisation. We are driven by the principles and commitments set out in this strategy.
- 2.10 Our Annual Progress Reports over the last five years highlight a raft of policy interventions Ofcom has made to support people in protected groups – whether it has been helping to improve the diversity of people employed in broadcasting or introducing consumer protection measures to support vulnerable telecoms customers.

## Our remit, role and approach has changed

- 2.11 Since 2019, Ofcom’s regulatory remit has expanded significantly. The Online Safety Act (2023) confirmed Ofcom as the UK’s Online Safety regulator with the goal of creating a safer life online for UK citizens. The Act imposes duties on regulated online services – including social media, search, gaming and pornography sites – to keep users safe from illegal harms and content that is legal but harmful to children including suicide/self-harm content and pornography.
- 2.12 In addition, new powers relating to [on-demand services](#) and [video-sharing platforms](#) came into force in 2020. The Telecoms Security Act 2021 is also now in force which gave us new [telecoms security duties](#).
- 2.13 In order to better reflect our role as a regulator for the whole of the UK, we have sought to grow our longstanding offices in Belfast, Edinburgh, and Cardiff as part of a target of having close to a third of our workforce based outside London.
- 2.14 We have also signed a Memorandum of Understanding with the Northern Ireland Executive and Assembly and the UK Government which includes the appointment of a member to the Ofcom Board to represent the interests of Northern Ireland. Karen Baxter was appointed as our first Northern Ireland Board member in 2022.
- 2.15 Ofcom has a new Chief Executive and Chair since our current Scheme was published. Dame Melanie Dawes was appointed Chief Executive in 2020, and Lord Grade of Yarmouth was appointed Chair in 2022. The role of Corporate Services Director has been replaced by the role of Chief Operating Officer & Corporate Group Director, and Melissa Tatton was appointed to this role in 2020. Collectively, the Chair, Chief Executive and Chief Operating Officer (COO) are responsible for the delivery of our Scheme.
- 2.16 Our Diversity & Inclusion Strategy published in 2021 replaced our previous Diversity & Inclusion Programme which ran from 2018.
- 2.17 The governance of our approach to Diversity & Inclusion has also changed. The approval of our revised NI Equality Scheme, as well as our UK-wide Diversity & Inclusion Strategy now sits directly with Ofcom’s Operations Board, which is chaired by the COO.

- 2.18 We published a new [Disability Action Plan](#) for Northern Ireland in 2022, outlining how we would promote positive attitudes towards disabled people, and encourage participation by disabled people in public life.
- 2.19 In 2023 we publicly consulted on and subsequently enhanced our [guidance](#) on how we carry out Impact Assessments, including our Equality Impact Assessments, for all areas of our policy work.<sup>1</sup> Our 2023/24 [Annual Report](#) summarises the positive impact that updated guidance has already had.<sup>2</sup>

## The changes we are proposing to make to our scheme

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- 2.20 We want to ensure our scheme is up-to-date and reflects our current remit, role, and approach as set out above. Specifically, this means updating the following sections and annexes of our current scheme:
- **Foreword** – signed by our current Chair and Chief Executive.
  - **Preface** – updated to reflect the current market context and Ofcom’s Diversity & Inclusion work and now signed by the COO.
  - **Introduction** – updating the About Ofcom section to reflect our current duties, our approach to equality work, and our work in Northern Ireland.
  - **Chapter 3** – acknowledging Ofcom’s own consultation principles (now included in a separate annex) and how they relate to our Section 75 duties in Northern Ireland.
  - **Chapter 4** – acknowledging Ofcom’s updated guidance on Impact Assessments and how it relates to our Section 75 duties in Northern Ireland.
  - **Chapter 8** – updating the complaints procedure to reflect Ofcom’s general complaints procedures.
  - **Annex 1** – updating the Governance framework for our NI Equality Scheme.
  - **Annex 3** – updating the list of equality consultees.
  - **Annex 5** – amending the Glossary of Terms to reflect the updated scheme’s content.
  - **Annex 6** – including a new Action Plan for Northern Ireland to reflect a new Audit of Inequalities and subsequent new Action Measures.
  - **Annex 7** – removing the summary of our expired Diversity & Inclusion Programme.
  - **Annex 8** – removing our general complaints procedure and integrating it into Chapter 8.

## Arrangements for assessing the impacts of our policies

- 2.21 We are not proposing to make any significant changes to the arrangements in our current scheme regarding consultation, publishing the impact of policies, staff training, or ensuring access to information and services.

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<sup>1</sup> Paragraphs 3.14 – 3.16 of our updated [impact assessment guidance](#) summarise our statutory equality duties in relation to Northern Ireland.

<sup>2</sup> Pages 46 and 47.

- 2.22 Our arrangements for how we assess and monitor the impact of our policy work (Chapter 4 of our scheme) remain largely as they were in the ECNI-approved 2014 version of our scheme and the updated 2019 version. Those arrangements use a two-stage equality impact assessment process which are intended to be equivalent to the ‘Screening’ and ‘Equality Impact Assessment’ processes outlined in the ECNI’s [model equality scheme](#).
- **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.
- 2.23 In this latest version of our scheme, we want to acknowledge that in 2023 Ofcom updated its UK-wide guidance on how we assess the impact of our policies, including how we carry out equality impact assessments. We also want to remain consistent with the ECNI’s guidance on screening and equality impact assessments.
- 2.24 We believe that the two approaches are compatible and can co-exist. While Ofcom’s default approach is to use our own impact assessment guidance for our policy work, the latest version of the scheme makes it clear that whenever our Section 75 duties are engaged, we will use our approved two-stage assessment process.

## Audit of Inequalities and subsequent Action Plan

- 2.25 An Audit of Inequalities presents a picture of the inequalities that a public body has the potential to influence and address over time, through their areas of responsibility. The audit provides an evidence-base for the development of appropriate action measures in the public body’s Action Plan. This 5-year review gives us a timely opportunity to review the inequalities and measures in Ofcom’s current Action Plan.
- 2.26 We have reviewed our Action Plan through the lens of our own research into the communications markets in Northern Ireland, as well as our Section 75 Annual Progress Reports since 2019. While the reports show that our current action measures have been delivered consistently, our research illustrates changes in the communications markets since 2019 which mean our action measures are now less relevant and need to be refreshed.
- 2.27 For example, in our current scheme we identified an inequality in the level of telecoms connectivity (ie. fibre broadband and mobile services) across Northern Ireland. The action we identified was to assess and publish accurate information on the levels of broadband and mobile connectivity. Our research now shows Northern Ireland to be one of the best-connected regions of the UK. While good connectivity across Northern Ireland is by no means ubiquitous, the initial inequality has reduced dramatically.
- 2.28 When conducting the review of our Action Plan, we have also been mindful of the recent extension of Ofcom’s regulatory remit, in particular to cover online safety and the potential impact it could have on citizens and consumers in Northern Ireland. With online services being a core part of our lives, the Online Safety Act is a major step towards ensuring a safer life online for users. The new laws aim to hold social media, video-sharing platforms and search engines to account and take measures towards protecting both children and adults online.

- 2.29 Our duty as the online safety regulator interacts with our equality duty to promote good relations between persons of different religious belief, political opinion, or racial group. For example, our audit of inequalities identified the potential for online users in Northern Ireland to be exposed to sectarian and terrorism-related content, and our Action Plan includes measures to help address this inequality.

## Timings

- 2.30 Overall, we believe the proposed changes to our current scheme are not substantial and do not constitute a new scheme which, under the ENCI's guidance for a 5-year review, would require public consultation and submission to the ECNI for approval. However, we believe that it is appropriate to seek consultees' views particularly on our new Action Plan, as well as the other proposed changes outlined above.
- 2.31 Following this consultation, we will consider the responses received from stakeholders and review our proposals accordingly. We intend to publish a statement alongside an updated scheme before the summer of 2025. This will align our scheme with the new Online Safety regulatory framework being in place. It will also align with Ofcom's next annual Plan of Work, 3-year Plan and the planning for our next Diversity & Inclusion Strategy due in 2026.
- 2.32 Our updated Scheme will run from 2025 to 2030 when it will be subject to a 5-year review.

## The impact of our proposals

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- 2.33 Section 7 of the Communications Act requires us to conduct and publish an assessment of the likely impact of implementing a proposal which would be likely to have a significant impact on businesses or the general public, or when there is a major change in Ofcom's activities.
- 2.34 More generally, impact assessments form part of good policymaking and we therefore expect to carry them out in relation to a large majority of our proposals. We use 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 and why we consider those decisions best fulfil our applicable duties and objectives in the least intrusive way. Our [impact assessment guidance](#) sets out our general approach to how we assess and present the impact of our proposed decisions.
- 2.35 Our provisional view is that our proposals will ensure our NI Equality Scheme is up-to-date and reflects our current remit, role, and approach. To that extent, we consider any impact of our proposals on stakeholders is likely to be low and any impact there may be is likely to be positive. In particular, we consider that our proposals will provide further transparency, add clarity, and promote certainty for stakeholders around the content of our scheme and how it operates. These potential impacts should ultimately benefit citizens and consumers including equality groups (see below).

## Equality Impact Assessment

- 2.36 Section 149 of the Equality Act 2010 imposes a duty on Ofcom when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership



pregnancy and maternity; race; religion or belief; sex and sexual orientation. The Equality Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.

- 2.37 Section 75 of the Northern Ireland Act 1998 ('the NI Act') also imposes a duty on Ofcom, when carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations across a range of categories outlined in the NI Act. Ofcom's [Revised Northern Ireland Equality Scheme](#) explains how we comply with our statutory duties under the 1998 Act.
- 2.38 To help us comply with our duties under the Equality Act and the NI Act, we assess the impact of our proposals on persons sharing protected characteristics and, in particular, whether they may discriminate against such persons or impact on equality of opportunity or good relations.
- 2.39 Our assessment is that revising our NI Equality Scheme is likely to have a major positive impact in respect of one or more of the equality of opportunity and/or good relations categories. It will put Ofcom in a better position to fulfil its Section 75 duties.
- 2.40 Specifically, our revised Action Plan contains measures which over time will help mitigate the inequalities identified in our Audit of Inequalities across the sectors Ofcom regulates, and to the benefit of the categories of people identified.
- 2.41 Our provisional conclusion is that no further mitigations are required, however, as part of the consultation on our revised scheme, we welcome consultees' views on our Equality Impact Assessment.

## Welsh Language Impact Assessment

- 2.42 The Welsh Language (Wales) Measure 2011 established a legal framework to impose duties on certain organisations to comply with standards in relation to the Welsh language. Ofcom has a set of standards agreed with the Welsh Language Commissioner which govern how we treat the Welsh language as we carry out our work. We consider that the proposals set out in this consultation will not have any impact on opportunities for persons to use the Welsh language, or on treating the Welsh language no less favourably than the English language. We welcome consultees' views on this assessment.

## About this document

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- 2.43 The rest of this document comprises the following:

- Annex 1 – Responding to this consultation
- Annex 2 – Ofcom's consultation principles
- Annex 3 – Consultation coversheet
- Annex 4 – Consultation questions

- 2.44 The text of the updated version of our Scheme is presented as a separate document and can be found on our [consultation page](#).

# A1. Responding to this consultation

## How to respond

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- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on Friday 25 April 2025.
- A1.2 You can download a response form from our [consultation page](#). You can return this by email or post to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to: [ofcomnorthernirelandoffice@ofcom.org.uk](mailto:ofcomnorthernirelandoffice@ofcom.org.uk), as an attachment in Microsoft Word format, together with the cover sheet.
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Review of NI Equality Scheme  
Ofcom  
Landmark House  
5 Cromac Quay, The Gasworks  
Belfast, BT72JD
- A1.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
  - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential).
- A1.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt of a response submitted to us by email.
- A1.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A1.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 4. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A1.10 If you want to discuss the issues and questions raised in this consultation, please contact Ofcom's Northern Ireland Director [jonathan.rose@ofcom.org.uk](mailto:jonathan.rose@ofcom.org.uk)

## Confidentiality

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- A1.11 Consultations are more effective if we publish the responses before the consultation period closes. This can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish responses on the Ofcom website at regular intervals during and after the consultation period.
- A1.12 If you think your response should be kept confidential, please specify which part(s) this applies to and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we do not have to edit your response.
- A1.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.14 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant government department before we publish it on our website.
- A1.15 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our Terms of Use.

## Next steps

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- A1.16 Following this consultation period, Ofcom plans to publish a statement in the Spring of 2025. This statement will set out Ofcom's decisions on the proposed version of the scheme on which we are consulting and the responses we receive to our consultation.

## Ofcom's consultation processes

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- A1.17 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.18 If you have any comments or suggestions on how we manage our consultations, please email us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk). We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.19 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA  
Email: [corporationsecretary@ofcom.org.uk](mailto:corporationsecretary@ofcom.org.uk)

# A2. Ofcom's consultation principles

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

## Before the consultation

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- A2.1 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

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- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 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.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 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.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

## After the consultation

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- A2.7 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.

# A3. Consultation coversheet

## Basic details

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Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

## Confidentiality

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Please tick below what part of your response you consider is confidential, giving your reasons why

- > Nothing
- > Name/contact details/job title
- > Whole response
- > Organisation
- > Part of the response

If you selected 'Part of the response', please specify which parts:

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If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

Yes  No

## Declaration

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I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom aims to publish responses at regular intervals during and after the consultation period. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

# A4. Consultation questions

A4.1 We are seeking views on our proposals and reasoning. Please provide reasons for your response, along with any supporting evidence.

**Question 1:**

Do you agree with our Equality Impact Assessment of the potential impact on specific groups of persons?

**Question 2:**

Do you agree with our Welsh language impact assessment?

**Question 3:**

Do you agree with the Action Plan in our revised scheme?

**Question 4:**

Do you have any comments on any other aspect of our revised scheme?