
Revised Northern Ireland Equality Scheme for Ofcom

Drawn up in accordance with Section 75 and
Schedule 9 of the Northern Ireland Act 1988

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If you would like this document in large print, Braille, audio format, or in another language, please contact us at:

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

Telephone: 028 90 417500 or 030 0123 3333

Textphone 020 7981 3043

Email: ofcomnorthernirelandoffice@ofcom.org.uk

Foreword

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 Equality Commission guidelines.

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 revised 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.

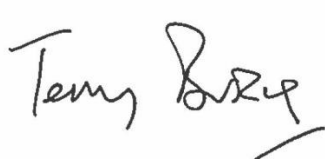
We commit to having effective internal arrangements in place for ensuring our effective compliance with the Section 75 duties and for monitoring and reviewing our progress.

We will develop and deliver a programme of communication and training with the aim of ensuring that all 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.



Lord Burns GCB, Chairman



Jonathan Oxley, Interim Chief Executive

¹ See section 1.1 of our Equality Scheme.

Preface

Our Northern Ireland Equality Scheme is an integral part of Ofcom's Diversity & Inclusion Programme (DIP). Putting diversity and inclusion right at the heart of everything we do is crucial to us achieving our goal to make communications work for everyone.

The current Programme runs from 2018-2022 and it explains how diversity and equality are essential to how we operate, both as an employer and as the UK's communications regulator.

Our DIP addresses our duties under the Communications Act 2003 to further the interests of consumers, as well as duties under equality legislation as an employer. We are also required to publish our equality objectives.

We published our first Northern Ireland Equality Scheme in 2005 and a lot has changed since then. In 2005 a quarter of households in Northern Ireland had a basic broadband connection. Mobile phones relied on 3G networks and were used predominantly for voice calls and text messaging, and just over half of households watched some form of digital television.

Now in 2019, nearly 90% of households in Northern Ireland can get superfast broadband, 5G mobile services are being launched, and almost half of households subscribe to TV streaming services.

People are benefitting from the range of online services available to them. There is greater choice and diversity of entertainment online, allowing people to find content they want. New communication methods help people stay in touch with others and work more flexibly. However, there are growing concerns around protecting people online.

In a world of fibre broadband, smartphones and smart TVs it is increasingly important that we understand the needs of people across the UK and can regulate effectively to promote their interests. We'll do this by: promoting competition and ensuring markets work effectively for consumers; securing standards and improve quality for consumers; and protecting consumers from harm, especially vulnerable groups.

This revised Northern Ireland Equality Scheme, helps put a sharp focus on diversity and inclusion in all our work and makes us a more effective and responsible employer and regulator of the UK's TV, radio, telecoms and postal sectors.



Alison Crosland, Corporate Services Director

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Please note: Foreword, Preface and Appendices 3 and 4 form part of this equality scheme.

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1. 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 us 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

About Ofcom

1.4 Ofcom is the regulator for the communications services that we use and rely on each day. We make sure people get the best from their broadband, home phone and mobile services, as well as looking after TV and radio.

² Section 98(1).

- 1.5 We also oversee the universal postal service, which means Royal Mail must deliver and collect letters six days a week, and parcels five days a week, at an affordable and uniform price throughout the UK.
- 1.6 We look after the airwaves used by wireless devices like mobile and cordless phones, tablets, microphones, GPS devices and even car keys and doorbells.
- 1.7 We also help to make sure people don't get scammed and are protected from bad practices. This is particularly important for vulnerable or older people.
- 1.8 Our duties come from Parliament. Our priority is good consumer outcomes, where consumers can make informed choices, and we drive this by keeping you informed and promoting competition among companies we regulate.
- 1.9 We provide advice and information to thousands of people each year, through our website and call centre. We register complaints from people and businesses. This helps us to take action against firms when they let their customers down.
- 1.10 We also help to make sure people across the UK are protected from harmful content on TV and radio, and that programmes reflect the audiences they serve. We consider every complaint we receive from viewers and listeners. Often, we investigate further for breaches of our rules.
- 1.11 The most significant change in Ofcom's duties since we published our revised Northern Ireland Equality Scheme in January 2014 is that we became the BBC's first independent, external regulator in April 2017.
- 1.12 We are independent of Government and the companies we regulate, and we are funded by fees paid to us by the companies we regulate.

Our powers and duties

- 1.13 Ofcom was established under the Office of Communications Act 2002 and operates under a number of Acts of Parliament³. The Communications Act 2003 states that our principal duty 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'. In postal services, we must carry out our functions in a way that we consider will secure provision of a universal postal service in the UK. We implement and enforce communications, competition and consumer protection laws.
- 1.14 Our legal duties guide the direction of our work. Our main legal duties are to ensure that:
- the UK has a wide range of electronic communications services;
 - radio spectrum is used in the most effective way;
 - a wide range of high-quality television and radio programmes are provided by a range of different organisations, appealing to a range of tastes and interests;
 - people are protected from harmful or offensive material, unfair treatment and invasion of privacy on the television and radio; and

³ These include the Communications Act 2003, the Wireless Telegraphy Act 2006, the Broadcasting Acts 1990 and 1996, the Digital Economy Acts 2010 and 2017 and the Postal Services Act 2011.

- the universal service obligation on postal services is secured in the UK.
- 1.15 Ofcom can enforce consumer law on behalf of consumers, but we cannot resolve individual consumer complaints about telecoms or postal services. Where appropriate, we provide advice to complainants and refer them to the alternative dispute resolution (ADR) schemes that we have approved. By contrast, we do deal with individual complaints about TV and radio.

Our equality work

- 1.16 As a public authority we also have general duties to promote equal opportunities under the 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; and
 - foster good relations between different groups, in the following protected characteristics:
 - age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex; and
 - sexual orientation
- 1.17 These responsibilities are known as the ‘general duties’ to promote equality. 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 900 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.
- 1.18 Our DIP addresses all these duties and shapes the way we work, both as an employer and as a regulator.
- 1.19 Our previous Corporate Responsibility Steering Group was relaunched in 2019 and refocused as the Diversity and Inclusion Delivery Group (DIDG). Led by two senior Directors, DIDG is responsible for making sure the Diversity & Inclusion Programme is delivered, working with a huge number of colleagues across Ofcom.

- 1.20 Members of the group take on a sponsorship role for one of the following diversity strands:
- Age
 - Disability
 - Ethnicity
 - Gender
 - Parents and carers
 - Religion and belief
 - Sexual orientation
 - Social mobility
- 1.21 DIDG meets monthly and reports to the Operations Board, Policy & Management Board and ultimately the Ofcom Board.
- 1.22 The group engages with several networks at Ofcom supporting colleagues and diversity. The networks are open to all colleagues who may wish to be part of them.

Our work in Northern Ireland

- 1.23 We have a statutory duty to have regard to the different interests of persons in the different parts of the UK. Our operations in the nations are led by directors in Belfast, Edinburgh and Cardiff. Our national offices can draw on the full resources of the organisation to tackle issues that affect one part of the UK. Conversely, those operations ensure that the views, needs and special circumstances of the nations receive the attention of the organisation.
- 1.24 An Advisory Committee in each nation advises us about the interests and opinions of persons living in that part of the UK. National interests are also represented by members of our Content Board and the Communications Consumer Panel.
- 1.25 Our 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.

2. Our arrangements for assessing our compliance with section 75 duties

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

- 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 screen and 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 Corporate Services Director.
- 2.4 The Northern Ireland Director is accountable to the Corporate Services Director and to Ofcom's Diversity & Inclusion Delivery Group 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.
- 2.5 The Northern Ireland Director arranges for colleagues throughout Ofcom to support the implementation and monitoring of the Equality Scheme. Some of this support comes from our Governance & Accountability team in London.
- 2.6 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 90 417500

Fax: 028 90 417533

Textphone: 0207 981 3043

Email: jonathan.rose@ofcom.org.uk

- 2.7 We also offer a video relay service free of charge for consumers wishing to contact us in British Sign Language. Details of our accessibility services are available on our [website](#).

- 2.8 Objectives and targets relating to the statutory duties will be integrated into our strategic and operational business plans⁴.
- 2.9 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.
- 2.10 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”).
- 2.11 The Section 75 annual progress report will be sent to the Equality Commission by 31 August each year and will follow any guidance on annual reporting issued by the Equality Commission.
- 2.12 Progress on the delivery of our Section 75 duties will also be included in our (organisational) annual report. The latest Section 75 annual progress report is available on our website, or by contacting us at the address shown in 2.6.
- 2.13 We will liaise closely with the Equality Commission to ensure that progress on the implementation of our equality scheme is maintained.
- 2.14 We will ensure that Ofcom’s Diversity & Inclusion Delivery Group is fully aware of all our equality activity in Northern Ireland and that this activity is aligned with our DIP.

Action plan/action measures

- 2.15 We have developed an action plan to promote equality of opportunity and good relations. This action plan is set out in Appendix 6 to this equality scheme.
- 2.16 The action measures that will make up our action plan will be relevant to our functions. They will be developed and prioritised on the basis of an audit of inequalities. The audit of inequalities will gather and analyse information across the Section 75 categories⁵ to identify the inequalities that exist for our service users and those affected by our policies⁶.
- 2.17 Action measures will be specific, measurable, linked to achievable outcomes, realistic and time bound. Action measures will include performance indicators and timescales for their achievement.
- 2.18 We will develop any action plans for a period of between one and five years in order to align them with our corporate and business planning cycles. In the first instance our action plans are set to run until 2022 in order to match our DIP. Implementation of the action measures will be incorporated into our business planning process.
- 2.19 We will seek input from our stakeholders and consult on our action plan before we send it to the Equality Commission and thereafter when reviewing the plan.

4 See Appendix 4 ‘Timetable for measures proposed’ and section 2.11 of this equality scheme.

5 See section 1.1 of this equality scheme for a list of these categories.

6 See section 4.1 of this equality scheme for a definition of policies.

- 2.20 We will 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.
- 2.21 We will inform the Equality Commission of any changes or amendments to our action plan and will also include this information in our Section 75 annual progress report to the Equality Commission. Our Section 75 annual progress report will incorporate information on progress we have made in implementing our action plans/action measures.
- 2.22 Once finalised, our action plan will be available on our website, or by contacting us at the address shown in 2.6.

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, all Stage 2⁷ EIA's, and other matters relevant to the Section 75 duties.

3.2 We are committed to carrying out consultation in accordance with our established principles below, and in a way that is consistent with the Equality Commission's guidance 'Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)'.

3.3 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 a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
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 all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement

⁷ See Chapter 4 for an outline of the two stage EIA approach we use

explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

- 3.4 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 will be 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 will take account of existing and developing good practice, including the Equality Commission's guidance Let's Talk Let's Listen – Guidance for public authorities on consulting and involving children and young people (2008).
- 3.5 Information will be made available, on request, in alternative formats⁸, in a timely manner usually within 2-4 weeks. We will ensure that such consultees have ample time to respond.
- 3.6 To ensure effective consultation on Section 75 matters, we will develop a programme of awareness raising on the Section 75 duties and the commitments in our equality scheme by undertaking the following:
- Developing 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.
- 3.7 We are conscious of the fact that affected individuals and representative groups may have different needs. We will take appropriate measures to ensure full participation in any meetings that are held. We will consider for example the time of day, the appropriateness of the venue, in particular 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.
- 3.8 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.
- 3.9 A list of our consultees is included in this equality scheme at Appendix 3. It will also be available on our website, or by contacting us at the address shown in 2.6.
- 3.10 Our consultation list is not exhaustive and is reviewed on an annual basis to ensure it remains relevant to our functions and policies.
- 3.11 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.

⁸ See Chapter 6 of our equality scheme for further information on alternative formats of information we provide.

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

Schedule 9, paragraphs 4(2)(b) to (d); Schedule 9, paragraphs 9(1) and (2)

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 (proposed/amended/existing) strategy, 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 take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9, paragraph 9(2) of the Act.
- 4.3 We use a 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:
 - **Stage 1 EIA** is carried out on all new projects/policies we instigate and is our equivalent to 'screening', as defined by the Equality Commission for Northern Ireland.
 - **Stage 2 EIA** is a more in-depth equality impact assessment which is our equivalent to an 'EQIA' (Equality Impact Assessment as defined by the Equality Commission for Northern Ireland).
- 4.4 Compliance with this objective is monitored by our Governance & Accountability team.
- 4.5 In carrying out these assessments we will relate them to the intended outcomes of the policy in question. As noted above, this 2-stage assessment is our equivalent to the tools of Screening and Equality Impact Assessment (EQIA) as outlined in Equality Commission guidance:
 - the guidance on screening, including the screening template, as detailed in the Equality Commission's guidance 'Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)' and
 - on undertaking an EIA as detailed in the Equality Commission's guidance 'Practical guidance on equality impact assessment (February 2005)'

4.6 We will continue to engage with the Equality Commission for Northern Ireland to ensure that it is a true equivalent.

Stage 1: Equality Impact Assessment

4.7 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.

4.8 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.

4.9 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.

4.10 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?

4.11 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.

4.12 Completion of Stage 1 EIA, taking into account our consideration of the answers to all four screening questions set out in 4.7 above, will lead to one of the following three outcomes:

1. the policy has been 'screened in' for a stage 2 EIA;
2. the policy has been 'screened out' with mitigation⁹ or an alternative policy proposed to be adopted; or
3. the policy has been 'screened out' without mitigation or an alternative policy proposed to be adopted.

⁹ Mitigation – Where an assessment (screening in this case) reveals that a particular policy has an adverse impact on equality of opportunity and/or good relations, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant Section 75 categories.

- 4.13 If our Stage 1 EIA concludes that the likely impact of a policy is ‘minor’ or ‘none’ 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 or ‘more in-depth’ EIA, depending on the policy. Those projects for which there is at least the possibility of an impact on the Section 75 groups will have a Stage 2 EIA completed on them. We will consult on all Stage 2 EIA’s and where appropriate commission additional research. 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.
- 4.14 Where we mitigate, we will outline in our screening template the reasons to support this decision together with the proposed changes, amendments or alternative policy.
- 4.15 This screening 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 ‘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. We will normally conclude that the likely impact of a policy is ‘major’ if:
- The policy is significant in terms of its strategic importance
 - Potential equality impacts are unknown because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct a stage 2 EIA in order to better assess them
 - Potential equality and /or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalized or disadvantaged.
 - Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities.
 - The policy is likely to be challenged by way of judicial review
 - The policy is significant in terms of expenditure.
- 4.17 The decision on such matters is made by the relevant Project Manager, which is subject to both sign-off by the Project Director and the subsequent approval by the Compliance Manager.
- 4.18 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 to screen the policy out, i.e. 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 screening decision will be ‘signed off’ by the appropriate policy lead within Ofcom.
- 4.19 If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, we will review the screening decision.
- 4.20 An analysis of all the impact assessments we have carried out each year will be published in our Annual Report & Accounts.

Stage 2: Equality Impact Assessment (EIA)

- 4.21 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.
- 4.22 Once a policy has undergone a Stage 1 EIA which has identified that a Stage 2 EIA is necessary, colleagues will assess the policy using our existing EIA Toolkit which covers our duties under the Equality Act and takes specific account of the Section 75 categories in relation to Northern Ireland. The toolkit is an internal guidance document which gives project managers a step-by-step guide on how to carry out an EIA.
- 4.23 Any Stage 2 EIA will be subject to consultation at the appropriate stage(s). (For details see above 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))

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

What we publish

Stage 1 EIA

- 4.25 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
 - The number of impact assessments explicit in the published document
- 4.26 We will also publish our screening templates. Our approach to Impact Assessments is available on our [website](#).

Stage 2 EIA

- 4.27 Individual Stage 2 EIA reports are published once the impact assessment has been completed. These reports 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 The results of our assessments will be available in our Annual Report published on our [website](#), or available by contacting us at the address shown in 2.6.

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

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

- 4.30 Monitoring can assist in delivering 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 and the Equality Commission.
- 4.31 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 Equality Commission guidance.
- 4.32 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 on an ongoing basis
 - 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.
- 4.33 If over a two-year period monitoring and evaluation show that a policy results in greater adverse impact than predicted, or if opportunities arise 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.
- 4.34 We review all our EIA (Stage 1 and Stage 2) monitoring information on an annual basis. Other monitoring information is reviewed annually including:
- In relation to our statutory remit and responsibilities, we produce ongoing research to assess consumer opinion and activities. Full details can be found in Ofcom’s statistical release calendar, which is available on our website.
 - Our work is informed by the contribution of several governance committees and advisory bodies, which are required by the Communications Act. These include the Communications Consumer Panel and Advisory Committees for England, Northern Ireland, Scotland and Wales. Each of these bodies meets at least four times a year, helping to guide and shape our policies by broadening our understanding of the needs of consumers and citizens.
- 4.35 Results from monitoring will be considered in reviewing progress of the action plan.

Our arrangements for publishing the results of our monitoring

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

- 4.36 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 (see paragraph 2.12, above)

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 board members and will ensure that our commitment to the Section 75 duties is made clear in all relevant publications.

Training objectives

- 5.3 We will draw up a training plan for colleagues which will aim 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 (Stage 1 and 2 EIA's) 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 and Board members are aware of and understand our equality obligations.
- We will ensure this equality scheme is available to all colleagues on our intranet, 'The Loop' and ensure that any queries or questions of clarification from colleagues are addressed effectively.
 - Colleagues in the Northern Ireland office will receive a briefing on the revised/updated equality scheme with immediate effect.
 - The Section 75 duties form part of induction training for new colleagues.

- Focused training is provided for key colleagues within Ofcom who are directly engaged in taking forward the implementation of our equality scheme commitments (for example those involved in research and data collection, policy development, service design, conducting equality impact assessments, consultation, monitoring and evaluation).
 - When appropriate and on an ongoing basis, arrangements will be made to ensure colleagues are kept up to date with Section 75 developments.
- 5.5 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.
- 5.6 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

- 5.7 We rigorously monitor our internal policies and practices so that we can make improvements where necessary. Our training programme is subject to the following monitoring and evaluation arrangements:
- We evaluate the extent to which all participants in this training programme have acquired the necessary skills and knowledge to achieve each of the above objectives.
 - The extent to which training objectives have been met will be reported on as part of the Section 75 annual progress report, which will be sent to the Equality Commission.
 - We provide colleagues with an opportunity to share their views in a 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 endeavour to provide a reasonable alternative.
- 6.4 Alternative formats may include large print, Braille, audio formats or minority languages to meet the needs of those for whom English is not their first language. We will respond to requests for information in alternative formats in a timely manner.
- 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 20 working days.
- 6.7 We will continue to ensure that disability stakeholders in Northern Ireland are informed of policy developments in a relevant or timely manner.
- 6.8 In disseminating information through the media, we will seek to advertise in the press where appropriate.
- 6.9 As well as providing documents in alternative formats and providing a textphone service, we also offer a video relay service free of charge for consumers wishing to contact us in British Sign Language. Details of our accessibility services are available on our [website](#).

Access to services

- 6.10 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.
- 6.11 We have an ongoing programme of media relations to make sure that our consultations and policy announcements are communicated appropriately to the public.
- 6.12 We hold two keynote public events in Northern Ireland every year – our Annual Plan stakeholder consultation and the launch of our Media Nations report. A wide range of stakeholders are invited to these events and that includes equality and diversity organisations.
- 6.13 In order to accommodate disabled guests, we have provided sign language interpreters at these events whenever required.
- 6.14 The ongoing development of our website meets current accessibility standards. Colleagues who manage our website attend relevant accessibility seminars and advise on improvements we need to make.

Assessing public access to information and services

- 6.15 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.
- 6.16 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.
- 6.17 We monitor our media coverage daily. We also monitor correspondence from politicians in order 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 Appendix 4 outlines our timetable for all measures proposed within this equality scheme. The measures outlined in this timetable will be incorporated into our business planning processes.
- 7.2 This timetable is different from and in addition to our commitment to developing 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 at Appendix 4. For information on these action measures please see paragraphs 2.15-2.22, above.

8. Our complaints procedure

(Schedule 9, paragraph 10)

- 8.1 We are responsive to the views of members of the public. We will endeavour to resolve all complaints made to us.
- 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 he or she may have been directly affected by an alleged failure of the authority to comply with its approved equality scheme. If the complaint has not been resolved within a reasonable timescale, the complaint can be brought to the Equality Commission.
- 8.3 Any complaints relating to our Section 75 duties are integrated into our general complaints procedures. For ease of reference, our general complaints procedures are included in Appendix 8.
- 8.4 In the first instance, please contact our Northern Ireland office 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. The contact details are shown in paragraph 2.6.
- 8.5 We will investigate the complaint or give the complainant a reason for not investigating it. We will seek to provide a substantive response to the complaint normally within one month from the date of its receipt.
- 8.6 If this does not resolve your concerns, please contact the Corporation Secretary (see contact details below) who will review your case and respond to you as quickly as possible.
- Jacqui Gregory
Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London
SE1 9HA
- Tel: 020 7981 3000 or 030 0123 3333
Textphone 020 7981 3043 Email: jacqui.gregory@ofcom.org.uk
- 8.7 We will treat your complaint in confidence and will investigate it carefully as quickly as possible. Every effort will be made to send a full and clear reply within 20 working days of your complaint being received. If we cannot investigate your complaint fully within that time, we will let you know and keep you informed of progress.
- 8.8 Should you remain dissatisfied with the response you have been given you can raise a complaint with the Equality Commission.

- 8.9 In any subsequent investigation by the Equality Commission, we will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require.
- 8.10 We will make all efforts to implement promptly and in full any recommendations arising out of any Equality Commission investigation.

9. Publication of our equality scheme

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

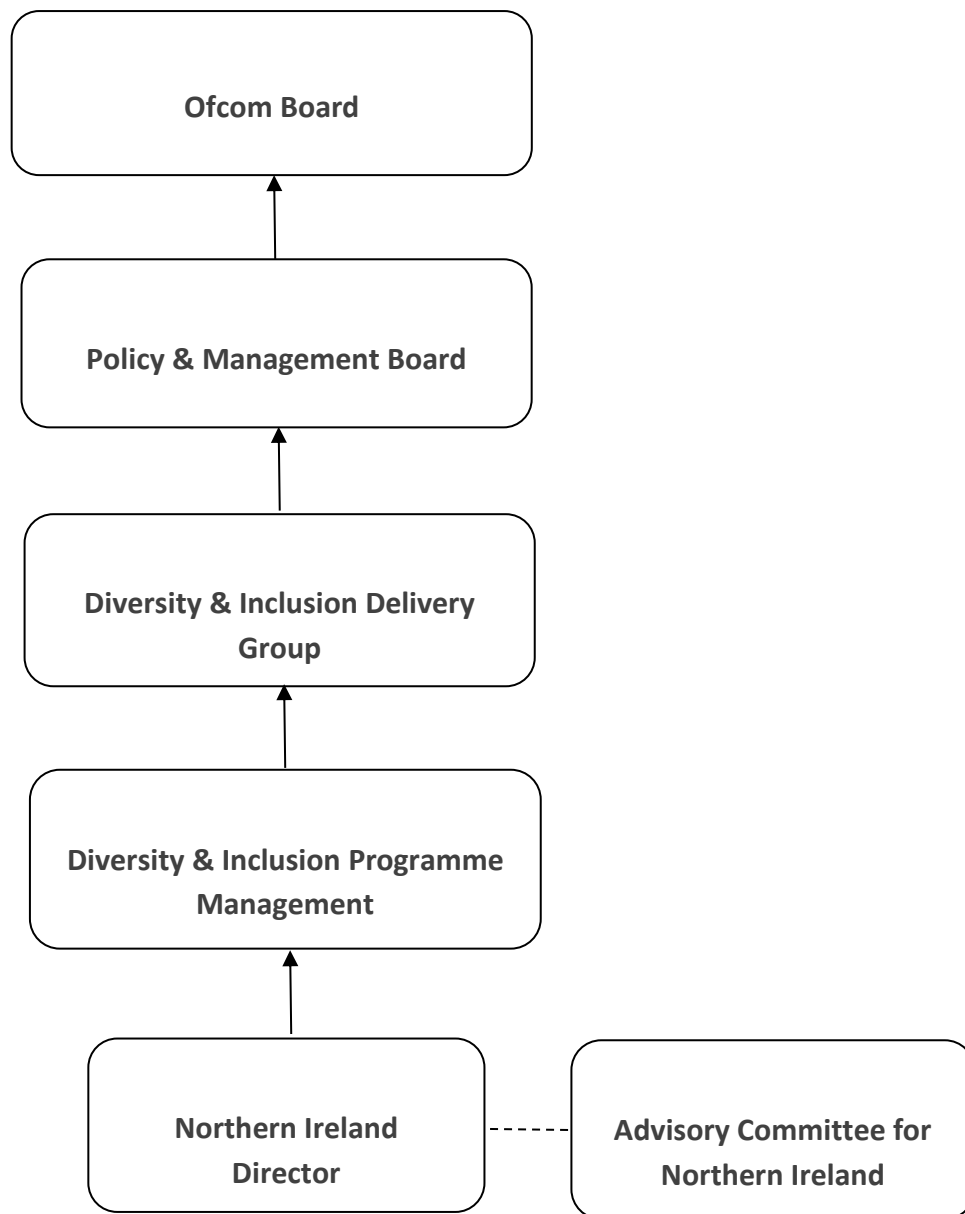
- 9.1 Our equality scheme is available free of charge in print form and alternative formats from our Northern Ireland office. Our contact details are shown in paragraph 2.6. Our equality scheme is also available on our [website](#).
- 9.2 The following arrangements are in place for the publication in 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. Other consultees without e-mail 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 Appendix 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 Equality Commission 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 Equality Commission. A report of this review will be made public and sent to the Equality Commission.

A1. Governance framework for Ofcom's Northern Ireland Equality Scheme



A2. Example groups relevant to the Section 75 categories for Northern Ireland purposes

Please note, this list is for illustration purposes 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 ¹⁰ . 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 opinion¹¹	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.

¹⁰ 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.”

¹¹ ibid

A3. List of consultees

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

Action on Hearing Loss	Department of Agriculture, Environment and Rural Affairs
Action Mental Health	
Advice Space	Department for Communities
African and Caribbean Support Organisation Northern Ireland	Department for the Economy
Age NI	Department of Education
Age Sector Platform	Department of Finance
Alliance Party	Department of Health
Antrim and Newtownabbey Borough Council	Department for Infrastructure
Ards and North Down Borough Council	Derry City and Strabane District Council
Armagh City, Banbridge and Craigavon Borough Council	Disability Action
Arts Council of Northern Ireland	DUP
Association of Baptist Churches in Ireland	Equality Commission for Northern Ireland
Barnardos	Eir
Bauer NI	Electoral Commission
Belfast City Council	Federation of Small Businesses
Cara Friend	Fermanagh and Omagh District Council
Carers Northern Ireland	Foras na Gaeilge
Causeway Coast and Glens Borough Council	Free Presbyterian Church
CBI	General Synod of the Church of Ireland
Children In Northern Ireland	Green Party
Chinese Welfare Association NI	Indian Community Centre
Commissioner for Older People for Northern Ireland	Institute of Directors
Communications Consumer Panel	Irish Catholic Bishops Conference
Community Media Council	Irish Congress of Trade Unions
Community Relations Council	Lisburn and Castlereagh City Council
Consumer Council for Northern Ireland	Methodist Church in Ireland
	Mid and East Antrim Borough Council
	Mid Ulster District Council
	Newry, Mourne and Down District Council

NICVA
Northern Ireland Chamber of Commerce & Industry
Northern Ireland Commissioner for Children and Young People
Northern Ireland Human Rights Commission
Northern Ireland Local Government Association
Northern Ireland Screen
NSPCC
NVTV
Ofcom Advisory Committee for Northern Ireland
Openreach Northern Ireland
PACT
Parenting NI
Presbyterian Church in Ireland
Q Radio
Raidió Fáilte
Rainbow Project
RNIB Northern Ireland
Royal Mail
RTÉ
Rural Community Network
Rural Development Council
SDLP
Sinn Féin
TG4
The Executive Office
Traditional Unionist Voice
U105
Ulster Farmers' Union
Ulster Scots Agency
Ulster Unionist Party
UTV
Virgin Media
Women's Aid Federation
Youth Action NI

A4. Timetable for measures proposed

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

Measure	Lead responsibility	Timetable
Section 75 Annual Progress Report	Director, Northern Ireland	31 August (annually)
Delivery of Section 75 duties reflected in our Annual Plan and report	Director, Northern Ireland	Annually
Action plan: Consultation on draft action plan	Director, Northern Ireland	[in line with consultation on equality scheme]
Action plan: Finalised action plan published	Director, Northern Ireland	November 2019
Action plan: Arrangements for monitoring progress in place	Director, Northern Ireland	November 2019
Consultation list reviewed and updated	Director, Northern Ireland	July (annually)
Stage 1 EIA timetable [Chapter 4]	Governance & Accountability team	
Stage 1 Reports published annually	Governance & Accountability team	July (annually)
Stage 2 EIA timetable [Chapter 4]	Director, Northern Ireland	[in line with policies outlined in Ofcom Annual Plan and notified to consultees and ongoing]
Monitoring [Chapter 4]: Review of monitoring information	Governance & Accountability team	August (annually)
Monitoring [Chapter 4]: Publication of monitoring information	Governance & Accountability team	August (annually)
Training [Chapter 5]: Development of overall training programme	Director, Northern Ireland	Annually
Training [Chapter 5]: Focussed training	Director, Northern Ireland	Annually

Measure	Lead responsibility	Timetable
Training [Chapter 5]: Evaluation of training	Director, Northern Ireland	Annually
Assessing access to information and services [Chapter 6]	Director, Northern Ireland	Annually
Communication of equality scheme [Chapter 9]	Director, Northern Ireland	Within three months of approval
Notification of consultees	Director, Northern Ireland	Within three months of approval
Review of equality scheme [Chapter 10]	Director, Northern Ireland	2022

A5. Glossary of terms

For this glossary we have replicated the Northern Ireland Equality Commission's model scheme glossary and included additional Ofcom-related references.

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.

Affirmative action

In general terms, affirmative action can be defined as being anything consistent with the legislation which is necessary to bring about positive change. It is a phrase used in the Fair Employment and Treatment Order (NI) 1998 to describe lawful action that is aimed at promoting equality of opportunity and fair participation in employment between members of the Protestant and Roman Catholic communities in Northern Ireland.

Alternative Dispute Resolution

Communications providers offering services to individuals and small businesses (up to 10 employees) must be members of an Alternative Dispute Resolution (ADR) scheme. ADR schemes act as an independent middleman between the service provider and the customer when an initial complaint cannot be resolved.

Annual Plan

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.

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.

Article 55 Review

Under the Fair Employment and Treatment (NI) Order 1998, all registered employers must conduct periodic reviews of the composition of their workforces and of their employment practices for the purposes of determining whether members of the Protestant and Roman Catholic communities are enjoying, and are likely to continue to enjoy, fair participation in employment in each employer's concern. These reviews, which are commonly known as Article 55 Reviews, must be conducted at least once every three years.

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 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 and Inclusion Delivery Group (DIDG)

Ofcom's Diversity and Inclusion Delivery Group is responsible for all of Ofcom's corporate social responsibility work, and specifically the delivery of Ofcom's Diversity and Inclusion work programme.

Diversity & Inclusion Programme (DIP)

Ofcom's Diversity and Inclusion Programme explains how diversity and equality are essential to how we operate, both as an employer and as the UK's communications regulator. The programme sets out our objectives and actions for 2018-2022.

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 delivered via clusters of fibre optic cables (each one thinner than a human hair). There are two types of superfast fibre broadband - 'fibre-to-the-cabinet' (FTTC) and 'fibre-to-the-premise' (FTTP). With fibre-to-the-cabinet, fibre optic cables run from the telephone exchange to street cabinets before using standard copper telephone wires to connect to homes. Most fibre connections in the UK are fibre-to-the-cabinet services, and are typically sold as offering speeds of 'up to' 38Mbit/s or 76Mbit/s. Fibre-to-the-premises broadband – which, as the name suggests, involve fibre optic cables running directly to your home – is faster than fibre-to-the-cabinet but currently only represents a minority of broadband connections. Fibre-to-the-premises broadband services can offer speeds of anything up to 1Gbit/s (i.e. 1,000Mbit/s).

Good relations

Although not defined in the legislation, the Equality Commission 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 Corporate Services Group. 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

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 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.

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.

Positive action

This phrase is not defined in any statute, but the Equality Commission understands it to mean any lawful action that a public authority might take for the purpose of promoting equality of opportunity for all persons in relation to employment or in accessing goods, facilities or services (such as health services, housing, education, justice, policing). It may involve adopting new policies, practices, or procedures; or changing or abandoning old ones.

Positive action is not the same as *positive discrimination*.

Positive discrimination differs from positive action in that *positive action* involves the taking of lawful actions whereas *positive discrimination* involves the taking of unlawful actions. Consequently, *positive action* is lawful whereas *positive discrimination* is unlawful.

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.

Screening

The procedure for identifying which policies will be subject to equality impact assessment, and how these equality impact assessments will be prioritised. The purpose of screening is to identify the policies which are likely to have a minor/major impact on equality of opportunity so that greatest resources can be devoted to improving these policies. Screening requires a systematic review of existing and proposed policies.

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 Equality Commission, 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.

Superfast broadband

A broadband connection with a download speed in excess of 30Mb/s. Usually provided over a fibre network.

3G

Third generation of mobile systems. Provides high-speed data transmission and supports 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 surf the web on your mobile, tablets and laptops. 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. Some mobile firms have started to launch 5G services, with others set to follow. 5G goes further than previous technology, offering the capacity for thousands of devices in a small area to be connected at the same time.

A6. Action plan for Northern Ireland

- A6.1 The Northern Ireland Action Plan, outlined below, should be considered in conjunction with the Ofcom’s Diversity & Inclusion Programme (DIP), a summary of which is shown in Appendix 7.
- A6.2 The DIP is also available on the Ofcom [website](#).
- A6.3 The Northern Ireland Action plan 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.

Inequality	Section 75 categories	Actions
<p>The level of telecoms connectivity (ie. fibre broadband and mobile services) can vary across Northern Ireland.</p> <p>Consumers in rural areas generally face lower levels of service than their urban neighbours.</p>	<ul style="list-style-type: none"> • Religious belief • Political opinion • Men and women generally • Age • Persons with a disability 	<p>We will assess and publish accurate information on the levels of broadband and mobile connectivity in Northern Ireland.</p>
<p>A number of television programmes produced in Northern Ireland are shown on UK television networks.</p> <p>This can affect how Northern Ireland is represented and portrayed to the rest of the UK.</p>	<ul style="list-style-type: none"> • Religious belief • Political opinion 	<p>We will monitor and produce reports on the amount of network programming produced in Northern Ireland by the Public Service Broadcasters.</p>
<p>There is significant demand from community-based groups, including Irish language and Ulster Scots groups, from across Northern Ireland to acquire broadcasting licences.</p>	<ul style="list-style-type: none"> • Religious belief • Political opinion 	<p>We will seek to provide interested groups with appropriate information on relevant licensing processes.</p>
<p>It is important that Ofcom keeps in touch with the views and opinions of citizens and consumers in Northern Ireland and understands their needs and concerns.</p> <p>It is also important that Ofcom understands the political, social and economic landscape in Northern Ireland.</p>	<ul style="list-style-type: none"> • Religious belief • Political opinion • Age • Persons with a disability 	<p>We will seek to ensure that any research programmes include representative samples from Northern Ireland.</p> <p>We will seek to ensure that colleagues in the Belfast office, and members of Advisory Committees, remain reflective of Northern Ireland society.</p> <p>We will continue to use specific Northern Ireland Diversity Monitoring Forms for any recruitment in Northern Ireland.</p>

Inequality	Section 75 categories	Actions
<p>Many communications services are available and consumed on an all-island basis.</p> <p>Most notably, mobile users in Northern Ireland can roam onto Republic of Ireland networks at no extra charge; and TV channels from the Republic of Ireland are widely available in Northern Ireland.</p>	<ul style="list-style-type: none"> • Religious belief • Political opinion 	<p>As the UK leaves the European Union, we will work with fellow regulators, governments and industry to preserve cross-border communications services for Northern Ireland consumers.</p>

A7. Diversity and Inclusion Programme

Ofcom's Diversity and Inclusion Programme (DIP) was published in March 2018 and covers the period from 2018 to 2022.

Summary

Our Diversity and Inclusion Programme for 2018-2022 has three main objectives. They cover our role as an employer and the UK's communications regulator.

Each objective has a comprehensive set of actions. They cover the make-up of our staff, the way that we work and the work that we do to make communications work for everyone. Our objectives are to:

- Build a diverse and inclusive workforce to better reflect the UK population we serve;
- Ensure diversity and inclusion are central to our work practices and culture so everyone understands, supports and is accountable for diversity; and
- Ensure the different needs and interests of all individuals are considered when carrying out our regulatory work.

Our action plan is intended to be flexible, and we will continue to review, adapt and add to it as we develop new initiatives and as new recommended practices are put forward by the advisory bodies with whom we work. We will report on our progress externally each year to 2022.

Part 1: Ofcom as an employer

Build a diverse and inclusive workforce to better reflect the UK population that we serve.

It is important that our workforce reflects and is representative of the communities that we serve. Having a mix of diverse backgrounds and life experiences increases and widens our thinking, ideas and viewpoints to shape the policies and decisions that we make for the benefit of consumers and businesses who use services in our sectors.

Making the diversity of our workforce stronger

1. Diversity workforce targets: We will continue to work towards the gender and ethnicity workforce targets we set ourselves three years ago, by 2020. These are to have a 50% gender balance across Ofcom, for women colleagues to make up at least 40% of colleagues at a senior level and for 13% of colleagues at a senior level to be from a black, Asian or ethnic minority background.
2. We will decide whether to set new diversity workforce targets on sexual orientation, disability, social mobility and religion during 2019/2020. Before then, our efforts will focus on capturing more internal data around these diversity characteristics including, for the first time, on socio-economic background; strengthening our working culture and processes to further drive inclusion; and getting colleagues to be even more engaged with the issue of diversity and why it matters to Ofcom.

3. Regular monitoring and reporting: We will continue to monitor and report on the diversity of our workforce and the impact our policies and processes have on colleagues who meet one or more of the diversity characteristics. We are currently developing an internal reporting tool so that we can better monitor the make-up of individual teams. We are reviewing how to best report the data on colleague progression and performance, in a consistent, open and appropriate way.
4. More comprehensive diversity data: We will further encourage colleagues to provide us with all their diversity information. This will be supported by an internal campaign to explain the importance of collecting diversity information.
5. Ensuring we are disability confident in all we do: We are already a Disability Confident Employer. To build on this, we will provide mandatory disability awareness training for all colleagues, including line managers; introduce a system for recording disability-related absence; and make sure our recruitment, development and performance-management processes account for appropriate adjustments.

Recruitment

We will put in place new recruitment and selection practices to attract talented people from diverse backgrounds:

1. Further promoting ourselves as an inclusive employer: we will use a wider range of advertising platforms such as specialist press and websites and work with our recruitment partners to attract more under-represented groups. To make it clear that we welcome flexible working, we will change the working hours on all our job adverts from 'full time' to 'flexible'.
2. Ensuring diversity in our interview panels and shortlisted candidates for all posts, for example by having a gender mix and ethnic minority representation wherever possible.
3. Reviewing the diversity of candidates before moving on to each stage of the recruitment process, from shortlisting applicants through to interviews and before final appointment.
4. Introducing a returnship programme. A returnship programme offers paid internships alongside external coaching for people who are returning from an extended career break.
5. For newly recruited disabled colleagues, we will ensure workplace adjustment agreements³ are put in place in a timely way and recorded.
6. We will continue to work with the Institution of Engineering and Technology (IET) to promote careers for women in engineering and to raise awareness about engineering roles at Ofcom.
7. We are increasing our commitment to apprenticeships and internships to promote career opportunities, help social mobility, and to create a more diverse talent pool for the future. We plan to expand our apprenticeship scheme to offer a broader range of opportunities across our organisation and to pilot a new work placement and work experience scheme for secondary school children from diverse backgrounds.

Ensure diversity and inclusion are central to our work practices and culture so everyone understands, supports and is accountable.

Empowering colleagues to succeed:

To make sure our colleagues are empowered to succeed whatever their background we will support them in the following ways:

Colleague development:

We will be open and transparent about the routes to career progression and development. We will enhance leadership and management capability across the organisation with a focus on developing colleagues from under-represented groups into management and leadership positions.

1. We will roll out our Future Leaders Programme and monitor its effectiveness in developing colleagues from diverse groups.
2. We will introduce a reciprocal mentoring programme where senior leaders are encouraged to pair with colleagues from diverse backgrounds who are in more junior roles. This will help senior leaders to better understand the positive impact that diversity has on our organisation, while more junior colleagues will have the opportunity to exchange skills and learnings with senior colleagues.
3. We plan to roll out a role-modelling scheme to support women at Ofcom to maximise their potential. This will give our female colleagues the opportunity to explore a range of topics with Ofcom's role models.

Pay:

We will continue to ensure we have a fair and transparent approach to determining pay. We will monitor and address any unjustifiable pay gaps between colleagues. We will also continue to look at how performance bonuses and management rewards are distributed among colleagues. Our gender and ethnicity pay audits will continue to be published externally and communicated internally.

Disability and accessibility:

We will make our work spaces in all our offices as accessible as possible for all colleagues and visitors. We are undertaking workplace access, diversity and inclusion audits of our buildings and will take action where appropriate. With the input of disabled colleagues and working with the Business Disability Forum, we will complete a disability and wellbeing review of our systems and processes.

Nurturing our diversity networks:

Our thriving colleague networks take a leading role in our diversity work. We will continue to support these networks, all of which are open to all colleagues to join and support 2. They provide support for colleagues, organise awareness-raising events and influence change by developing and delivering aspects of our diversity and inclusion agenda.

Strengthening our leadership and accountability:

It is vital that our diversity and inclusion plan is driven from the top. Our Chief Executive, Sharon White, is leading the diversity and inclusion agenda across our organisation.

Governance and responsibility:

Each of our senior management team is responsible for championing a diverse and accepting workplace culture and represents each of the protected characteristics. Our Corporate Responsibility Steering Group⁴, made up of senior leaders, meets every month to share best practice and track progress against our plan. We will report every six months on progress to our Policy Management Board using a range of performance measures, as well as providing regular updates to all colleagues. The Ofcom Board holds overall responsibility and accountability for our Diversity and Inclusion programme, and our progress against it.

Accountability:

We will make sure that our diversity and inclusion priorities are reflected in the annual measurable objectives of all people managers and senior leaders. They will be supported by mandatory diversity and inclusion training, including on disability and workplace adjustments, along with mandatory unconscious bias¹ training and an assessment of their unconscious bias. On top of this, online unconscious bias training will be made compulsory for all colleagues at least every twelve months.

1. Diversity checks will be built into performance discussions and moderation at end-of-year appraisals. Line managers and colleagues chairing moderation sessions must undertake online unconscious bias refresher training.
2. We will seek external benchmarking on diversity measures such as the Business Disability Forum's Disability Standard, Stonewall Workplace Equality Index (sexual orientation), Business in the Community's Opportunity Now (gender) and Race for Opportunity (ethnicity) and Social Mobility Foundation's Social Mobility Employer Index.

Part 2: Ofcom as a regulator

Ensure the different needs and interests of all individuals are considered when carrying out our regulatory work.

We recognise the importance of our external work in meeting the needs of a diverse society and so will focus on:

Protecting vulnerable consumers:

We aim to ensure all consumers do not face sharp practices and that we protect vulnerable people from specific harms. We also ensure disabled and vulnerable consumers receive the additional support services to which they are entitled. We monitor, through complaints and liaison with industry, how these services are provided and publicised. In October 2018 an additional, broader requirement for communications providers will come into force, to ensure the fair treatment of vulnerable consumers, along with new protections for mobile and broadband consumers in debt.

We will work to ensure providers' policies and procedures are updated to fully comply with the new rules.

Monitoring outcomes for vulnerable consumers:

First published in 2017, we will publish an updated access and inclusion report in 2019, looking at outcomes for consumers in vulnerable circumstances in the sectors we regulate – broadband, phones, television and postal services.

Protecting consumers as voice services evolve:

The way in which consumers use voice services will change substantially over the next decade. Traditional corded telephones are being replaced by new types of telephone (wireless handsets, devices which enable telephone calls over broadband), copper exchange lines are being replaced by fibre and mobile is now established as consumers' medium of choice for voice services. Ofcom will ensure vulnerable consumers are assisted and protected by communications providers as they migrate to these new services.

Promoting the availability of easy-to-use technology and accessibility of audio-visual services:

Our programme recognises the importance of promoting the availability of easy-to-use technology. This includes working with industry to improve the performance of assisted listening devices to help those with hearing disabilities, improving radio equipment specifications and making them less susceptible to interference, and working to improve the accessibility features of the electronic programme guide and working with stakeholders to support the continued improvement in the quality of live subtitles. We will continue to publish and maintain web resources about the usability of telecoms equipment and work with others to increase knowledge and good practice by, for example, taking part in research and events.

Ensuring vulnerable consumers can access a basic universal postal service:

Our current regulation, which provides price protection for second-class universal postal services, is due to expire in March 2019. We plan to review what price protection vulnerable consumers might need after this date.

Strengthening diversity and inclusion in broadcasting:

We recognise that audiences expect programmes that reflect their lives and the diverse communities across all of the UK. We will work with television and radio broadcasters to improve the diversity of people working on and off screen and air, to better represent and portray modern life across the UK. We will also continue to license a range of restricted services and invite applications for community radio to ensure services continue to serve a range of audiences. Furthermore, as the independent and external regulator of the BBC, we will monitor how the BBC fulfils its mission and public purposes to reflect, represent and serve all the diverse communities of all the UK's nations and regions.

Ensuring our publications and external communications are accessible to all:

We will continue to produce and publish content and communications that are clear, easy to understand and accessible to people with learning and other disabilities.

A8. Complaints procedures

How to complain about Ofcom

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.

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.

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.

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.

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.

If we cannot investigate your complaint fully within that time, we will let you know.

Should you remain dissatisfied with the response you have been given, you may be able to raise a complaint with the Parliamentary Ombudsman via your Member of Parliament; alternatively, you may wish to take independent legal advice.

Complain about our consultation process

If you have a complaint about our consultation process, please read our guidelines on [Ofcom consultations](#).

These include details of how to complain to the office of the Secretary to the Corporation (corporationsecretary@ofcom.org.uk).

The Secretary to the Corporation can only investigate complaints about how Ofcom has managed a particular consultation – for example, whether we have allowed enough time for people to respond.

They cannot investigate the substance of policy proposals. If you have a concern about specific Ofcom proposals, please contact the policy team directly.