

**OFFICE FOR THE REGULATION OF
ELECTRICITY AND GAS
(OFREG)**

EQUALITY SCHEME

5 JULY 2001

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**EQUALITY SCHEME FOR THE OFFICE FOR THE REGULATION OF
ELECTRICITY AND GAS**

**STATEMENT BY THE DIRECTOR GENERAL OF ELECTRICITY SUPPLY FOR
NORTHERN IRELAND AND THE DIRECTOR GENERAL OF GAS FOR
NORTHERN IRELAND**

The Office for the Regulation of Electricity and Gas is fully committed to the fulfilment of the obligations in Section 75 of the Northern Ireland Act 1998 (“the Act”) concerning the promotion of equality of opportunity between the categories listed and promoting good relations between persons of different religious belief, political opinion or racial group. This Equality Scheme sets out how Ofgas proposes to fulfil those obligations in relation to all my powers, functions and duties in Northern Ireland.

I will ensure that all of Ofgas’s staff are fully aware of the need to implement the provisions of this scheme and I will give leadership within Ofgas in order to achieve this. The proposals contained in this Equality Scheme, while of importance in the short term, also mark the beginning of a longer term process to ensure the issue of equality is an integral part in Ofgas’s overall thinking.

DOUGLAS McILDOON

**Director General of Electricity Supply for Northern Ireland and Director General of Gas
for Northern Ireland**

OFREG'S EQUALITY SCHEME

1. Introduction

- 1.1 The Office for the Regulation of Electricity and Gas (Ofreg), a non-ministerial Government Department, supports the Director General of Electricity Supply for Northern Ireland and the Director General of Gas for Northern Ireland (both are statutory term-limited appointments) in dealing with all aspects of regulation of the Northern Ireland electricity supply industry and the natural gas industry as required in the respective Electricity and Gas Orders. The Director General of Electricity Supply (Mr Douglas McIlldoon) who is also the Director General of Gas is autonomous but has established an advisory board within Ofreg comprising members of his senior staff. Ofreg is staffed by some 26 Civil Servants on loan from other Northern Ireland Departments. Ofreg's full postal address and other contacts are: Office for the Regulation of Electricity and Gas, Brookmount Buildings, 42 Fountain Street, Belfast BT1 5EE. Tel: 028 9031 1575; Fax: 028 9031 1740; e-mail: firstname.surname@ofregni.gov.uk; website: www.nics.gov.uk/ofreg.

Ofreg is organised into five main sections:-

- **The Electricity Price Regulation Section** which is responsible for ensuring regulated companies including Northern Ireland Electricity (NIE) comply with their licences. Licence conditions contain, among other things, price controls which place limits on the charges NIE can impose and social obligations with which the company must comply (such as requiring the production of Codes of Practice for the elderly and disabled).
- **The Gas Regulation Section** which works in a similar way to ensure Phoenix Natural Gas and other gas licence holders comply with their licences.
- **The Internal Market in Electricity (IME) Section** which is responsible for the implementation of the IME EC Directive. Under this an electricity trading system has been established in Northern Ireland which by April 2001 will enable 35% of the market's consumption (generally large businesses or public sector customers) to purchase electricity from suppliers other than NIE or directly from the generators.
- **Consumer, Business Affairs and Competition Act Section** which handles electricity consumer complaints/concerns which have not been satisfactorily dealt with by NIE. Gas complaints are handled by the General Consumer Council for Northern Ireland. The Section is also responsible for the implementation of the Competition Act 1998 which aims to ensure that companies do not engage in anti-competitive activity in the Northern Ireland Energy Market.
- **Finance and Administration Section** which handles the daily running of Ofreg including administration, finance, IT and licence applications.

1.2 The role of the Director General of Electricity Supply for Northern Ireland (DGES) came into being on 1 March 1992. He has a duty to exercise his functions as set out in the Electricity (Northern Ireland) Order 1992 in a way which is best calculated:

- to ensure that all reasonable demands for electricity are satisfied
- to ensure that licensees can finance their licensed activities
- to promote competition in the generation and supply of electricity
- to protect the interests of consumers of electricity
- to promote the efficient use of electricity by both consumers and suppliers alike
- to protect consumers in respect of the prices charged and other terms of electricity supply.

The DGES's functions include:

- the issuing of licences to new generators and suppliers
- monitoring, enforcing and, where appropriate, modifying licences
- investigating complaints
- setting Standards of Performance for Northern Ireland Electricity plc (NIE) in its capacity as a Public Electricity Supplier
- reviewing the state of the industry and advising Government.

1.3 The role of the Director General of Gas for Northern Ireland (DGG) came into being on 10 June 1996. He has a duty to exercise his functions as set out in the Gas (Northern Ireland) Order 1996 in a way which is best calculated:

- to promote development and maintenance of an efficient and co-ordinated gas industry
- to secure that licensees can finance their licensed activities
- to protect the interests of consumers of gas
- to promote the efficient use of gas supplied to consumers
- to protect the public from dangers arising from the conveyance, storage, supply or use of gas.

The DGG's functions include:

- the issuing of licences to convey, store or supply gas
- monitoring, enforcing and, where appropriate, modifying licences
- promoting the development and maintenance of an efficient, economic and co-ordinated gas industry, and
- protecting the interests of consumers in respect of the prices charged and the other terms of gas supply, continuity of supply and quality of gas supply services provided.

The investigation of customer complaints which the gas companies have been unable to resolve is undertaken by the General Consumer Council for Northern Ireland.

1.4 Section 75 of the Act requires Ofreg 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 or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependents and persons without.

The main groups relevant to these categories are set out in Annex A.

1.5 In addition, without prejudice to its obligation above, Ofreg shall, in carrying out its functions relating to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

1.6 Schedule 9 of the Act requires Ofreg to set out in an Equality Scheme how it proposes to fulfil the duties imposed by Section 75, and in accordance with the Equality Commission's guidelines. This document is Ofreg's public statement as to how it intends to fulfil the duties imposed by Section 75. It explains:

- how Ofreg intends to meet its statutory requirements;
- how Ofreg carries out its functions, powers and duties;
- Ofreg's commitment to the allocation of necessary resources (in terms of people, time and money) to ensure that the statutory duties are complied with and that the Scheme can be implemented effectively and on target;

- Ofreg’s commitment to ensuring effective internal arrangements are in place to ensure duties are effectively complied with and for monitoring and reviewing progress; and
 - Ofreg’s commitment to the development and delivery of a planned programme of communication and training on the Scheme and equality obligations.
- 1.7 The Scheme will also be used internally as a working document for Ofreg’s staff to ensure their compliance with the Section 75 duties.

2. **Arrangements for Assessing Compliance with Section 75 Duties**

- 2.1 In order to inform this scheme, Ofreg has examined its existing functions to assess whether they impact on the promotion of equality of opportunity or the good relations duty.
- 2.2 Over a four year period Ofreg will carry out impact assessments on those policy areas where the initial screening indicates that there is evidence of significant implications on the equality of opportunity or good relations duty within the terms of Section 75 of the Act. The timetable for these impact assessments is shown at Annex C. Where appropriate, a number of policies within a function may be grouped together for one assessment. Where relevant, an equality impact assessment should include an annex on the promotion of good relations (without prejudice to the statutory obligation on equality of opportunity).
- 2.3 Ofreg will proactively develop its promotion of good relations, recognising that the statutory obligation relates to people of different religion, political and racial group. It notes that the Office of the First Minister and Deputy First Minister (OFM/DFM) will carry out equality impact assessments during the first year of its scheme on (i.) the Promoting Social Inclusion review on minority ethnic issues; and (ii.) mainstreaming community relations within the public sector and other institutions. Ofreg will contribute, as necessary, to OFM/DFM’s assessments. It will draw on them in further developing its practical commitments to the good relations statutory obligation.
- 2.4 Organisations included in the list in Annex B will be consulted on Ofreg’s equality impact assessments. This list is not exhaustive. Additional bodies may be added during the lifetime of this scheme to reflect the establishment of new organisations. If other organisations wish to be added to this list they should contact the address shown in para 2.5 below. The Community Relations Council will also be consulted specifically in relation to the promotion of good relations.
- 2.5 Ofreg is committed to the fulfillment of its Section 75 obligations duties and has appointed Mr Leslie Adams, Head of Consumer and Business Affairs, Ofreg, Brookmount Buildings, 42 Fountain Street, Belfast BT1 5EE; Tel: 028 9031 1575; Fax: 028 9031 1740; email: leslie.adams@ofregni.gov.uk to ensure the necessary actions are

planned and progressed in accordance with the Scheme's commitments and timetable.

- 2.6 An Implementation Plan containing the objectives, targets and actions necessary to deliver the undertakings in the Scheme is being developed and will be included in Ofreg's Internal Management Plan for 2001/2002. Ofreg's Statutory Duties have already been included in the Director General's Forward Work Plan for 2001/2002. The Forward Work Plan comprises a summary of all of the actions planned by the Director General during the year. Staff will include implementation of the Statutory Duties in their Personal Performance Plans.
- 2.7 The Implementation Plan will be monitored and reviewed at regular management meetings, and will be further reviewed on a bi-monthly basis by Ofreg's internal Board of Management which will act as Ofreg's Equality Steering Group, under the Chairmanship of the Director General. Other equality related activity, such as Ofreg's Social Action Plan and Human Rights issues will be considered at this time.
- 2.8 An annual review will be conducted, of progress made in implementing the arrangements specified in the Scheme and the Implementation Plan, and their impact on progress made by Ofreg in complying with its Statutory Duty. A report of the review will be sent to the Equality Commission to assist it in compiling its Annual report and will be featured in Ofreg's own Annual Report and on Ofreg's web-site. Ofreg will liaise with the Commission to ensure that progress is maintained.
- 2.9 Ofreg will ensure that implementation of the Section 75 duties is supported with necessary resourcing (in terms of people, time and finance) to ensure that the statutory duties are complied with. It will inform and train staff on the requirements of the statutory obligations and how they can be efficiently implemented.
- 2.10 Ofreg is committed to consulting on matters relating to the statutory duties in accordance with the Equality Commission's guiding principles, as set out below in Section 8. Ofreg will choose methods that seem most appropriate in each case.

3. **Policies and Activities**

- 3.1 In identifying policies to be subject to equality impact assessment – Ofreg has considered the full range of duties and functions imposed on the DGES and DGG as defined in the Electricity (Northern Ireland) Order 1992 and the Gas (Northern Ireland) Order 1996. The following activities are those developed by Ofreg to carry out the duties imposed on the DGES and DGG:

A Promoting competition in the generation and supply of electricity. This involves:

- (i) facilitating the renegotiation of the generation station contracts, in order to both promote competition and secure a better deal for customers.

The generation contracts were signed at the time of privatisation of the

Northern Ireland Electricity Industry in 1992, and provided for two types of payments (energy and availability payments) to be made to the power stations. This arrangement has contributed significantly to Northern Ireland's high generation costs, and subsequently to Northern Ireland's high electricity costs when compared with the rest of the UK.

- (ii) Promoting competition in the generation and supply of electricity by securing such changes to the market structure as will drive down prices for all classes of customers.

One of the duties of Ofreg is to promote competition in the production of electricity and also among those businesses which retail it to final customers. At present only very large consumers have the right to choose their own supplier though the European Union is expected to grant this right to all customers. However merely granting the right does not by itself guarantee lower prices for all customers and in particular for low income households.

- (iii) reviewing periodically the Price Control on NIE's Transmission and Distribution (T&D) business.

This review takes place every 5 years, and involves the Director General capping the maximum allowed revenue stream for the period in question. The necessity for a Price Control arises because NIE's T&D Business, also known as the "wires" business, is effectively a monopoly. Reviews of NIE's Supply and Power Procurement Business are also undertaken periodically.

- (iv) exercising concurrently with the Director General of Fair Trading functions under the Competition Act 1998, as far as they relate to anti-competitive behaviour or abuse of dominant positions in the electricity and gas industries in Northern Ireland.

The Competition Act came into force on 1 March 2000, and introduced two specific prohibitions: One of agreements (whether written or not) which prevent, restrict or distort competition and which may affect trade within the UK ('the Chapter I Prohibition'); the other of conduct by undertakings which amounts to an abuse of a dominant position in a market and which may affect trade within the UK ('the Chapter II Prohibition'). Ofreg will in due course publish a consultation paper on the implications of the Act for the Energy Sector in Northern Ireland.

B. Protecting the interests of electricity consumers with regard to price. This involves:

- (i) minimising the total electricity bill by incentivising NIE to promote the efficient use of electricity;

- (ii) enabling all classes of customers to secure affordable renewable electricity;
- (iii) promoting a two tier tariff that discourages the inefficient use of electricity while protecting the basic requirements of low income households;
- (iv) promoting the concept of energy service companies (ESCOs) which will deliver affordable power and heat packages to households while minimising pollution.

C. Protecting the interests of consumers with regard to quality of service

- (i) reviewing periodically NIE's Standards of Performance (Guaranteed and Overall).

The Standards set service levels for the company, for example, by stipulating times for restoration of supply, making appointments and replying to correspondence. Where the Guaranteed Standards are breached NIE must make pre-determined payments to individual customers. Overall Standards apply to general levels of service, for example, NIE must read 99.5% of meters at least once a year. NIE's performance is reported annually in Ofreg's Customer Services Report.

- (ii) reviewing periodically Ofreg's Social Action Plans aimed at Northern Ireland electricity and gas customers who are disadvantaged and or experiencing fuel poverty.

In May 1998 the Director General first published Action Plans to achieve efficiency, choice and fairness in the provision of electricity and gas to disadvantaged consumers. The Action Plans published were in response to the Government's proposal in the March 1998 Green Paper 'A Fair Deal For Consumers.' It is intended that Ofreg's Social Action Plans will be updated on a regular basis and that extensive consultation will be involved. Consultation on the current review is likely to take place in the first half of 2001.

- (iii) Investigating complaints where NIE has been unable to satisfy customer needs.

Ofreg has a dedicated Consumer Affairs Section which aims to resolve complaints from electricity consumers who are dissatisfied with the way in which NIE has handled their problems. The Section runs an ongoing publicity campaign to bring Ofreg's services to the attention of customers.

(iv) Approving NIE's Codes of Practice

NIE is required by its licence to produce Codes of Practice describing the standards of service which customers can expect. They cover a wide range of service areas, for example, payment of bills and must be written in consultation with the Northern Ireland Consumer Committee for Electricity. They must subsequently be approved by the Director General.

D. Promoting the development and maintenance of an efficient, economic and co-ordinated gas industry in Northern Ireland and protecting the interests of gas consumers with regard to price and quality of service. This involves:

- (i) granting licences to firms wishing to operate in the Northern Ireland gas market. Licences govern the conduct of market participants and are monitored by Ofreg to ensure their provisions are being adhered to;
- (ii) setting and monitoring of the standards of customer service provided by gas suppliers. Standards of Performance are set in a range of service areas broadly similar to those in electricity. (See activity C(i)). They must be approved by the Director General and Phoenix Natural Gas is required to report on the results at regular intervals;
- (iii) ensuring that Phoenix Natural Gas develops the gas network within the Greater Belfast area, in accordance with the development plan in its licence;
- (iv) every five years, undertaking a price control review of the charges Phoenix Natural Gas set for conveying natural gas within their licensed area;
- (v) encouraging the extension of the natural gas network outside Greater Belfast.

E. Promoting energy efficiency and reducing harmful environmental emissions. This involves:

- (i) Incentivising NIE and Phoenix Natural Gas through their Price Controls to promote energy efficiency measures in Northern Ireland.

The Director General has agreed a wide range of measures with the companies and has structured their price controls in a way which allows a higher rate of return where they are successful in promoting energy efficiency.

- (ii) Facilitating implementation of Climate Change Levy exemptions for Energy Efficiency Technologies in Northern Ireland.

The Finance Act 2000 introduced the Climate Change Levy and will be paid by all non-domestic electricity consumers at the rate of 0.43 pence per kilowatt hour from 1 April 2000. However electricity generated from renewable generation sources is exempt from the levy and the provisions of the Act make Ofreg responsible for administering and monitoring the exemptions. An exemption Scheme is currently being developed.

The Climate Change levy is an integral part of the Government's climate change programme, helping put the UK on track to meet its Kyoto target and moving beyond that towards the Government's domestic goal of a 20% cut in carbon dioxide emissions.

F. Northern Ireland Consumer Committee for Electricity (NICCE)

In addition to the duties and functions outlined in A to E above the Director General of Electricity Supply for Northern Ireland is required by the 1992 Electricity Order to establish a Consumer Committee for Electricity. The Committee is independent and works in the interests of electricity consumers by campaigning for higher quality service and greater value for money. It has a particular interest in electricity pricing, customer debt and services for people with disabilities.

It pursues these aims by :

- ◆ working with community groups, advice workers and politicians who represent all types of electricity consumers to exchange information and co-ordinate action.
- ◆ Working with the electricity regulator to help keep him in touch with the views of consumers.
- ◆ dealing directly with NIE to make sure they:
 - meet their Standards of Performance
 - follow and regularly update their codes of practice
 - consider the views of the consumer when they are developing their policies and procedures.

3.2 Some of Ofreg's activities are determined collectively, rather than by Ofreg itself. The lead responsibility for Northern Ireland Civil Service-wide public procurement rests with the Department of Finance and Personnel (DFP). DFP will cover in its scheme the arrangements for equality impact assessments of the procurement function as it relates to all Northern Ireland Departments. This arrangement will ensure that the policies followed by Ofreg in relation to public procurement are subjected to impact assessment

centrally by DFP. All Ofreg employees are on secondment or loan from other Northern Ireland Departments and while responsibility for recruitment and related matters lies with those Departments, Ofreg will apply best employment practice in all other dealings with its staff.

- 3.3 Where Ofreg implements policies formulated by another public authority Ofreg will engage in a partnership approach to ensure that such policies are screened and if required impact assessed. Where necessary Ofreg will liaise with other public authorities to ensure that those authorities participate, if necessary, in any equality impact assessment initiated by Ofreg.
- 3.4 If as a result of an equality impact assessment, Ofreg identifies a significant equality of opportunity issue arising from a UK-wide or European Union policy, it will advise the appropriate UK Department or the European Commission of its findings.

4. **Equality Impact Assessments**

- 4.1 To identify which of the activities in Section 3 would be subject to a detailed equality impact assessment, Ofreg has undertaken a preliminary screening process (Phase I) considering the impact of each of the activities in terms of the nine categories listed in Section 75 of the Act and set out in Annex A using the following criteria:
- (i) Whether there is there any evidence of higher or lower participation or uptake by different groups within any of the nine categories?
 - (ii) Whether there is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular main activity area?
 - (iii) Whether there is an opportunity to better promote equality of opportunity or good relations by altering activities or working with others in Government or the community at large?
 - (iv) Whether consultations in the past with relevant representatives, organisations or individuals within groups indicated that particular activities create problems that are specific to them?
- 4.2 On the basis of this Phase I screening process Ofreg would propose to carry out equality impact assessments on all the activities described in para 3.1 with the exception of activity E(ii). This has been screened out because the Climate Change Levy does not apply to domestic consumers of electricity and is revenue neutral for the business community. It does not seem to Ofreg to contain elements which impact on the equality agenda.
- 4.3 The preliminary position outlined in para 4.2 will need to be reviewed in the light of Phase II of the screening process in which Ofreg will consult and seek views on:

- Whether organisations consulted are aware of any Ofreg policies, written or unwritten, which have been omitted from its list of policies
- Whether, in relation to Ofreg's policies, the organisations consulted consider there are positive answers to any of the 4 screening questions
- Whether the policies have particular equality implications for any group
- Whether the policies have significant implications which merit an equality impact assessment
- Whether the existing screening criteria are adequate
- Whether the following factors:
 - Social need
 - Effect on people's daily lives
 - Effect on economic, social and human rights

are adequate in prioritising policies for equality impact assessment

- Which of Ofreg's policies should be given top priority in drawing up an equality impact assessment programme
- Whether there are policies which could usefully be grouped together to make equality impact assessments more meaningful

When Phase II of the consultation process is completed (by 31 July 2001) Ofreg will publish its conclusions about which of its policies should be the subject of impact assessments. The screening report will include:

- The policies to be impact assessed and a timetable for impact assessment
- A note of those policies which Consultees believe should be impact assessed but which Ofreg has decided not to impact assess

The timetable in Annex C will be revised to take the report into account. This approach has been agreed by the Equality Commission.

- 4.4 Phase II of the screening process will follow the consultation procedures outlined in Section 8 of this Scheme.
- 4.5 For the purposes of the proposed equality impact assessments of the activities identified in para 4.2, related programmes within each activity area may be grouped together for one assessment.
- 4.6 Equality impact assessments will involve detailed consideration of available data and the possible commissioning of new research to enable assessments to be carried out on the

impact of Ofreg's activities on the Section 75 groups. Ofreg will consult with representative bodies to identify further sources of information during the assessment, and will alert the public and relevant groups about the activity being assessed and invite their comments and input to the exercise.

- 4.7 Ofreg will carry out equality impact assessments, in accordance with Annex 1 of the Equality Commission's Guidelines and work commissioned by the Equality Commission in addition to guidance from OFM/DFM
- 4.8 Before the introduction of any new activities Ofreg will carry out a screening process, and an equality impact assessment if necessary, to identify whether there would be any impact on the promotion of equality of opportunity and whether greater equality of opportunity could be promoted. Such an assessment would involve consultation to draw together all available qualitative and quantitative data from both internal and external sources to inform the process.
- 4.9 Responsibility for energy legislation lies with the Department of Enterprise, Trade and Investment. Where however, a proposal for legislation is being put forward Ofreg will assist, where necessary, with the preparation of a summary assessment of implications for the statutory equality obligations for inclusion in the paper to the Minister and with the Explanatory Memorandum to the Assembly Committee considering the Bill.

5. **Timetable**

- 5.1 Ofreg will carry out or commission full equality impact assessments of the activities identified in para 4.2 as indicated in the timetable at Annex C. The methodology used will be that described in the Equality Commission's guide to the statutory duties pages 41 to 46, and any subsequent guidance.

6. **Monitoring**

- 6.1 Ofreg will put a system in place to monitor the impact of policies which are adopted on the promotion of equality of opportunity in order to identify their effects on the relevant groups. This will involve the collection and analysis of information. This system will be reviewed on an annual basis and the results will be circulated to the consultees in Annex B and those others who are directly affected by the policy being assessed whether or not they have a direct economic or social interest in that policy.
- 6.2 Other data sources or methods of collection Ofreg may use include:

- Census
- Labour Force Survey
- Continuous Household Survey
- Pressure group data
- Focus groups

- Statutory agencies
- Published research reports
- Working collectively with other public authorities
- Information gathering arising from consultation with the voluntary and community sector

6.3 If the monitoring and evaluation indicate that a particular policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, Ofreg will ensure that the policy is revised within the earliest possible timeframe.

7. **Publication of Equality Impact Assessments and Monitoring**

7.1 Ofreg will make publicly available the outcome of any equality impact assessment and of any monitoring undertaken in relation to Section 6 above. This material will be accessible at Ofreg's website at www.nics.gov.uk/ofreg.

It will also be available from Ofreg by contacting Leslie Adams, Ofreg, Brookmount Buildings, 42 Fountain Street, Belfast BT1 5EE. Tel: 028 9031 1575. Fax: 028 9031 1740. E mail: leslie.adams@ofregni.gov.uk. This material will be made available, if requested, in accessible formats, that is, braille, disk, audio cassette and minority languages.

7.2 Ofreg will inform the general public about the availability of this material through press releases, including press publications and media associated with the Section 75 categories. In addition, Ofreg will give consideration to how best to communicate material to young people and those with learning disabilities. It will also inform bodies listed at Annex B when this material is available.

7.3 The published documentation on an equality impact assessment of a particular Ofreg activity will include:

- the aims of the activity to which the impact assessment relates;
- associated available monitoring data;
- details of the outcome of assessment, highlighting if an adverse impact has been identified;
- the details of consideration given to mitigate any adverse impact of the activity on the promotion of equality of opportunity;
- the details of consideration given to alternative actions which might better achieve the promotion of equality of opportunity.

7.4 In taking decisions on a current or proposed activity, Ofreg will take into account any relevant equality impact assessment, monitoring and the outcome of the consultation

process.

8. **Consultation**

- 8.1 Ofreg is committed to carrying out consultation at every stage, including on the equality scheme, on screening and on equality impact assessments, in implementing the equality scheme. At every stage consultation will commence as early as possible.
- 8.2 Ofreg will consult the Equality Commission and other public authorities and voluntary, community, trade unions and other groups who have a legitimate, particular interest in its work and/or the impact of its functions on equality of opportunity and good relations. Annex B contains a list of those to be included in consultation on all matters relevant to the statutory duty. This list is not exhaustive and may be amended in the light of experience.
- 8.3 Ofreg will consult with the Equality Commission and the Community Relations Council on issues relevant to the fulfilment of the Section 75 obligations. It will take account of proposals from those bodies relating to its compliance with the Section 75 obligations. Consultations will be carried out in accordance with the Equality Commission's Guiding Principles.
- 8.4 In consulting on any matter relating to which this scheme relates, Ofreg will write to the bodies drawn from the list in Annex B. This may involve face-to-face meetings, advisory groups, surveys, consultative panels, internet discussions and other innovative ways of consulting as there will be different means of consultation for different groups and it will be important to establish the basis for dialogue and engagement during the life of the scheme. Ofreg will work with representative groups and individuals of the Section 75 categories in order to identify how best to obtain their views and will give specific consideration to how best to communicate information to young people and those with learning disabilities.
- 8.5 It is intended that barriers to proper consultation should be removed by ensuring accessibility of language and appropriate format. To achieve this, as noted in para 9.1 Ofreg proposes to review its arrangements for providing information and will consult representative groups on this issue. In the meantime, anyone wishing information in accessible formats such as Braille, disc, audio cassette or in minority ethnic languages should contact Leslie Adams, Ofreg, Brookmount Buildings, 42 Fountain Street, Belfast BT1 5EE. Tel: 028 9031 1575. Fax: 028 9031 1740. E mail: leslie.adams@ofregni.gov.uk and appropriate arrangements will be made as soon as possible.
- 8.6 Where necessary, training will be provided for those engaged in consultation exercises to ensure that those facilitating consultation have the necessary skills to communicate effectively.

- 8.7 Ofreg will take steps to ensure full participation in any consultation meetings that we hold. We will consider, for example:
- the time of day
 - the appropriateness of the venue, and whether it can be accessed by those with disabilities
 - how the meeting is run
 - the use of appropriate language
 - whether a signer or interpreter is necessary
 - the provision of childcare
- 8.8 Ofreg will allow adequate time for groups to consult amongst themselves as part of the process of forming a view and will therefore aim to provide a period of at least two months for consultation exercises and to begin consultation as early as possible. Ofreg will also be sensitive to the different needs and customs of consultees. However there may be circumstances when this timescale is not feasible, for example, where there is an urgent requirement to meet the needs of the elderly and disabled. It is not anticipated that such circumstances will occur frequently and when they do Ofreg will monitor them carefully, report specifically on them in their annual review and outline the reasons why they occurred.
- 8.9 Ofreg considers it particularly important that sufficient, timely and appropriate information is provided to enable all affected groups and individuals to consider the full implications of proposals, and it will take steps to ensure this. All relevant quantitative, qualitative data and other documentation such as consultants' reports will be made available for consultation. The arrangements to release this information will be available for all consultations.
- 8.10 Ofreg will make available for public consultation all information used to make or inform a decision in relation to a policy adopted or proposed for adoption.
- 8.11 In relation to impact assessments, Ofreg will consult with those directly affected by the policy to be assessed, whether or not they have a direct personal or economic interest in the policy concerned.
- 8.12 In addition to consulting on equality impact assessments and other matters outlined elsewhere in the Scheme, Ofreg will also consult on legislation, strategies, reviews and other plans.
- 8.13 Consultation will be conducted in accordance with the Equality Commission's Guiding Principles on consultation.

9. **Public Access to Information and Services**

- 9.1 Ofreg wishes to communicate effectively with the public and will, by 31 March 2002, assess its arrangements for ensuring that its external communications strategy, the information it disseminates and the services it provides are made accessible in a way which ensures equality of opportunity and demonstrate its commitment to its Section 75 duties.
- 9.2 As part of this assessment, Ofreg will consider, inter alia:
- what information on Ofreg services needs to be communicated to all groups and how best to do so;
 - existing provision of information/services in accessible formats e.g. braille, audio, large print, minority ethnic languages, computer disk, textphone;
 - the statutory requirements of the Disability Discrimination Act 1995;
 - the likely demand for information in such formats across all the activity areas listed in para 3.1;
 - the need to consider specific outreach measures, for example, to young people, the elderly and those living in isolated areas;
 - resource implications; and
 - in particular, the recommendations of the cross-departmental Promoting Social Inclusion (PSI) working group on minority ethnic people and on access to information which will report in 2001.
- 9.3 Ofreg will consult with representative groups as it carries out this assessment, and will consult on the findings and recommendations of the assessment prior to implementation. In ongoing discussions with key representative groups, Ofreg will monitor its communication strategy regarding access to information and services annually.
- 9.4 In disseminating information through the local press, Ofreg will ensure that press statements and public advertisements are carried by all three Belfast daily newspapers, including the North West version of the Belfast Telegraph. Where press statements or public advertisements are aimed at a particular geographical area within Northern Ireland, Ofreg will ensure that the information is available through at least two local newspapers circulating in that area. Ofreg will also ensure that specialist press receive copies of press releases to disseminate, as they consider appropriate, to their particular readership.
- 9.5 Ofreg is open to the public and will seek to ensure that no section of the community is deterred from visiting, for whatever reason. Ofreg will maintain a welcoming and harmonious environment for its staff and users and will adhere to the relevant provisions of the Disability Discrimination Act 1985. Ofreg will ensure that its information is available on request in accessible formats such as Braille, disk, audio cassette and minority languages. In relation to the general provision of information it will consider

how best to communicate with young people and those with learning disabilities.

9.6 Ofreg's commitments in this Scheme on equality of opportunity in accessing information are without prejudice to any rights to information in the current Code of Practice on Open Government, or in the new Freedom of Information legislation.

10. **Training and Awareness Raising**

10.1 In his statement at the beginning of this Scheme the Director General has set out his personal commitment to the Section 75 duty. This public commitment will be supplemented by a minute from the Director General to all staff when the Scheme is approved once again stating his commitment and outlining to staff what the key issues relating to the equality duty are and how staff are expected to apply these to their duties. A summary of the equality scheme will be provided to all staff and a copy of the scheme will be available to all staff on request.

10.2 Ofreg will ensure that all staff receive awareness training on the Section 75 obligations, the requirements of this equality scheme and the arrangements for equality impact assessment, appropriate to their grade and responsibilities. As Ofreg staff are on secondment, mainly from the Department of Enterprise, Trade and Investment (DETI), Ofreg will utilise the training provisions arranged by that Department to provide necessary training and ensure its staff are:

- aware of current anti-discrimination legislation in Northern Ireland, including the provisions of Section 75, Schedule 9 and Section 76 of the NIE Act 1998;
- aware of the statutory duties and their implications for all employees;
- as appropriate, provided with the necessary skills and knowledge to carry out screening of policies effectively;
- as appropriate, provided with the necessary skills and knowledge to do impact assessments effectively;
- as appropriate, provided with the necessary skills and knowledge to consult effectively;
- as appropriate, provided with the necessary skills and knowledge to deal with complaints effectively;

Ofreg, through DETI, will evaluate the extent to which all staff participating in training have acquired the necessary skills and knowledge to achieve each of the above objectives.

10.3 The arrangement with DETI will also provide more focussed training for staff directly involved with consultation, equality impact assessments, complaints and general implementation and monitoring of the scheme. DETI will consult with the affected groups in the provision of this training so that the objectives of the training can be realised and so that there is a real awareness of issues affecting the groups. The training

would include input from appropriate external specialists. In accordance with normal procedures, detailed training plans will be prepared by DETI and all training will be evaluated to ensure that training objectives have been met. Details of this will be contained in the annual review.

- 10.4 Ofreg will provide details of DETI's training scheme to all members and staff.
- 10.5 Induction training for all new staff and new members will include the requirements of Section 75 and this equality scheme.
- 10.6 The Director General will participate in the training which will be provided for Ofreg staff.

11. **Complaints**

- 11.1 When a person believes that he/she has been directly affected by a failure of Ofreg to comply with this Scheme, he/she should, in the first instance, bring their complaint to the attention of the Director General: Douglas McIlDoon, Ofreg, Brookmount Buildings, 42 Fountain Street, Belfast BT1 5EE. Tel: 028 9031 1575. Fax: 028 9031 1740. E mail: douglas.mcildoon@ofregni.gov.uk.

An internal initial investigation of the complaint will be carried out and a written response will be sent to the complainant within one month.

- 11.2 Ofreg is committed to ensuring that the complaints procedure is accessible to all.
- 11.3 In responding to the complainant, Ofreg will inform him/her of the procedure for bringing such a complaint to the Equality Commission.
- 11.4 Ofreg will seek to ensure the flexibility of the complaints procedure and will be flexible as to how complaints are brought, for example, in writing, by email, at face to face meetings or through representatives of complainants.

12. **Publication of the Scheme**

- 12.1 Following submission to the Equality Commission, Ofreg's draft scheme was approved. Copies of the approved Scheme are available in print form and alternative formats (such as Braille, large print, disc, audio cassette and minority languages to meet the needs of those who are not fluent in English) free on request from Leslie Adams, Ofreg, Brookmount Buildings, 42 Fountain Street, Belfast BT1 5EE. Tel: 028 9031 1575. Fax: 028 9031 1740. E mail: leslie.adams@ofregni.gov.uk. The Scheme is also available on Ofreg's website <http://www.ofreg.nics.gov.uk>.
- 12.2 Ofreg will take steps to ensure that systems are in place to make information available in accessible formats in a timely fashion. Consideration will be given on how best to

communicate information to young people and those with learning disabilities.

- 12.3 Ofreg will publicise the Scheme taking account of the options contained in the Equality Commission's guide namely press releases, prominent advertisements in the press, the internet and direct mail shots to groups representing the various Section 75 categories.

13. **Review of the Scheme**

- 13.1 Within 5 years of submitting this scheme to the Equality Commission, Ofreg will conduct a formal review of the scheme to evaluate its effectiveness in meeting the statutory duty. This review will include an assessment of how Ofreg has complied with its Section 75 obligations and how equality of opportunity and good relations have been advanced in relation to its functions. Ofreg will consult with those bodies listed at Annex B before submission of the review to the Equality Commission. This review will be carried out in accordance with any guidance provided by the Equality Commission.
- 13.2 A copy of this review will be sent to the consultees listed at Annex B and it will be made publicly available.

ANNEX A

MAIN GROUPS IDENTIFIED AS RELEVANT TO THE SECTION 75 CATEGORIES FOR NORTHERN IRELAND PURPOSES

Category	Main Groups
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/ supporters of any political party
Racial group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people of mixed ethnic group
'Men and women generally	Men (including boys); women (including girls); Transgendered people.
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are; children under 18; people aged between 18 and 65; and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration. For example, for employment policies, children under 16 could be distinguished from people of working age.
'Persons with a disability'	Persons with a physical, sensory, mental or learning disability as defined in sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
'Persons with dependents'	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependent elderly person.
Sexual orientation	Heterosexuals; bisexuals; gays; lesbians.

ANNEX B

CONSULTATION LIST

AEEU
Age Concern
Association of Chief Officers of Voluntary Organisations
ATGWU
Belfast Centre for the Unemployed
Belfast Travellers Sites Project
Blind Centre (NI)
Carafriend
Chief Executives' Forum
Churches: Church of Ireland
Methodist Church
Presbyterian Church
Roman Catholic Church
Coalition on Sexual Orientation (CoSO)
Community Relations Council
Craigavon Standing Conference of Women's Organisations
Disability Action
District Councils
East Belfast Development Agency
Enterprise, Trade and Investment Assembly Committee
Equality Commission
Equality Officers – NI Departments
Federation of Small Businesses
Fermanagh Women's Network
Foyle Women's Network
Gas and Electricity Licence-holders
General Consumer Council for Northern Ireland
Gingerbread
GMB
Health and Social Services Councils
Help the Aged
Law Centre Northern Ireland
Mental Health Commission
Multi-cultural Resource Centre
National Energy Action Charity
Newry & Mourne Women
NIACAB
NIACT
NICCE
NICVA
NIC/ICTU
NIPSA
North West Community Network

North West Forum of People with Disabilities
Northern Ireland Anti-Poverty Network
Northern Ireland Assembly Members
Northern Ireland Council for Ethnic Minorities
Northern Ireland Gay Rights Association (NIGRA)
Northern Ireland Human Rights Commission
Northern Ireland MPs
All Northern Ireland Political Parties
Northern Ireland Women's European Platform
Northern Ireland Youth Forum
Omagh Women's Area Network
Putting Children First
RNID
Rural Community Network
Student Housing Associations
Universities
West Belfast Economic Forum
Women's Forum
Women's Information Group
Women's Support Network
Youth Council for Northern Ireland

ANNEX C

TIMETABLE FOR IMPLEMENTATION

The following timetable summarises the actions which Ofreg proposes to take to implement the Scheme following approval by the Equality Commission and subject to the outcome of Phase II of the screening consultation process.

YEAR 1 (AUTUMN 2001 TO 31 MARCH 2002)

(a) Equality Impact Assessments

Commence Equality Impact Assessments on the following activities (4.2):

Promoting competition in the generation and supply of electricity by securing such changes to the market structure as will drive down prices for all classes of customers. **3.1 A(ii)**

minimising the total electricity bill by incentivising NIE to promote the efficient use of electricity. **3.1 B(i)**

enabling all classes of customers to secure affordable renewable electricity. **3.1 B(ii)**

promoting a two tier tariff that discourages the inefficient use of electricity while protecting the basic requirements of low income households. **3.1 B(iii)**

promoting the concept of energy service companies (ESCOs) which will deliver affordable power and heat packages to households while minimising pollution. **3.1 B(iv)**

Encouraging the extension of the natural gas network outside Greater Belfast. **3.1 D(v)**

(b) Other Actions

Commence Staff Training (10.1)

Establish regular monitoring mechanisms (2.5)

Annual Report to Equality Commission (2.6)

YEAR 2 (1 APRIL 2002 TO 31 MARCH 2003)

(a) Equality Impact Assessments

Commence Equality Impact Assessments on the following activities (4.2):

Facilitating the renegotiation of the original generation station contracts, in order to both

promote competition and secure a better deal for customers. **3.1 A(i)**

Reviewing periodically the Price Control on NIE's Transmission and Distribution (T&D) business. **3.1 A(iii)**

Exercising concurrently with the Director General of Fair Trading functions under the Competition Act 1998, as far as they relate to anti-competitive behaviour or abuse of dominant positions in the electricity and gas industries in Northern Ireland. **3.1 A(iv)**

Incentivising NIE and Phoenix Natural Gas through their Price Controls to promote energy efficiency measures in Northern Ireland. **3.1 E(i)**

(b) Other Actions

Continue Staff Training (10.1)

Quarterly Monitoring by Ofreg Board (2.5)

Annual Report to Equality Commission (2.6)

YEAR 3 (1 APRIL 2003 TO 31 MARCH 2004)

(a) Equality Impact Assessments

Commence Equality Impact Assessments on the following activities (4.2):

Reviewing periodically NIE's Standards of Performance (Guaranteed and Overall), from 1 April 2002. **3.1 C(i)**

Reviewing periodically Ofreg's Social Action Plans aimed at Northern Ireland electricity and gas customers who are disadvantaged and or experiencing fuel poverty. **3.1 C(ii)**

Investigating complaints where NIE has been unable to satisfy customer needs. **3.1 C(iii)**

Approving NIE's Codes of Practice. **3.1 C(iv)**

(b) Other Actions

Continue Staff Training (10.1)

Quarterly Monitoring by Ofreg Board (2.5)

Annual Report to Equality Commission (2.6)

YEAR 4 (1 APRIL 2004 TO 31 MARCH 2005)

(a) Equality Impact Assessments

Commence Equality Impact Assessments on the following activities (4.2):

Granting licences to firms wishing to operate in the Northern Ireland gas market. Licences govern the conduct of market participants and are monitored by Ofreg to ensure their provisions are being adhered to. **3.1 D(i)**

Setting and monitoring of the standards of customer service provided by gas suppliers. Standards of Performance are set in a range of service areas broadly similar to those in electricity. They must be approved by the Director General and Phoenix Natural Gas is required to report on the results at regular intervals. **3.1 D(ii)**

Ensuring that Phoenix Natural Gas develops the gas network within the Greater Belfast area, in accordance with the development plan in its licence. **3.1 D(iii)**

Every five years, undertaking a price control review of the charges Phoenix Natural Gas set for conveying natural gas within their licensed area. **3.1 D(iv)**

(b) Other Actions

Continue Staff Training (10.1)

Quarterly Monitoring by Ofreg Board (2.5)

Annual Report to Equality Commission (2.6)

YEAR 5 (1 APRIL 2005 TO 31 MARCH 2006)

Review operation of Ofreg's Equality Scheme (13.0)

Continue Staff Training (10.1)

Quarterly Monitoring by Ofreg Board (2.5)

Annual Report to Equality Commission (2.6)

Footnote:

Ofreg will consider, in taking the work on Equality Impact Assessments forward, whether it is possible to conduct research and accumulate data for a number of Assessments simultaneously. It may, for example, be possible to do this in a number of different activity areas each one of which impacts on the price of electricity. If such an approach proves practical some of the start dates in this timetable may be brought forward.

ANNEX D

OFREG'S EQUALITY SCHEME

SUMMARY OF COMMENTS FROM CONSULTEES ON THE DRAFT SCHEME

<u>Disability Action</u>	
Comment (denotes Draft Scheme para)	Response
1. Ofreg should ensure the full range of information is available in appropriate formats (1.1) (7.1) (8.9) (12.1)	Point accepted. The need for these arrangements has been included at various points in Ofreg's Scheme.
2. Consideration should be given to practical issues such as transport, venues, times of meetings, interpreters and necessary resources (Section 8)	Point accepted and included in Scheme.
3. Consultation arrangements need to provide disabled people with the opportunity to consult with other groups (8.8).	Minimum period for consultation is 2 months except in exceptional circumstances.
4. Annex A should include persons with a <u>mental</u> disability.	Accepted and included.
5. Ofreg's 4 year timetable too long (5.1).	Timetable will be re-considered following Phase II of Ofreg's screening process.
6. Full contact details of nominated Ofreg contact person omitted. (See 1 above).	Now included in several sections of Scheme.
7. Will Ofreg provide a textphone?	Arrangements in hand.
8. Training Plan for Ofreg Board required (Section 10).	Details of arrangements with DETI now included.
9. Ofreg required to make 'necessary' rather than 'appropriate' resources available (2.7) (6.2).	Accepted and amended.
10. The importance of information requirements underlined including during consultation (Section 9).	Accepted.
11. Recommend statement on reviewing monitoring of policy impact be included (6.2).	Accepted.
12. Methods of making Impact Assessment outcomes available need to be fully accessible to disabled people.	Information will be accessible in a range of formats.
13. Training Plans need to be included (10.1).	Arrangements with DETI included, see 8 above.

<u>Northern Ireland Electricity plc</u>		
Comment	Response	
14.	NIE is not persuaded that policy B(iii), a two-tier tariff structure, will achieve the desired result (3.1).	NIE will have an opportunity to comment on the impact of this policy on the Statutory Groups at screening, and if appropriate, Impact Assessment stages.
<u>Northern Ireland Committee ICTU</u>		
Comment	Response	
15.	Same as 9 above.	
16.	Para 3.1 ambiguous.	Amended.
17.	Ofreg's obligation to screen policies formulated elsewhere.	Reflected in new para 3.3.
18.	It is not enough to say that if a significant number of equality of opportunity issues arising from a UK-wide or European Union policy is identified, then Ofreg will advise the appropriate Department etc. It also has to be stated that Ofreg will take the appropriate action to monitor the adverse impact and revise the policy if necessary (3.4).	Existing para 3.4 retained consistent with those in approved Schemes.
19.	Information from those consulted when screening not included in Ofreg's Scheme (4.1).	Phase I preliminary in-house screening reflected in Scheme. Phase II consultation to be undertaken before 31 October 2001.
20.	The Scheme should detail its arrangements for carrying out and consulting on impact assessments and not just say that it will adopt the procedure as specified in the Guidelines. (5.1).	Reference to the Guidelines is considered sufficient.

Comment		Response
21.	More detail on the arrangements for monitoring needs to be included. For example, what criteria will be used to determine which policies are of particular sensitivity and how will these be weighted? (6.2). More detail is needed on how Ofreg will consider measures to mitigate any adverse impact and on how it will consider alternative policies that might better achieve the promotion of equality of opportunity. (6.3).	Section 6 substantially redrafted.
22.	Request to publish results of equality impact assessments (7.1 etc).	Section 7 substantially re-drafted.
23.	Ofreg must consult on other matters which impact on Ofreg's policies or functions. (8.4).	See new para 8.12.
24.	Examples of exceptional circumstances would be helpful. (8.5).	See para 8.8.
25.	Arrangements needed to ensure information is available in accessible formats such as Braille, disk etc. (8.6).	Section 8 substantially re-drafted.
26.	Training should be considered for those involved in the consultation process (8.6).	See new 8.6.
27.	Scheme should make relevant qualitative and quantitative data available (8.6).	See new 8.9.
28.	More detail of Training Programme needed (10.1).	See 8 and 13 above.
29.	More detail required on complaints procedure (11.1).	Section 11 revised.
30.	Inclusiveness of main groups identified in Annex A as relevant to Section 75 categories.	Equality Commission advice would be welcome.
31.	Adequacy of Consultation List.	List amended.
<u>Department of Enterprise, Trade and Investment</u>		
Comment		Response
32.	Suggest use of '35% of market's consumption' (3.1).	Accepted.
33.	Clarification sought on the status of the "Ofreg Board." (2.5).	Clarified in new para 2.7.

Comment		Response
34.	Use of the description “necessary resources” required (2.7).	Accepted, see 9 above.
35.	Alternative wording suggested for para 4.5 (4.5).	Accepted, see new para 4.7.
36.	Requirement for Section 7 to specify a named individual (7.1).	Accepted, see new para 7.1.
37.	Suggested amendment to para 8.1.	Section 8 substantially re-drafted.
38.	More detail of Training Plans required (Section 10).	See 8, 13 and 28 above.
39.	Reference needed to Press Release and advertisement following approval of Scheme (Section 12).	Accepted, see para 12.2.
<u>Northern Ireland Consumer Committee for Electricity (NICCE)</u>		
Comment		Response
40.	Committee unconvinced about Ofreg’s policy on a two-tier tariff (3.1).	See 14 above. NICCE will have an opportunity to comment at Screening and Impact Assessment stages.
41.	Suggest it be made clear Climate Change Levy is ‘revenue-neutral’ to Treasury – not to Businesses (3.1).	Accepted – see revised section para 3.1 page 15.
42.	Implied criticism of Annex B Consultation List (Annex B).	Accepted, see revised Annex B.
43.	Query regarding non-inclusion of establishment of NICCE in Director’s functions.	Accepted, see Section 3.1, page 15.