

March 2001

## OFREG'S DRAFT EQUALITY SCHEME

On 1 January 2000, Section 75 and Schedule 9 to the Northern Ireland Act 1998 came into force. The legislation places a statutory obligation on public authorities to ensure that, in carrying out their functions relating to Northern Ireland, they have due regard to the need to promote equality of opportunity between a number of social groups. In addition, and without prejudice to that obligation, they must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion, and racial group.

The way in which Ofreg intends to meet its equality obligations is set out in the attached draft Equality Scheme. We would welcome your views on the draft which is being issued to all the organisations listed at Annex B.

While you are free to comment on any aspect of the Scheme we are particularly interested in your views on the following:

- ! whether Ofreg's functions and responsibilities are clear
- ! whether you are content with the list of functions which will be subject to equality impact assessment
- ! whether you are content with the timescale for carrying out the equality impact assessments
- ! whether you are content with arrangements for future consultation.

**We would be grateful for your comments by 11 May 2001.**

At the end of the consultation period we will review all the comments received before submitting a final draft to the Equality Commission for approval. This will include the substance of comments received and how Ofreg responds to those comments. If you submit comments but would prefer not to have them attributed to you when the Scheme is being submitted to the Equality Commission, you should indicate this in your response.

Comments on the draft Equality Scheme should be forwarded by post, fax or e mail to:

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

**OFREG-S DRAFT**

**EQUALITY SCHEME**

**SUBMISSION TO**

**THE EQUALITY COMMISSION**

**MARCH 2001**

## **OFREG-S DRAFT EQUALITY SCHEME**

Statement by the Director General of Electricity Supply for Northern Ireland and the Director General of Gas for Northern Ireland

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**DRAFT 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 Draft Equality Scheme sets out how Ofreg proposes to fulfil those obligations.

I will ensure that all of Ofreg's staff are fully aware of the need to implement the provisions of this scheme and I will give leadership within Ofreg in order to achieve this. The proposals contained in this Draft 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 Ofreg's overall thinking.

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

## OFREG-S DRAFT 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 gas industry. The Director General of Electricity Supply is also the Director General of Gas. Ofreg is staffed by some 26 Civil Servants on loan from other Northern Ireland Departments.

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 the top 35% of consumers (generally large businesses or public sector customers) to

\$ purchase their 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 Paragraph 4 of Schedule 9 of the Act says >A Scheme shall state, in particular, the authorities arrangements.....for assessing its compliance with the duties under Section 75.....=. Ofreg will assess over a 4 year period how each of its major activity areas as identified at para 4.2 below impacts on the promotion of equality of opportunity and the promotion of good relations within the terms of Section 75 of the Act. This will be done through equality impact assessments. Where relevant, equality impact assessments should include an annex on the promotion of good relations. Further information on equality impact assessments is given in para 4.4.

2.2 In seeking to develop the promotion of good relations between people of different religions, political opinion or racial group Ofreg will look for guidance from the Community Relations Council and other relevant organisations.

2.3 Overall responsibility for taking forward the implementation of Ofreg's Section 75 obligations will lie with Mr Leslie Adams, Head of Consumer and Business Affairs. He will not only be a central point of contact, but will co-ordinate the implementation of Section 75 obligations within and if necessary outside the office, and will arrange for staff to implement and monitor the Scheme.

2.4 Actions proposed in the Equality Scheme will feature in Ofreg's Internal Management Plan and the Director General's Forward Work Plan. Where relevant staff will include implementation of the statutory duties in their Personal Performance Plans.

- 2.5 The implementation of the Section 75 obligations will be monitored and reviewed at regular management meetings, and will be further reviewed on a quarterly basis by the Ofreg Board 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.
- 2.6 An annual report on Ofreg's activities during each year to implement Section 75 and all aspects of its Equality Scheme, will be prepared and submitted via the Ofreg Board to the Equality Commission to assist it in compiling its Annual Report. Ofreg will feature progress on equality matters in its own Annual Report and will liaise with the Commission to ensure that progress is maintained.
- 2.7 Ofreg will ensure that implementation of the Section 75 duties is supported with appropriate 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.
- 2.8 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. **Functions and Activities**

- 3.1 For the purposes of the Act Ofreg's functions include the powers and duties of the DGE 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 DGE 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 Awires® 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.

All revenue raised by the levy will be recycled through business by a 0.3% cut in employers' national insurance contributions and additional Government support for energy efficiency measures. The levy package is therefore designed to be revenue neutral but at the same time will promote employment opportunities and discourage pollution.

- 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 necessary Ofreg will co-operate with other Departments either to ensure that those Departments (or public bodies) participate if necessary in any equality impact assessment initiated by Ofreg and in turn will contribute to equality impact assessments carried out by other Departments.
- 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 screening process 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 there 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 screening process, Ofreg proposes 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. This position will, however, be reviewed in the light of the consultation process.

4.3 For the purposes of the proposed equality impact assessments of the activities identified in the preceding para, related programmes within each activity area may be grouped together for one assessment. Where relevant an equality impact assessment will also

include an annex on the promotion of good relations.

- 4.4 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.
- 4.5 In carrying out equality impact assessments, Ofreg will draw on work to be commissioned by the Equality Commission in the near future, in addition to guidance from OFM/DFM.
- 4.6 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 or good relations, 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.
- 4.7 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 Knowledge of the uptake of services provided or initiated by Ofreg and the impact of these on the different groups within the Section 75 categories will be needed in assessing progress towards equality of opportunity.
- 6.2 When the equality impact assessments identified in para 4.2 are being undertaken Ofreg will carry out or commission an assessment of the extent of existing monitoring within each of the activity areas and over the groups identified in the Act and consider the scope for extending it. The assessment will consider the value of any additional monitoring information, the readiness of the business sector and the public to supply such information, the resource implications and the availability of any proxy measures (e.g. postcode analysis). The assessment will include arrangements for monitoring access to information and services to ensure equality of opportunity. If seeking such information proves difficult or sensitive Ofreg will consider other means to identify the impact of its activities - e.g. through consultation and discussion with relevant representative groups.
- 6.3 In some cases the equality impact assessment may identify potential differential adverse impact on particular groups within the Section 75 categories. If no alternative action is considered feasible, Ofreg will consider how to mitigate any potential adverse impact, and may arrange for specific research or additional monitoring to confirm the extent of the adverse impact, and/or the success of any mitigating measures.
- 6.4 As with all monitoring data, information collected through specific exercises will be taken into account in any review of the activity.

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

- 7.1 Ofreg will consult on the outcome of any equality impact assessment and of any monitoring undertaken in relation to paragraph 6 above. This material will be placed on the Ofreg Internet website at [www.ofreg.nics.gov.uk](http://www.ofreg.nics.gov.uk) and will also be available in printed

form and in alternative formats through a request in writing. Ofreg may inform the general public about the availability of this material through press releases. It will also directly inform bodies listed at Annex B when this material is available. Ofreg will develop, with the help of organisations such as Disability Action, a list of specialist publications serving people in the statutory categories to whom its communications can be directed.

7.2 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.

7.3 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 The purpose of the public consultation process will be to enable Ofreg to hear the views of those who may be affected by its activities and for these to be considered as new

activities are developed and existing activities reviewed. Consultations will begin as soon as possible, as indicated in the action plan in Annex C.

- 8.2 Ofreg will consult as appropriate with the Equality Commission and the Community Relations Council on issues relevant to the fulfilment of the Section 75 obligations and will take account of proposals from these bodies relating to its compliance with the Section 75 obligations.
- 8.3 Ofreg will consult relevant public sector and non-governmental organisations (NGOs) on the equality impact assessments identified which will be carried out on the activities identified in 4.2. Should equality impact assessments on new activities relate to a specific geographical area within Northern Ireland, Ofreg will also consult the relevant District Councils and other elected representatives.
- 8.4 Consultation may also take place on legislation, strategies, reviews and other plans. Annex B details the consultation list on which Ofreg will draw in all such consultations, depending on the issue involved. The list will be amended as new organisations/associations are formed or as existing bodies widen their scope to include interests in energy regulation.
- 8.5 In all future consultation exercises Ofreg will endeavour to allow time for groups to consult among themselves in forming their views. It will provide a period for responses of at least eight weeks, unless there are exceptional circumstances which make this impracticable.
- 8.6 In order to remove barriers to the consultation process, it will be important that the language and formats used for any consultation are accessible and, as noted in paragraph 9.1, Ofreg proposes to review its arrangements for providing information and will consult representative groups on this issue.
- 8.7 In consulting on any matter to which this Scheme relates, in addition to writing to relevant

bodies drawn from those listed in Annex B, Ofreg may also use other means to consult e.g. meetings, standing or ad hoc consultative groups, attitude surveys and consultative panels depending on the issues. Ofreg will offer all interested parties the opportunity to make oral representations. In organising consultation meetings, Ofreg will aim to ensure full participation by carefully considering the time, venue, accessibility, provision of childcare facilities and any other appropriate arrangements.

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

9.1 Ofreg wishes to communicate effectively with the public and will, by March 2002, assess its arrangements for ensuring that the information it disseminates and the services it provides are made accessible in a way which ensures equality of opportunity.

9.2 As part of this assessment, Ofreg will consider, inter alia:

- ! existing provision of information/services in accessible formats e.g. braille, audio, large print, minority ethnic languages;
- ! what information on Ofreg services needs to be communicated to all groups and how best to do so;
- ! 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 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 of 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.

9.4 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 Ofreg will ensure that all staff receive appropriate training and awareness raising on the Section 75 obligations, the provisions of this Equality Scheme and the arrangements for equality impact assessments. Induction training will be provided for new staff covering the Section 75 requirements and this Equality Scheme. Every member of staff will receive a copy of the Equality. Ofreg will report annually on its Training Programme.

10.2 In consultation with staff, during the first year of the Scheme, Ofreg will develop a statement of commitment to promote good relations, as set out by the Community Relations Council.

## 11. **Complaints**

- 11.1 When a person believes that they have been directly affected by a failure of Ofreg to comply with this Scheme, they should, in the first instance, bring their complaint to the attention of the Director General. The Director General will carry out an internal initial investigation of the complaint and will respond to the complainant within one month. In setting out Ofreg's response the Director General will inform them of the procedure for pursuing the complaint further, if necessary, with the Equality Commission, as described in para 10 of Schedule 9 to the Act. If the Equality Commission decides to investigate any complaint or any other matter falling within paragraph 11(1)(b) of Schedule 9 of the Act, Ofreg will co-operate fully, providing access to any documentation which the Commission may require.

## 12. **Publication of the Scheme**

- 12.1 Following submission to the Equality Commission, this Scheme, revised as appropriate following the consultation process, will be available in print form and alternative formats free on request from the Office for the Regulation of Electricity & Gas, Brookmount Buildings, 42 Fountain Street, BELFAST BT1 5EE, telephone number 08457 660456 (local call rate). It will also be available on the Ofreg Internet website at <http://www.ofreg.nics.gov.uk/>
- 12.2 Following approval of the Scheme by the Equality Commission, a further version, revised as necessary, will be available as above.

## 13. **Review of the Scheme**

Ofreg will arrange a review of the operation of this Scheme within five years of its submission to the Equality Commission. This review will include an assessment of how Ofreg has complied with its Section 75 obligations in implementing all aspects of the Equality Scheme and how equality of opportunity and good relations have been advanced

in relation to the main activity areas. Consultations will take place with those bodies listed at Annex B (amended as necessary) before the review is completed and submitted to the Equality Commission.

## 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 Carribean 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 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**

Age Concern  
Association of Chief Officers of Voluntary Organisations  
Belfast Centre for the Unemployed  
Blind Centre (NI)  
Chief Executives' Forum  
Community Relations Council  
Craigavon Standing Conference of Women's Organisations  
Disability Action  
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  
Health and Social Services Councils  
Help the Aged  
Law Centre Northern Ireland  
Multi-cultural Resource Centre  
National Caravan Council  
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 Human Rights Commission

Northern Ireland MPs

Northern Ireland Political Parties

Northern Ireland Women=s European Platform

Northern Ireland Youth Forum

Omagh Women=s Area Network

Putting Children First

Rural Community Network

Student Housing Associations

Universities

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.

#### 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.