



**Results of an Equality Impact
Assessment on the
University of Ulster's decision to
close the aquatic facilities at
Jordanstown**

May 2006

This report is also available on the University's website at www.equality.ulster.ac.uk/consultation.html

It can also be made available on request, in alternative formats including Braille, computer disc, audiocassette, and in minority languages to meet the needs of those who are not fluent in English.

Contents

Executive Summary	1
Introduction	3
The Decision Aim	5
Associated Policies	5
Data Collection	6
Consultation	8
Key Findings	10
Conclusions	12
Appendices	
Appendix A	

Executive summary

This report presents the results of an Equality Impact Assessment (EQIA) on the University's decision to close the aquatic facilities at Jordanstown. It follows the EQIA guidance provided by the Equality Commission for Northern Ireland (ECNI) in 2005.

The aims of this EQIA were to consider mitigating measures to lessen the adverse impact on specific Section 75 categories, resulting directly from the University's decision to close the aquatic facilities at Jordanstown, and to consider alternative action to better achieve the promotion of equality of opportunity.

In line with the University's Equality Scheme, an EQIA Sub-group consisting of staff with relevant professional experience was set up to progress this EQIA. Based on the evidence it considered, the Sub-group concluded that differential and adverse impact could be construed in relation to **age** and **disability**. An EQIA Consultation Report and Response Pro-forma were prepared and made available for distribution to the public on 28 October 2005. The EQIA consultation report included suggestions regarding possible mitigating actions for consideration.

The consultation period of 8 weeks closed on 23 December 2005. The University received 251 responses to the consultation, of which thirteen were from stakeholder organisations. This response was greater than anticipated; however only a very small amount of new, additional and substantive information was received. Moreover, there was no indication that previous quantitative, qualitative and anecdotal research information had been misinterpreted or overlooked.

As a result of the findings of the consultation exercise, the University has committed to certain actions, which it believes will have a beneficial effect on those categories of people adversely affected by the decision to close the

aquatic facilities at Jordanstown and thus ensure better promotion of equality of opportunity between all Section 75 groups.

The University would like to thank all who contributed to this EQIA.

Introduction

- 1 Section 75 of the Northern Ireland Act 1998 requires the University of Ulster 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 person without; and
 - Between persons with dependants and persons without.

- 2 In addition, and without prejudice to its obligation above, the University must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

- 3 The University set out in its Equality Scheme how it proposed to fulfil its statutory duties. It carried out a detailed policy screening exercise, in which it identified six policies that would be subject to Equality Impact Assessments over a five-year period.

- 4 The University is fully committed to the fulfilment of its Section 75 obligations in all of its functions, including the objectives as a teaching, research and examining body within the provision of its Charter and Statutes. The University ensures that effective implementation of these obligations is supported with the necessary resources in terms of people, time and finance.

- 5 The University willingly decided to screen the decision to close the pool facilities, in accordance with its Section 75 obligations, following recommendations from the University Visitor and the Equality Commission for Northern Ireland (ECNI). As a result of its 8-week public consultation, the University decided to conduct a full EQIA into

the decision to close the aquatic facilities. In accordance with its Equality Scheme, an EQIA Sub-group was established to determine the impact of the decision on the various users. This Sub-group was chaired by Prof. Norman Black (Acting PVC, Academic Development and Student Services) and consisted of staff with relevant professional experience.

- 6 The Sub-group considered examples of key indicators of adverse impact provided in the Equality Commission's Practical Guidance on Equality Impact Assessment. It concluded that the most relevant indicator was in relation to "changing a policy which reduces benefits disproportionately for one group".
- 7 With this in mind, and based on the evidence it considered, the Sub-group concluded that differential and adverse impact could be construed in relation to **age** and **disability**, but this was consequential upon some affected people within these categories who had not been supported in finding alternative facilities. The EQIA consultation report by the Sub-group included suggestions regarding possible mitigating actions for consideration.
- 8 This report outlines the results and outcomes of the Equality Impact Assessment.

The Decision Aim

- 9 The University aims to make efficient and effective use of public funds in fulfilling its responsibilities. In considering the immediate impact upon the core business of teaching and learning, and in recognising the planned development of an integrated Sports Strategy at the University, the decision to close the aquatic facilities falls within the context of the University's public obligations **to make efficient and effective use of public funds via the rationalisation of sporting facilities, taking into consideration its core business.**

Associated policies

- 10 The overarching policies and objectives governing the operation of Sport and Recreation Services at the University are those which are generic to all areas of Student Support Services, in that strategically the services strive to achieve:
- the highest level of service and professionalism within its area of expertise;
 - flexibility in responding to the needs of staff, students, and where appropriate, external users;
 - the operation of an excellent 'value for money' service in all its areas and, in its commercial activities, operate at zero cost;
 - objectives that will complement the University's mission;
 - a high quality environment; and
 - energy in articulating, developing and effecting new strategies and business opportunities.
- 11 As the closure decision was considered to be operational and was made with regard to the financial viability of all other sports facilities operated by the University, the policy associated with this decision is

therefore stated as “the rationalisation of sports facilities and services to ensure efficient and effective use of available resources”.

Data Collection

- 12 In conducting the EQIA the University took full account of data and research findings from the following sources:
- a) University of Ulster Sports Facilities Membership Reports;
 - b) Monitoring data on Sport Centre membership;
 - c) Swimming pool and hydrotherapy pools usage;
 - d) The University of Ulster’s Access Audit;
 - e) 2001 Census data;
 - f) Pre-consultation meetings/discussions with the Save Our Pool Committee, Homefirst Community Trust and the Chinese Welfare Society;
 - g) Reports on the cost of maintaining/replacing the facilities operating plant;
 - h) Data collected as a result of previous consultation exercises;
 - i) Two non-commissioned marketing research reports;
 - j) Anecdotal evidence; and
 - k) Relevant legislation.
- 13 Based on the evidence it considered the University concluded that differential and adverse impact could be construed in relation to **age** and **disability**, but this was consequential upon some affected people within these categories not having been supported in finding alternative facilities.
- 14 The University identified in the consultation report possible measures to mitigate this adverse impact. Consultees were invited to comment on the actions and the data on which they were based as follows:

a) The Provision of Alternative Pool Facilities

The University recognises the importance of discussions with the North Eastern Education and Library Board and Homefirst Trust, as responsible bodies and **advocates continued and increased liaison** in order to explore the possibility of greater collaboration and partnership in providing mitigation of the impact for the two cohorts of those who remain disadvantaged; both young people (schools users) and disabled users.

b) The re-opening of the Aquatic Facilities

Whilst the University acknowledges that this would have the most wide-ranging mitigation in terms of impact on the pool users it believes that the cost is prohibitive and outweighs the benefit. Furthermore if the University were to commit to this course of action it would have a detrimental impact on the future of other sports. The money would have to be sourced from an existing budget and would therefore have a disproportionate effect on the development of other sports and/or sporting facilities. The University welcomes any suggestions particularly from those other authorities affected by the closure, with regard to opportunities for and assistance with funding.

c) The provision of an alternative to the hydrotherapy pool

The University is currently investigating the possibility of acquiring a water recovery facility. Although priority use for this proposed facility would be afforded to the Sports Institute Northern Ireland (SINI), the University could consider making it available to the Trust's clients. Clearly this would have a direct mitigation in relation to disabled people.

d) The University review its mechanisms

It is also recommended that the University review its mechanisms to ensure that future consultation, monitoring and equality screening is conducted in accordance with its Equality Scheme.

Consultation

15 In accordance the University's Equality Scheme, an EQIA consultation report and response pro-forma were prepared and made available for distribution to the public on 23 October 2005. The following actions were subsequently taken:

- a) Prominent advertisements were placed in seven local and regional newspapers inviting the public to comment;
- b) An all-staff and all-student E-mail was posted to advise of the consultation exercise;
- c) The consultation documentation was sent directly to stakeholder consultees (consisting 192 staff, students, members of the local community and key representation bodies);
- d) An article was published on the University's website;
- e) The consultation documentation was posted on the University's website;
- f) Posters were displayed in prominent locations across the University's five locations to encourage staff to respond;
- g) The report was made available by request in alternative formats (no requests were received).

16 The 8-week consultation ended on 23 December 2005. A total of 251 written responses were received. Responses were received from the following (13) organisations:

- Action Mental Health;
- Belfast High School P.E. Department;
- Disability Action;
- Ellis Court;
- Help the Aged;
- Hillcroft school;
- NEELB;
- Rosstulla and Thornfield Schools;
- Save Our Pool Committee;

- Sunshine Hour Swimming club;
- UUJ Sub-aqua Club;
- United Hospitals Trust Physiotherapy Service: and
- Upper Bann Institute of Further and Higher Education.

17 238 individual responses were also received. 196 (of the 251) consultees submitted a generic Save Our Pool Committee (SOPC) response to the consultation. 179 of these consisted of a SOPC endorsed pro-forma. 19 international students also submitted similar responses.

Key Findings

- 18 The response to this consultation was greater than expected. However, the University the noted that:
- a) there was a paucity of unique comments and substantive additional research/information submitted;
 - b) some new information regarding the nature and extent of continuing adverse impact for some people in the categories of age and disability was provided;
 - c) there was no indication that the Sub-group had misinterpreted previous data; and
 - d) a large number of responses were duplicated.
- 19 Due to the nature of this response, and in order to prevent repetition, the University focussed its analysis and findings on the new information provided by consultees as a result of the EQIA consultation exercise. These **key findings** are summarised as follows:
- a) The majority of consultees supported the view of the Sub-group in that they felt that people in the '**Age**' and '**Disability**' categories had been adversely/unhelpfully/negatively affected by the decision to close the aquatic facilities at Jordanstown. The EQIA consultation provided recent evidence that, whilst 7 North Eastern Education and Library Board (NEELB) schools (including two Special Schools) had made alternative arrangements, 3 (including one special school) had been unable to find alternative arrangements for swimming. According to one consultee, the reason for this is that '*it has been impossible to satisfactorily absorb the complete programme from the university within the programmes of neighbouring pools*'. One disability group had managed to find alternative swimming facilities for its members, but had found these unsuitable and so had to discontinue its swimming activities.
 - b) Two NEELB special schools have been unable to secure alternative hydrotherapy facilities since the closure of the aquatic facilities at Jordanstown. A further 28 comments (including comments from

residents of a Care Home for disabled adults) were received regarding the withdrawal of the hydrotherapy facility. These claim that there is no available alternative hydrotherapy facility in the Newtownabbey area. One consultee stated that physiotherapy students in Northern Ireland are being disadvantaged by the closure of the hydrotherapy pool via the withdrawal of the hydrotherapy component of the UUJ Course (*'Physiotherapy students in N.I. now have no opportunity to gain experience & practice in this extremely useful clinical skill. There will be a knock-on effect on patient care across N.I.'*). Two consultees suggested that a hydrotherapy facility would complement a *'centre of sporting excellence'*.

- c) The Sub-group also received comments from 19 Chinese students at the University. Of these, 10 felt that travelling to other pools could expose them to the risk of racial abuse and/or attack. This information has been passed on to the International Office for consideration.
- d) The Sub-group acknowledged in the EQIA Consultation Report that this EQIA consultation process was somewhat retrospective from the outset, but that this was consequential upon the University originally considering the decision to be an operational one. As such, the Sub-group anticipated and received criticism of the process during consultation.

20 **General findings** and corresponding University actions are summarised in Table 1, Appendix A.

Conclusions

- 21 As a result of this EQIA consultation, the University will:
- a) Consult and engage with NEELB and other relevant bodies with regard to possible action which might facilitate the needs of the small number of schools which have been unable to make alternative provision; and
 - b) Give strong consideration to the provision of hydrotherapy facilities which would enhance the University's core business in relation to the Strategy for Sports and SINI, but would also be made available to disabled clients if possible.
- 22 Given the adverse publicity surrounding the closure of the facilities and this EQIA process, the University will review its communication mechanisms to ensure that future consultation, monitoring and equality screening continues to be conducted in accordance with its Equality Scheme.
- 23 If you have any queries about this document and/or its availability in alternative formats, please contact:

Mrs. Janine Gregory
Equality Policy and Practice Unit
University of Ulster
Room 2H15B
Shore Road
Newtownabbey
BT37 0QB

Tel: 028 90368137
Fax: 028 90368322
Email: j.gregory@ulster.ac.uk

Appendix A

Table 1 Summary of responses and agreed actions

General findings	Action
Categories of people adversely affected by the decision	
<p>Consultees believed that all categories of people would be adversely affected by the decision to close the aquatic facilities at Jordanstown.</p>	<p>No substantive additional research/ information submitted The analysis of actual pool usage data does not support this belief.</p> <p>Noted.</p>
<p>Young children, people over the age of 65, and disabled people would be specifically adversely affected by the decision to close the aquatic facilities at Jordanstown.</p>	<p>This supports the views of the EQIA Sub-group/University. Noted.</p>
New information regarding the nature and extent of continuing adverse impact	
<p>Whilst 7 North Eastern Education and Library Board (NEELB) schools (including two Special Schools) have made alternative arrangements, 3 (including one special school) have been unable to find alternative arrangements for swimming. According to one consultee, the reason for this is that '<i>it has been impossible to satisfactorily absorb the complete programme from the university within the programmes of neighbouring pools</i>'. One disability group has managed to find alternative</p>	<p>The University will consult and engage with NEELB and other relevant bodies with regard to possible action, which might facilitate the needs of the small number of schools which have been unable to make alternative provision.</p>

<p>swimming facilities for its members, but has found these unsuitable and so had to discontinue its swimming activities.</p>	
<p>Two NEELB special schools have been unable to secure alternative hydrotherapy facilities since the closure of the aquatic facilities at Jordanstown. A further 28 comments (including comments from residents of a Care Home for disabled adults) were received regarding the withdrawal of the hydrotherapy facility. These claim that there is <u>no</u> available alternative hydrotherapy facility in the Newtownabbey area. One consultee stated that physiotherapy students in Northern Ireland are being disadvantaged by the closure of the hydrotherapy pool via the withdrawal of the hydrotherapy component of the UJJ Course (<i>'Physiotherapy students in N.I. now have no opportunity to gain experience & practice in this extremely useful clinical skill. There will be a knock-on effect on patient care across N.I.'</i>). Two consultees suggested that a hydrotherapy facility would complement a <i>'centre of sporting excellence'</i>.</p>	<p>The University will give strong consideration to the provision of alternative hydrotherapy facilities, which would enhance the University's core business in relation to the Strategy for Sports and SINI, but would also be made available to disabled clients if possible.</p>
<p>Larne Swimming Club are still seeking alternative arrangements for</p>	<p>This information will be passed on to the NEELB.</p>

training sessions.	
The Sub-group received comments from 19 Chinese students at the University. Of these, 10 felt that travelling to other pools could expose them to the risk of racial abuse and/or attack.	This information has been passed on to the International Office for consideration.
Consultees felt that the University provides a neutral, safer environment with regard to sexual orientation, religious belief, political opinion and racial group. As a result, these groups of people would feel uncomfortable using Council facilities.	Noted. These concerns will be passed on to the NEELB.
Possible measures to mitigate the adverse impact	
The majority of consultees felt that reopening the existing aquatic facilities would eliminate the adverse/unhelpful/ negative effects of the decision.	<p>No suggestions (particularly from those other authorities affected by the closure) with regard to opportunities for and assistance with funding were received.</p> <p>Based on the evidence considered, the University believes that this mitigation would be unrealistic on the grounds of cost and increased vulnerability to litigation, especially with regard to providing disabled access (under Parts III and IV of the Disability Discrimination Act) and complying with Health And Safety requirements. Furthermore, it is likely that the reopening of the aquatic facilities would have significant</p>

	<p>negative knock-on effects on student experience in areas other than sports. In making its decision the Sub-group noted that the financial data, regarding the cost of refurbishing/replacing the Aquatic Facilities' plant, date back a few years. As such, these costs would have increased over time.</p>
<p>The consultation process</p>	
<p>This EQIA consultation process was somewhat retrospective from the outset. Some consultees felt that the consultation could have been more meaningful if the views of clients using the hydrotherapy pool, physiotherapy staff and sports studies staff had been consulted prior to the decision.</p>	<p>This EQIA consultation process was consequential upon the University originally considering the decision to be an operational one</p> <p>The University will review its communication mechanisms to ensure that future consultation, monitoring and equality screening continues to be conducted in accordance with its Equality Scheme</p>
<p>Disability Action recommended that the university input a system to monitor the amended/policy for future adverse impact.</p>	<p>Noted.</p>
<p>Disability Action recommended that the contact details on the consultation covering letter should include a text phone number to enable deaf people the same access as those who are hearing. Similarly, Braille should be included in the list of the range of available alternative formats.</p>	<p>Noted.</p>

<p>Three consultees reported difficulty printing the response pro-forma.</p>	<p>Further investigation found no detectable reason for this, other than consultees using older versions of Adobe Acrobat software. This problem has been noted and will be considered in undertaking future EQIAs (electronic version of Word documents will also be made available for download on the website).</p>
<p>The response pro-forma incorrectly directed consultees to the wrong page of the consultation document for one question.</p>	<p>Noted.</p>
<p>One consultee felt that the procedure followed appeared to have been thorough.</p>	<p>Noted.</p>
<p>Two consultees welcomed the opportunity to participate in the process and looked forward to receiving the outcome of the EQIA.</p>	<p>Noted.</p>
<p>General</p>	
<p>The University is more likely to be up to speed with SENDO.</p>	<p>The University's Access Audit highlighted specific access difficulties for disabled people. The University considered these in conjunction with Health and Safety requirements throughout the EQIA. The University will continue to endeavour to meet the requirements of SENDO and the Disability Discrimination Act.</p>