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**Submission to to the Office of the First Minister
and Deputy First Minister on the proposals for
the Future of the Minority Ethnic Development
Fund 2012-15**

October 2012

1. Introduction

The Northern Ireland Council for Ethnic Minorities (NICEM) is an independent non-governmental organisation working to promote a society free from all forms of racism and discrimination and where equality and human rights are guaranteed. As an umbrella organisation¹ we represent the views and interests of black and minority ethnic (BME) communities.²

Our vision is of a society in which equality and diversity are respected, valued and embraced, that is free from all forms of racism, sectarianism, discrimination and social exclusion, and where human rights are guaranteed.

Our mission is to work to bring about social change through partnership and alliance building, and to achieve equality of outcome and full participation in society.

NICEM, as the Secretariat to the All Party Group on Ethnic Minority Communities, fully supports the submission by the All Party Group and in that regard would like to reiterate the points raised in that submission.

2. Concerns relating to the consultation process

The proposal and the evaluation alongside an accompanying letter from Ken Fraser, Head of Race and Section 75 at OFMDFM, was sent out on 16 August 2012. The deadline provided for written consultation responses to the proposals was 14 September 2012. That means the consultation period provided was only five weeks.

According to OFMDFM's draft Equality Scheme "the consultation period will normally last for twelve weeks to allow adequate time for groups to consult amongst themselves as part of the process of forming a view".³ This section goes on to state that consultation periods may be shortened in exceptional circumstances such as "implementing EU Directives or UK wide legislation, meeting Health and Safety requirements, addressing urgent public health matters or complying with Court judgments". In light of this, it is our view that the consultation period for the MEDF proposals should have lasted the full twelve weeks and providing only five weeks falls short of OFMDFM's statutory obligations under section 75 of the Northern Ireland Act 1998.

In addition, the draft Equality Scheme also provides that;
"If a consultation exercise is to take place over a period when consultees are less able to respond, for example, over the summer or Christmas break, or if the policy under

¹ Currently we have 27 affiliated BME groups as full members. This composition is representative of the majority of BME communities in Northern Ireland. Many of these organisations operate on an entirely voluntary basis.

² In this document "Black and Minority Ethnic Communities" or "Minority Ethnic Groups" or "Ethnic Minority" has an inclusive meaning to unite all minority communities. It refers to settled ethnic minorities (including Travellers, Roma and Gypsy), settled religious minorities, migrants (EU and non-EU), asylum seekers and refugees and people of other immigration status.

³ Section 3.8 of the 2011 draft Equality Scheme for OFMDFM. Please note we refer to the draft as it has not yet been approved by the Equality Commission.

consideration is particularly complex, we will give consideration to the feasibility of allowing a longer period for the consultation.”⁴

In fact, this consultation was launched at the end of the summer and also included a bank holiday. In light of this, we believe this makes a stronger case for having the full twelve week consultation period.

The letter also stated that OFMDFM intended to hold two consultation meetings in mid-September on the proposals and then the 3-year fund would be delivered as soon as possible. After the publication of the letter, the dates announced were for the 17th and 18th September, which come after the deadline for written submissions. We believe that the manner in which these two meetings were organised and given the short notice period, this is inadequate to address the magnitude of issues concerning the delivery of three years of funding and again falls short of the Department’s obligations under section 75. We also are concerned that limiting the meeting to two geographical areas will potentially exclude those in mid-Ulster and other areas outside of this catchment.

We are also concerned that these events were inaccessible for vulnerable groups currently not in receipt of funds as they were organized during working hours and attended mostly by paid staff members who had the capacity to do so. We would recommend targeted events to engage vulnerable communities and potential beneficiaries of funds, we would also recommend the organization of events which engage board members rather than solely staff as board members have legal responsibility for organizations and are thus in a good place to understand the impact of their work.

We believe that adequate consultation is essential for the most fair and effective delivery of funds and is essential for the fulfillment of the Department’s section 75 obligations.

Recommendation: The consultation period should be extended to twelve weeks and another consultation meeting should be organised in Mid-Ulster. There should be targeted efforts to speak to vulnerable communities not in receipt of funds, information regarding how the consultation process will be undertaken should be made available in order to enable transparency and also so that BME groups can provide their expertise on where potential gaps may be.

3. NISRA evaluation

It is highly concerning that key elements of the evaluation process are not fully explained in the evaluation report. For example, we have concerns around how the key informants of the evaluation were selected. The evaluation states that these key informants were identified by OFMDFM but it does not explain why or how those chosen were balanced and representative. There is only one named ethnic minority group representative. When the secretariat sought clarification on this point, Mr. Ken Fraser informed us that OFMDFM presented NISRA with a list and the key informants were then chosen through random sampling by statisticians. We believe that a random sampling approach was inadequate given the time and resources invested in the process. Moreover, since the funding period was to change to three years, we believe a thorough reflection and analysis of the last fund was necessary and this could have been achieved by seeking the view of as many MEDF recipients as possible, particularly those of ethnic minority led groups.

⁴ Section 3.11 of the 2011 draft Equality Scheme for OFMDFM.

It is also significant that the evaluation report was published in November 2011, yet the report was not circulated until the 16th August 2012, therefore the contributors/key organisation and individuals of BME organizations were unable to comment as to its accuracy. It also meant that the information contained in the report was more than 10 months old at the date of publication, thus not reflective of the current situation.

Recommendation: We are calling for a review of internal consultation procedures in OFMDFM to ensure that the selection process for participants for future reports and/or research studies is fair and transparent and the selected individuals are balanced and representative. We would also like to know why the evaluation was only circulated on August 16th 2012 when it had been available since November 2011.

4. Aims and nature of the MEDF

a. Aims of the fund: Inability of MEDF to deliver aims in absence of a new and revised Racial Equality Strategy

The consultation document makes 12 explicit references to the Racial Equality Strategy (hereafter 'RES'); both the former strategy, which ended two years ago in 2010 as well as mentioning the new and revised strategy. According to the consultation document work is under way on a revised RES. At an event on 7 June 2012, "Questions that Matter", hosted by the previous chair, David McIlveen MLA, of the All Party Group on Ethnic Minority Communities (hereafter 'the APG'), for which NICEM provides Secretariat support, Junior Minister Jonathan Bell MLA, informed the APG that the new RES would be out for consultation in Autumn 2012. At that event, members of the APG were also informed by the Junior Minister that he would try to find out why the Racial Equality Forum (hereafter 'REF') has not met since August 2011, even though it is mandated to meet quarterly and should take issues relating to the MEDF forward.⁵ At the consultation meeting on the 18th September 2012 hosted by OFMDFM, Ken Fraser contradicted the Junior Minister's previous statement by saying that, at best, only the first chapter would be available for consultation in Winter 2012.

In the consultation document, it is stated that the objectives of the MEDF will be aligned with the RES 2005-2010. We are very concerned about this since it is crucial that the objectives of the new MEDF are strictly aligned with the objectives of the new RES since the overall purpose of the fund is to implement the new revised RES. It is particularly worrying that the funding may be delivered without any clear aims or purpose since the RES has not yet been put in place. The consultation document also raises the possibility of revisiting the objectives of the MEDF after the RES is put in place. This would be too late as the funds would already have been distributed, yearly group evaluations would be ineffective in redressing misspent funds if the money had been spent.

In addition, the delivery of the MEDF is an action under the OFMDFM Action plan, which details indicators, which apply to grantees. There is a need to refine the indicators of the proposed Evaluation Framework in Annex C alongside the 6 core objectives, rather than a general framework. As recommended in the evaluation we also believe a comprehensive needs assessment should be carried out before the delivery of the fund and we fear that immediate delivery of the fund would mean that needs are not sufficiently addressed.

⁵In the evaluators opinion the racial equality forum should be the vehicle to move this and other service delivery issues forward, and in doing so mainstream more activities away from Fund.

A needs assessment would involve firstly doing a desk top analysis involving existing statistical data (e.g., all Ireland Traveller Health survey, reports to the Committee on the Elimination of Racial Discrimination, Rowntree research in to Poverty and Ethnicity in NI etc), this would identify the most vulnerable and at risk, then relevant stakeholders and community members would be contacted and research gathered as to their knowledge around the most vulnerable and their ability to access services and participate in decision making structures. It would involve looking beyond those currently funding and those who participated in the evaluation process and consulting with new communities as well as those who are more settled, this process could be guided and informed by expertise both within NI and further afield. It should be guided by the core principals of the Racial Equality Strategy as well as Government's existing Human Rights and Racial Equality obligations.

Moreover, the evaluation report has found that there are "significant limitations in relation to the level and quality of data associated with the fund".⁶ In order to ensure that the fund is delivered in the most effective way possible, data gathering and monitoring mechanisms within the fund must be in place for its future delivery. This cannot be done in such a short timeframe. Indeed this is recognised in the evaluation report, which suggests that the funding should be extend for the year 2011/2012 in order to have adequate time to implement necessary changes and then the three year fund should be rolled out from 2013/14 to 2015/16.⁷ The element of time is crucial in the delivery of this fund as it should be borne in mind that some groups have only limited capacity and will not have sufficient time to put in their applications and this will undoubtedly create a gap in funding.

b. Nature of fund: multi-cultural or inter-cultural?

Related to the points raised in point 4a above, the evaluation questions the purpose of the fund. In trying to understand the nature of the Fund, the Evaluation states that "it is not clear if the Fund is an inter-cultural Fund or a multi-cultural Fund"⁸. The consultation document addresses this by setting out OFMDFM's interpretation of complex concepts such as integration, multi-cultural and inter-cultural. During this discussion, reference was made to the approach in Great Britain. It is crucial for OFMDFM to recognise that the GB model was developed and applied to the particular socio-economic, political and historic context of Great Britain. This concept is not transferable or relevant to Northern Ireland, which operates in a particular context with a very complex history as well as very different socio-economic and political structures. In any event, the references in the Evaluation related to the diversity of the current grantees, as NISRA questioned the sole purpose of the fund established at the very beginning that based on ethnic minority groups only.

Close reading of the Evaluation report alongside OFMDFM's proposals suggests that the new 3-tier funding regime eradicates the need to definitively classify the fund as being either multi-cultural or inter-cultural or a bit of both, which is suggested in the consultation document. This view is taken in light of the fact that an applicant may only receive one grant of core funding from any one of the Departments. This rule applies to all groups, irrespective of whether they are ethnic minority groups or local indigenous groups.

⁶ See sections 3.1.6 and 5.4.1 of the NISRA Evaluation Report.

⁷ See section 7.4 of the NISRA Evaluation Report.

⁸ Section 7.2.2 of the NISRA Evaluation Report.

Nevertheless, it is imperative that the MEDF is designed and delivered in such a manner that will allow it to fulfill its overall purpose, which is to implement the objectives of a new and revised RES and until the new strategy is in place and the REF is re-convened the fund will not be able to fulfill its functions.

Recommendations:

- **In line with NISRA's recommendation, we propose for those groups who received core costs in 2011-12 to have their funding extended for another 6 months and the fund should be rolled out in full in 2013. As set out in the evaluation report, such an extension of funding should be subject to a review of recipients records of activities and case files as well as ensuring that the number of staff correlates to activities.**
- **We suggest that a detailed Action Plan is developed with clear outcomes, SMART targets, robust performance indicators and clear objectives for each Government Department and their next step agencies in line with the new and revised RES.**
- **We recommend a needs assessment be carried out to identify needs in order to ensure those needs are met through the delivery of the MEDF.**

5. Categories of Funding

Project funding means that a specific amount of resources is open to any group to apply, whether they are ethnic minority groups or local indigenous groups. On the other hand, core funding for an organisation means that the applicant has provided a range of services and support and/or infrastructure to its community (or communities) and/or members where there is evidence of need, and provision is not otherwise available. This is likely to include a significant number of the following areas:

- Representation and participation on behalf of their membership or sector;
- Advice, information (e.g. face-to-face mentoring, support for submitting funding applications) and signposting;
- Public Policy – consultation, influencing and changing public policy;
- Support for community development, to enable people to contribute to issues which affect their lives and the communities in which they live through empowerment, inclusion, equity, partnership and collective action;
- Encourage collaboration between ethnic minority sector organisations and local/indigenous voluntary and community sector organisations; and
- Service delivery for member of its community and/or organisations across Northern Ireland

Most of the core funding programmes for the voluntary and community sector is to fund specific services and/or programmes, including central administrative costs for key personnel (both delivery staff and central administrative staff, such as head of the organisation and senior management team.) Since the MEDF is relatively small in comparison to other key core funding programmes among departments, the core costs funding option under the current MEDF are more flexible. However, under the current maximum £45,000 regime, the MEDF cannot provide full core costs to those organisations, which have more than a few staff (this applies to all groups regardless of their size and operation).

The Evaluation recommends a three-tiered system. However, the proposed Tier 3 in the consultation document is not the same as the one proposed in the Evaluation report. The Evaluation Report states that:

Tier 3: High level MEDF – This may include organisations where people deliver their own role. This includes large scale service provision for Departments and a number of large scale integration activities. Will also include mentoring role with smaller organisation – facilitating collaborative joined up approach - Funding £75k per annum for 3 years.⁹

However, according to OFMDFM's proposals under consultation highlights the following:

Tier 3: *High level MEDF* – This includes large scale service provision for Departments and a number of large scale integration activities. Will also include mentoring role with smaller organisation – facilitating collaborative joined up approach - Funding – up to £75k per annum until March 2015.

This deviates from the recommendation in the Evaluation, and is in effect a bigger project fund. The Evaluation Report accepted that the current £45,000 maximum for core costs for all groups regardless of their size and operation is not fair.

Recommendation: Tier 3 should reflect the idea proposed in the Evaluation Report, which is to have more resources for those organisations that have large operations and staff level (it is agreed that this should still be restricted to 10% of the fund) in order to add on new mentoring and support roles for small organisations. It should clearly state in the new policy that Tier 3 is another level of core funding.

6. Need for joined-up governance and good administration in delivery of MEDF

a. Interaction of MEDF with other government funding streams

The Evaluation raised the question of who is funding what?¹⁰ As a policy department, OFMDFM is tasked with focusing on mainstreaming human rights and equality. At the moment, current MEDF grantees deliver a lot of services, such as providing English classes, and holding events, which are often cultural in nature rather than raising the awareness and profile of the importance of anti-racism work. It is our contention that some of those services and events come under the remit of other departments and those departments should be responsible for funding.

When the MEDF programme was adopted at the Promotion of Social Inclusion Working Group on Minority Ethnic Communities in 1999, all departments agreed that the establishment of the fund within OFMDFM did not remove their responsibilities to ethnic minorities and instead, accepted it would act as the principle driver for the mainstreaming of services. Regrettably, this agreed principle has never materialised. Therefore, it is essential that the new and revised Racial Equality Strategy should incorporate this key point through individual department action plans.

In addition, we suggest that the Racial Equality Panel should follow-up on this issue when it next convenes and should seek information from each department on what they have funded and whether this included core costs and/or project costs. This would aim to prevent duplication on one hand, and would encourage a joined-up approach to fund ethnic minorities on the other. By doing so, the current MEDF will be, in effect, expanded with a

⁹ Section 7.3.23.

¹⁰ Section 7.3.14-15 of the NISRA Evaluation Report.

more effective joined-up approach to deliver funding and to monitor the outcomes and performances of the grantees.

Recommendation: OFMDFM should initiate a joined-up governance approach along with other Departments in order to ensure that funding throughout the Government is achieving the best possible outcomes for the BME communities.

b. Capacity to monitor MEDF and need for independent delivery

The Evaluation recommends an independent tendering process for delivery of the fund by a third party, and states that “evidence suggests that the Department [OFMDFM] does not have the expertise or resources to deliver a future fund with the evaluation findings incorporated”.¹¹ The consultation document does not address the issue of delivery of the fund by a third party. Given that the evaluation report has existed since November 2011, we believe that this recommendation should have been given thorough consideration. A new external delivery operation would have the dual effect of implementing a robust monitoring mechanism for all grantees and enabling the OFMDFM Race Unit to focus on the publication of a new and revised RES as well as their responsibilities concerning the monitoring and implementation of the Departmental RES Action Plans.

The Evaluation further highlights the inaction of OFMDFM in implementing the recommendations of the 2003 evaluation; in fact they only implemented two of those. In particular the Evaluation report points out that:

“The recommendations not implemented were in relation to the selection process being amended to include a more thorough explanation of management capacity of applicants, and that unit staff should make two visits per year to funded organisations. Interestingly both these recommendations have not been implemented due to the level of resources available within the Unit. This would correspond with some of the issues raised in this report regarding the capacity of the Department to directly manage the Fund.”¹²

If an external third party were to deliver the fund, this might allow for a more thorough evaluation of the outcomes and success of the MEDF. For example, in the consultation document, it is stated that the operation of the fund will be evaluated in 2014. This is not satisfactory, especially given the fact that the fund is now to change to a three-year cycle. It is essential that the delivery is monitored, reviewed and evaluated on an ongoing basis to ensure that it is fulfilling its aims and purpose. Again this highlights the need for the RES to be in place before the MEDF is delivered.

Recommendation: OFMDFM should contract out the current operation of the MEDF to an external third party.

7. Crisis fund and the MEDF

NICEM strongly urges the Government to keep the MEDF and the crisis fund separate as recommended in the NISRA evaluation. The reason for keeping the crisis fund separate stems from the fact that it is very different in nature to the MEDF. As already set out above the purpose of the MEDF should be to implement the RES and ensure that BME

¹¹ Section 6.67 of the Evaluation.

¹² Section 6.4.2 of the Evaluation.

communities are empowered to address the issues arising in their communities. Contrastingly, the purpose of the crisis fund is to provide necessary and practical support to members of the BME community who do not have any recourse to public funds and find themselves in a state of destitution. It is concerning to NICEM, that if the crisis fund becomes part of the MEDF it will be impossible to collate statistics and/or even gather anecdotal evidence of which communities are in receipt of this assistance so that we would be able to look at the reasons for them falling into destitution and possibly even address the root causes to prevent further destitution.

In OFMDFM's proposals, it is stated that a "crisis fund element" may be included in each tier of funding. This contradicts comments from OFMDFM officials at consultation events suggesting that the crisis fund will, in fact, be separate. Therefore, there is a need to clarify the way forward and it is of the utmost importance that the distinction between the nature of the MEDF and the purpose of the crisis fund is understood.

In the report from CFNI and the Redcross on the OFMDFM emergency fund pilot, it is stated in the key findings and observations that:

-The creation of a long-term (emergency) fund would help to alleviate the trauma of those facing short and medium term destitution, however the fund should not exist in place of a considered review of what causes destitution.

A core aim of the RES is to address racial inequality and social exclusion, another core aim is to ensure equality of opportunity in accessing benefitting from public services, whilst not exclusively the only causes of destitution, both of these factors play a significant role in contributing to destitution. If such aims are addressed by the implementation of the Racial Equality Strategy, then minority ethnic communities will be equipped to identify the root causes of destitution thus tackling it at its source and developing sustainable and comprehensive methodologies for addressing it. It should be recognised that the MEDF and crisis fund must be kept separate but the MEDF and the interlinking RES are essential for diminishing the need for the Crisis fund.

Recommendation: The APG strongly urges OFMDFM to keep the MEDF and the crisis fund separate due to the very different nature of each fund. The APG also calls on OFMDFM to put in place as soon as possible the mechanisms for delivering the crisis fund separately in order to ensure that ethnic minority communities living in destitution in Northern Ireland have their needs addressed.

8. Way forward

In order to ensure that the purpose of the MEDF can be fulfilled it is necessary for the RES to be in place. Therefore, we recommend that the current 6 month funding (which is due to run out at the end of September 2012) be extended for another 6 months in order to allow adequate time for consultation and a needs assessment to be carried out. Since Junior Minister Jonathan Bell informed the APG that the RES would be operational at the beginning of the next financial year, it is anticipated that a six-month extension would also provide adequate time for the RES to be in place before the delivery of the MEDF.

8. Further Information

For further information in relation to this consultation response please contact:

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