



**Rural Community Network**  
SUPPORTING RURAL COMMUNITIES

**Rural Needs Act NI 2016**

# What I will cover:

- ▶ Context - how it came about
- ▶ What it looks like and what it means for rural dwellers
- ▶ How it is being implemented
- ▶ What has it done to date
- ▶ The future

## Evolution of the Rural Needs Act NI

- ▶ **2001 Programme for Government  
Commitment on rural proofing**
- ▶ **2002 R. proofing Guidance issued to  
all Departments & training delivered.**
- ▶ **2005 DARD commissioned study  
identified limited impact**
- ▶ **2009 Enhanced rural proofing  
proposals agreed by Executive.**  
**Updated guidance issued & further training  
delivered**

# Evolution contd.

Executive Commitment reaffirmed in 2011

By 2013/14 Limited impact was noted.

Frustration led Community & Voluntary groups to lobby for rural proofing legislation.

2014 Minister Michelle O'Neill announces intention to introduce rural proofing legislation

2015 Public consultation on Minister's proposals for Rural proofing Bill

09.11.15 Rural Needs Bill introduced to the Assembly

08.03.16 Rural Needs Bill passed final stage

# The Rural Needs Act - what we wanted:

- ▶ Rural Needs - meaning the social and economic needs of people in rural areas
- ▶ Public authorities to have a legal responsibility to have fully assessed and examined impact on rural populations
- ▶ Public bodies to be obliged to consider rural issues when a policy or service delivery is being introduced or changed
- ▶ Decisions should be based on evidence/consultation
- ▶ A transparent process which citizens can use to improve accountability

# The Duty and Guidance:

1. Public authorities must have due regard to rural needs when:

(a) Developing, adopting, implementing or revising policies, strategies and plans, and

(b) Designing and delivering public services.

Public authorities are defined in the schedule, and this is reviewed every three years to be added or amended.

2. Guidance, Advice and Information on rural needs or ways to meet those needs to be provided by DAERA and research commissioned/undertaken or supported if required.

# Monitoring & Reporting

Public Authorities to whom the duty applies must compile information on how they have carried out their functions with due regard to the duty

DAERA to compile an annual report from all public authority reports

AERA Minister then to make a statement to the Assembly on the annual report.

# The Duty Holders

1<sup>st</sup> June 2017

- All 9 NI Government Departments
- All 11 District Councils

1<sup>st</sup> June 2018

- The Police Service of Northern Ireland;
- The Council for Catholic Maintained Schools;
- The Education Authority;
- The Health and Social Care Trusts;
- Invest Northern Ireland;
- The Northern Ireland Fire and Rescue Service;
- The Northern Ireland Housing Executive;
- Libraries NI;
- Tourism NI;
- The Public Health Agency;
- The Regional Health and Social Care Board;
- Sport NI.

# Defining Rural

Settlements with population of 5000 people or less and open countryside are rural

Statutory organisations may deviate from this definition but should clarify the circumstances why they need to deviate.

Duty holders also need to consider how they can collect data so that it can be broken down for rural areas they service.

This has the potential to cause problems in terms of developing a consistent approach to data collection by duty holders

# Defining Due Regard

“In relation to the Act, to ‘have due regard’ means that a public authority must consciously consider the needs of people in rural areas when developing or revising policies, strategies and plans and when designing and delivering public services.

The level of ‘regard’ that is ‘due’ will depend on the circumstances and, in particular, on the relevance of rural needs to the decision or function in question.

**The greater the relevance and potential impact for people in rural needs, the greater the regard required by the duty.”**

## What they said....

Strengthening the duty to "due regard" is an important step in ensuring an improved quality of life for those living in rural areas.

William Irwin MLA ARD Committee Chair during Rural Needs Bill Consideration Stage debate 17.11.15

It is about making sure that we put protections in place so that, when policies and strategies are being developed, Departments and those bodies recognise and take into account the needs of rural dwellers.

ARD Minister Michelle O'Neill during Rural Needs Bill Further Consideration Stage debate 29.02.16

# Why is “due regard” important?

- ▶ Rural stakeholders lobbied to ensure due regard was included in the wording of the duty
- ▶ Case law has set out in detail what “due regard” looks like in practice in England and through equality legislation in NI
- ▶ Brown principles are used as a benchmark for ‘Due Regard’ process
- ▶ Depends on how public authorities approach the duty
- ▶ Possible that the Courts may view JR on the Rural Needs Act as more appropriate where no statutory recourse is available

# Rural Needs Impact Assessment

- ▶ The Act doesn't explicitly refer to rural proofing or prescribe any specific process to be used by public authorities in having 'due regard to rural needs'.
- ▶ However rural proofing is a process which is well established in Northern Ireland as a means of:
  - ▶ identifying rural needs and impacts, based on analysis of evidence;
  - ▶ considering the scale and significance of those impacts; and
  - ▶ considering potential adjustments or mitigation to address those impacts

# Rural Needs Impact Statement Process

## 1. Define the issue.

- If regional differential impacts in urban v rural?
- Barriers in rural areas?
- If aimed solely at rural areas are there differential impacts in remoter rural areas?

## 2. Gather evidence

- Statistics/Other data/GIS mapping/Stakeholder views/Service user views

## 3. Develop & appraise options

- Stakeholder engagement important at this stage

# Rural Needs Impact Statement Process (contd.)

<b>4. Prepare for delivery</b>	How will fair outcomes for rural dwellers be achieved What amendment/mitigations are possible/achievable
<b>5. Public consultation</b>	Rural Needs Impact statement included as part of the public consultation
<b>6. Monitoring/ reporting</b>	

# Rural Need is complex...

- ▶ Legislation doesn't address differing levels of need of individual citizens within rural communities depending on:

Income

Education level

Age

Health

Environment

- ▶ Rurality, in itself, doesn't necessarily cause deprivation/need but can make life more difficult for people who are in need.
- ▶ Deprivation in rural communities isn't spatially concentrated as is often the case in urban communities
- ▶ Duty holders will always be constrained by budgets and what is realistic in terms of policy/service delivery.



# Working the Rural Needs Act....

## Rural Impact Assessment on the proposed closure of Jobs & Benefits offices in Cookstown/Newcastle & Ballynahinch



Used data and GPS to map JBO clients affected.

Used location data to model greater travel times by car and public transport

Estimated additional cost for service users who needed to use public transport

# But....

- × Mitigation measures suggested increased postal signing and internet access for Universal Credit claimants when introduced.
- × Didn't model internet accessibility and digital uptake of current client group
- × Travel times for clients only mapped from town centres to nearest alternative JBO
- × No evidence of consultation with users in advance of going to public consultation.

October 2017 DfC notified that Offices were to be retained.



# RNIA Looked-after Children Strategy

26% of looked after children live in rural areas:

- ▶ Recognises additional cost to carers/guardians in transportation costs to access services
- ▶ Recognises rural-based looked after children have to travel further to avail of some key services
- ▶ But fails to say how this can be addressed or what alternatives they are offering to access these services.
- ▶ Fails to take account of travel times for carers /HSC staff to attend meetings and support events -
- ▶ Fails to take account of rural children not having access to broadband or mobile phone coverage - further isolation from support and key workers.



They have since agreed to seek the views of rural carers and rural children in care.

# Challenges with the Act and RNIA

- ▶ Absence of an Assembly means fewer decisions are being taken - A recent challenge to the Civil Service means a lot of decision making has stagnated in NI
- ▶ Absence of any statement on mitigation in the act is a concern
- ▶ Lack of Assembly scrutiny and lack of a watchdog body /commissioner/ombudsman
- ▶ Leadership from senior officials is essential
- ▶ While this is a technical process - individual stories remain important and relevant
- ▶ Transparency will be enhanced as the reporting and monitoring arrangements (RNIA) are available.
- ▶ We need to guard against vague statements that say they recognise the challenge but offer nothing to alleviate it.



# What was gained from this exercise?

- ▶ Better policy/service delivery outcomes for rural citizens - not necessarily more expensive outcomes - but doing things differently
- ▶ Policy/service delivery more sensitive to needs of rural citizens
- ▶ Should be considered as a way to find solutions to rural need
- ▶ In line with Regional Development Strategy & the Programme for Government
- ▶ Rural Needs Act has cross party support as a significant rural population represented by a significant number of MLAs



# Opportunities for RCN and our membership

- ▶ Calling Departments to account.
- ▶ Providing a challenge function to government when services change and cuts and budget decisions are being made
- ▶ Opportunity to question what departments are doing for rural regions - push it up their agendas
- ▶ Modelling best practice/good practice examples - solutions
- ▶ Using the RNA we now have a 'safety net' for rural investment and rural service delivery
- ▶ But it has no teeth yet, it is largely untested and until we build some case law it will be difficult to get departments to take it seriously



## A work in progress...

- ▶ Will the RNA 2016 need to be strengthened in 3 or 5 years time?
- ▶ How do we further encourage authorities to refine definitions of rural needs - rurality v rural deprivation
- ▶ Need to continue to build a case for rural communities and rural development - a local RD policy post Brexit



[www.ruralcommunitynetwork.org](http://www.ruralcommunitynetwork.org)