



SECTION 75 – THE LEGAL BACKGROUND

1. Under Section 75 of the Northern Ireland Act 1998, the NIO is required 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
 - men and women generally
 - persons with a disability and persons without
 - persons with dependants and persons without.
2. In addition, and without prejudice to the obligations above, in carrying out our functions in relation to Northern Ireland we are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. The NIO is also required to meet our legislative obligations under the Disability Discrimination Order 1995.
3. A list of the main groups identified as being relevant to each of the Section 75 categories is at **Annex A** of this document.

INTRODUCTION

4. This form should be read in conjunction with the Equality Commission's Section 75 guidance "A Guide for Public Authorities" April 2010, available on the Equality Commission's website (www.equalityni.org). **Staff should complete a form for each new or revised policy for which they are responsible (see page 4 for a definition of a policy in respect of Section 75).**
5. The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations and so determine whether an Equality Impact Assessment (EQIA) is necessary. Screening should be introduced at an early stage when developing or reviewing a policy.
6. The lead role in the screening of a policy should be taken by the policy decision-maker who has the authority to make changes to that policy and should involve in the screening process:
 - other relevant team members;
 - those who implement the policy;
 - staff members from other relevant areas of work; and

- key stakeholders.

7. A flowchart which outlines the screening process is attached at **Annex B**.

8. The first step in the screening exercise is to gather evidence to inform the screening decisions. Relevant data may be either quantitative or qualitative or both (this helps to indicate whether or not there are likely equality of opportunity and/or good relations impacts associated with a policy). Relevant information will help to clearly demonstrate the reasons for a policy being either 'screened in' for an EQIA or 'screened out'.

9. The absence of evidence does not indicate that there is no likely impact but if none is available, it may be appropriate to consider subjecting the policy to an EQIA.

10. Screening provides an assessment of the likely impact, whether 'minor' or 'major', of its policy on equality of opportunity and/or good relations for the relevant categories. In some instances, screening may identify the likely impact is none.

11. The Equality Commission has developed a series of four questions, included in Part 2 of this screening form with supporting sub-questions, which should be applied to all policies as part of the screening process. They identify those policies that are likely to have an impact on equality of opportunity and/or good relations.

SCREENING DECISIONS

12. Completion of screening should lead to one of the following three outcomes. The policy has been:

- 'screened in' for equality impact assessment;
- 'screened out' with mitigation or an alternative policy proposed to be adopted;
or
- 'screened out' without mitigation or an alternative policy proposed to be adopted.

SCREENING AND GOOD RELATIONS DUTY

13. The Equality Commission recommends that a policy is 'screened in' for EQIA if the likely impact on **good relations** is 'major'. While there is no legislative requirement to engage in an equality impact assessment in respect of good relations, this does not necessarily mean that EQIAs are inappropriate in this context.

FURTHER INFORMATION

14. Further information on equality, including a copy of the NIO Equality Scheme, yearly progress reports on equality to the Equality Commission for Northern Ireland, information on data sources and the Cabinet Office code of practice on consultation may be found on the NIO Intranet under About the NIO > Equality.

15. If you have any questions regarding the screening exercise or Section 75 in general please contact the Corporate Governance Team on 028 9076 5497; or nio.equalityscheme@nio.gov.uk.

16. When you have completed the form please retain on file in the branch for record purposes, and send a copy to the s75 equality advisor.

PART 1 – POLICY SCOPING

DEFINITION OF POLICY

1.1. There have been some difficulties in defining what constitutes a policy in the context of Section 75. To be on the safe side, it is recommended that you consider any new initiatives, proposals, schemes or programmes as policies or changes to those already in existence. It is important to remember that even if a full EQIA has been carried out in an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if a further EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

OVERVIEW OF POLICY PROPOSALS

1.2. The aims and objectives of the policy must be clear and terms of reference well defined. You must take into account any available data that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the s75 categories.

SCOPING THE POLICY

1.3. The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

1.4. Remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the NIO), as well as external policies (relating to those who are, or could be, served by the NIO).

EQUALITY SCREENING FORM

INFORMATION ABOUT THE POLICY

Name of the policy	Determination on the salaries and allowances of Members of the Legislative Assembly, made by the Secretary of State for Northern Ireland under powers conferred by the Northern Ireland (Executive Formation etc) Act 2022
Is this an existing, revised or new policy?	The determination and the legislation under which it is made are new. However, the Government has previously reduced the salaries and allowances of MLAs during previous periods when the Assembly and Executive were not functioning, such as between 2002 and 2007 and between 2017 and 2020.
What is it trying to achieve (intended aims/outcomes)?	<p>The determination will make changes to the salaries of Members of the Legislative Assembly and Assembly officeholders to reflect their reduced responsibilities during the current period in which the Northern Ireland Assembly is not fully functioning.</p> <p>The changes include a 27.5% reduction to the salaries of MLAs, as well as reductions to the salaries of officeholders, in line with the recommendations made by Trevor Reaney in his independent advice to the Government in 2017. As well as salary changes, the determination prevents inflationary increases to pay every April, amends the Assembly travel allowance, and puts restrictions on staff employment and constituency office leases.</p>
Are there any s75 categories which might be expected to benefit from the intended policy? If so, explain how.	No.
Who initiated or wrote the policy?	The Northern Ireland Office.
Who owns and who implements the policy?	The Secretary of State for Northern Ireland will own and implement the policy.

IMPLEMENTATION FACTORS

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?	The election of a Speaker and deputies would make this determination no longer applicable. The determination which currently applies to the pay and allowances
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	of MLAs and office holders would once again apply.
If yes, are they: <ul style="list-style-type: none"> - financial - legislative - other (please specify) 	Other (political agreement in Northern Ireland to elect a Speaker and deputies).

MAIN STAKEHOLDERS AFFECTED

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? <ul style="list-style-type: none"> - staff - service users - other public sector organisations - voluntary/community/trade unions - other (please specify) 	<ul style="list-style-type: none"> • Members of the Legislative Assembly (MLAs) • Candidates or prospective candidates to become MLAs • Officeholders in the Assembly • Staff of MLAs and the Northern Ireland Assembly Commission
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OTHER POLICIES WITH A BEARING ON THIS POLICY

What are they?	<ul style="list-style-type: none"> - The Northern Ireland Act 1998 - Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 - Northern Ireland Assembly Members' Salaries, Allowances, Expenses and Pensions Determination 2016
Who owns them?	The UK Government owns the first, the devolved administration the second and third.

AVAILABLE EVIDENCE

1.5. Evidence to help inform the screening process may take many forms. Please ensure that your screening decision is informed by relevant data.

What evidence / information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the s75 categories.

Section 75 category	Details of evidence/information
Religious belief	The religious belief of several MLAs is recorded on the Official Record of the Northern Ireland Assembly (Hansard) and has also been reported in the press. This evidence indicates that a majority of MLAs fall into the "Protestant" or "Roman Catholic" groups, as well as a smaller number who have indicated that they have no religious belief. The religious belief of a significant number of

	MLAs is unknown. There is no identifiable data to accurately indicate the religious belief of every MLA.
Political opinion	Sinn Féin - 27 DUP - 25 Alliance - 17 UUP - 9 SDLP - 8 TUV - 1 People Before Profit - 1 Other (independent Unionist) - 2
Racial group	0 MLAs from minority ethnic groups
Age	While it is known that the youngest serving MLAs are in the 20-24 age category and several of the oldest are in the 65+ age category there is no identifiable data to indicate the exact age of every MLA.
Marital status	The marital status of several MLAs is recorded on the Official Record of the Northern Ireland Assembly (Hansard) and has also been reported in the press. This indicates that multiple MLAs fall under the groups 'married', 'single' and 'divorced'. However there is no consistent data to indicate the marital status of every MLA.
Sexual orientation	The sexual orientation of several MLAs has been reported in press interviews. These indicate that a small number of MLAs fall into a range of sexual orientation groups. However there is no identifiable data to indicate the sexual orientation of every MLA.
Men and women generally	Male MLAs - 58, Female MLAs - 32
Disability	While it is known that a small number of MLAs have a disability there is no identifiable data to indicate the exact number.
Dependants	While it is known that a significant number of MLAs have dependents there is no identifiable data to indicate the exact number.

NEEDS, EXPERIENCES AND PRIORITIES

1.6. Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the s75 categories.

Section 75 category	Details of needs/experiences/priorities
Religious belief	None identified from the available evidence.

Political opinion	<p>Since the Assembly elections in May 2022, MLAs have been unable to elect a Speaker and deputies to the Assembly on multiple occasions. Those designating as “nationalist” or “other” in the Assembly (Sinn Féin, the Alliance Party, the Social Democratic and Labour Party, People Before Profit), as well as the Ulster Unionist Party who designate as “unionist”, have expressed a desire to elect a Speaker and deputies and form an Executive, while other unionist MLAs from the Democratic Unionist Party, as well as the Traditional Unionist Voice and independent unionist Alex Easton, have to date opposed a Speaker being elected.</p> <p>This policy may therefore be read in the context of these political divides. It should be noted that all parties welcomed the previous MLA pay cut as ‘overdue’ once implemented. During the period in which the previous cuts to MLA pay applied in 2018, there were 12 resignations, and none of these resignations were, so far as we are aware, associated with salary cuts.</p> <p>It is not possible to identify, and therefore assess, data in relation to possible candidates for co-option or election to the Assembly.</p>
Racial group	None identified from the available evidence.
Age	None identified from the available evidence.
Marital status	While there is no substantive data, it is possible marital status could impact on overall household income.
Sexual orientation	None identified from the available evidence.
Men and women generally	None identified from the available evidence.
Disability	While there is no substantive data, it is possible those with disabilities could have different expenditures than those without.
Dependants	While there is no substantive data, it is possible that a member with dependents may have more unavoidable expenditures than a member without dependents.

PART 2 – SCREENING QUESTIONS

INTRODUCTION

2.1. In making a decision as to whether or not there is a need to carry out an EQIA, please give consideration to your answers to the questions 1-4 which are given on pages 66-68 of the Equality Commission “A Guide for Public Authorities”.

2.2. If your conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, you may decide to screen the policy out. If a policy is ‘screened out’ as having no relevance to equality of opportunity or good relations, you should give details of the reasons for the decision taken.

2.3. If your conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

2.4. If your conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- take measures to mitigate the adverse impact; or
- introduce an alternative policy to better promote equality of opportunity and/or good relations.

IN FAVOUR OF A ‘MAJOR’ IMPACT

- a. The policy is significant in terms of its strategic importance;
- b. Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c. Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d. Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e. The policy is likely to be challenged by way of judicial review;
- f. The policy is significant in terms of expenditure.

IN FAVOUR OF ‘MINOR’ IMPACT

- a. The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b. The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by

making appropriate changes to the policy or by adopting appropriate mitigating measures;

- c. Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d. By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

IN FAVOUR OF NONE

- a. The policy has no relevance to equality of opportunity or good relations.
- b. The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

2.5. Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

SCREENING QUESTIONS

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor/major/none)

Section category	75	Details of policy impact	Level of impact? minor/major/none
Religious belief		The cuts proposed are consistent with independent advice provided in 2017, which, among other factors, considered the matter of proportionality and of ensuring elected members are appropriately rewarded for their work.	None.
Political opinion		The cuts proposed are consistent with independent advice provided in 2017, which, among other factors, considered the matter of proportionality and of ensuring elected members are appropriately rewarded for their work.	None.
Racial group		The cuts proposed are consistent with independent advice provided in 2017, which, among other factors, considered the matter of proportionality and of ensuring elected members are appropriately rewarded for their work.	None.
Age		The cuts proposed are consistent with independent advice provided in 2017, which, among other factors, considered the matter of proportionality and of ensuring elected members are appropriately rewarded for their work.	None.
Marital status		<p>The cuts proposed are consistent with independent advice provided in 2017, which, among other factors, considered the matter of proportionality and of ensuring elected members are appropriately rewarded for their work.</p> <p>Whilst marital status can impact on overall household income the reduction proposed is such that, whilst it may have a greater impact on certain groups, we do not believe it is at such a level that it will impact on equality of opportunity.</p>	None.

Sexual orientation	The cuts proposed are consistent with independent advice provided in 2017, which, among other factors, considered the matter of proportionality and of ensuring elected members are appropriately rewarded for their work.	None.
Men and women generally	The cuts proposed are consistent with independent advice provided in 2017, which, among other factors, considered the matter of proportionality and of ensuring elected members are appropriately rewarded for their work.	None.
Disability	<p>The cuts proposed are consistent with independent advice provided in 2017, which, among other factors, considered the matter of proportionality and of ensuring elected members are appropriately rewarded for their work.</p> <p>Whilst a person's disability can impact on their overall expenditure, we do not believe that the reduction proposed is at such a level that it will impact on equality of opportunity.</p>	None.
Dependants	<p>The cuts proposed are consistent with independent advice provided in 2017, which, among other factors, considered the matter of proportionality and of ensuring elected members are appropriately rewarded for their work.</p> <p>Whilst a person with dependants may have higher unavoidable expenditure than a person without, we do not believe that the reduction proposed is at such a level as to impact on equality of opportunity.</p>	None.

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

Section 75 category	If Yes, provide details	If No, provide reasons
Religious belief		No, this policy will not provide opportunities to better promote equality of opportunity for this category under section 75.
Political opinion		No, this policy will not provide opportunities to better promote equality of opportunity for this category under section 75.
Racial group		No, this policy will not provide opportunities to better promote equality of opportunity for this category under section 75.
Age		No, this policy will not provide opportunities to better promote equality of opportunity for this category under section 75.
Marital status		No, this policy will not provide opportunities to better promote equality of opportunity for this category under section 75.
Sexual orientation		No, this policy will not provide opportunities to better promote equality of opportunity for this category under section 75.
Men and women generally		No, this policy will not provide opportunities to better promote equality of opportunity for this category under section 75.
Disability		No, this policy will not provide opportunities to better promote equality of opportunity for this category under section 75.
Dependants		No, this policy will not provide opportunities to better promote equality of opportunity for this category under section 75.

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? (minor/major/none)

Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	We do not consider there to be a likely impact on good relations between people of different religious beliefs.	None.
Political opinion	<p>There is likely to be an impact on good relations between MLAs of different political opinions, since some MLAs have expressed dissatisfaction with this policy on the grounds that it affects MLAs who are willing to elect a Speaker.</p> <p>As noted above, however, all parties welcomed the previous MLA pay cut as “overdue” once implemented. During the period in which the previous cuts to MLA pay applied in 2018, there were 12 resignations, and none of these resignations were, so far as we are aware, associated with the reduction in salary and allowances.</p>	Minor.
Racial group	We do not consider there to be a likely impact on good relations between people of different racial group.	None.

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	If Yes, provide details	If No, provide reasons
Religious belief		No, this policy will not provide opportunities to better promote equality of opportunity for this category.
Political opinion		No, this policy will not provide opportunities to better promote equality of opportunity for this category.
Racial group		No, this policy will not provide opportunities to better promote equality of opportunity for this category.

ADDITIONAL CONSIDERATIONS

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? (*For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people*).

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

While there is no substantive data, it is possible that this policy could have impacts on people with multiple identities. However, the level of reduction to salaries is such that whilst it may have a greater impact on certain groups we do not believe it is at such a level that it will impact on equality of opportunity.

PART 3 – SCREENING DECISION

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

Whilst there may be a minor impact on relations between persons of different political opinion as a result of this policy, we do not judge an equality impact assessment is appropriate for the following reasons. The determination on MLA salaries and allowances is proportionate, reflecting the responsibilities and functions of MLAs in the absence of a functioning Assembly; balanced in that it applies to all MLAs; and timebound, since the determination ceases to apply once MLAs elect a Speaker and deputies.

If the decision is not to conduct an equality impact assessment, you should consider if the policy should be mitigated or an alternative policy be introduced.

The Government's decision to implement a 27.5% pay reduction has been informed by independent analysis and precedent. The reduction is consistent with this analysis, which considered potential impacts.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

Not applicable.

3.1. All public authorities' equality schemes must state the arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Equality Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in the Equality Commission publication: "Practical Guidance on Equality Impact Assessment".

MITIGATION

3.2. If you have concluded that the likely impact is 'minor' and an equality impact assessment is not to be conducted, you may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations? If so, give the reasons to support your decision, together with the proposed changes/amendments or alternative policy.

Not applicable.

TIMETABLING AND PRIORITISING

3.3. If the policy has been ‘**screened in**’ for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people’s daily lives	
Relevance to the NIO’s functions	
Total rating score (total of 12)	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist you in timetabling. Details of the NIO’s Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

The determination ceases to apply once MLAs elect a Speaker and deputies.

If yes, please provide details.

Not applicable.

PART 4 – MONITORING

4.1. The NIO should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

4.2. The Equality Commission recommends that where the policy has been amended or an alternative policy introduced, you should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

4.3. Effective monitoring will help you identify any future adverse impact arising from the policy which may lead you to conduct an equality impact assessment, as well as help with future planning and policy development.

<p>The NIO will remain in contact with the Northern Ireland parties to monitor the impact of this policy.</p>

PART 5 - APPROVAL AND AUTHORISATION

Screened by:	
Grade/Branch/Group:	Senior Executive Officer, Northern Ireland Office, Political Affairs Group
Date:	21 December 2022
Approved by Deputy Director:	Simeon Hanfling
Date:	21 December 2022

Note: A copy of the Screening Template for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy and made available on request.

Any screening forms completed within the Department will be published on a six monthly basis in line with our Departmental Equality Policy monitoring arrangements. Such information will be collated and published by the Corporate Governance Team.

ANNEX A – MAIN GROUPS IDENTIFIED AS RELEVANT TO THE SECTION 75 CATEGORIES

Category	Example Groups
Religious Belief	<p>Buddhist; Catholic; Hindu; Jewish; Muslims; people of no religious belief; Protestants; Sikh; other faiths.</p> <p>For the purposes of Section 75, the term “religious belief” is the same definition as that used in the <i>Fair Employment & Treatment (NI) Order</i>. Therefore, “religious belief” also includes any <i>perceived</i> religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “<i>similar philosophical belief</i>”.</p>
Political Opinion	Nationalists generally; Unionists generally; members/supporters of other political parties.
Racial Group	Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; Travellers; White people.
Men and women generally	Men (including boys); Trans-gendered people; Transsexual people; Women (including girls).
Marital Status	Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.
Age	Children and young people; older people.
Persons with a disability	Persons with disabilities as defined by the Disability Discrimination Act 1995.
Persons with dependants	Persons with personal responsibility for the care of a child; care of a person with disability; or the care of a dependant older person.

Sexual orientation

Bisexual people; heterosexual people; gay or lesbian people.

ANNEX B – SCREENING FLOWCHART

