



Northern
Ireland
Office

Programme of NIO Consultations, Screenings and Equality Impact Assessments

SIX MONTHLY UPDATE

January – June 2015

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SECTION 75 – THE LEGAL BACKGROUND

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.

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.

Monitoring & Publication

The NIO uses the tools of **Screening** and **Equality Impact Assessments** to assess the likely impact of a policy on the promotion of equality of opportunity and good relations. In carrying out these assessments we must relate them to the intended outcomes of the policy in question and also follow Equality Commission guidance:

- Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010); and
- Practical guidance on equality impact assessment (February 2005)

In line with Schedule 9 4.(2)(d) the NIO is required to publish details of any Screening Policies & Equality Impact Assessments. Our Equality Scheme sets out that we will publish this information on a six monthly basis.

A summary of Screening Reports & Equality Impact Assessments will be included in the Section 75 Annual Progress Report.

To aid in publication of this information and the completion of The Annual Progress Report, each Business Group should provide a quarterly return detailing:

- Any Consultation Exercises
- Screening Exercises
- Equality Impact Assessments

NIO Programme of Consultations, Equality Screening & Equality Impact Assessments

i) Consultation Exercises within the last 6 Months

Policy	Current Status	Last Updated	Is this a Limited* Consultation (please complete for any new/current Consultations)
Recently Completed consultations			
Targeted and private consultation carried out by the Secretary of State in relation to the Justice and Security (Northern Ireland) Act 2007 <u>Non-Jury Trial Provisions</u>	Completed March 2015 <i>(Screening form Attached at Annex A)</i>		LIMITED i.e. one month duration where the Secretary of State gathered the views of key stakeholders and interested parties in relation to this existing policy.
Current Consultations			

Policy	Current Status	Last Updated	Is this a Limited* Consultation (please complete for any new/current Consultations)
Forthcoming Consultations (within the next 3 months)			

*** A limited Consultation is a consultation which lasts less than 12 weeks.**

ii) **Screening Exercises within the last 6 Months**

Policy	Current Status
Screening Exercises	
Justice and Security (Northern Ireland) Act 2007 <u>Extension of Duration of Non-Jury Trial Provisions</u> <i>(Screening Form attached at Annex A)</i>	NIO undertook a screening exercise in relation to the extension of the non- jury trial provisions in Northern Ireland in 2015. The policy was screened out and the extension order is due to go through affirmative procedure in Parliament before the end of July 2015 the effect will be to extend these provisions for a further two years.

iii) **EQIA Timetable**

Policy	Current Status
EQUALITY IMPACT ASSESSMENTS	

If require any assistance please contact The Corporate Governance Team on 028 90 765424.



Northern
Ireland
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NORTHERN IRELAND OFFICE

**SECTION 75
EQUALITY SCREENING FORM**

NON - JURY TRIAL PROVISIONS

SECTION 75 – THE LEGAL BACKGROUND

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.

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:

- i. 'screened in' for equality impact assessment;
- ii. 'screened out' with mitigation or an alternative policy proposed to be adopted; or
- iii. '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 corporategovernance@nio.x.gsi.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).

Screening completed May 2015 (prior to the extension of the provisions to July 2017)

INFORMATION ABOUT THE POLICY

Name of the policy	Non-Jury Trial Provisions under the Justice and Security (Northern Ireland) Act 2007 (the 2007 Act hereon in)
Is this an existing, revised or new policy?	Existing Policy
What is it trying to achieve (intended aims/outcomes)?	<p>The system of non-jury trial (NJT) for exceptional cases was legislated for in the 2007 Act because it was considered necessary to address paramilitary and community-based pressures on jurors that create a risk to the administration of justice. These risks are considered more significant in Northern Ireland than elsewhere in the UK. The intended outcomes of the policy are to prevent juror intimidation and consequent perverse acquittals; to uphold the fair and effective administration of justice, including upholding the individual's right to a fair trial.</p> <p>The 2007 Act provides for trial without jury on indictment in specified circumstances, when the Director of Public Prosecutions (DPP) in Northern Ireland is satisfied that there is a risk that the administration of justice might be impaired if the trial were to be conducted with a jury, when certain conditions are met.</p> <p>The NJT provisions are temporary and were last extended by Order of UK Parliament for a two year period in 2013. The provisions will expire on 31st July 2015 unless they are extended by Order</p>

	for a further period of two years. The Secretary of State is due to consider responses to a targeted consultation that was held between 26 February and 27 March 2015. The Secretary of State's decision will be either to extend the provisions or allow them to lapse.
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?	In 2007, the Secretary of State for Northern Ireland initiated the legislation for NJT provisions in the 2007 Act. The provisions expire after 2 years but may be extended for a further 2 years by order and have been so extended since 2009.
Who owns and who implements the policy?	The Secretary of State for Northern Ireland and the NIO are responsible for the policy. As referred to above, the DPP is responsible by virtue of the 2007 Act for deciding when to make use of NJT in any one case.

IMPLEMENTATION FACTORS

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?	Yes
If yes, are they: <ul style="list-style-type: none"> - financial - legislative - other (please specify) 	Should the provisions not be extended, the PSNI have indicated that other measures necessary to protect a jury (in the circumstances outlined above) would require significant additional expenditure.

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 	Defendants standing trial for indictable offences in Northern Ireland Public Prosecution Service for Northern Ireland (PPS)
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<ul style="list-style-type: none"> - voluntary/community/trade unions - other (please specify) 	<p>The Police Service of Northern Ireland (PSNI)</p> <p>NI Courts and Tribunals Service (NICTS)</p> <p>Department of Justice (DoJ)</p> <p>Crown Solicitors Office (CSO)</p>
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OTHER POLICIES WITH A BEARING ON THIS POLICY

What are they?	N/A
Who owns them?	N/A

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.

NIO has requested statistical information from the NICTS and PPS for Defendants dealt with under the NJT provisions in relation to the Section 75 categories. NICTS and PPS both indicated that they only hold data on Age and Gender. This has been considered below.

In addition, in February and March 2015, the Secretary of State conducted a targeted consultation on the NJT provisions which has resulted in a range of responses from key stakeholders, some of whom provided qualitative information and evidence relating to the use and impact of NJT provisions in Northern Ireland. Responses include those from the NI Policing Board, Rights Watch UK, CSO, political leaders in Northern Ireland, DoJ, the Law Society, the Attorney General, Liberty, Lord Carlile (Independent Reviewer of National Security Accountability Arrangements), Director of the PPS, the Committee on

the Administration of Justice, the Northern Ireland Human Rights Commission, the PSNI and NICTS.

Prior to the consultation, the NIO collated aggregated statistics on the usage of NJT provisions in Northern Ireland in order to inform the consultees. That information included numbers of NJT Certificates issued between 2007 and 2014, and data on numbers of individuals tried under the NJT provisions in Crown Court as a proportion of all trials. This data indicates that NJTs account for a very small proportion of the overall number of Crown Court trials in Northern Ireland. Therefore the sample size for reliable statistical analysis is limited. In 2013 NJT accounted for 1.6% of all Crown Court trial Defendants received in Northern Ireland; in 2014 this figure was 2.5%. Publishing (and potentially collecting) information on Defendants' political opinion and religious belief, in the context of the small numbers of Defendants per year, would necessitate careful consideration of an individual's data protection and ECHR Article 8 Right (right to respect private and family life).

Section 75 category	Details of evidence/information
Religious belief	No data
Political opinion	NJT provisions have been sought in Dissident Republican and Loyalist paramilitary-linked cases.
Racial group	No data
Age	<p>At the request of the NIO, NICTS provided age breakdown statistics for Defendants received in Crown Court under the NJT provisions from 2013 to 2014. No single age category was disproportionately affected over the two year period (nb 2014 figures are provisional) and the proportions are in line with statistical trends cited in the DoJ Research and Statistical Bulletin 14/2014 in relation to the wider criminal justice system in NI.</p> <p>18-29 years = 27 Defendants 30-44 years = 28 Defendants 45-60 years = 30 Defendants 60+ years = 4 Defendants</p>
Marital status	No data

Sexual orientation	No data
Men and women generally	<p>At the request of the NIO, the NICTS has provided gender breakdown statistics for Defendants received in Crown Court under the NJT provisions from 2013 to 2014 (nb 2014 figures are provisional).</p> <p>Male = 79 Defendants Female = 11 Defendants</p> <p>The higher proportion of males to females dealt with by NJT provisions is in line with wider criminal justice trends i.e. Males accounting for the majority of individuals dealt with by the criminal justice system in Northern Ireland and indeed the UK. The DoJ Research and Statistical Bulletin 14/2014 indicates that: <i>“Males constituted the majority of people prosecuted in all courts in 2013. Of all those prosecuted, 83.5% (28,925) were male. In the Crown Court, the proportion of prosecutions brought where the defendant was male was slightly higher at 89.7% (2,289).”</i></p>
Disability	No data
Dependants	No data

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.

NJT is an exceptional system used in very limited circumstances; the decision for holding a NJT is made on a case by case basis taking into account the circumstances of both the offence and the defendant. Although Non-Jury Trials can take place in respect of any indictable offence (so long as the conditions are met), there is a prevalence of Jury Trials in the vast majority of criminal cases and for the vast majority of defendants in Northern

Ireland. From the evidence available, the policy does not disproportionately affect upon any one Section 75 category (nor is it designed to given the range of proscribed organisations that may be considered as part of the DPP’s decision) and there are strict criteria in place to ensure that a certificate for NJT is only issued where there is a risk that the administration of justice might be impaired if the trial were to be conducted with a jury and one or more of four conditions apply. The four conditions relate to connections between the offence or the defendant with proscribed organisations; or connections between the offence and religious or political hostility. The policy therefore allows for the fair and effective administration of justice in those types of cases, safeguarding defendants, victims and jurors from discrimination that might otherwise take place if there was a trial by jury.

Section 75 category	Details of needs/experiences/priorities
Religious belief	None
Political opinion	None
Racial group	None
Age	None
Marital status	None
Sexual orientation	None
Men and women generally	None
Disability	None
Dependants	None

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’s “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 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	<p>The system of non-jury trial for exceptional cases was legislated for in the 2007 Act as it was considered necessary to address paramilitary and community-based pressures on jurors that create a risk to the administration of justice. These risks are considered more significant in Northern Ireland than elsewhere in the UK.</p> <p>As stated, a certificate for NJT is only issued where there is a risk that the administration of justice might be impaired if the trial were to be conducted with a jury and one or more of four conditions apply; the four conditions relate to connections between the offence or the defendant with proscribed organisations; <u>or connections between the offence and religious or political hostility</u>. The policy therefore allows for the fair and effective administration of justice in those types of cases, safeguarding defendants, victims and jurors from discrimination that might otherwise take place if there was a trial by jury.</p>	<p>Minor. The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible; the policy can in fact have a positive impact on equality in terms of preventing jurors being subject to intimidation and threats based on their perceived religious identity, and in terms of preventing a defendant being subject to bias from jurors who hold different religious beliefs. When the provisions were extended in 2013, the policy was judged to be necessary, proportionate and valid in the context of Northern Ireland. In 2013 the Minister of State made a Statement indicating that in his view the provisions are compatible with</p>

		ECHR.
Political opinion	<p>Further to the above, which is applicable here too, the list proscribed organisations which can form part of the DPP's consideration for issuing a certificate for NJT encompasses a range of groups with differing political views:</p> <p>Continuity Army Council Cumann na mBan Fianna na hEireann Irish National Liberation Army Irish People's Liberation Organisation Irish Republican Army Loyalist Volunteer Force Red Hand Commando Red Hand Defenders Saor Eire Ulster Defence Association Ulster Freedom Fighters Ulster Volunteer Force Orange Volunteers</p> <p>NJTs are not limited to one specific type of offence or to a single category of political affiliation or background.</p>	<p>Minor. The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible; the policy can in fact have a positive impact on equality in terms of preventing jurors being subject to intimidation and threats based on their perceived political affiliation, and in terms of preventing a defendant being subject to bias from jurors who hold different political affiliations.</p> <p>When the provisions were extended in 2013, the policy was judged to be necessary, proportionate and valid in the context of Northern Ireland. In 2013 the Minister of State made a Statement indicating that in his view the provisions are compatible with ECHR.</p>
Racial group	N/A	None. The policy has no bearing in

		terms of its likely impact on equality of opportunity or good relations for people within this category.
Age	N/A	None. The policy has no bearing in terms of its likely impact on equality of opportunity or good relations for people within this category.
Marital status	N/A	None. The policy has no bearing in terms of its likely impact on equality of opportunity or good relations for people within this category.
Sexual orientation	N/A	None. The policy has no bearing in terms of its likely impact on equality of opportunity or good relations for people within this category.
Men and women generally	N/A	None. The policy has no bearing in terms of its likely impact on equality of opportunity or good relations for people within this category.
Disability	N/A	None. The policy has no bearing in terms of its likely impact on equality of opportunity or good relations for people within this category.

Dependants	N/A	None. The policy has no bearing in terms of its likely impact on equality of opportunity or good relations for people within this category.
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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	<p>If the Secretary of State wished to extend the provisions for a further two years, it may be appropriate to consider how statistics relating to the Defendants tried under the NJT could be recorded and published without infringing ECHR and data protection rights to privacy. This would improve the equality monitoring and safeguard against any future disproportionate impact.</p> <p>If in practice it becomes apparent that one group is impacted more than another, there is an opportunity to introduce practical measures to take account of equality; including equality training / training on unconscious bias in the decision making role that the PPS has in the process</p>	
Political opinion	<p>If the Secretary of State wished to extend the provisions for a further two years, it may be appropriate to consider how statistics relating to the Defendants tried under the NJT could be recorded and published without infringing ECHR or data protection rights to privacy. This</p>	

	<p>would improve the equality monitoring and safeguard against any future disproportionate impact.</p> <p>If in practice it becomes apparent that one group is impacted more than another, there is an opportunity to introduce practical measures to take account of equality; including equality training / training on unconscious bias in the decision making role that the PPS has in the process</p>	
Racial group		There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by the policy
Age		There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by the policy
Marital status		There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by the policy
Sexual orientation		There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by the policy
Men and women generally		There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by the policy
Disability		There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by the policy
Dependants		There is no evidence to suggest

		that there is any potential for this Section 75 group to be adversely or disproportionately affected by the policy
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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	The policy is not unlawfully discriminatory and any residual potential impacts on good relations are judged to be negligible. The policy is designed to addresses any paramilitary and community-based pressures on jurors that would create a risk to the administration of justice. So in cases where these risks are present, the policy may reduce negative impact on good relations arising out of the trial.	Minor
Political opinion	The policy is not unlawfully discriminatory and any residual potential impacts on good relations are judged to be negligible. The policy is designed to addresses any paramilitary and community-based pressures on jurors that would create a risk to the administration of justice. So in cases where these risks are present, the policy may reduce negative impact on good relations arising out of the trial.	Minor
Racial group	The policy is not unlawfully discriminatory and any residual potential impacts on good relations are judged to be negligible.	Minor

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		The decision on whether there should be a NJT in any given case is taken by the independent DPP on the basis of the statutory tests. Decisions are taken in a very small number of cases. There is no opportunity to promote good relations within the context of this scheme.
Political opinion		As above
Racial group		As above

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.

The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible. There is no additional impact on people with multiple identities.

PART 3 – SCREENING DECISION

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

The level of impact is judged to be **Minor** in 2 Section 75 Categories, and **None** in the remaining 7 Section 75 Categories. Therefore the decision is to screen out this policy from requiring an equality impact assessment.

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 Secretary of State for Northern Ireland shall decide whether or not to extend these provisions for a further two years. As part of this consideration, officials will provide the range of options for alternatives to NJT, including the option to allow the provisions to lapse. The Secretary of State will be provided with the full responses from the stakeholders consulted, including views for and against the provisions. If the Secretary of State decides to extend the provisions, officials shall consider options for better capturing data for Equality monitoring purposes in relation to the two Section 75 Categories where the level of impact is judged to be **Minor**.

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

N/A

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.

The Secretary of State for Northern Ireland shall decide whether or not to extend these provisions for a further two years. As part of this consideration, officials will provide the range of options for alternatives to NJT, including the option to allow the provisions to lapse. The Secretary of State will be provided with the full responses from the stakeholders consulted, including views for and against the provisions. If the Secretary of State decides to extend the provisions, officials shall consider options for better capturing data for Equality monitoring purposes in relation to the two Section 75 Categories where the level of impact is judged to be **Minor**.

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. **N/A**

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	NA
Social need	NA
Effect on people's daily lives	NA
Relevance to the NIO's functions	NA
Total rating score (total of 12)	NA

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?

If yes, please provide details.

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.

PART 5 - APPROVAL AND AUTHORISATION

Screened by:	NIO SPC
Grade/Branch/Group:	SPG
Date:	17 April 2015
Approved by Deputy Director:	Richard Lemon
Date:	11 May 2015

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

