



**Northern
Ireland
Office**

Programme of NIO Consultations, Screenings and Equality Impact Assessments

SIX MONTHLY UPDATE

**Corporate Governance Team
Stormont House
Belfast
BT4 3SH
Tel No. 02890765424**

February 2019

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			
Dealing with the Legacy of the Past	Closed – response under development	26 October 2018	No
Current Consultations			
Non–Jury Trials Justice and Security (Northern Ireland) Act 2007	Ongoing - will close to responses on Wednesday 27th February 2019	Launched on 6 December 2018	No - 12 week-public consultation

Policy	Current Status	Last Updated	Is this a Limited* Consultation (please complete for any new/current Consultations)
Forthcoming Consultations (within the next 3 months)			
Terrorism Act (2000) Code of Practice for Video Recording with Sound	Consultation document being prepared	N/A	No

*** 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	
Commitment to Common Travel Area	Complete – see Annex 1
Commitment to “No Diminution of Rights”	Complete – see Annex 2
Commitment to Belfast Agreement in all its parts	Complete – see Annex 3
North/South Arrangements in Withdrawal Agreement	Complete – see Annex 4
Commitment to maintaining rights of NI citizens to choose to be Irish, British or both and be accepted as such	Complete – see Annex 5
Non-Jury Trials: Justice and Security (Northern Ireland) Act 2007	Complete – see Annex 6

iii) **EQIA Timetable**

Policy	Current Status
EQUALITY IMPACT ASSESSMENTS	
“No Diminution of Rights” (Annex 2)	Policy development is still at an early stage and the screening decision is based on initial assumptions. We will review the initial screening decision as more information becomes available.

If require any assistance please contact The Corporate Governance Team on 028 90 527041.



Northern
Ireland
Office

SECTION 75

EQUALITY SCREENING FORM

November 2016

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 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).

INFORMATION ABOUT THE POLICY

<p>Name of the policy</p>	<p>Commitment to the ongoing implementation of the Common Travel Area. Paragraph 54 of the Joint Report states:</p> <p><i>Both Parties recognise that the United Kingdom and Ireland may continue to make arrangements between themselves relating to the movement of persons between their territories (Common Travel Area), while fully respecting the rights of natural persons conferred by Union law. The United Kingdom confirms and accepts that the Common Travel Area and associated rights and privileges can continue to operate without affecting Ireland's obligations under Union law, in particular with respect to free movement for EU citizens.</i></p> <p>Article 2 of the Ireland/Northern Ireland protocol states:</p> <ol style="list-style-type: none"> 1. <i>The United Kingdom and Ireland may continue to make arrangements between themselves relating to the movement of persons between their territories (the "Common Travel Area"), while fully respecting the rights of natural persons conferred by Union law.</i> 2. <i>The United Kingdom shall ensure that the Common Travel Area and associated rights and privileges can continue to operate without affecting the obligations of Ireland under Union law, in particular with respect to free movement for Union citizens and their family members, irrespective of their nationality, to, from and within Ireland.</i>
<p>Is this an existing, revised or new policy?</p>	<p>This is not a new policy, but rather a reaffirmation of an existing commitment to the ongoing protection and promotion of an existing agreement between the</p>

	Governments of the UK and Ireland.
What is it trying to achieve (intended aims/outcomes)?	The reaffirmation makes clear that the UK's exit from the EU will not impact the arrangements established between Ireland and the UK under the Common Travel Area.
Are there any s75 categories which might be expected to benefit from the intended policy? If so, explain how.	No: it applies equally to all people in Northern Ireland, regardless of certain protected characteristics captured under s75 categories.
Who initiated or wrote the policy?	The declaration is the result of a draft agreement between the European Commission and the UK Government, in the context of EU Exit negotiations.
Who owns and who implements the policy?	United Kingdom Government

IMPLEMENTATION FACTORS

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?	No - the policy is a reaffirmation of existing government commitments.
If yes, are they: <ul style="list-style-type: none"> - financial - legislative - other (please specify) 	

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) 	No direct impact as this relates to the reaffirmation of existing government commitments.
--	---

OTHER POLICIES WITH A BEARING ON THIS POLICY

What are they?	No direct impact as this relates to the reaffirmation of existing government commitments.
Who owns them?	No direct impact as this relates to the reaffirmation of existing government commitments.

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	This is not a new policy but rather the reaffirmation of an existing political commitment to the Common Travel Area. This policy applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Political opinion	This is not a new policy but rather the reaffirmation of an existing political commitment to the Common Travel Area. This policy applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Racial group	This is not a new policy but rather the reaffirmation of an existing political commitment to the Common Travel Area. This policy applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Age	This is not a new policy but rather the reaffirmation of an existing political commitment to the Common Travel Area. This policy applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.

Marital status	This is not a new policy but rather the reaffirmation of an existing political commitment to the Common Travel Area. This policy applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Sexual orientation	This is not a new policy but rather the reaffirmation of an existing political commitment to the Common Travel Area. This policy applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Men and women generally	This is not a new policy but rather the reaffirmation of an existing political commitment to the Common Travel Area. This policy applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Disability	This is not a new policy but rather the reaffirmation of an existing political commitment to the Common Travel Area. This policy applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Dependants	This is not a new policy but rather the reaffirmation of an existing political commitment to the Common Travel Area. This policy applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.

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	This policy applies equally to all people in Northern Ireland, regardless of their religious belief, and no unique needs, experiences or priorities of this category need to be factored in.
Political opinion	This policy applies equally to all people in Northern Ireland, regardless of their political opinion, and no unique needs, experiences or priorities of this category need to be factored in.
Racial group	This policy applies equally to all people in Northern Ireland, regardless of their racial group, and no unique needs, experiences or priorities of this category need to be factored in.
Age	This policy applies equally to all people in Northern Ireland, regardless of their age, and no unique needs, experiences or priorities of this category need to be factored in.

Marital status	This policy applies equally to all people in Northern Ireland, regardless of their marital status, and no unique needs, experiences or priorities of this category need to be factored in.
Sexual orientation	This policy applies equally to all people in Northern Ireland, regardless of their sexual orientation, and no unique needs, experiences or priorities of this category need to be factored in.
Men and women generally	This policy applies equally to all people in Northern Ireland, regardless of whether they are a man or a woman, and no unique needs, experiences or priorities of this category need to be factored in.
Disability	This policy applies equally to all people in Northern Ireland, regardless of disability, and no unique needs, experiences or priorities of this category need to be factored in.
Dependants	This policy applies equally to all people in Northern Ireland, regardless of whether they are or have dependant, and no unique needs, experiences or priorities of this category need to be factored in.

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	The ongoing implementation of the Common Travel Area applies equally to all persons, regardless of religious belief.	None
Political opinion	The ongoing implementation of the Common Travel Area applies equally to all persons, regardless of religious belief.	None
Racial group	The ongoing implementation of the Common Travel Area applies equally to all persons, regardless of religious belief.	None
Age	The ongoing implementation of the Common Travel Area applies equally to all persons, regardless of religious belief.	None
Marital status	The ongoing implementation of the Common Travel Area applies equally to all persons, regardless of religious belief.	None
Sexual orientation	The ongoing implementation of the Common Travel Area applies equally to all persons, regardless of religious belief.	None
Men and women generally	The ongoing implementation of the Common Travel Area applies equally to all persons, regardless of religious belief.	None
Disability	The ongoing implementation of the Common Travel Area applies equally to all persons, regardless of religious belief.	None
Dependants	The ongoing implementation of the Common Travel Area applies equally to all persons, regardless of religious belief.	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 is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing agreement.

Political opinion		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing agreement.
Racial group		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing agreement.
Age		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing agreement.
Marital status		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing agreement.
Sexual orientation		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing agreement.
Men and women generally		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing agreement.
Disability		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing agreement.
Dependants		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing agreement.

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	This is not a new policy, but rather a political commitment to the ongoing protection and promotion of an existing agreement.	None

Political opinion	This is not a new policy, but rather a political commitment to the ongoing protection and promotion of an existing agreement.	None
Racial group	This is not a new policy, but rather a political commitment to the ongoing protection and promotion of an existing agreement.	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		This is not a new policy, but rather a political commitment to the ongoing protection and promotion of an existing agreement.
Political opinion		This is not a new policy, but rather a political commitment to the ongoing protection and promotion of an existing agreement.
Racial group		This is not a new policy, but rather a political commitment to the ongoing protection and promotion of an existing agreement.

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.

Not applicable: this is not a new policy, but rather a political commitment to the ongoing protection and promotion of an existing agreement and applies equally to all people in Northern Ireland.

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

This policy - which is the reaffirmation of an existing political commitment to the ongoing protection and promotion of an existing agreement - applies equally without any adverse impact to all people in Northern Ireland, regardless of the section 75 category that they may fall within.

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.

Not applicable, as this is not a new policy but merely a restatement of previous commitments.

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

Not applicable, as this is not a new policy but merely a restatement of previous commitments.

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?

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:	Band A/CRG	
Date:	18 October 2018	
Approved by Deputy Director:	Bilal Zahid	
Date:	19 October 2018	

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

Buddhist; Catholic; Hindu; Jewish; Muslims; people of no religious belief; Protestants; Sikh; other faiths.

For the purposes of Section 75, the term “religious belief” is the same definition as that used in the *Fair Employment & Treatment (NI) Order*. Therefore, “religious belief” also includes any *perceived* religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “*similar philosophical belief*”.

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.

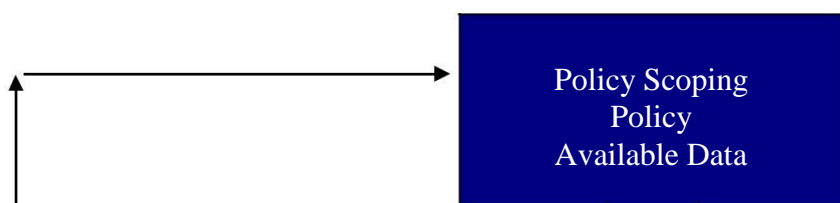
Persons with dependants

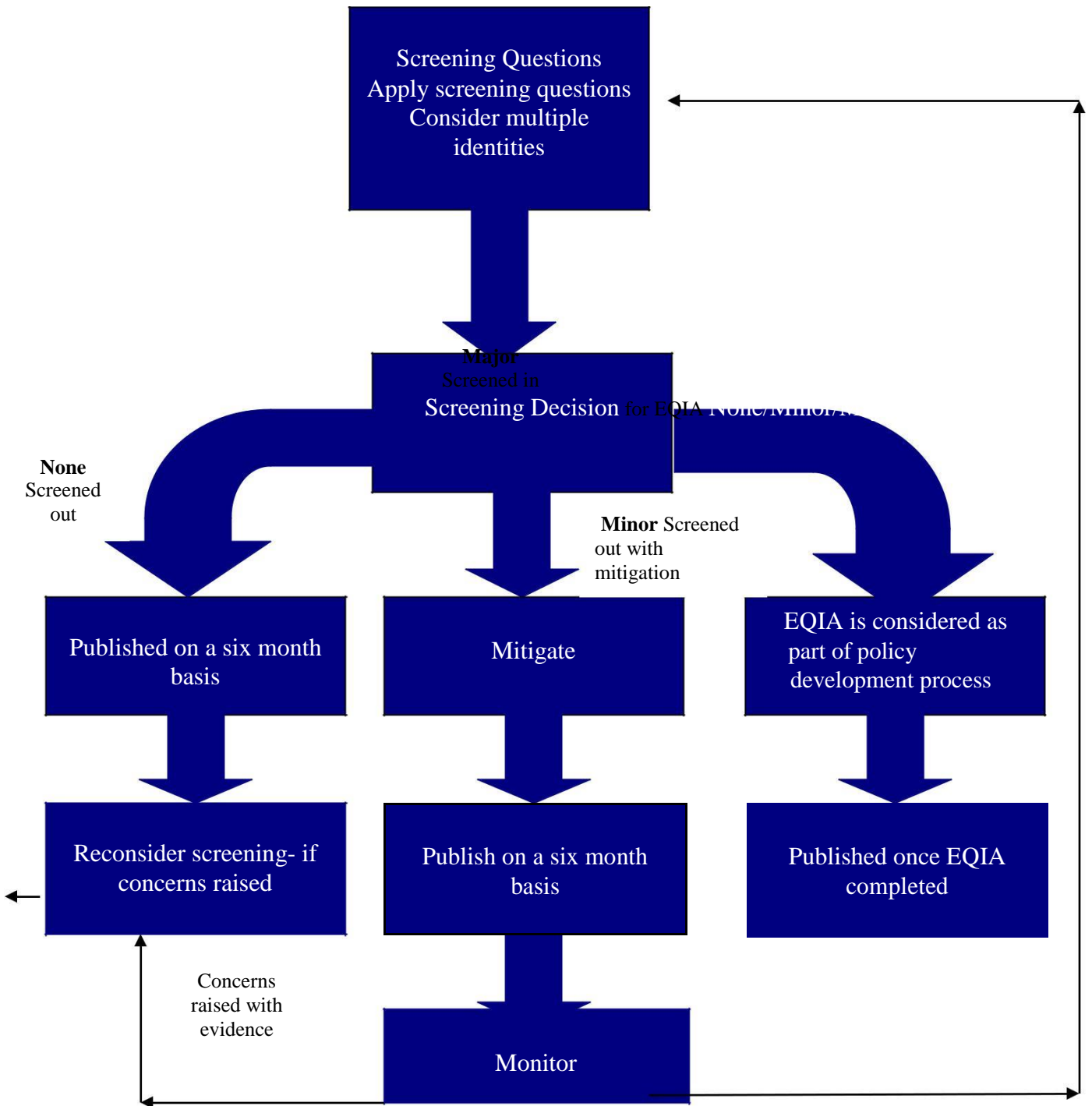
Persons with personal responsibility for the care of a child; care of a person with disability; or the care of a dependant older person.

Sexual orientation

Bisexual people; heterosexual people; gay or lesbian people.

ANNEX B – SCREENING FLOWCHART







Northern
Ireland
Office

SECTION 75

EQUALITY SCREENING FORM

November 2016

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 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).

INFORMATION ABOUT THE POLICY

<p>Name of the policy</p>	<p>The Article 4.1 of the draft Withdrawal Agreement commitment states:</p> <p>‘The United Kingdom shall ensure that no diminution of rights, safeguards and equality of opportunity as set out in that part of the 1998 Agreement entitled Rights, Safeguards and Equality of Opportunity results from its withdrawal from the Union, including in the area of protection against discrimination as enshrined in the provisions of Union law listed in Annex 1 to this Protocol, and shall implement this paragraph through dedicated mechanisms.’</p>
<p>Is this an existing, revised or new policy?</p>	<p>It is a commitment which is continuing to be formulated and developed into proposed policy.</p>
<p>What is it trying to achieve (intended aims/outcomes)?</p>	<p>The commitment and proposed policy intent is aimed at ensuring no diminution of the rights provisions protected in the ‘Rights, Safeguards and Equality of Opportunity’ Chapter of the Belfast Agreement occurs in Northern Ireland as a result of the UK’s withdrawal from the European Union.</p>
<p>Are there any s75 categories which might be expected to benefit from the intended policy? If so, explain how.</p>	<p>The proposed policy intent would mean that it applies equally to all people in Northern Ireland, regardless of certain protected characteristics captured under s75 categories.</p>
<p>Who initiated or wrote the policy?</p>	<p>It is a UKG commitment and proposed policy that came about through agreement to the commitment with the European Commission in the context of EU Exit negotiations.</p>
<p>Who owns and who implements the policy?</p>	<p>United Kingdom Government.</p>

IMPLEMENTATION FACTORS

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?	Yes – there will be several factors that contribute to the proposed policy and its implementation.
If yes, are they: <ul style="list-style-type: none"> - financial - legislative - other (please specify) 	Both the Northern Ireland Human Rights Commission (NIHRC) and Equality Commission for Northern Ireland (ECNI) will be provided with additional powers in legislation to monitor, advise and report on this commitment to implement the proposed policy. Both commissions will also be adequately resourced financially to take on the new roles.

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) 	The commitment and proposed policy will impact upon the NIHRC and ECNI in terms of supervising compliance with the commitment. Other organisations may potentially be indirectly impacted if they choose to also monitor, comment on, and scrutinise the implementation and future delivery of the proposed policy.
--	---

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.

Section 75 category	Details of evidence/information
Religious belief	This commitment and its proposed policy intent would mean that it applies equally to all people in Northern Ireland, to ensure their rights under the rights Chapter of the Belfast Agreement are not diminished as a result of the UK's withdrawal from the EU, and all people regardless of whether they fall within a protected section 75 category will be able to access this policy once developed.
Political opinion	This commitment and its proposed policy intent would mean that it applies equally to all people in Northern Ireland, to ensure their rights under the rights Chapter of the Belfast Agreement are not diminished as a result of the UK's withdrawal from the EU, and all people regardless of whether they fall within a protected section 75 category will be able to access this policy once developed.
Racial group	This commitment and its proposed policy intent would mean that it applies equally to all people in Northern Ireland, to ensure their rights under the rights Chapter of the Belfast Agreement are not diminished as a result of the UK's withdrawal from the EU, and all people regardless of whether they fall within a protected section 75 category will be able to access this policy once developed.
Age	This commitment and its proposed policy intent would mean that it applies equally to all people in Northern Ireland, to ensure their rights under the rights Chapter of the Belfast Agreement are not diminished as a result of the UK's withdrawal from the EU, and all people regardless of whether they fall within a protected section 75 category will be able to access this policy once developed.
Marital status	This commitment and its proposed policy intent would mean that it applies equally to all people in Northern Ireland, to ensure their rights under the rights Chapter of the Belfast Agreement are not diminished as a result of the UK's withdrawal from the EU, and all people regardless of whether they fall within a protected section 75 category will be able to access this policy once developed.
Sexual orientation	This commitment and its proposed policy intent would mean that it applies equally to all people in Northern Ireland, to ensure their rights under the rights Chapter of the Belfast Agreement are not diminished as a result of the UK's withdrawal from the EU, and all people regardless of

	whether they fall within a protected section 75 category will be able to access this policy once developed.
Men and women generally	This commitment and its proposed policy intent would mean that it applies equally to all people in Northern Ireland, to ensure their rights under the rights Chapter of the Belfast Agreement are not diminished as a result of the UK's withdrawal from the EU, and all people regardless of whether they fall within a protected section 75 category will be able to access this policy once developed.
Disability	This commitment and its proposed policy intent would mean that it applies equally to all people in Northern Ireland, to ensure their rights under the rights Chapter of the Belfast Agreement are not diminished as a result of the UK's withdrawal from the EU, and all people regardless of whether they fall within a protected section 75 category will be able to access this policy once developed.
Dependants	This commitment and its proposed policy intent would mean that it applies equally to all people in Northern Ireland, to ensure their rights under the rights Chapter of the Belfast Agreement are not diminished as a result of the UK's withdrawal from the EU, and all people regardless of whether they fall within a protected section 75 category will be able to access this policy once developed.

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	The commitment and its proposed policy intent would apply equally to all people in Northern Ireland, regardless of their religious belief. No unique needs, experiences or priorities of this category need to be factored into the development of this new policy.
Political opinion	The commitment and its proposed policy intent would apply equally to all people in Northern Ireland, regardless of their political opinion. No unique needs, experiences or priorities of this category need to be factored into the development of this new policy.
Racial group	The commitment and its proposed policy intent would apply equally to all people in Northern Ireland, regardless of their racial group. No unique needs, experiences or priorities of this category need to be factored into the development of this new policy.
Age	The commitment and its proposed policy intent would apply equally to all people in Northern Ireland, regardless of age.

	No unique needs, experiences or priorities of this category need to be factored into the development of this new policy.
Marital status	The commitment and its proposed policy intent would apply equally to all people in Northern Ireland, regardless of their marital status. No unique needs, experiences or priorities of this category need to be factored into the development of this new policy.
Sexual orientation	The commitment and its proposed policy intent would apply equally to all people in Northern Ireland, regardless of their sexual orientation. No unique needs, experiences or priorities of this category need to be factored into the development of this new policy.
Men and women generally	The commitment and its proposed policy intent would apply equally to all people in Northern Ireland, regardless of whether they are a man or a woman. No unique needs, experiences or priorities of this category need to be factored into the development of this new policy.
Disability	The commitment and its proposed policy intent would apply equally to all people in Northern Ireland, regardless of any disability. No unique needs, experiences or priorities of this category need to be factored into the development of this new policy.
Dependants	The commitment and its proposed policy intent would apply equally to all people in Northern Ireland, regardless of whether they are or have dependants. No unique needs, experiences or priorities of this category need to be factored into the development of this new policy.

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	All people in Northern Ireland, regardless of their religious belief, are protected by this commitment and its proposed policy intent. Furthermore, the right to freedom and expression of religion is protected and promoted under the relevant rights chapter of the Belfast Agreement – and is in scope of the commitment and development of the policy, meaning no diminution of these rights can occur insofar as they result from the UK’s withdrawal from the EU.	None
Political opinion	All people in Northern Ireland, regardless of their political opinion, are protected by this commitment and its proposed policy intent. Furthermore, the right of free political thought; the right to pursue democratically national and political aspirations; the right to freedom from sectarian harassment; and the right of women to full and equal political participation are protected and promoted under the relevant rights chapter of the Belfast Agreement - and are in scope of the commitment and development of the policy, meaning no diminution of these rights can occur insofar as they result from the UK’s withdrawal from the EU.	None
Racial group	All people in Northern Ireland, regardless of their racial group, are protected by this commitment and its proposed policy intent. Furthermore, the right to equal opportunity in all social and economic activity, regardless of ethnicity is protected and promoted under the relevant rights chapter of the Belfast Agreement - and is in scope of the commitment and the development of policy, meaning no diminution of this right can occur insofar as they result from the UK’s withdrawal from the EU. This is also	None

	supported by the ongoing application of Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.	
Age	All people in Northern Ireland, regardless of their age, are equally protected by this commitment and its proposed policy intent.	None
Marital status	All people in Northern Ireland, regardless of their marital status, are equally protected by this commitment and its proposed policy intent.	None
Sexual orientation	All people in Northern Ireland, regardless of their sexual orientation, are equally protected by this commitment and its proposed policy intent.	None
Men and women generally	All people in Northern Ireland, regardless of whether they are a man or a woman, are protected by this commitment and its proposed policy intent. Furthermore, the right to equal opportunity in all social and economic activity regardless of gender, and the right of women to full and equal political participation are protected and promoted under the relevant rights chapter of the Belfast Agreement - and are in scope of the commitment and development of policy, meaning no diminution of this right can occur insofar as they result from the UK's withdrawal from the EU. This is also supported by the ongoing application of Directive 2010/41/EU, Council Directive 79/7/EEC, Council Directive 2000/78/EC, Directive 2006/54/EC and Council Directive 2004/113/EC at Annex One.	Minor
Disability	All people in Northern Ireland, regardless of whether they have a disability or not, are protected by this commitment and its proposed policy intent. Furthermore, the right to equal opportunity in all social and economic activity, regardless of disability is protected and promoted under the relevant rights chapter of the Belfast Agreement –	Minor.

	and is in scope of the commitment and development of policy, meaning no diminution of this right can occur insofar as they result from the UK's withdrawal from the EU.	
Dependants	All people in Northern Ireland, regardless of their whether they are or have dependants, are equally protected by this commitment and its proposed policy intent.	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		The commitment and proposed policy is protecting the existing rights and equality protections under the 'Rights, Safeguards and Equality of Opportunity' Chapter of the Belfast Agreement, supported by six EU directives at Annex One – not creating new substantive rights protections.
Political opinion		The commitment and proposed policy is protecting the existing rights and equality protections under the 'Rights, Safeguards and Equality of Opportunity' Chapter of the Belfast Agreement, supported by six EU directives at Annex One – not creating new substantive rights protections.
Racial group		The commitment and proposed policy is protecting the existing rights and equality protections under the 'Rights, Safeguards and Equality of Opportunity' Chapter of the Belfast Agreement, supported by six EU directives at Annex One – not creating new substantive rights protections.

Age		The commitment and proposed policy is protecting the existing rights and equality protections under the 'Rights, Safeguards and Equality of Opportunity' Chapter of the Belfast Agreement, supported by six EU directives at Annex One – not creating new substantive rights protections.
Marital status		The commitment and proposed policy is protecting the existing rights and equality protections under the 'Rights, Safeguards and Equality of Opportunity' Chapter of the Belfast Agreement, supported by six EU directives at Annex One – not creating new substantive rights protections.
Sexual orientation		The commitment and proposed policy is protecting the existing rights and equality protections under the 'Rights, Safeguards and Equality of Opportunity' Chapter of the Belfast Agreement, supported by six EU directives at Annex One – not creating new substantive rights protections.
Men and women generally		The commitment and proposed policy is protecting the existing rights and equality protections under the 'Rights, Safeguards and Equality of Opportunity' Chapter of the Belfast Agreement, supported by six EU directives at Annex One – not creating new substantive rights protections.
Disability		The commitment and proposed policy is protecting the existing rights and equality protections under the 'Rights, Safeguards and Equality of Opportunity'

		Chapter of the Belfast Agreement, supported by six EU directives at Annex One – not creating new substantive rights protections.
Dependants		The commitment and proposed policy is protecting the existing rights and equality protections under the 'Rights, Safeguards and Equality of Opportunity' Chapter of the Belfast Agreement, supported by six EU directives at Annex One – not creating new substantive rights protections.

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 commitment and proposed policy is protecting the existing rights and equality protections under the 'Rights, Safeguards and Equality of Opportunity' Chapter of the Belfast Agreement, supported by six EU directives at Annex One – not creating new substantive rights protections – and is not impacting on existing relations between people of different religious belief.	None
Political opinion	The commitment and proposed policy is protecting the existing rights and equality protections under the 'Rights, Safeguards and Equality of Opportunity' Chapter of the Belfast Agreement, supported by six EU directives at Annex One – not creating new substantive rights protections – and is not impacting on existing relations between people of different political opinion.	None
Racial group	The commitment and proposed policy is protecting the existing rights and equality	None

	<p>protections under the 'Rights, Safeguards and Equality of Opportunity' Chapter of the Belfast Agreement, supported by six EU directives at Annex One – not creating new substantive rights protections – and is not impacting on existing relations between people of different religious beliefs.</p>	
--	---	--

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 commitment and proposed policy is protecting the existing rights and equality protections under the 'Rights, Safeguards and Equality of Opportunity' Chapter of the Belfast Agreement, supported by six EU directives at Annex One – not creating new substantive rights protections.
Political opinion		The commitment and proposed policy is protecting the existing rights and equality protections under the 'Rights, Safeguards and Equality of Opportunity' Chapter of the Belfast Agreement, supported by six EU directives at Annex One – not creating new substantive rights protections.
Racial group		The commitment and proposed policy is protecting the existing rights and equality protections under the 'Rights, Safeguards and Equality of Opportunity' Chapter of the Belfast Agreement, supported by six EU directives at Annex One – not creating new substantive rights protections.

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 commitment the proposed policy intent will apply equally to all people in Northern Ireland regardless of Section 75 category.

PART 3 – SCREENING DECISION

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

N/A

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.

N/A

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.

As this is still a commitment made in the draft agreement between the European Commission and the UK Government, in the context of EU Exit negotiations, with the formulation of policy and its implementation ongoing, no equality impact assessment is being undertaken at this stage.

In further developing this new policy and its implementation, the UK Government will continue to consult the ECNI and NIHR, as well as other interested parties who have a legitimate interest in the matter, as this work progresses. Once the Government's policy proposals are more fully developed then we will review if additional stakeholder engagement is required and review our screening decision to determine if an equality impact assessment should be completed.

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	2
Social need	1
Effect on people's daily lives	2
Relevance to the NIO's functions	2
Total rating score (total of 12)	7

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:	Band A/CRG
Grade/Branch/Group: Date:	18 October 2018
Approved by Deputy Director:	Bilal Zahid
Date:	19 October 2018

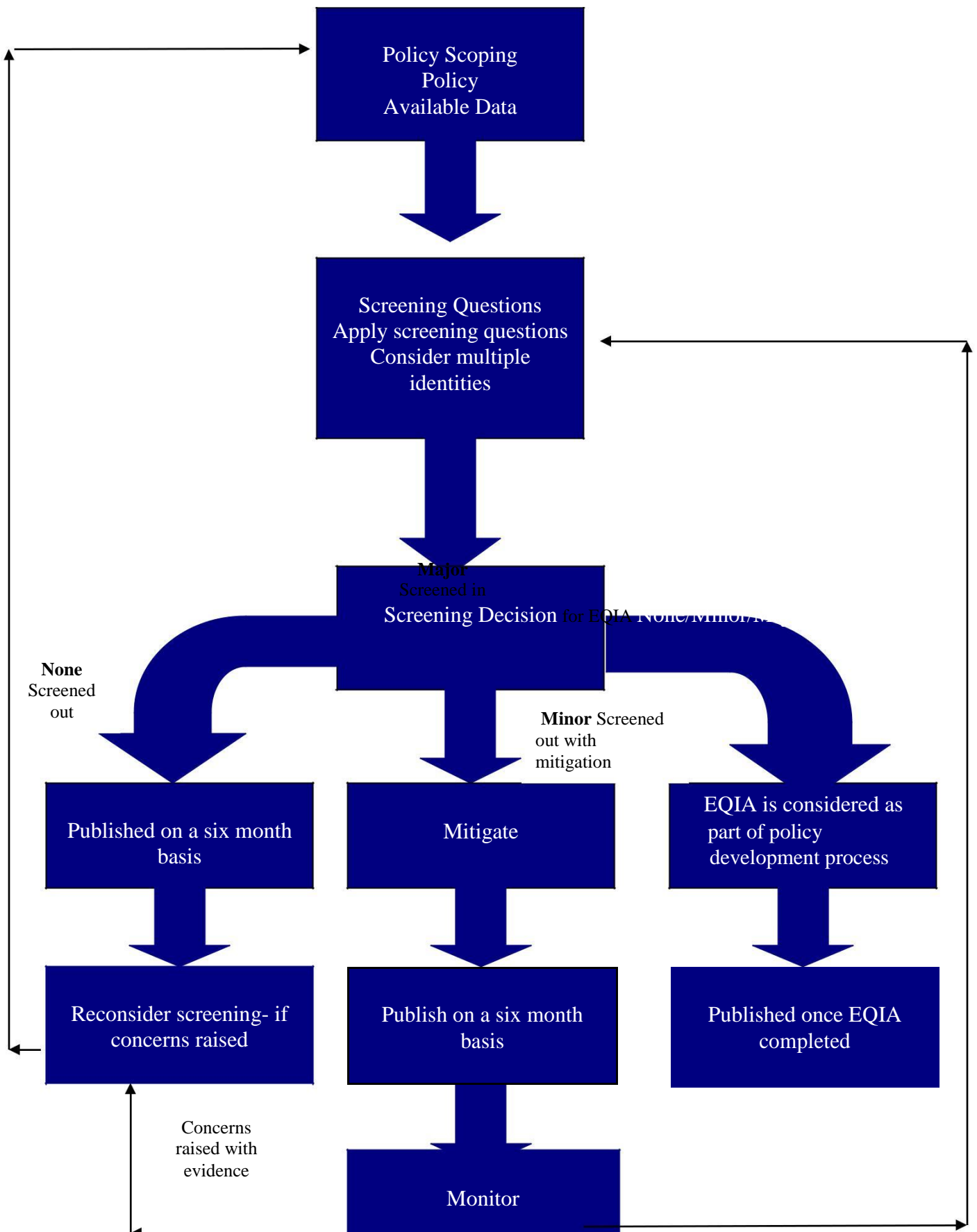
Note: A copy of the Screening Template for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy and made available on request.

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





Northern
Ireland
Office

SECTION 75

EQUALITY SCREENING FORM

November 2016

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 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).

INFORMATION ABOUT THE POLICY

Name of the policy	<p>Commitment in paragraph 42 of the Joint Report to protect the Belfast (Good Friday) Agreement in all its parts. Paragraph 42 states:</p> <p><i>'Both Parties affirm that the achievements, benefits and commitments of the peace process will remain of paramount importance to peace, stability and reconciliation. They agree that the Good Friday or Belfast Agreement reached on 10 April 1998 by the United Kingdom Government, the Irish Government and the other participants in the multi-party negotiations (the '1998 Agreement') must be protected in all its parts, and that this extends to the practical application of the 1998 Agreement on the island of Ireland and to the totality of the relationships set out in the Agreement.'</i></p>
Is this an existing, revised or new policy?	This is not a new policy, but rather a reaffirmation of an existing commitment to the ongoing protection and promotion of an existing international agreement between the Governments of the UK and Ireland.
What is it trying to achieve (intended aims/outcomes)?	The commitment is intended to ensure the Belfast (Good Friday) Agreement continues to be protected in all its parts.
Are there any s75 categories which might be expected to benefit from the intended policy? If so, explain how.	No: it applies equally to all people in Northern Ireland, regardless of certain protected characteristics captured under s75 categories.
Who initiated or wrote the policy?	The declaration is the result of a draft agreement between the European Commission and the UK Government, in the context of EU Exit negotiations.
Who owns and who implements the policy?	United Kingdom Government

IMPLEMENTATION FACTORS

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?	No - the policy is a reaffirmation of an existing political commitment.
If yes, are they: <ul style="list-style-type: none"> - financial - legislative - other (please specify) 	

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) 	No direct impact as this relates to the reaffirmation of existing government commitments.
--	---

OTHER POLICIES WITH A BEARING ON THIS POLICY

What are they?	No direct impact as this relates to the reaffirmation of existing government commitments.
Who owns them?	No direct impact as this relates to the reaffirmation of existing government commitments.

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	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection of the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Political opinion	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection of the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Racial group	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection of the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Age	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection of the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Marital status	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection of the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Sexual orientation	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection of the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Men and women generally	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection of the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Disability	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection of the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.

	impacted than any other.
Dependants	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection of the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.

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	This policy applies equally to all people in Northern Ireland, regardless of their religious belief, and no unique needs, experiences or priorities of this category need to be factored in.
Political opinion	This policy applies equally to all people in Northern Ireland, regardless of their political opinion, and no unique needs, experiences or priorities of this category need to be factored in.
Racial group	This policy applies equally to all people in Northern Ireland, regardless of their racial group, and no unique needs, experiences or priorities of this category need to be factored in.
Age	This policy applies equally to all people in Northern Ireland, regardless of their age, and no unique needs, experiences or priorities of this category need to be factored in.
Marital status	This policy applies equally to all people in Northern Ireland, regardless of their marital status, and no unique needs, experiences or priorities of this category need to be factored in.
Sexual orientation	This policy applies equally to all people in Northern Ireland, regardless of their sexual orientation, and no unique needs, experiences or priorities of this category need to be factored in.
Men and women generally	This policy applies equally to all people in Northern Ireland, regardless of whether they are a man or a woman, and no unique needs, experiences or priorities of this category need to be factored in.
Disability	This policy applies equally to all people in Northern Ireland, regardless of disability, and no unique needs, experiences or priorities of this category need to be factored in.
Dependants	This policy applies equally to all people in Northern Ireland,

	regardless of whether they are or have dependant, and no unique needs, experiences or priorities of this category need to be factored in.
--	---

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	The ongoing protection of the Belfast Agreement in all its parts applies equally to all persons, regardless of religious belief.	None
Political opinion	The ongoing protection of the Belfast Agreement in all its parts applies equally to all persons, regardless of political opinion.	None
Racial group	The ongoing protection of the Belfast Agreement in all its parts applies equally to all persons, regardless of racial group.	None
Age	The ongoing protection of the Belfast	None

	Agreement in all its parts applies equally to all persons, regardless of age.	
Marital status	The ongoing protection of the Belfast Agreement in all its parts applies equally to all persons, regardless of marital status.	None
Sexual orientation	The ongoing protection of the Belfast Agreement in all its parts applies equally to all persons, regardless of sexual orientation.	None
Men and women generally	The ongoing protection of the Belfast Agreement in all its parts applies equally to all persons, regardless of gender.	None
Disability	The ongoing protection of the Belfast Agreement in all its parts applies equally to all persons, regardless of disability.	None
Dependants	The ongoing protection of the Belfast Agreement in all its parts applies equally to all persons, regardless of dependants.	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 is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.
Political opinion		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.
Racial group		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.
Age		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.

Marital status		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.
Sexual orientation		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.
Men and women generally		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.
Disability		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.
Dependants		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.

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	This is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.	None
Political opinion	This is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.	None
Racial group	This is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.	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		This is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.
Political opinion		This is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.
Racial group		This is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.

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.

Not applicable: this is not a new policy, but rather a reaffirmation of a commitment to the ongoing protection and promotion of an existing international agreement.

Part 3 – Screening decision

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

This policy - which is the reaffirmation of an existing political commitment to the ongoing protection and promotion of an existing international agreement - applies equally without any adverse impact to all people in Northern Ireland, regardless of the section 75 category that they may fall within.

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.

Not applicable, as this is not a new policy but merely a restatement of previous commitments.

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

Not applicable, as this is not a new policy but merely a restatement of previous commitments.

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?

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:	Band A/CRG	
Date:	18 October 2018	
Approved by Deputy Director:	Bilal Zahid	
Date:	19 October 2018	

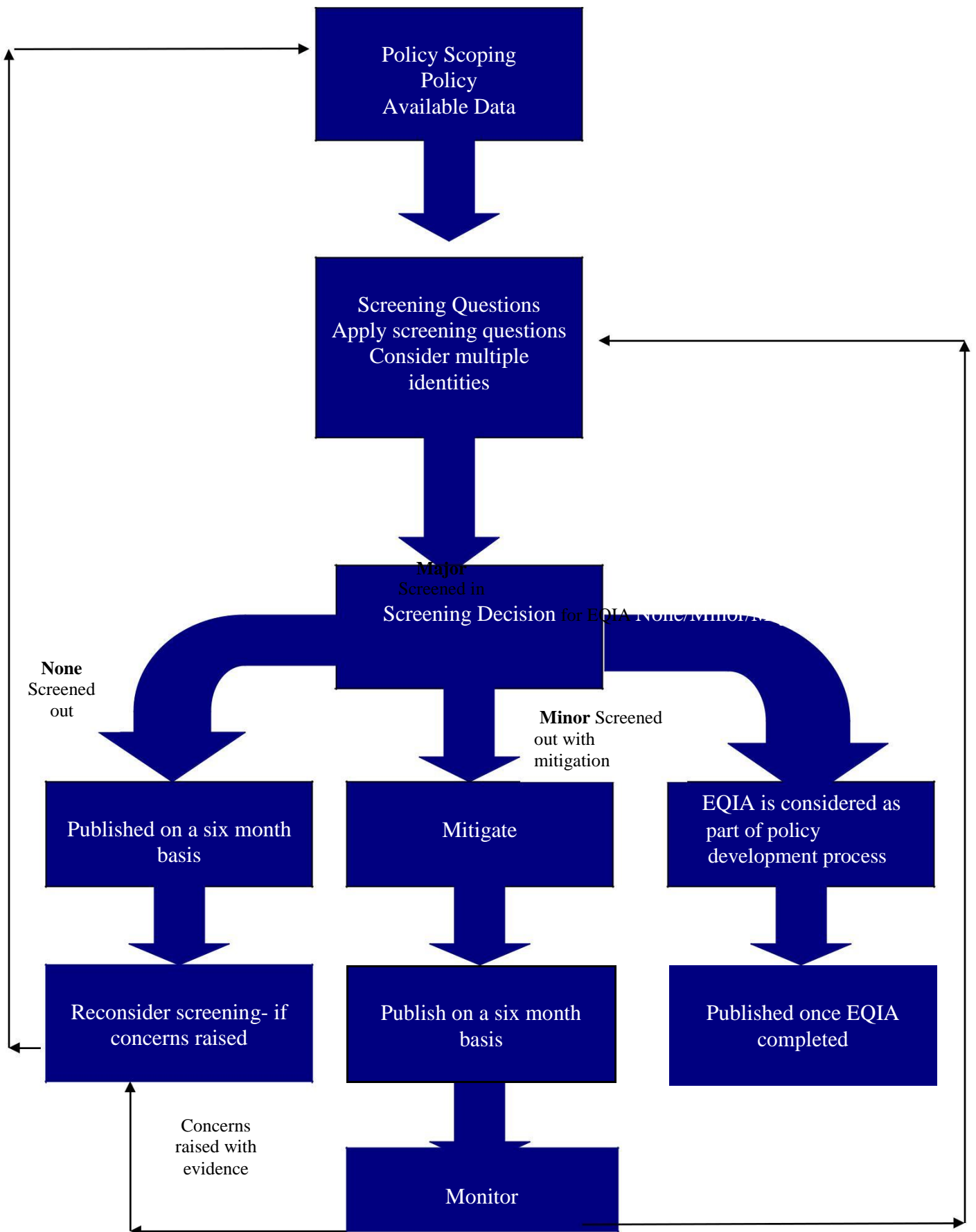
Note: A copy of the Screening Template for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy and made available on request.

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	Buddhist; Catholic; Hindu; Jewish; Muslims; people of no religious belief; Protestants; Sikh; other faiths.
	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> ”.
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





Northern
Ireland
Office

SECTION 75

EQUALITY SCREENING FORM

November 2016

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 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).

INFORMATION ABOUT THE POLICY

<p>Name of the policy</p>	<p>A commitment to maintain the necessary conditions to allow continued North-South cooperation under the Belfast Agreement. Article 13 of the draft Withdrawal Agreement states:</p> <p>‘Consistent with the arrangements set out in Article 6(2) and Articles 7 to 12 of this Protocol, and in full respect of Union law, this Protocol shall be implemented and applied so as to maintain the necessary conditions for continued North-South cooperation, including in the areas of environment, health, agriculture, transport, education and tourism, as well as in the areas of energy, telecommunications, broadcasting, inland fisheries, justice and security, higher education and sport. In full respect of Union law, the United Kingdom and Ireland may continue to make new arrangements that build on the provisions of the 1998 Agreement in other areas of North-South cooperation on the island of Ireland.</p> <p>The Joint Committee shall keep under constant review the extent to which the implementation and application of this Protocol maintains the necessary conditions for North-South cooperation. The Joint Committee may make appropriate recommendations to the Union and the United Kingdom in this respect, including on recommendation from the Specialised Committee.’</p>
<p>Is this an existing, revised or new policy?</p>	<p>The commitment itself is not new policy and does not change ongoing or future cooperation under Strand 2 of the Belfast Agreement.</p>
<p>What is it trying to achieve (intended aims/outcomes)?</p>	<p>This political commitment is ensuring the ongoing protection and promotion of</p>

	North-South cooperation provided for in the Belfast Agreement and does not change ongoing or future cooperation under Strand 2 of the Belfast Agreement.
Are there any s75 categories which might be expected to benefit from the intended policy? If so, explain how.	No: the ongoing protection of North-South cooperation across a range of areas applies equally to all people in Northern Ireland, regardless of certain protected characteristics captured under s75 categories.
Who initiated or wrote the policy?	The declaration is the result of a draft agreement between the European Commission and the UK Government, in the context of EU Exit negotiations.
Who owns and who implements the policy?	United Kingdom Government is responsible for the implementation of the Withdrawal Agreement and its commitments as an international treaty' but the question of North-South cooperation is one for the Northern Ireland Executive working with the Government of Ireland.

IMPLEMENTATION FACTORS

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?	No - the policy is a reaffirmation of an existing political commitment.
If yes, are they: <ul style="list-style-type: none"> - financial - legislative - other (please specify) 	

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) 	No direct impact as this relates to the reaffirmation of existing government commitments.
--	---

--	--

OTHER POLICIES WITH A BEARING ON THIS POLICY

What are they?	No direct impact as this relates to the reaffirmation of existing government commitments.
Who owns them?	No direct impact as this relates to the reaffirmation of existing government commitments.

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	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection and promotion of North-South cooperation provided for in the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Political opinion	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection and promotion of North-South cooperation provided for in the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Racial group	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection and promotion of North-South cooperation provided for in the Belfast Agreement. This applies equally to all people in

	Northern Ireland, and no one section 75 category will be more impacted than any other.
Age	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection and promotion of North-South cooperation provided for in the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Marital status	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection and promotion of North-South cooperation provided for in the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Sexual orientation	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection and promotion of North-South cooperation provided for in the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Men and women generally	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection and promotion of North-South cooperation provided for in the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Disability	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection and promotion of North-South cooperation provided for in the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.
Dependants	This is not a new policy but rather the reaffirmation of an existing political commitment to the protection and promotion of North-South cooperation provided for in the Belfast Agreement. This applies equally to all people in Northern Ireland, and no one section 75 category will be more impacted than any other.

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	This commitment applies equally to all people in Northern Ireland, regardless of their religious belief, and no unique

	needs, experiences or priorities of this category need to be factored in.
Political opinion	This commitment applies equally to all people in Northern Ireland, regardless of their political opinion, and no unique needs, experiences or priorities of this category need to be factored in.
Racial group	This commitment applies equally to all people in Northern Ireland, regardless of their racial group, and no unique needs, experiences or priorities of this category need to be factored in.
Age	This commitment applies equally to all people in Northern Ireland, regardless of their age, and no unique needs, experiences or priorities of this category need to be factored in.
Marital status	This commitment applies equally to all people in Northern Ireland, regardless of their marital status, and no unique needs, experiences or priorities of this category need to be factored in.
Sexual orientation	This commitment applies equally to all people in Northern Ireland, regardless of their sexual orientation, and no unique needs, experiences or priorities of this category need to be factored in.
Men and women generally	This commitment applies equally to all people in Northern Ireland, regardless of whether they are a man or a woman, and no unique needs, experiences or priorities of this category need to be factored in.
Disability	This commitment applies equally to all people in Northern Ireland, regardless of disability, and no unique needs, experiences or priorities of this category need to be factored in.
Dependants	This commitment applies equally to all people in Northern Ireland, regardless of whether they are or have dependant, and no unique needs, experiences or priorities of this category need to be factored in.

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	The ongoing protection of the North-South cooperation commitments under the Belfast Agreement applies equally to all persons, regardless of religious belief.	None
Political opinion	The ongoing protection of the North-South cooperation commitments under the Belfast Agreement applies equally to all persons, regardless of political opinion.	None
Racial group	The ongoing protection of the North-South cooperation commitments under the Belfast Agreement applies equally to all persons, regardless of racial group.	None
Age	The ongoing protection of the North-South cooperation commitments under the Belfast Agreement applies equally to all persons, regardless of age.	None
Marital status	The ongoing protection of the North-South cooperation commitments under the Belfast Agreement applies equally to all persons, regardless of marital status.	None
Sexual orientation	The ongoing protection of the North-South cooperation commitments under the Belfast Agreement applies equally to all persons, regardless of sexual orientation.	None
Men and women generally	The ongoing protection of the North-South cooperation commitments under the Belfast Agreement applies equally to all persons, regardless of whether the person is a man or a woman.	None

Disability	The ongoing protection of the North-South cooperation commitments under the Belfast Agreement applies equally to all persons, regardless of disability.	None
Dependants	The ongoing protection of the North-South cooperation commitments under the Belfast Agreement applies equally to all persons, regardless of whether the person is or has dependants.	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 is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement).
Political opinion		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement).
Racial group		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement).
Age		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement).
Marital status		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement).
Sexual orientation		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments

		under an existing international agreement (the Belfast Agreement).
Men and women generally		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement).
Disability		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement).
Dependants		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement).

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	This is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement).	None
Political opinion	No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement).	None
Racial group	No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement).	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 is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement).
Political opinion		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement).
Racial group		No – this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement).

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.

Not applicable: this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South

cooperation commitments under an existing international agreement (the Belfast Agreement).

Part 3 – Screening decision

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

This is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement), applies equally without any adverse impact to all people in Northern Ireland, regardless of the section 75 category that they may fall within.

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.

Not applicable, as this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South cooperation commitments under an existing international agreement (the Belfast Agreement).

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

Not applicable, as this is not a new policy, but rather the reaffirmation of a commitment to the ongoing protection and promotion of the North-South

cooperation commitments under an existing international agreement (the Belfast Agreement).

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?

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:	Band A/CRG
Date:	18 October 2018
Approved by Deputy Director:	Bilal Zahid
Date:	19 October 2018

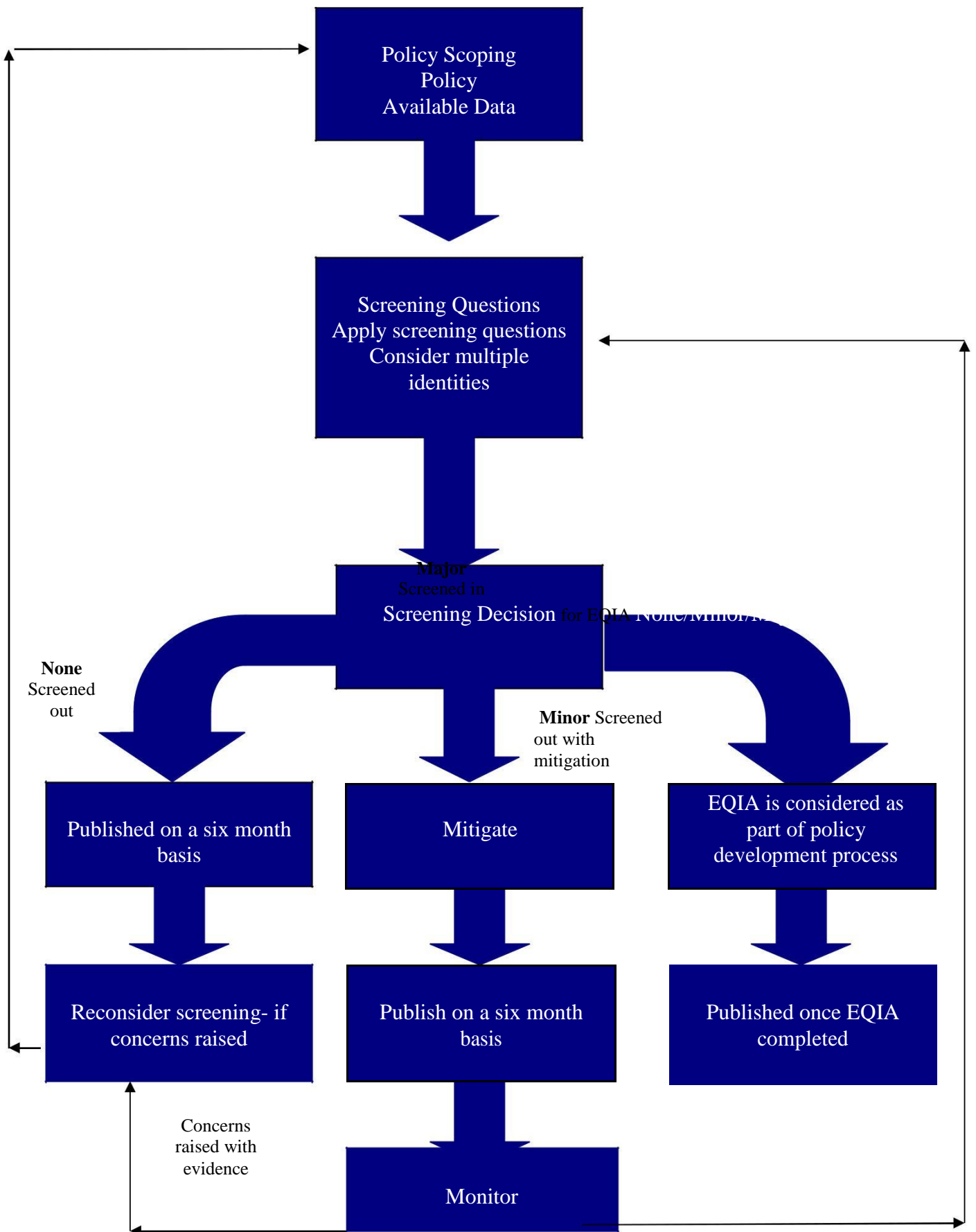
Note: A copy of the Screening Template for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy and made available on request.

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	Buddhist; Catholic; Hindu; Jewish; Muslims; people of no religious belief; Protestants; Sikh; other faiths. 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> ”.
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





Northern
Ireland
Office

SECTION 75

EQUALITY SCREENING FORM

November 2016

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 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).

INFORMATION ABOUT THE POLICY

<p>Name of the policy</p>	<p>Commitment in paragraph 52 of the Joint Report to protect the birth right of people of Northern Ireland, which states:</p> <p>‘Both Parties acknowledge that the 1998 Agreement recognises the birth right of all the people of Northern Ireland to choose to be Irish or British or both and be accepted as such. The people of Northern Ireland who are Irish citizens will continue to enjoy rights as EU citizens, including where they reside in Northern Ireland. Both Parties therefore agree that the Withdrawal Agreement should respect and be without prejudice to the rights, opportunities and identity that come with European Union citizenship for such people and, in the next phase of negotiations, will examine arrangements required to give effect to the ongoing exercise of, and access to, their EU rights, opportunities and benefits.’</p>
<p>Is this an existing, revised or new policy?</p>	<p>This is currently a political commitment and the reaffirmation of an existing commitment to the ongoing protection and promotion of the birth right provision captured in an existing international agreement between the Governments of the UK and Ireland.</p>
<p>What is it trying to achieve (intended aims/outcomes)?</p>	<p>Ensuring ongoing protection and promotion of birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK’s withdrawal from the EU.</p>
<p>Are there any s75 categories which might be expected to benefit from the</p>	<p>No: it applies equally to all people of Northern Ireland who can already</p>

intended policy? If so, explain how.	access or benefit from this birth right, regardless of certain protected characteristics captured under s75 categories.
Who initiated or wrote the policy?	The declaration is the result of a draft agreement between the European Commission and the UK Government, in the context of EU Exit negotiations.
Who owns and who implements the policy?	United Kingdom Government.

IMPLEMENTATION FACTORS

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?	No - the policy is a reaffirmation of an existing political commitment.
If yes, are they: <ul style="list-style-type: none"> - financial - legislative - other (please specify) 	

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) 	No direct impact as this relates to the reaffirmation of existing government commitments.
--	---

OTHER POLICIES WITH A BEARING ON THIS POLICY

What are they?	No direct impact as this relates to the
----------------	---

	reaffirmation of existing government commitments.
Who owns them?	No direct impact as this relates to the reaffirmation of existing government commitments.

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	This is not a new policy but rather the reaffirmation of an existing political commitment to the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship. This applies equally to all people of Northern Ireland, who have access to this birth right, and no one section 75 category will be more impacted than any other.
Political opinion	This is not a new policy but rather the reaffirmation of an existing political commitment to the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship. This applies equally to all people of Northern Ireland, who have access to this birth right, and no one section 75 category will be more impacted than any other.
Racial group	This is not a new policy but rather the reaffirmation of an existing political commitment to the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship. This applies equally to all people of Northern Ireland, who have access to this birth right, and no one section 75 category will be more impacted than any other.
Age	This is not a new policy but rather the reaffirmation of an existing political commitment to the birth right of people of

	Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship. This applies equally to all people of Northern Ireland, who have access to this birth right, and no one section 75 category will be more impacted than any other.
Marital status	This is not a new policy but rather the reaffirmation of an existing political commitment to the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship. This applies equally to all people of Northern Ireland, who have access to this birth right, and no one section 75 category will be more impacted than any other.
Sexual orientation	This is not a new policy but rather the reaffirmation of an existing political commitment to the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship. This applies equally to all people of Northern Ireland, who have access to this birth right, and no one section 75 category will be more impacted than any other.
Men and women generally	This is not a new policy but rather the reaffirmation of an existing political commitment to the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship. This applies equally to all people of Northern Ireland, who have access to this birth right, and no one section 75 category will be more impacted than any other.
Disability	This is not a new policy but rather the reaffirmation of an existing political commitment to the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship. This applies equally to all people of Northern Ireland, who have access to this birth right, and no one section 75 category will be more impacted than any other.
Dependants	This is not a new policy but rather the reaffirmation of an existing political commitment to the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship. This applies equally to all people of Northern Ireland, who have access to this birth right, and no

	one section 75 category will be more impacted than any other.
--	---

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	This commitment applies equally to all people of Northern Ireland, who can currently access or benefit from this birth right, regardless of their religious belief, and no unique needs, experiences or priorities of this category need to be factored in.
Political opinion	This commitment applies equally to all people of Northern Ireland, who can currently access or benefit from this birth right, regardless of their political opinion, and no unique needs, experiences or priorities of this category need to be factored in.
Racial group	This commitment applies equally to all people of Northern Ireland, who can currently access or benefit from this birth right, regardless of their racial group, and no unique needs, experiences or priorities of this category need to be factored in.
Age	This commitment applies equally to all people of Northern Ireland, who can currently access or benefit from this birth right, regardless of their age, and no unique needs, experiences or priorities of this category need to be factored in.
Marital status	This commitment applies equally to all people of Northern Ireland, who can currently access or benefit from this birth right, regardless of their marital status, and no unique needs, experiences or priorities of this category need to be factored in.
Sexual orientation	This commitment applies equally to all people of Northern Ireland, who can currently access or benefit from this birth right, regardless of their sexual orientation, and no unique needs, experiences or priorities of this category need to be factored in.
Men and women generally	This commitment applies equally to all people of Northern Ireland, who can currently access or benefit from this birth right, regardless of whether they are men or women, and no unique needs, experiences or priorities of this category need to be factored in.
Disability	This commitment applies equally to all people of Northern Ireland, who can currently access or benefit from this birth right, regardless of disability, and no unique needs,

	experiences or priorities of this category need to be factored in.
Dependants	This commitment applies equally to all people of Northern Ireland, who can currently access or benefit from this birth right, regardless of whether they are or have dependants, and no unique needs, experiences or priorities of this category need to be factored in.

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	The ongoing protection of the birth right for People of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, applies equally to all persons who can access this birth right, regardless of religious belief.	None

Political opinion	The ongoing protection of the birth right for People of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, applies equally to all persons who can access this birth right, regardless of political opinion.	None
Racial group	The ongoing protection of the birth right for People of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, applies equally to all persons who can access this birth right, regardless of racial group.	None
Age	The ongoing protection of the birth right for People of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, applies equally to all persons who can access this birth right, regardless of age.	None
Marital status	The ongoing protection of the birth right for People of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, applies equally to all persons who can access this birth right, regardless of marital status.	None
Sexual orientation	The ongoing protection of the birth right for People of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, applies equally to all persons who can access this birth right, regardless of sexual orientation.	None
Men and women generally	The ongoing protection of the birth right for People of Northern Ireland to identify	None

	themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, applies equally to all persons who can access this birth right, regardless of whether they are a man or a woman.	
Disability	The ongoing protection of the birth right for People of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, applies equally to all persons who can access this birth right, regardless of disability.	None
Dependants	The ongoing protection of the birth right for People of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, applies equally to all persons who can access this birth right, regardless of whether they are or have dependants.	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 is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK's withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of an existing international agreement (the Belfast Agreement).

Political opinion		No – This is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK's withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of an existing international agreement (the Belfast Agreement).
Racial group		No – This is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK's withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of an existing international agreement (the Belfast Agreement).
Age		No – This is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK's withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of

		an existing international agreement (the Belfast Agreement).
Marital status		No – This is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK's withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of an existing international agreement (the Belfast Agreement).
Sexual orientation		No – This is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK's withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of an existing international agreement (the Belfast Agreement).
Men and women generally		No – This is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK's withdrawal from the EU, as part of the commitment to the ongoing

		protection and promotion of an existing international agreement (the Belfast Agreement).
Disability		No – This is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK’s withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of an existing international agreement (the Belfast Agreement).
Dependants		No – This is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK’s withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of an existing international agreement (the Belfast Agreement).

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	This is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be	None

	accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK's withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of an existing international agreement (the Belfast Agreement).	
Political opinion	This is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK's withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of an existing international agreement (the Belfast Agreement).	None
Racial group	This is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK's withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of an existing international agreement (the Belfast Agreement).	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 is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their

		right to hold both British and Irish citizenship, in the context of the UK's withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of an existing international agreement (the Belfast Agreement).
Political opinion		No - this is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK's withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of an existing international agreement (the Belfast Agreement).
Racial group		No – this is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK's withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of an existing international agreement (the Belfast Agreement).

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.

Not applicable: this is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK's withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of an existing international agreement (the Belfast Agreement). This applies regardless of a relevant or multiple section 75 categories.

Part 3 – Screening decision

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

This is not a new policy, but rather the reaffirmation of the birth right of people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship, in the context of the UK's withdrawal from the EU, as part of the commitment to the ongoing protection and promotion of an existing international agreement (the Belfast Agreement).

As the policy to implement this commitment is being developed, it will be done so with equality obligations in mind.

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.

Not applicable, as this is not a new policy but merely a restatement of previous commitments.

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

Not applicable, as this is not a new policy but merely a restatement of previous commitments.

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, as this is not a new policy but merely a restatement of previous commitments.

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?

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:	Band A/CRG
Date:	18 October 2018
Approved by Deputy Director:	Bilal Zahid
Date:	19 October 2018

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

Buddhist; Catholic; Hindu; Jewish; Muslims; people of no religious belief; Protestants; Sikh; other faiths.

For the purposes of Section 75, the term “religious belief” is the same definition as that used in the *Fair Employment & Treatment (NI) Order*. Therefore, “religious belief” also includes any *perceived* religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “*similar philosophical belief*”.

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.

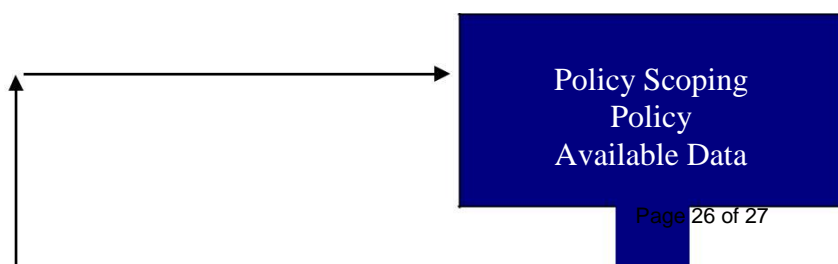
Persons with dependants

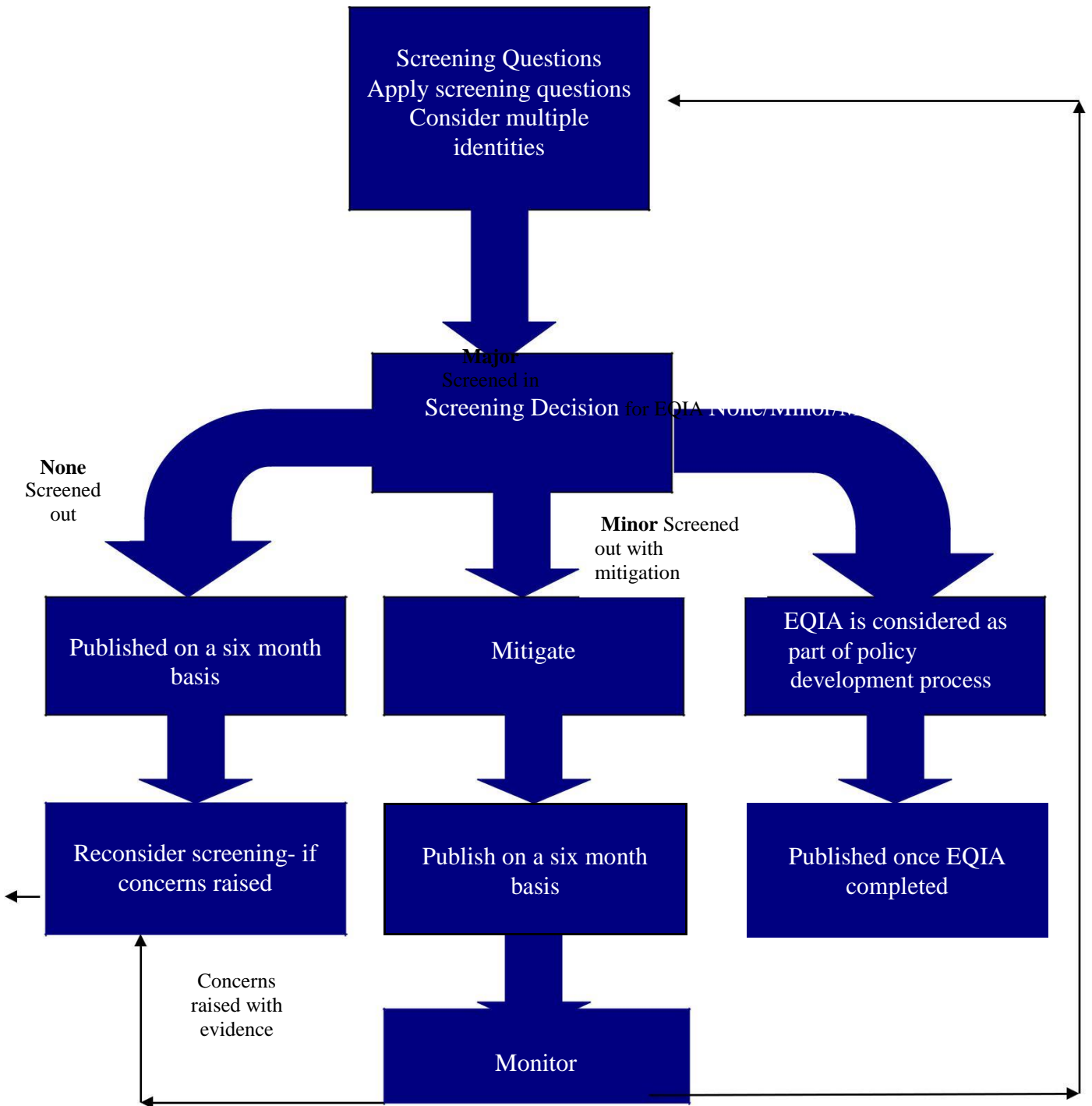
Persons with personal responsibility for the care of a child; care of a person with disability; or the care of a dependant older person.

Sexual orientation

Bisexual people; heterosexual people; gay or lesbian people.

ANNEX B – SCREENING FLOWCHART







Northern
Ireland
Office

NORTHERN IRELAND OFFICE

SECTION 75

EQUALITY SCREENING FORM

November 2018

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.
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.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).

INFORMATION ABOUT THE POLICY

Name of the policy	Non-Jury Trial Provisions under the Justice and Security (Northern Ireland) Act 2007 (referred to as the 2007 Act hereon in)
Is this an existing, revised or new policy?	Existing Policy

<p>What is it trying to achieve (intended aims/outcomes)?</p>	<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 July 2017. The provisions will expire on 31 July 2019 unless they are extended by Order for a further period of two years. The Northern Ireland Office is due to launch a full public consultation seeking views on whether a further extension of the provisions is seen as necessary. The Secretary of State is due to consider responses to this consultation following its conclusion in February 2019. The Secretary of State's decision will be either to extend the provisions or allow them to lapse.</p>
<p>Are there any s75 categories which might be expected to benefit from the intended policy? If so, explain how.</p>	<p>No</p>

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; <u>this will be the sixth extension of the 2007 Act.</u>
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
<p>If yes, are they:</p> <ul style="list-style-type: none"> - financial - legislative - other (please specify) 	<p>Financial:</p> <p>Prior to the last extension of the provisions in 2017, the PSNI indicated that other measures necessary to protect a jury (in the circumstances outlined above) would require significant additional expenditure.</p> <p>Legislative:</p> <p>In his 10th Justice and Security (Northern Ireland) Act 2007 Report David Seymour made recommendations to jury protection measures and suggested "It would be helpful if the PSNI, after consultation with the PPS, could place in the public domain a detailed document explaining the difficulties associated with this option and the reasons why". PSNI reject this recommendation as "It should be a matter for the public prosecutor as to whether the reasons for a non-jury trial are disclosed and to whom."</p>

	PPS reject this proposal and cite “this would be a significant burden on police resource [which is already limited].”
--	---

MAIN STAKEHOLDERS AFFECTED

<p>Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?</p> <ul style="list-style-type: none"> - staff - service users - other public sector organisations - voluntary/community/trade unions - other (please specify) 	<p>Defendants standing trial for indictable offences in Northern Ireland</p> <p>Alleged victims of defendants</p> <p>Public Prosecution Service for Northern Ireland (PPS)</p> <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>
---	--

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 conducted an equality screening in November 2016 and the level of impact was judged to be “Minor” in 2 Section 75 Categories, and “None” in the remaining 7 Section

75 Categories. Therefore the decision was to screen out this policy from requiring an equality impact assessment. There has been no change to the threat level or security situation in Northern Ireland since the previous screening exercise and the numbers of non-jury trials are also similar to 2016 figures. Despite this, we will conduct an equality screening exercise to confirm that there are no adverse impacts on equality of opportunity and/or good relations on Section 75 groups.

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. Both NICTS and PPS indicated that they only hold data on Age and Gender. Recent figures on both categories from 2016 – 17 and provisional figures for 2018 have been considered below.

The NIO has also collated aggregated statistics on the usage of NJT provisions in Northern Ireland in order to inform the consultees. This information includes numbers of NJT Certificates issued between 2007 and 2017 (as well as provisional figures for 2018) and data on number of individuals tried under the NJT provisions in Crown Courts 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 2017, NJT accounted for 0.7% of all Crown Court defendants dealt with in Northern Ireland; in 2015 this figure was 1.8%. 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 rights (right to respect private and family life). Provisional figures in 2018 indicate 1.6% of all Crown Court defendants were dealt by means of a NJT.

In line however with the Secretary of State's commitment at the time of the last extension of the provisions in 2017 following the launch of the upcoming consultation on NJT provisions, NIO officials will carry out engagement with the relevant departments in Northern Ireland to consider before July 2019 to ascertain their views to extend non-jury trial provisions under the 2007 Act.

The NIO has also accessed figures pertaining to a particular aspect of the provisions: specifically the use of the four conditions within the Director of Public Prosecution's (DPP) statutory test. In order to issue a certificate for non – jury trial, the DPP must first suspect that *one or more* of four conditions have been met and must also be *satisfied* that there is a risk that the administration of justice might be impaired if the trial were to be conducted with a jury. These figures have provided further information on how often each of the four conditions have been used in non – jury trials from 2011 - 18. These show that conditions one, two and four have all featured frequently in NJT cases (and have been used in 95, 76 and 64 % of cases respectively) while condition three has been used less so, featuring in just 5% of all cases since 2011. Again due

to the limitations that are associated with the small sample size of NJT cases in NI in general, further analysis of these figures in relation to equality would not be wholly reliable. These figures do however provide a valuable insight into the overall trend of use of the DPP's four statutory conditions and will be provided to the public to further inform their consideration of the consultation.

The Four Conditions in the DPP(NI)'s Statutory Test	
Condition 1	The defendant is, or is an associate of, a person who is a member of a proscribed organisation, or has at any time been a member of an organisation when it was, at that time, a proscribed organisation whose activities are (or were) connected with the affairs of Northern Ireland.
Condition 2	The offence was committed on behalf of such a proscribed organisation, or such a proscribed organisation was otherwise involved.
Condition 3	An attempt has been made by, or involving, a proscribed organisation, whose activities are (or were) connected with Northern Ireland, to prejudice the investigation or prosecution.
Condition 4	The offence was committed as a result of, or in connection with, religious or political hostility.

Prior to the last extension of the NJT provisions, in March 2017 the Secretary of State conducted a **public** consultation on the NJT provisions which resulted in 10 responses from a range of stakeholders who provided qualitative information and evidence relating to the use and impact of NJT provisions in Northern Ireland. Responses included those from the NI Policing Board, Crown Solicitor's Office, NI Justice Minister, Liberty, Director of the Public Prosecution Service, the NI Human Rights Commission, PSNI, David Seymour, Independent Reviewer of the JSA 2007, The Bar of Northern Ireland, Lord Chief Justice.

Section 75 category	Details of evidence/information
Religious belief	No data
Political opinion	In response to the 2017 consultation on whether to extend the NJT provisions, information provided by the PSNI revealed the potential risk to the administration of justice posed by a range of proscribed organisations, but in particular, dissident republican and loyalist paramilitary groupings. At this time, the PSNI provided evidence that NJT provisions continue to be sought (and are of significance) 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 the Crown Court under the NJT provisions from 2016 – 2017.</p> <p>18 – 24 years = 3 Defendants 25 – 34 years = 11 Defendants 35 – 44 years = 18 Defendants 45 – 54 years = 17 Defendants 55+ years = 9 Defendants</p> <p>No single age category was disproportionately affected over this two year period. These figures were provided by Northern Ireland Courts & Tribunal Service. The highest percentage of prosecutions at the Crown Court were brought against defendants from the 35 – 44 year old age group (10%).</p> <p>2018 figures have been requested from NICTS, however NICTS have the numbers are that low this may risk identifying the defendants if the figures for 2018 were released.</p>
Marital status	No data
Sexual orientation	No data
Men and women generally	<p>At the request of NIO, NICTS provided gender breakdown statistics for Defendants received in the Crown Court under the NJT provisions from 2016 – 2017:</p> <p>Male = 57 Defendants Female = 1 Defendants</p> <p>While there was a much higher proportion of males to females received in the Crown court under NJT provisions from 2016 – 2017 (with provisional figures for 2016) this is again in line with wider criminal justice trends.</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 high 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 intimidation 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 intimidation 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. Indeed, condition four within the DPP's statutory test relates to whether the offence itself was committed <i>as a result of, or in connection with, religious or political hostility.</i> Recent figures released on this have indicated that since 2011, the DPP has suspected that this condition</p>

		<p>has been met in 66% of all NJT cases.</p> <p>The provisions therefore can serve an important protective function, safeguarding the defendants, witness and jurors against any potential discrimination related to religious belief.</p> <p>When the provisions were last extended in July 2017, the policy was judged to be necessary, proportionate and valid in the context of Northern Ireland. This is still the case with a renewal in 2019.</p>
<p>Political opinion</p>	<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><i>Continuity Army Council</i> <i>Cumann na mBan</i> <i>Fianna na hEireann</i> <i>Irish National Liberation Army</i> <i>Irish People's Liberation Organisation</i> <i>Irish Republican Army</i> <i>Loyalist Volunteer Force</i> <i>Red Hand Commando</i> <i>Red Hand Defenders</i> <i>Saor Eire</i> <i>Ulster Defence Association</i> <i>Ulster Freedom Fighters</i> <i>Ulster Volunteer Force</i></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</p>

	<p>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>defendant being subject to bias from jurors who hold different political affiliations.</p> <p>Three out of four of the conditions contained within the DPP's statutory test relate to the extent to which the defendant is involved (or has been involved) with a proscribed organisation, as well as the extent to which a proscribed organisation has been involved with the case.</p> <p>When the provisions were extended in 2017, the policy was judged to be necessary, proportionate and valid in the context of Northern Ireland.</p>
Racial group	N/A	None. The policy is has no bearing in terms of its likely impact on equality of opportunity or good relations for people within this categories.
Age	N/A	None. The policy is has no bearing in terms of its likely impact on equality of opportunity or

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

		of opportunity or good relations for people within this categories.
--	--	---

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	N/A	
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 would improve the equality monitoring and safeguard against any future disproportionate impact.</p> <p>Prior to the 2019 expiry of the NJT renewals, NIO officials will therefore engage with relevant departments in Northern Ireland to consider how we may – before July 2019 - improve the monitoring of the non-jury trial system’s impact on equality, in respect of public authorities’ statutory obligation to have due regard to the need to promote equality of opportunity and good relations between various groups of people across the community in Northern Ireland.</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
--	--	--

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

1 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 NIO will revisit the decision to not conduct an equality impact assessment, following the conclusion of the public consultation, to ensure the original assumptions remain accurate in light of any further evidence provided on the matter.

Prior to the 2019 expiry of the NJT renewals however, NIO officials will also engage with relevant departments in Northern Ireland to consider how we may – before July 2019 – improve the monitoring the non – jury trial system’s impact on equality, in respect of public authorities’ statutory obligation to have due regard to the need to promote equality of opportunity and good relations between various groups of people across the community in Northern Ireland.

The Secretary of State will be provided with the full responses from the public consultation, including views for and against the provisions. If the Secretary of State decides to extend the provisions, officials shall recommend 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 in practice it also 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.

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

The NIO will revisit the decision to not conduct an equality impact assessment, following the conclusion of the public consultation, to ensure the original assumptions remain accurate in light of any further evidence provided on the matter.

19

Prior to the 2019 expiry of the NJT renewals however, NIO officials will also engage with relevant departments in Northern Ireland to consider how we may – before July 2019 – improve the monitoring the non – jury trial system’s impact on equality, in respect of public authorities’ statutory obligation to have due regard to the need to promote equality of opportunity and good relations between various groups of people across the community in Northern Ireland.

The Secretary of State will be provided with the full responses from the public consultation, including views for and against the provisions. If the Secretary of State decides to extend the provisions, officials shall recommend 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 in practice if it also 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.

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”.

1 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 NIO will revisit the decision to not conduct an equality impact assessment, following the conclusion of the public consultation, to ensure the original assumptions remain accurate in light of any further evidence provided on the matter.

Prior to the 2019 expiry of the NJT renewals however, NIO officials will also engage with relevant departments in Northern Ireland to consider how we may – before July 2019 – improve the monitoring the non – jury trial system’s impact on equality, in respect of public authorities’ statutory obligation to have due regard to the need to promote equality of opportunity and good relations between various groups of people across the community in Northern Ireland.

The Secretary of State will be provided with the full responses from the public consultation, including views for and against the provisions. If the Secretary of State decides to extend the provisions, officials shall recommend 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 in practice if it also 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.

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	1
Social need	1
Effect on people’s daily lives	1
Relevance to the NIO’s functions	1
Total rating score (total of 12)	4

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?

Yes

If yes, please provide details.

Currently the UK is exiting the European Union (EU), documents relating to NJT's will have to be submitted post 29 March 2019 (after the UK leaves the EU).

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 NSPS SPG
Grade/Branch/Group:	National Security Policy & Strategy Team Band C
Date:	06 November 2018
Approved by Deputy Director:	
Date:	

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

Policy Scoping
Policy
Available Data

