



Northern
Ireland
Office

SECTION 75
EQUALITY SCREENING FORM

November 2016

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 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	Northern Ireland Office approach to supporting the new US Envoy on Northern Ireland.
Is this an existing, revised or new policy?	This is a new internal policy following the appointment of a US Envoy by the Secretary of State for Northern Ireland.
What is it trying to achieve (intended aims/outcomes)?	This policy is intended to support the Secretary of State for Northern Ireland's direct appointment of Trevor Ringland as the UK Government's Envoy to the United States on Northern Ireland. The Envoy post reflects the Secretary of State's enduring commitment to the peace, prosperity and stability of Northern Ireland, and will support the Secretary of State's vision for Northern Ireland as an excellent place to live, work and do business.
Are there any s75 categories which might be expected to benefit from the intended policy? If so, explain how.	No, the policy simply sets out the Northern Ireland Office's approach to providing resources and administrative support.
Who initiated or wrote the policy?	The Envoy post is a UK Government direct appointment announced by the Secretary of State for Northern Ireland with the full support of the Prime Minister. The Northern Ireland Office is now responsible for providing resources and administrative support.
Who owns and who implements the policy?	The Northern Ireland Office will provide the Envoy with administrative support to facilitate their role.

IMPLEMENTATION FACTORS

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?	Yes.
If yes, are they: <ul style="list-style-type: none"> - financial - legislative - other (please specify) 	Ineffective financial support will impact on the ability of the Envoy to fulfill the functions expected by Ministers.

MAIN STAKEHOLDERS AFFECTED

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? <ul style="list-style-type: none"> - staff - service users - other public sector organisations - voluntary/community/trade unions - other (please specify) 	<ul style="list-style-type: none"> - US political and business stakeholders with an interest in Northern Ireland; - The business sector and interested parties in Northern Ireland who may benefit from the Envoy's engagement, which could lead to increased economic activity between Northern Ireland and the United States.

OTHER POLICIES WITH A BEARING ON THIS POLICY

What are they?	<ul style="list-style-type: none"> ● UK Government policies on prosperity (for instance delivery of economic commitments under New Decade, New Approach; New Deal for Northern Ireland; City Growth Deals); ● The UK Government's approach to foreign policy more generally; ● Management of public money, which will have a bearing on the financial support the Northern Ireland Office allocates to support for the Envoy.
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Who owns them?	For prosperity policies, a mix of the UK Government and Northern Ireland Executive. Foreign policy is led by the UK Government.
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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	No impacts are expected on this group from the proposed policy which merely sets out how resources will be provided.
Political opinion	No impacts are expected on this group from the proposed policy which merely sets out how resources will be provided.
Racial group	No impacts are expected on this group from the proposed policy which merely sets out how resources will be provided.
Age	No impacts are expected on this group from the proposed policy which merely sets out how resources will be provided.
Marital status	No impacts are expected on this group from the proposed policy which merely sets out how resources will be provided.
Sexual orientation	No impacts are expected on this group from the proposed policy which merely sets out how resources will be provided.
Men and women generally	No impacts are expected on this group from the proposed policy which merely sets out how resources will be provided.
Disability	No impacts are expected on this group from the proposed policy which merely sets out how resources will be provided.
Dependants	No impacts are expected on this group from the proposed policy which merely sets out how resources will be provided.

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	No needs, experiences or priorities have been identified for this group in relation to this policy.
Political opinion	No needs, experiences or priorities have been identified for this group in relation to this policy.
Racial group	No needs, experiences or priorities have been identified for this group in relation to this policy.
Age	No needs, experiences or priorities have been identified for this group in relation to this policy.
Marital status	No needs, experiences or priorities have been identified for this group in relation to this policy.
Sexual orientation	No needs, experiences or priorities have been identified for this group in relation to this policy.
Men and women generally	No needs, experiences or priorities have been identified for this group in relation to this policy.
Disability	No needs, experiences or priorities have been identified for this group in relation to this policy.
Dependants	No needs, experiences or priorities have been identified for this group in relation to this 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	No likely impact on equality of opportunity has been identified for this category.	None.
Political opinion	No likely impact on equality of opportunity has been identified for this category.	None.
Racial group	No likely impact on equality of opportunity has been identified for this category.	None.
Age	No likely impact on equality of opportunity has been identified for this category.	None.
Marital status	No likely impact on equality of opportunity has been identified for this category.	None.
Sexual orientation	No likely impact on equality of opportunity has been identified for this category.	None.
Men and women generally	No likely impact on equality of opportunity has been identified for this category.	None.
Disability	No likely impact on equality of opportunity has been identified for this category.	None.
Dependants	No likely impact on equality of opportunity has been identified for this category.	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 opportunities have been identified.	No opportunities have been identified for this category.
Political opinion	No opportunities have been identified.	The Northern Ireland Office's support for the Envoy will ensure a balanced account of views in Northern Ireland to support the Envoy in delivering for all communities in Northern Ireland.
Racial group	No opportunities have been identified.	No opportunities have been identified for this category.
Age	No opportunities have been identified.	No opportunities have been identified for this category.
Marital status	No opportunities have been identified.	No opportunities have been identified for this category.
Sexual orientation	No opportunities have been identified.	No opportunities have been identified for this category.
Men and women generally	No opportunities have been identified.	No opportunities have been identified for this category.
Disability	No opportunities have been identified.	No opportunities have been identified for this category.
Dependants	No opportunities have been identified.	No opportunities have been identified for this category.

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	No impact identified.	None.
Political opinion	We note that the Envoy's activities and background may receive different receptions across persons of different political opinion in Northern Ireland, which may impact on good relations within this category. However, the Northern Ireland Office's support will remain non-discriminatory of political opinion.	None.
Racial group	No impact identified.	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 opportunities have been identified for this category.
Political opinion	The Northern Ireland Office's support for the Envoy will remain non-discriminatory of political opinion and promote good relations across people of different political opinion.	
Racial group		No opportunities have been identified for this category.

ADDITIONAL CONSIDERATIONS

Multiple identity

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

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

None identified.

PART 3 – SCREENING DECISION

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

We do not deem it necessary to conduct an equality impact assessment in relation to this policy, as the conclusions in respect of all Section 75 equality and good relations categories are “none”. Where the potential for the role of the Special Envoy to impact on good relations between people of different political opinion has been acknowledged, the Northern Ireland Office will seek to mitigate any impact by maintaining balance across all support for the Envoy, and continually monitoring reactions to the Envoy’s activities among different Section 75 groups.

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.

N/a.

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	N/a.
Social need	N/a.
Effect on people’s daily lives	N/a.
Relevance to the NIO’s functions	N/a.
Total rating score (total of 12)	N/a.

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?

N/a.

If yes, please provide details.

N/a.

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:	██████████
Grade/Branch/Group:	██████████, Political Affairs Group
Date:	22 June 2021
Approved by Deputy Director:	Paul Flynn
Date:	22 June 2021

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

