



Northern
Ireland
Office

SECTION 75

EQUALITY SCREENING FORM

July 2021

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	Hybrid Working
Is this an existing, revised or new policy?	This is a new approach to ways of working across the HCS. It is not a contractual change but a CSHR initiative in support of the UK government's approach to to introduce more flexible working as we emerge from the covid 19 pandemic. Staff were advised during the pandemic to work from home if possible.
What is it trying to achieve (intended aims/outcomes)?	Provides a framework and guidance for hybrid working whereby the majority of staff will spend a percentage of time working in the office and a percentage working from home. CSHR definition: <ul style="list-style-type: none"> Hybrid – the majority of Civil Servants, spending a balance of time in the office and at home
Are there any s75 categories which might be expected to benefit from the intended policy? If so, explain how.	No
Who initiated or wrote the policy?	Civil Service HR
Who owns and who implements the policy?	Civil Service HR and NIO

IMPLEMENTATION FACTORS

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?	Everyone will benefit from greater flexibility over how, when and where they work.
If yes, are they:	Work-life balance

<ul style="list-style-type: none"> - financial - legislative - other (please specify) 	
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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>The policy is limited to people working in the organisation and shouldn't adversely impact on NIO stakeholders.</p>
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OTHER POLICIES WITH A BEARING ON THIS POLICY

<p>What are they?</p>	<p>Recruitment policy Wellbeing Policy Managing Performance</p>
<p>Who owns them?</p>	<p>MOJ</p>

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	HR data: 32% of staff have declared as Christian; 2.5% are other faith (including Buddhist and Muslim); 22% have no religion or belief																				
Political opinion	None held																				
Racial group	HR data: 2.6% of staff have declared as BAME																				
Age	<p>HR data: (latest data held)</p> <p>Diversity Data April 21 - Age</p> <table border="1"> <caption>Diversity Data April 21 - Age</caption> <thead> <tr> <th>Age Group</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Age between 20 and 24</td> <td>2.6%</td> </tr> <tr> <td>Age between 25 and 29</td> <td>15.0%</td> </tr> <tr> <td>Age between 30 and 34</td> <td>19.0%</td> </tr> <tr> <td>Age between 35 and 39</td> <td>15.7%</td> </tr> <tr> <td>Age between 40 and 44</td> <td>6.5%</td> </tr> <tr> <td>Age between 45 and 49</td> <td>8.5%</td> </tr> <tr> <td>Age between 50 and 54</td> <td>15.0%</td> </tr> <tr> <td>Age between 55 and 59</td> <td>13.7%</td> </tr> <tr> <td>Age between 60 and 64</td> <td>3.9%</td> </tr> </tbody> </table>	Age Group	Percentage	Age between 20 and 24	2.6%	Age between 25 and 29	15.0%	Age between 30 and 34	19.0%	Age between 35 and 39	15.7%	Age between 40 and 44	6.5%	Age between 45 and 49	8.5%	Age between 50 and 54	15.0%	Age between 55 and 59	13.7%	Age between 60 and 64	3.9%
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Marital status	HR data: 46% of staff are married or in a civil partnership;																				

	8% are living together; 39% are single/ widowed/ divorced/ separated
Sexual orientation	HR data: 54% have declared as heterosexual; 4% are LGBTQ; the remainder have not declared or prefer not to say
Men and women generally	HR data: 59% of staff are female and 41% are male
Disability	HR data: 7% of staff have declared as disabled; 53% are not disabled; 7% prefer not to say
Dependants	None held

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 specific needs or potential adverse impacts have been identified. Feedback from surveys and other forums have not identified any trends or patterns that indicate that any groups would be specifically affected.
Political opinion	No specific needs or potential adverse impacts have been identified
Racial group	No specific needs or potential adverse impacts have been identified. We acknowledge that it has been noted publicly that not all different ethnic groups have more broadly had a consistent experience of covid (eg, higher fatality rates amongst some BAME communities, for instance) - however at the NIO we haven't had identified to us any diverging experience based on ethnicity, and the same goes for the discussions about return to office. Therefore on this basis we do not consider there to be a particular

	need/experience/priorities regarding hybrid working that are specific to staff from differing ethnic backgrounds.
Age	No specific needs or potential adverse impacts have been identified. No trends or specific issues have been highlighted to us throughout COVID by any specific age group, though we note that older staff may be more likely to have caring or childcare responsibilities. However, prior to March 2020 all staff worked predominantly in the office, and hybrid working will create additional flexibilities for staff to support their work-life balance and personal circumstances; therefore we are not aware of particular needs/priorities here relating to age that might to be considered.
Marital status	No specific needs or potential adverse impacts have been identified
Sexual orientation	No specific needs or potential adverse impacts have been identified
Men and women generally	No specific needs or potential adverse impacts have been identified
Disability	No specific needs or potential adverse impacts have been identified. Considering broadly, we note that staff with disabilities may have found it easier to WFH because of e.g. commuting etc; although note we have not any formal representation on this.. Staff are supported with reasonable adjustments for home and office working, as is already the case. Hence we do not consider this a category which requires further consideration.
Dependants	<p>No specific needs or potential adverse impacts have been identified. Hybrid working may impact parents and carers differently to those without dependents - potentially either positively or negatively depending on individual circumstances. For example, we note that some parents may have found not commuting to an office easier to manage childcare and hence consider returning to office working will impact them; conversely some parents have found it difficult to work from home with children/dependents/wider family, for instance).</p> <p>However, prior to March 2020 all of our staff worked predominantly from the office, including those with dependents. Working from home during Covid was directed due to the pandemic, in line with official guidance. Therefore we consider this new hybrid working approach a part of a return to a new blended way of working.</p>

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		None
Political opinion		None
Racial group		None
Age		None
Marital status		None
Sexual orientation		None
Men and women generally		None
Disability	The policy should not adversely affect opportunities for staff with disabilities; hybrid working allows for greater flexibility over when and where staff work.	None
Dependants	The policy should not adversely affect opportunities for staff with dependents; hybrid working allows for greater flexibility over when and where staff work.	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		There are no opportunities within the policy to promote equality of opportunity, but it will have no adverse impact on any of the Section 75 categories
Political opinion		There are no opportunities within the policy to promote equality of opportunity, but it will have no adverse impact on any of the Section 75 categories
Racial group		There are no opportunities within the policy to promote equality of opportunity, but it will have no adverse impact on any of the Section 75 categories
Age		There are no opportunities within the policy to promote equality of opportunity, but it will have no adverse impact on any of the Section 75 categories
Marital status		There are no opportunities within the policy to promote equality of opportunity, but it will have no adverse impact on any of the Section 75 categories
Sexual orientation		There are no opportunities within the policy to promote equality of opportunity, but it will have no adverse impact on any of the Section 75 categories
Men and women generally		There are no opportunities within the policy to promote equality of opportunity, but it will have no adverse impact on any of the Section 75 categories
Disability		There are no opportunities within the policy to promote equality of opportunity, but it

		will have no adverse impact on any of the Section 75 categories
Dependants		There are no opportunities within the policy to promote equality of opportunity, but it will have no adverse impact on any of the Section 75 categories

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		None
Political opinion		None
Racial group		None

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

Good relations category	If Yes, provide details	If No, provide reasons
Religious belief		No - There are no opportunities within the policy to better promote good relations, but it will have no adverse impact on this Section 75 category
Political opinion		No - There are no opportunities within the policy to better promote good relations, but it will have no adverse impact on this Section 75 category
Racial group		No - There are no opportunities within the policy to better promote good relations, but it will have no adverse impact on this Section 75 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.

N/A

PART 3 – SCREENING DECISION

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

Screened out - the policy will not have any adverse impact on Section 75 categories. This is a government wide policy owned by CSHR.

It will give staff in all S75 groups increased flexibility to balance time working from home and in the office with the option to come into the office if well-being or personal circumstances require that. All teams will have two days in the office and staff have the option of coming in on Fridays in addition.

We will work inclusively by default meaning we will continue to make use of technology that has supported our virtual working during the period since March 2020. Staff meetings will be held by dial-in or video conference to ensure that whether they are working in the office or at home they will have a chance to contribute.

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	
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:	Jackie Atkins
Grade/Branch/Group:	A HR/COG
Date:	7/7/21
Approved by Deputy Director:	Charlotte Goodrich
Date:	7/7/21

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

