



SECTION 75 – THE LEGAL BACKGROUND

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

INTRODUCTION

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

- those who implement the policy;
- staff members from other relevant areas of work; and
- key stakeholders.

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

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

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

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

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

SCREENING DECISIONS

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

- 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).

EQUALITY SCREENING FORM

INFORMATION ABOUT THE POLICY

Name of the policy	Northern Ireland (Executive Formation etc) Bill (2022) - provisions on the exercise of departmental functions
Is this an existing, revised or new policy?	The proposed legislation is new. It is however similar to previous legislation enacted in 2018 (the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018).
What is it trying to achieve (intended aims/outcomes)?	The policy clarifies the capabilities of Northern Ireland Departments to exercise departmental functions in the absence of Northern Ireland Ministers or a NI Executive. The individual policies that emerge from the legislation will be subject to equality screening at the implementation stage by the relevant Northern Ireland Department.
Are there any s75 categories which might be expected to benefit from the intended policy? If so, explain how.	These measures are expected to ensure the continued delivery of public services for all people in Northern Ireland in the absence of a devolved government.
Who initiated or wrote the policy?	The Northern Ireland Office
Who owns and who implements the policy?	The Northern Ireland Civil Service will implement the vast majority of policy decisions to give effect to the Northern Ireland Office owned policy which clarifies the decision making capabilities of Northern Ireland departments in the absence of Executive Ministers.

IMPLEMENTATION FACTORS

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?	It is not possible at this time to predict the Parliamentary passage so there is a possibility that amendments could influence the intended outcomes.
If yes, are they: <ul style="list-style-type: none"> - financial - legislative 	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) 	<ul style="list-style-type: none"> ● Secretary of State for Northern Ireland ● Northern Ireland departments and their ALBs ● Senior officers in NI departments ● NI Audit Office
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OTHER POLICIES WITH A BEARING ON THIS POLICY

<p>What are they?</p>	<p>The Northern Ireland Act 1998.</p> <p>This policy is a temporary intervention and these provisions only apply until an Executive is formed or for 6 months, whichever is shorter. The substantive provisions set out in the Northern Ireland Act 1998 will continue to apply to any future periods during which an Executive must be formed.</p> <p>The Departments (Northern Ireland) Order 1999</p> <p>Again, this policy is a temporary intervention and these provisions only apply until an Executive is formed or for 6 months, whichever is shorter. The substantive provisions set out in the Departments (Northern Ireland) Order 1999 will continue to apply to any future periods during which an Executive must be formed.</p>
<p>Who owns them?</p>	<p>The UK Government (the Northern Ireland Act)</p> <p>The Northern Ireland Assembly (the Departments Order)</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.

The policy clarifies the decision making capabilities of Northern Ireland Departments in the absence of Executive Ministers. The individual policies that emerge from the legislation will be subject to equality screening at the implementation stage by the relevant Northern Ireland Department. As such, it is not possible to screen for equality impacts at this stage.

Section 75 category	Details of evidence/information
Religious belief	There is no identifiable data for the purpose of screening this policy proposal. Northern Ireland departments will need to give this further consideration at the implementation stage.
Political opinion	There is no identifiable data for the purpose of screening this policy proposal. Northern Ireland departments will need to give this further consideration at the implementation stage.
Racial group	There is no identifiable data for the purpose of screening this policy proposal. Northern Ireland departments will need to give this further consideration at the implementation stage.
Age	There is no identifiable data for the purpose of screening this policy proposal. Northern Ireland departments will need to give this further consideration at the implementation stage.
Marital status	There is no identifiable data for the purpose of screening this policy proposal. Northern Ireland departments will need to give this further consideration at the implementation stage.
Sexual orientation	There is no identifiable data for the purpose of screening this policy proposal. Northern Ireland departments will need to give this further consideration at the implementation stage.
Men and women generally	There is no identifiable data for the purpose of screening this policy proposal. Northern Ireland departments will need to give this further consideration at the implementation stage.
Disability	There is no identifiable data for the purpose of screening this policy proposal. Northern Ireland departments will need to give this further consideration at the implementation stage.
Dependants	There is no identifiable data for the purpose of screening this

	policy proposal. Northern Ireland departments will need to give this further consideration at the implementation stage.
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NEEDS, EXPERIENCES AND PRIORITIES

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

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

PART 2 – SCREENING QUESTIONS

INTRODUCTION

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

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

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

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

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

IN FAVOUR OF A ‘MAJOR’ IMPACT

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

IN FAVOUR OF 'MINOR' IMPACT

- a. The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b. The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c. Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d. By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

IN FAVOUR OF NONE

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

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

SCREENING QUESTIONS

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

Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group.	None
Political opinion	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group.	None
Racial group	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group.	None
Age	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group.	None
Marital status	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group.	None
Sexual orientation	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group.	None
Men and women generally	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group.	None
Disability	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group.	None
Dependants	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group.	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, the measures are intended only to provide NI Civil Servants with clarity on if and when they should be taking decisions and exercising their departments' functions.
Political opinion		No, the measures are intended only to provide NI Civil Servants with clarity on if and when they should be taking decisions and exercising their departments' functions.
Racial group		No, the measures are intended only to provide NI Civil Servants with clarity on if and when they should be taking decisions and exercising their departments' functions.
Age		No, the measures are intended only to provide NI Civil Servants with clarity on if and when they should be taking decisions and exercising their departments' functions.
Marital status		No, the measures are intended only to provide NI Civil Servants with clarity on if and when they should be taking decisions and exercising their departments' functions.
Sexual orientation		No, the measures are intended only to provide NI Civil Servants with clarity on if and when they should be taking decisions and exercising their departments' functions.
Men and women generally		No, the measures are intended only to provide NI Civil Servants with clarity on if and when they should be taking decisions and exercising their departments' functions.
Disability		No, the measures are intended only to provide NI Civil Servants with clarity on if and when they should be taking decisions and exercising their departments' functions.

Dependants		No, the measures are intended only to provide NI Civil Servants with clarity on if and when they should be taking decisions and exercising their departments' functions.
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3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? (minor/major/none)

Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	We do not consider there to be a likely impact on good relations between people of different religious belief	None
Political opinion	We do not consider there to be a likely impact on good relations between people of different political opinion.	None
Racial group	We do not consider there to be a likely impact on good relations between people of different racial group.	None

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

Good relations category	If Yes, provide details	If No, provide reasons
Religious belief		No, the measures are intended only to provide NI Civil Servants with clarity on if and when they should be taking decisions and exercising their departments' functions
Political opinion		No, the measures are intended only to provide NI Civil Servants with clarity on if and when they should be taking decisions and exercising their departments' functions
Racial group		No, the measures are intended only to provide NI Civil Servants with clarity on if and when they should be taking decisions and exercising their departments' functions

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.

This policy is only to provide NI Civil Servants with clarity on if and when they should be taking decisions and exercising their departments' functions, and will therefore not have any adverse impacts on equality of opportunity and/or good relations. The individual policies that emerge from the legislation will be subject to equality screening at the implementation stage by the relevant Northern Ireland Department.

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.

Further mitigations or alternative policies are not applicable.

The policy clarifies the capabilities for Northern Ireland Departments to exercise functions in the absence of Executive Ministers. The individual policies that emerge from the legislation at the direction of those departments will be subject to equality screening at the implementation stage by the relevant NICS department.

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

Not applicable.

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

MITIGATION

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

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the reasons to support your decision, together with the proposed changes/amendments or alternative policy.

The Bill may be amended during the Parliamentary passage but given the limited remit of the legislation we have not identified alternative policies that could promote equality of opportunity or good relations.

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?

The legislation is intended to be a temporary measure to ensure that governance is maintained in Northern Ireland and will enable NI Departments to continue to deliver services to all the people of Northern Ireland in line with their functions.

If yes, please provide details.

Not applicable.

PART 4 – MONITORING

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

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

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

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PART 5 - APPROVAL AND AUTHORISATION

Screened by:	██████████
Grade/Branch/Group:	SEO/ Strategy Unit
Date:	November 2022
Approved by Deputy Director:	Máire Cairns
Date:	11 November 2022

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

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

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

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

Sexual orientation

Bisexual people; heterosexual people; gay or lesbian people.

ANNEX B – SCREENING FLOWCHART

