



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 MLA Pay.
Is this an existing, revised or new policy?	This proposed legislation is similar to previous legislation enacted in the Assembly Members (Pay) Act 2018.
What is it trying to achieve (intended aims/outcomes)?	The policy enables the Secretary of State to amend the salaries and expenses payable to MLAs when the Assembly is not sitting.
Are there any s75 categories which might be expected to benefit from the intended policy? If so, explain how.	The legislation will simply transfer powers to the Secretary of State, therefore, the proposals will have no impact on s75 categories. Should the Secretary of State decide to exercise these powers then the screening will be revisited to consider potential impacts from implementing the powers.
Who initiated or wrote the policy?	The Northern Ireland Office
Who owns and who implements the policy?	The Secretary of State for Northern Ireland will own and implement the policy.

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 - other (please specify) 	Legislative Financial

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 • Members of the Legislative Assembly • Staff of Members of the Legislative Assembly and the Northern Ireland Assembly Commission
--	---

OTHER POLICIES WITH A BEARING ON THIS POLICY

<p>What are they?</p>	<p>The Northern Ireland Act 1998.</p> <p>The substantive provisions set out in the Northern Ireland Act 1998 will continue to apply to any future periods during which the Assembly is sitting.</p>
<p>Who owns them?</p>	<p>The UK Government</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 Secretary of State for Northern Ireland will own and implement the policy which will give him the ability to make determinations on MLA pay and allowances during periods when the Assembly is not sitting (because it has failed to elect a speaker).

Further equality screening may be necessary should the Secretary of State exercise the powers to make a determination on MLA pay and allowances.

Section 75 category	Details of evidence/information
---------------------	---------------------------------

Religious belief	The religious belief of several MLAs is recorded on the Official Record of the Northern Ireland Assembly (Hansard) and has also been reported in the press. This evidence indicates that a majority of MLAs fall into the 'Protestant' or 'Roman Catholic' groups, as well as a smaller number who have indicated that they have no religious belief. The religious belief of a significant number of MLAs is unknown. There is no identifiable data to accurately indicate the religious belief of every MLA.
Political opinion	Sinn Fein - 27 DUP - 25 Alliance - 17 UUP - 9 SDLP - 8 TUV - 1 People Before Profit - 1 Other (independent Unionist) - 2
Racial group	0 MLAs from minority ethnic groups
Age	While it is known that the youngest serving MLAs are in the 20-24 age category and several of the oldest are in the 65+ age category there is no identifiable data to indicate the exact age of every MLA.
Marital status	The marital status of several MLAs is recorded on the Official Record of the Northern Ireland Assembly (Hansard) and has also been reported in the press. This indicates that multiple MLAs fall under the groups 'married', 'single' and 'divorced'. However there is no consistent data to indicate the marital status of every MLA.
Sexual orientation	The sexual orientation of several MLAs has been reported in press interviews. These indicate that a small number of MLAs fall into a range of sexual orientation groups. However there is no identifiable data to indicate the sexual orientation of every MLA.
Men and women generally	Male MLAs - 58, Female MLAs - 32
Disability	While it is known that a small number of MLAs have a disability there is no identifiable data to indicate the exact number.
Dependants	While it is known that a significant number of MLAs have dependents there is no identifiable data to indicate the exact number.

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 as the legislation provisions merely confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
Political opinion	None identified as the legislation provisions merely confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
Racial group	None identified as the legislation provisions merely confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
Age	None identified as the legislation provisions merely confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
Marital status	None identified as the legislation provisions merely confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
Sexual orientation	None identified as the legislation provisions merely confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
Men and women generally	None identified as the legislation provisions merely confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
Disability	None identified as the legislation provisions merely confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.

Dependants	None identified as the legislation provisions merely confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
------------	---

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 as this policy merely confers a power.	None
Political opinion	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group as this policy merely confers a power.	None
Racial group	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group as this policy merely confers a power.	None
Age	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group as this policy merely confers a power.	None
Marital status	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group as this policy merely confers a power.	None
Sexual orientation	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group as this policy merely confers a power.	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 as this policy merely confers a power.	None
Disability	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group as this policy merely confers a power.	None
Dependants	We do not consider there to be a likely impact on equality of opportunity for those of this Section 75 group as this policy merely confers a power.	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 legislative provisions simply confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
Political opinion		No, the legislative provisions simply confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
Racial group		No, the legislative provisions simply confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
Age		No, the legislative provisions simply confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
Marital status		No, the legislative provisions simply confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
Sexual orientation		No, the legislative provisions simply confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
Men and women generally		No, the legislative provisions simply confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
Disability		No, the legislative provisions simply confer powers on the Secretary of State, aside from

		clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.
Dependants		No, the legislative provisions simply confer powers on the Secretary of State, aside from clause 10(5) which ensures MLAs' pension provision is not affected as a result of any determination made by the Secretary of State under the powers conferred by this Act.

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	There is likely to be an impact on good relations between people of different political opinions. The exact impact cannot be determined at this stage as this measure merely confers powers on the Secretary of State but does not make a determination.	Minor
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 legislative provisions simply confer powers.
Political opinion		No, the legislative provisions simply confer powers.
Racial group		No, the legislative provisions simply confer powers.

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 as the legislation provisions merely confer powers on the Secretary of State.

PART 3 – SCREENING DECISION

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

Measures enabling the Secretary of State to make a determination in respect of MLA pay and allowances may have financial impacts. Impacts cannot be determined until the Secretary of States decides how he may exercise the powers and further screening will be necessary at that time and before a decision is taken.

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 Bill is a necessary step to ensure public confidence in governance and provide the Secretary of State with the powers to make a determination in respect of MLA pay and allowances in the absence of a fully functioning NI Assembly.

Further mitigations or alternative policies are not applicable.

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 will only apply during any period that the Assembly is not functioning as defined.

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.

--

PART 5 - APPROVAL AND AUTHORISATION

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

