



Northern
Ireland
Office

SECTION 75

EQUALITY SCREENING FORM

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 dependents 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.

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 it 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 section75 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 policy	The Code of Practice (Northern Ireland) for the Authorisation and Exercise of Stop and Search powers relating to Sections 43,43A, 43C, and 47A of, and Schedule 6B to, the Terrorism Act 2000 .
Is this an existing, revised or new policy?	Revised.

<p>What is it trying to achieve (intended aims/objectives)?</p>	<p>The Code of Practice for the Authorisation and Exercise of Stop and Search powers sets out the requirements for the searching of people and vehicles under Sections 43, 43A, 43C, and 47A of, and Schedule 6B to, the Terrorism Act 2000, which was amended by the Police, Crime, Sentencing and Courts Act 2022.</p> <p>The current Code of Practice was last updated in 2012. The proposed amendments shadow the England, Scotland and Wales Code of Practice (where applicable), which was last updated in 2022.</p> <p>The proposed amendments relate to the introduction of Section 43C to the Terrorism Act 2000 allowing for a constable to search a terrorist offender, who has been released on licence (and not recalled) and whose licence includes a search condition.</p> <p>The proposed updates allow for Constables to exercise the power provided they firstly satisfy themselves that it is necessary to do so for purposes connected with protecting members of the public from a risk of terrorism.</p>
<p>Are there any S75 categories which might be expected to benefit from the intended policy? If so, explain how.</p>	<p>No.</p>
<p>Who initiated or wrote the policy?</p>	<p>The Northern Ireland Office (“NIO”).</p>
<p>Who owns and who implements the policy?</p>	<p>The Secretary of State for Northern Ireland and the Northern Ireland Office are responsible for the policy.</p> <p>The Police Service of Northern Ireland (“PSNI”) implements the policy.</p>

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)	Legislative; The Police, Crime, Sentencing and Courts Act 2022 (“PCSC”) gained Royal Assent in April 2022. Section 185 of PCSC amended the Terrorism Act 2000 to add new stop and search powers in respect of terrorist offenders on licence on 28 June 2022. This legislative change to the Terrorism Act 2000 which saw the introduction of a power for a constable to stop and search a person who has been released on licence (and not recalled) and whose licence includes a search condition under s43C. Following this the Home Office reviewed and issued in October 2022 a revised Code of Practice for officers in England, Wales and Scotland ¹ . We are conducting a review of the Northern Ireland version of the Code of Practice for the Authorisation and Exercise of Stop and Search powers which sets out the requirements for the searching of people and vehicles under Sections 43, 43A, 43C, and 47A of, and Schedule 6B to, the Terrorism Act 2000. Officers within Northern Ireland would therefore be aligned with those in the rest of the U.K. in their ability to utilise these powers.

MAIN STAKEHOLDERS AFFECTED

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1113440/Revised_TACT_stop_and_search_code_of_practice_final.pdf

<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"> ● PSNI. ● Persons and vehicles subject to stop and search under the legislation as laid out in sections 43, 43A, 43C, 47A of, and to Schedule 6B to, the Terrorism Act 2000.
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OTHER POLICIES WITH A BEARING ON THIS POLICY

<p>What are they?</p>	<p>Human Rights Act 1998.</p>
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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.

Context

NIO has requested statistical information from the PSNI for persons stopped and searched under TACT 2000, in relation to the Section 75 categories. In response they pointed NIO towards their annual report “Use of Stop and Search Powers by the Police”² in which it indicated that they only hold data on **age and gender**. A further request was made following which PSNI supplied data in relation to **Racial Group** stating that this was not included in the report. They also stated that no other Section 75 information is recorded. The figures on the categories have been considered below.

NIO has ascertained from the Department of Justice (“DOJ”) the current number of persons within Northern Ireland who are on licence for terrorism offences. Of the 46 individuals on licence as at 19 July 2023:

- 22 are in the community; and

²

https://www.psnipolice.uk/sites/default/files/2023-05/PSNI%20Stop%20and%20Search%20Report%20Q4%202022_2023.pdf

- 24 are in custody.

None of those currently on licence, whether in the community or in custody, have the necessary condition in their release licence to allow for a search to be conducted under Section 43C of the Terrorism Act 2000.

Page 15 of the Parole Commissioners Annual Report 2021/22³ shows that only one person was released under Section 20A of the Criminal Justice (Northern Ireland) Order 2008 as a terrorist offender on licence between 2018 and 2022. There was no available data for the years prior nor since.

The provisions will only apply to people who have a current search condition as part of their prison release licence.

PSNI data as supplied indicates that the Terrorism Act 2000 searches account for a very small proportion of the overall number of stop and searches conducted in Northern Ireland. In 2022/23, the Terrorism Act 2000 accounted for 0.385% of all searches within Northern Ireland. Therefore, the sample size for reliable statistical analysis is limited.

Publishing (and potentially collecting) information based on political opinion and religious belief of those subjected to a search, in the context of the small numbers of persons involved per year as part of the Terrorism Act 2000 as a whole and in particular in relation to section 43C of the Terrorism Act 2000 (given its defined parameters), would necessitate careful consideration of an individual's data protection and ECHR Article 8 rights (right to respect private and family life).

Section 75 category	Details of evidence/information
Religious belief	No Data.
Political opinion	No Data.
Racial group	The annual report "Use of Stop and Search Powers by the Police in Northern Ireland 1 April 2022 to 31 March 2023" ⁴ states that of the 23,650 stop and searches conducted the following break down was established:

³<https://www.parolecomni.org.uk/sites/parolecomm/files/Parole%20Commissioners%20Annual%20Report%202021-22%20-%20electronic%20report.PDF>

⁴

https://www.psnipolice.uk/sites/default/files/2023-05/PSNI%20Stop%20and%20Search%20Report%20Q4%202022_2023.pdf

	<p>White 22,257, Irish Traveller 355, Other Ethnic Group 388, Black 242, Asian 194, Mixed 112, Not specified 102.</p> <p>However this is not broken down further in the report. Following a request to PSNI the following data was made available in relation to Racial Groups:</p> <p>Number of persons stopped and searched under S43 / S43A of the Terrorism Act 2000 during April 2022 to March 2023, by ethnicity</p> <table border="1"> <thead> <tr> <th></th> <th>Persons stopped and searched under TACT S43</th> <th>Persons stopped and searched under TACT S43A</th> </tr> </thead> <tbody> <tr> <td>White</td> <td>53</td> <td>35</td> </tr> <tr> <td>Asian</td> <td>2</td> <td>1</td> </tr> <tr> <td>Irish Traveller</td> <td>0</td> <td>0</td> </tr> <tr> <td>Other Ethnic Group</td> <td>0</td> <td>0</td> </tr> <tr> <td>Black</td> <td>0</td> <td>0</td> </tr> <tr> <td>Mixed</td> <td>0</td> <td>0</td> </tr> <tr> <td>Not specified</td> <td>0</td> <td>0</td> </tr> <tr> <td>Total</td> <td>55</td> <td>36</td> </tr> </tbody> </table> <p><i>This information was supplied to NIO following a specific request and did not form part of the 2022/23 PSNI report.</i></p>		Persons stopped and searched under TACT S43	Persons stopped and searched under TACT S43A	White	53	35	Asian	2	1	Irish Traveller	0	0	Other Ethnic Group	0	0	Black	0	0	Mixed	0	0	Not specified	0	0	Total	55	36	
	Persons stopped and searched under TACT S43	Persons stopped and searched under TACT S43A																											
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Other Ethnic Group	0	0																											
Black	0	0																											
Mixed	0	0																											
Not specified	0	0																											
Total	55	36																											
<p>Age</p>	<p>Figures taken from the PSNI's annual report "Use of Stop and Search Powers by the Police in Northern Ireland 1 April 2022 to 31 March 2023"⁵ provides an age specific breakdown of the number of Stop-Search/Questions as below:</p> <table border="1"> <thead> <tr> <th></th> <th>S43</th> <th>S43A</th> <th>S47A</th> </tr> </thead> <tbody> <tr> <td>12 and under</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>13 to 17</td> <td>0</td> <td>1</td> <td>0</td> </tr> <tr> <td>18 to 25</td> <td>10</td> <td>2</td> <td>0</td> </tr> <tr> <td>26 to 35</td> <td>10</td> <td>5</td> <td>0</td> </tr> <tr> <td>36 to 45</td> <td>10</td> <td>5</td> <td>0</td> </tr> <tr> <td>46 to 55</td> <td>15</td> <td>18</td> <td>0</td> </tr> </tbody> </table>		S43	S43A	S47A	12 and under	0	0	0	13 to 17	0	1	0	18 to 25	10	2	0	26 to 35	10	5	0	36 to 45	10	5	0	46 to 55	15	18	0
	S43	S43A	S47A																										
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https://www.psni.police.uk/sites/default/files/2023-05/PSNI%20Stop%20and%20Search%20Report%20Q4%202022_2023.pdf

	56 to 65	6	4	0
	Over 65	4	1	0
Marital status	No Data.			
Sexual orientation	No Data.			
Men and women generally	The annual report “Use of Stop and Search Powers by the Police in Northern Ireland 1 April 2022 to 31 March 2023” ⁶ states that of the 23,650 stop and searches conducted 91 (0.385%) were in relation to sections 43, 43A and 47A of the Terrorism Act 2000 of which 7 (0.296% of total and 7.7% of The Terrorism Act 2000 only) were female the remainder were male. There is no further breakdown as to the number of those on licence within the data.			
Disability	No Data.			
Dependants	No Data.			

NEEDS, EXPERIENCES AND PRIORITIES

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

Section 75 category	Details of needs/experiences/priorities
Religious belief	The revised Code of Practice (Northern Ireland) for the Authorisation and Exercise of Stop and Search powers relating to Sections 43,43A, 43C, and 47A of, and Schedule 6B to, the Terrorism Act 2000 signposts guidance for use of the powers where they are to be exercised on a person who is wearing garments for religious reasons and the considerations to be taken around this process.
Political opinion	None.
Racial group	None.

⁶

https://www.psnl.police.uk/sites/default/files/2023-05/PSNI%20Stop%20and%20Search%20Report%20Q4%202022_2023.pdf

Age	None.
Marital status	None.
Sexual orientation	None.
Men and women generally	The revised Code of Practice (Northern Ireland) for the Authorisation and Exercise of Stop and Search powers relating to Sections 43,43A, 43C, and 47A of, and Schedule 6B to, the Terrorism Act 2000 signposts guidance for use of the powers where they are to be exercised on a person and where more than outer clothing is to be examined/removed, and the considerations to be taken around this process.
Disability	None.
Dependants	None.

PART 2 – SCREENING QUESTIONS

INTRODUCTION

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

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

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

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

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

IN FAVOUR OF A ‘MAJOR’ IMPACT

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

IN FAVOUR OF 'MINOR' IMPACT

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

IN FAVOUR OF NONE

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

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

SCREENING QUESTIONS

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

Context

Section 43C of the Terrorism Act 2000 (“TACT”) is a focused power to be used only on people on licence if the constable is satisfied that it is necessary to do so for purposes connected with protecting members of the public from a risk of terrorism. TACT searches make up a small proportion of overall searches conducted by PSNI in Northern Ireland. In 22/23 out of a total of 23,650 searches in Northern Ireland as highlighted in the PSNI’s annual report “Use of Stop and Search Powers by the Police in Northern Ireland 1 April 2022 to 31 March 2023”, TACT powers were used on 91 occasions. It is therefore likely that these new powers, which will only apply to those with a search condition in their licence, will not be used with a high degree of frequency.

The Independent Reviewer of Terrorism Legislation Jonathan Hall KC in his April 2022 report “Terrorism in Prisons” has stated in section 1.12⁷ that “Terrorism legislation is rightly threat neutral, so it applies equally to Islamist Terrorism, Right Wing Terrorism, Northern-Ireland Related Terrorism, Left, Anarchist and Single Issue Terrorism...”. The Terrorism Act 2000 and the legislation introducing section 43C to the Terrorism Act 2000 has been written to apply to all terrorist threats and is not focused on NIRT.

Furthermore, the Code of Practice for Stop and Search powers used under The Terrorism Act 2000 at section 5.1 states that:

“Powers to stop and search must be used fairly, responsibly, with respect for people being searched and without discrimination on the grounds of religious belief or political opinion, racial group, age, marital status, sexual orientation, gender, disability or whether or not they have dependents. At all times PSNI should have regard to their obligations under sections 75 and 76 of the Northern Ireland Act 1998 (the duties not to discriminate and to promote equality of opportunity and good relations)”.

Moreover, the Code requires that powers must not be used for reasons unconnected with terrorism. It also says that an accurate recording of the stop and search is essential in order to monitor the use of the powers, safeguard against misuse and provide individuals with information about the powers which have been used.

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<https://terrorismlegislationreviewer.independent.gov.uk/wp-content/uploads/2022/04/Terrorism-in-Prisons.pdf>

Safeguards attached to the use by a constable of the powers under Section 43C include;

- The power will only be used when a prisoner is released (and not recalled).
- Their licence includes the relevant search condition.
- The constable must be satisfied that it is necessary to do so for purposes connected with protecting members of the public from a risk of terrorism.
- The constable may conduct the search in any place he or she has access to legally (whether or not it is a place to which the public has access).
- A full record of the search must be made.

Given the small number of prisoners on licence for terrorism offences and the current usage rates for TACT powers the new search power will apply only to a small number of persons and is unlikely to be used frequently.

It is therefore likely that the Code of Practice (Northern Ireland) for the Authorisation and Exercise of Stop and Search powers relating to Sections 43,43A, 43C, and 47A of, and Schedule 6B to, the Terrorism Act 2000, will have no impact on equality of opportunity and/or good relations

Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	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.	None
Political opinion	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.	None
Racial group	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.	None
Age	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.	None

Marital status	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.	None
Sexual orientation	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.	None
Men and women generally	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.	None
Disability	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.	None
Dependants	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.	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	Not Applicable	There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by this update to the existing policy.
Political opinion	Not Applicable	There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by this update to the existing policy.
Racial group	Not Applicable	There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by this update to the existing policy.
Age	Not Applicable	There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by this update to the existing policy.
Marital status	Not Applicable	There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by this update to the existing policy.
Sexual orientation	Not Applicable	There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by this update to the existing policy.

Men and women generally	Not Applicable	There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by this update to the existing policy.
Disability	Not Applicable	There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by this update to the existing policy.
Dependants	Not Applicable	There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by this update to the existing policy.

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? (minor/major/none)

Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	The proposed amendments to the Code of Practice apply equally to all persons to whom the revised Code of Practice applies, following the enactment of section 43C of the Terrorism Act 2000. There is no opportunity to promote good relations within the context of this Code of Practice.	None
Political opinion	The proposed amendments to the Code of Practice apply equally to all persons to whom the revised Code of Practice applies, following the enactment of section 43C of the Terrorism Act 2000. There is no opportunity to promote good relations within the context of this Code of Practice.	None
Racial group	The proposed amendments to the Code of Practice apply equally to all persons to whom the revised Code of Practice applies, following the enactment of section 43C of the Terrorism Act 2000. There is no opportunity to promote good relations within the context of this Code of Practice.	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		The proposed amendments to the Code of Practice apply equally to all persons to be stopped and searched under Section 43, 43A, 43C, and 47A of, and Schedule 6B to, the Terrorism Act 2000. There is no opportunity to promote good relations within

		the context of this Code of Practice.
Political opinion		The proposed amendments to the Code of Practice apply equally to all persons to be searched under Section 43, 43A, 43C, and 47A of, and Schedule 6B to, the Terrorism Act 2000. There is no opportunity to promote good relations within the context of this Code of Practice.
Racial group		The proposed amendments to the Code of Practice apply equally to all persons to be searched under Section 43, 43A, 43C, and 47A of, and Schedule 6B to, the Terrorism Act 2000. There is no opportunity to promote good relations within the context of this Code of Practice.

ADDITIONAL CONSIDERATIONS

Multiple identity

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

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

The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible. There is no additional impact on people with multiple identities.

PART 3 – SCREENING DECISION

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

The level of impact is judged to be None in all Section 75 Categories. Therefore the decision is to screen out this policy from requiring an equality impact assessment.

If the decision is not to conduct an equality impact assessment, you should consider if the policy should be mitigated or an alternative policy be introduced.

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

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.

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. Section 43C of the Terrorism Act 2000 is currently available for Police services within Great Britain to utilise and is contained within the Home Office’s Revised Code of Practice (England, Wales, and Scotland) for the exercise of stop and search powers under sections 43, 43A and 43C of the Terrorism Act 2000, and the authorisation and exercise of stop and search powers relating to section 47A of, and Schedule 6B to, the Terrorism Act 2000⁸. The Code of Practice (Northern Ireland) for the Authorisation and Exercise of Stop and Search powers relating to Sections 43, 43A, and 47A of, and Schedule 6B to, the Terrorism Act 2000, to include guidance on Section 43C of the Terrorism Act 2000 would see PSNI have parity in respect of how to exercise their powers in line with officers in Great Britain.

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.

⁸

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1113440/Revised_TACT_stop_and_search_code_of_practice_final.pdf

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:	John Thompson
Grade/Branch/Group:	Band C/National Security Policy Team/Security & Protection Group
Date:	16/08/2023
Approved by Deputy Director:	James Crawford
Date:	15/09/2023

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	<p>Nationalists generally; Unionists generally; members/supporters of other political parties.</p>
Racial Group	<p>Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; Travellers; White people.</p>
Men and women generally	<p>Men (including boys); Trans-gendered people; Transsexual people; Women (including girls).</p>
Marital Status	<p>Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.</p>
Age	<p>Children and young people; older people.</p>
Persons with a disability	<p>Persons with disabilities as defined by the Disability Discrimination Act 1995.</p>
Persons with dependants	<p>Persons with personal responsibility for the care of a child; care of a person with disability; or the care of a dependant older person.</p>

