



Northern Ireland
Assembly

SECTION 75 SCREENING FORM

This link will take you to a full list of the Section 75 Statutory Equality Duties - <http://www.equalityni.org/S75duties>

The promotion of equality of opportunity entails more than the elimination of discrimination. It may also require proactive measures to be taken to maintain and secure equality of opportunity.

Section 75 (1) requires the Assembly Commission in carrying out its functions, powers and duties 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.

Without prejudice to the obligations set out above, the Commission is also required to:

- a) have regard to the desirability of promoting good relations between persons of different
 - religious belief
 - political opinion; or
 - racial group
- b) meet legislative obligations under the Disability Discrimination Order.

What is a policy?

The Equality Commission for Northern Ireland (ECNI) state in their guidance that the term 'policy' is used to denote any strategy, policy (proposed/amended/existing) or practice and/or decision, whether written or unwritten.

The Commission's Equality Scheme reflects the ECNI's definition of a policy and this should be applied in determining what needs to be screened. The Equality Scheme states:

"In the context of Section 75, 'policy' is very broadly defined and it covers all the ways in which we carry out, or propose to carry out, our functions in relation to Northern Ireland. In respect of this equality scheme, the term policy is used for any (proposed / amended / existing) strategy, policy initiative or practice and/or decision, whether written or unwritten and irrespective of the label given to it, e.g. 'draft', 'pilot', 'high level' or 'sectoral'."

If you are in doubt, please contact the Equality and Good Relations Unit for advice. Equality screening guidance notes are also available on Assist.

Part 1 Policy scoping

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 to 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.

The ECNI, in their 'model equality screening form', note that public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Policy Details

Name of the policy to be screened/description:

Northern Ireland Assembly Commission **Transgender Policy** (to include Guidance for Managers, Guidance for Visitors and other users of Parliament Buildings and Glossary of Terms).

Is this policy an existing, new or revised policy? (Please append policy to screening form)

New Policy

What is it trying to achieve? (brief outline of intended aims/outcomes of the policy)

The Transgender Policy establishes how the Assembly Commission will comply with relevant equality legislation and ensure that transgender staff and building users are treated with respect and provided with appropriate support.

The aim of the policy is to provide support and advice to transgender staff and building users, to outline guidance for staff when approaching transgender issues, and to provide guidance to managers on how to address the needs of transgender staff.

The policy deals specifically with supporting transgender and transitioning staff in the Assembly and provides a structured approach for managers to support staff through their transition. The policy also provides guidance on the provision of assistance and support for visitors and other users of Parliament Buildings.

Are there any of the Section 75 categories which might be expected to benefit from the intended policy/decision? Please explain how.

Under the Section 75 category of 'Men and women generally', the following individuals may be expected to benefit from the implementation of the Transgender Policy:

- Individuals intending to undergo gender reassignment;
- Individuals who are undergoing gender reassignment;
- Individuals who have undergone gender reassignment.

Who initiated or wrote the policy?

The Equality and Good Relations Unit (Human Resources Office)

Directorate responsible for devising and delivering the policy?

Whilst the Corporate Services Directorate is responsible for devising and implementing the policy, practical application of the policy, as necessary, will be by Heads of Business and Managers, with support and guidance from HR staff and the Equality Unit as appropriate.

Was consultation carried out as part of this screening exercise?

Yes

No

Background to the Policy to be screened

Include details of any pre- consultations/consultations which have been conducted and whether the policy has previously been tabled at SMT/ Assembly Commission meetings.

The Gender Action Plan 2019-23, which was approved by the Assembly Commission in April 2019, sets out an action to “Develop a Transgender Policy to address both managing and supporting staff and dealing with visitors to Parliament Buildings”.

A paper on the development of a Transgender Policy was tabled and approved by the Senior Management Team (SMT) which allowed policy development to be initiated.

Internal consultation with Trade Union Side and Assembly Commission staff (including inward secondees and temporary agency workers) was held from 4th to 29th October 2021. As we have no known transgender staff, views (from a staff perspective) of a small number of relevant external groups were also sought. Following changes to the proposed scope of the Policy, further internal consultation took place at the end of 2022.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

Yes

No

If yes, are they

Financial

Legislative

Other, please specify:

Click or tap here to enter text.

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

Staff

- Service users
- Other public sector organisations
- Voluntary/community/trade unions
- Other, please specify

Other users of Parliament Buildings such as contractors.

Other policies with a bearing on this policy

What are these policies and who owns them? Please list:

Dignity at Work Policy

Managing Attendance Policy

Conduct and Discipline Policy

Equality Scheme Complaints Policy

Consideration of available data/research

(This means any data or information you currently hold in relation to the policy or have gathered/generated during policy development). Evidence to inform the screening process may take many forms and should help you to decide who the policy might affect the most. It will also help ensure that your screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? For example, is there any evidence of higher or lower participation or uptake by different groups? Specify details for each of the Section 75 categories.

Section 75 category and details of evidence/information¹

Religious belief

There is no data recorded for the religious beliefs of transgender people in Northern Ireland or Assembly Commission staff.

Political opinion

¹ At the time of completing equality screening and collecting and generating data, the 2021 census data was not available. Therefore, the 2011 census data was used as a comparator. Similarly, as research on the Equality Scheme, Audit of Inequalities and the Good Relations Action Plan was conducted in 2021, Assembly staff data was based on the most up to date data available at the time.

There is no data recorded for the political opinion of transgender people in Northern Ireland or Assembly staff.

Racial group

There is no data recorded for the racial group of transgender people in Northern Ireland or Assembly Commission staff.

Age

There is no data recorded for the age of transgender people in Northern Ireland or Assembly Commission staff.

Marital status

There is no data recorded for the marital status of transgender people in Northern Ireland or Assembly Commission staff.

Sexual orientation

There is no data recorded for the sexual orientation of transgender people in Northern Ireland or Assembly Commission staff.

Men and women generally

HR data as at 1 May 2022.

Breakdown of Permanent Assembly Commission Staff by Gender.

MALE: 176	53% OF STAFF	FEMALE: 158	47% OF STAFF
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GRADE	MALE	FEMALE	TOTAL
1-3	10	5	15
4	13	24	37
5	23	27	50
6	23	37	60
7	42	34	76

8	65	31	96
TOTAL	176	158	334

Quantitative data

The Transgender data outlined below was taken from an **Assembly Commission Section 75 Survey** of Assembly Commission staff and the data was at 31 August 2021. It should be noted that a total of 196 responses were received to the survey representing **60 per cent** of all permanent Assembly Commission staff.

Respondents were asked whether they considered themselves to be transgender. Twenty respondents skipped this question. Of those who answered the question (N = 176), the overwhelming majority (98.9%) said 'no' and two respondents preferred not to say.

TRANSGENDER DATA AS AT 31 AUGUST 2021. (N = 176)

CATEGORY	COUNT	PER CENT (%)
Yes	0	0.0
No	174	98.9
Prefer not to say	2	1.1
Total	176	100.0

Qualitative data

Data arising from the consultation conducted from 4 to 29 October 2021 with Assembly Commission staff (including inward secondees and temporary agency workers) and external consultees indicated issues related to the use of some language and terminology, the importance of staff training and the timeframe for implementation of the policy. Mitigations have been put in place and are outlined in the mitigations section below.

Disability

There is no data recorded for the disability and transgender in Northern Ireland or for Assembly Commission staff.

Dependants

There is no data recorded for the sexual orientation of transgender people in Northern Ireland or Assembly Commission staff.

Current Assessment of Impact

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? and what is the actual or likely impact on equality of opportunity for those affected by the policy. **(See appendix 1 for information on levels of impact).**

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

Section 75 category

Religious belief

Needs/experiences/priorities/impacts:

Impact Level: None

Political opinion

Needs/experiences/priorities/impacts: Click or tap here to enter text.

Impact Level: None

Racial group

Needs/experiences/priorities/impacts: Click or tap here to enter text.

Impact Level: None

Age

Needs/experiences/priorities/impacts:

Impact Level: None

Marital status

Needs/experiences/priorities/impacts: .

Impact Level: None

Sexual orientation

Needs/experiences/priorities/impacts: Click or tap here to enter text.

Impact Level: None

Men and women

Needs/experiences/priorities/impacts: Consultation responses in relation to the policy were positive with the need for training for staff and Managers highlighted to allow for proper and effective implementation of the policy.

Impact Level: Minor Impact

Disability

Needs/experiences/priorities/impacts:

Impact Level: None

Dependants

Needs/experiences/priorities/impacts: Click or tap here to enter text.

Impact Level: None

If you do not have enough data to tell you about potential or actual impacts, you may need to generate more data to distinguish what groups are potentially affected by your policy.

Part 2 Screening Questions

What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?

Section 75 category

Religious belief

Issues: None

Impact Level: None

Political opinion

Issues: None.

Impact Level: None

Racial group

Issues: As above..

Impact Level: None

Age

Issues: As above.

Impact Level: None

Marital status

Issues: As above.

Impact Level: None

Sexual orientation

Issues: As above.

Impact Level: None

Men and women generally

Issues: As Above

Impact Level: Minor Impact

Disability

Issues: None

Impact Level: None

Dependants

Issues: As Above

Impact Level: None

Are there any actions which could be taken to reduce or mitigate any adverse impact which has been identified or opportunities to better promote equality of opportunity for people within the section 75 categories?

Section 75 category

Religious belief

Issue:

Impact Level:None

Political opinion

Issue:

Impact Level:None

Racial group

Issue:

Impact Level:None

Age

Issue:

Impact Level:None

Marital status

Issue:

Impact Level:None

Sexual orientation

Issue:

Impact Level:None

Men and women generally

Issue: Overall it is anticipated that the policy will have a positive impact on promoting equality of opportunity and reducing any possible inequalities experienced by transgender Assembly Commission staff and visitors to Parliament Buildings. As raised by consultees, changes to language and terminology in the policy have been made, training will be scheduled for all staff and when the policy is due to be implemented this will be communicated to all staff and placed on the Assembly's intranet. Guidance for visitors will be made available on the Assembly website.

Impact Level: Minor Impact

Disability

Issue:

Impact Level: None

Dependants

Issue:

Impact Level: None

To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?

Good relations category

Religious belief

Details of policy Impact: This policy is not likely to have any impacts on good relations between people of different religious belief, political opinion or racial group.
Impact Level: None

Political opinion

Details of policy Impact: This policy is not likely to have any impacts on good relations between people of different religious belief, political opinion or racial group.
Impact Level: None

Racial group

Details of policy Impact: This policy is not likely to have any impacts on good relations between people of different religious belief, political opinion or racial group.

Impact Level:None

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

Section 75 category

Religious belief

If Yes, provide details: [Click or tap here to enter text.](#)

If No, provide reasons: Section 75 (2) is not directly applicable to the Transgender Policy.

Political opinion

If Yes, provide details: [Click or tap here to enter text.](#)

If No, provide reasons: Section 75 (2) is not directly applicable to the Transgender Policy.

Racial group

If Yes, provide details: [Click or tap here to enter text.](#)

If No, provide reasons: Section 75 (2) is not directly applicable to the Transgender Policy.

Consultation

Tell us about who you have talked to about your proposals, either internally or externally and who you have formally or informally consulted, to help you decide if the policy needs further equality investigation?

Pre-consultation: In late 2020, as part of the research phase of policy development, the Equality Unit engaged with the Assembly's Gender Action Plan Implementation Group, Trade Union Side, the ECNI and a number of relevant stakeholder organisations.

Internal consultation with Trade Union Side and Assembly Commission staff (including inward secondees and temporary agency workers) was held from 4th to 29th October 2021. As we have no known transgender staff, views of a small number of relevant external groups were also sought (from a staff perspective). Following changes to the proposed scope of the Policy, further internal consultation took place at the end of 2022.

Disability Duties

Consider whether the policy:

- a) Discourages disabled people from participating in public life and fails to promote positive attitudes towards disabled people.

N/A

- b) Provides an opportunity to better positive attitudes towards disabled people or encourages their participation in public life.

N/A

Additional considerations

Multiple identities

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).

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

There are no indications that the policy will have greater impact when applied to intersectional groups.

Part 3 Screening decision

Through screening, an assessment is made of the likely impacts; either major, minor or none, of the policy on equality of opportunity and/or good relations for the relevant categories. Completion of screening should lead to one of the following three outcomes: check the appropriate box:

- Screened out' i.e. the likely impact is none and no further action is required.

'Screened out' with mitigation i.e. the likely impact is minor and measures will be taken to mitigate the impact or an alternative policy will be proposed.

'Screened in' for an equality impact assessment (EQIA) i.e. the likely impact is major and the policy will now be subject to an EQIA.

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

Appropriate steps and mitigations have been put in place, advice and support is available, training to ensure staff understand the rationale of the policy and the legal framework is scheduled.

If the decision is not to conduct an equality impact assessment, but the policy has minor equality impacts, please provide details of the reasons for this decision and of any proposed mitigating measures or proposed alternative policy.

The policy and guidance is intended to have a positive impact on reducing inequalities under the section 75 category of 'men and women generally' as relating to transgender individuals.

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

N/A

Timetabling and prioritising for EQIA

Complete this section only if your business area/directorate plans to conduct two or more EQIAs.

Factors to be considered in timetabling and prioritising policies for equality impact assessment:

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	Choose an item.
Social need	Choose an item.
Effect on people's daily lives	Choose an item.
Relevance to a public authority's functions	Choose an item.

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment.

Is the policy affected by timetables established by other relevant public authorities?

Yes

No

If yes, please provide details

Click or tap here to enter text.

Part 4 Monitoring

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

The ECNI recommends that where a policy has been amended or an alternative policy introduced, the public authority should monitor more broadly for adverse impact. See *ECNI Monitoring Guidance for use by Public Authorities (July 2007) pages 9-10, paragraphs 2.13 – 2.20*

Please detail how you will monitor the effect of the policy?

- We will consider the frequency of conducting future section 75 staff surveys in order to continue to collect information on the transgender profile of Assembly Commission staff.
- We will continue to monitor and report on the Assembly Visitor Survey to SMT and address any issues raised in relation to the policy.

- We will review the numbers of staff attending training related to the policy and review feedback in order to understand the future training needs of Assembly Commission staff in relation to the policy.
- We will review any informal/formal complaints and/or issues raised by secretariat staff or visitors.
- The policy will also be reviewed periodically to monitor impact.

What data is required in the future to ensure effective monitoring of the policy?

Data arising from the actions listed above.

Part 5 Data Protection

If applicable, has legal advice been given due consideration?

Yes

No

N/A

Has due consideration been given to information security in relation to this policy?

Yes

No

Part 6 Approval and authorisation

Screened by: Paul McIlwaine

Position/Job Title: Equality Officer

Date: Tuesday, 20 December 2022

Approved by: Maria Bannon, Equality Manager

The policy lead should sign and date the policy under the 'screened by' heading. It should then be countersigned by an approver. The Approver should be the senior manager responsible for the policy which would normally be Head of Business. In instances where a screening decision concludes that an EQIA is required then the screening form should be countersigned by the Director instead of the Head of Business.

There are of course a range of issues which may fall within the scope of being novel, contentious or politically sensitive and could only be taken forward following consultation with the Assembly Commission. Where policy screening highlights novel, contentious or politically sensitive issues, once approved by the Director, the screening form should be forwarded to the Clerk/Chief Executive for review, prior to proceeding to SMT and the Assembly Commission.

A copy of the completed screening form, related policy and any other relevant associated documentation should be forwarded to the Equality Manager.

ADDITIONAL INFORMATION TO INFORM THE ANNUAL PROGRESS REPORT TO THE EQUALITY COMMISSION

1. Please provide details of any measures taken to enhance the level of engagement with individuals and representative groups.

Click or tap here to enter text.

2. In developing this policy/decision were any changes made as a result of equality issues raised during:
 - a) pre-consultation/engagement;
 - b) formal consultation;
 - c) the screening process; and/or
 - d) monitoring/research findings.

If so, please provide a brief summary including how the issue was identified, what changes were made, and what will be the expected outcomes/impacts for those affected.

Click or tap here to enter text.

3. Does this policy/decision include any measure(s) to improve access to services including the provision of information in accessible formats? If so, please provide a short summary.

Click or tap here to enter text.

Appendix 1 Screening Questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, you should consider your answers to the questions above.

In addition, the screening questions above further assist you in assessing your policy and must be completed. Some of these questions require you to assess the level of impact of the proposed policy on “equality of opportunity” and “good relations”. The scale used when assessing this impact is either “None”, “Minor” or “Major”. The following paragraphs set out what each of these terms mean.

If your conclusion is none in respect of all of the Section 75 equality of opportunity and/or good relations categories, then 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.

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.

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:

- measures to mitigate the adverse impact; or
- the introduction of 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.