

DFP Screening template

Section 1. Policy scoping

DFP has a statutory duty to screen. This includes our strategies and plans, policies, legislative developments; and new ways of working such as – the introduction, change or end of an existing service, procedure, policy etc. This screening template is designed to help business areas consider the likely equality and human rights impacts of their proposed decisions on different groups of customers, service users, staff and visitors.

Detailed information about the Section 75 equality duties and what they mean in practice is available on the Equality Commission's website. <http://www.equalityni.org/archive/pdf/S75GuideforPublicAuthoritiesApril2010.pdf>

A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the DFP website as soon as possible following completion and made available in alternative formats on request.

All Section 75 consultees should be advised of the screening exercise once the final policy decision has been taken. A list of consultees is available on the DFP website <http://www.dfpni.gov.uk/equality-consultee-list.pdf>

This policy has been screened by

Name	Emma Cocks
Grade	SO
Branch	Public Service Pensions Policy and Legislation, DFP
Contact Details	██████████
Date	13/10/2015

And approved by

Name	Blathnaid Smyth
Grade	Grade 7
Directorate	Public Service Pensions Policy and Legislation, DFP
Contact Details	██████████
Date	13/10/2015

The screening template has 4 sections to complete. These are:

Section A - asks you to provide details about the policy / decision that is being screened.

Section B - has 4 key questions that require you to outline the likely impacts on equality groups, and all supporting evidence.

Section C - has 4 key questions in relation to obligations under the Disability Discrimination Order and the Human Rights Act.

Section D - is the formal record of the screening decision.

SECTION A - Information about the policy

Is this a new or revised policy?

New

a) Name of the policy

Cap on Exit Payments made to Public Sector Workers – Legislative Consent Motion – Westminster Enterprise Bill.

b) Brief Description of the policy

The policy to propose a cap on exit payments made to public sector workers follows on from the introduction of provisions within the Westminster Small Business, Enterprise and Employment Bill (SBEEB) which allow recovery of redundancy payments made to high earners who leave the public sector and return to the same sector within 12 months.

c) Aims of the policy/ Rationale behind the changes

The proposed provisions will end six figure exit payments for public sector workers. The proposal is to cap payouts at £95,000. The principal intent is to ensure public sector exit payments are fair, proportionate and represent value for money for UK tax payers as a whole. The proposal is that the cap will cover the main range of exit payments which can be made in relation to early exit from public sector employment including those for: voluntary and compulsory redundancy; ex gratia and special severance payments and compensation in lieu of notice. Payments in respect of death or ill-health and injury would **not** be within the scope of this policy. Also, the policy will not include untaken annual leave payments in the calculation.

The policy also proposes to introduce a default position that any waiver of the cap would require Ministerial consent, subject to controls.

The provisions are anticipated to have effect upon the introduction of secondary legislation conferred by the enactment of the Enterprise Bill.

d) Who will the policy affect?

The policy will affect current and future employees within the public sector in Northern Ireland whose total cost of exit payment exceeds £95,000.

If this policy has no adverse impact on any of the Section 75 groups, please go to Section C.

e) Is this a NICS wide policy?

Yes. This policy will impact all current and future public sector employments in Northern Ireland.

f) Who will implement the policy?

DFP

g) Will this policy or revision address an existing inequality?

If yes, please give details.

No

h) Will this policy or revision benefit any Section 75 categories.

If yes, please give details.

No

i) Will this policy or revision have an adverse differential impact upon any of the Section 75 groupings?

If yes, please give details

As a consequence of the way exit payments are calculated, there is a possibility that the proposed cap may have an adverse differential impact on older age groups with longer service.

Section B

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence / information (both qualitative and quantitative) have you gathered to inform this policy? Set out all evidence below along with details of the different groups you have met and / or consulted with to help inform your screening assessment.

Please also provide details of priorities and needs identified for each group

Section 75 category	Details of evidence / information and engagement / needs and priorities
Religious belief	
Political opinion	
Racial group	
Age	
Marital status	
Sexual orientation	
Men & women generally	
Disability	
Dependants	

No evidence held? Outline how you will obtain it:

This is not applicable to this particular proposal.

Screening questions

There are 4 essential screening questions:

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the nine Section 75 categories?
2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories?
3. Will the policy impact upon good relations between people of different religious belief, political opinion or racial group?
4. Are there opportunities to better promote good relations between these three groups?

Category	Q1. Impact upon Equality of opportunity within the Section 75 categories	Level of impact: None/ Minor/ Major	Q2. Opportunities to promote Equality Of opportunities within the Section 75 categories	Level of impact: None/ Minor/ Major
Religious Belief	None	None	No	None
Political opinion	None	None	No	None
Racial group	None	None	No	None
Age	There may be an adverse differential impact upon some longer serving (thereby assuming "older") members of staff.	Minor	No	None
Marital status	None	None	No	None
Sexual orientation	None	None	No	None

Men and women generally	None	None	No	None
Disability	None	None	No	None
Dependants	None	None	No	None

Category	Q3. Impact upon good relations between people of different religious belief, political opinion or racial group	Level of impact: None/ Minor/ Major	Q4. Promotion of good relations between people of different religious belief, political opinion or racial group	Level of impact: None/ Minor/ Major
Religious Belief	None	None	No	None
Political opinion	None	None	No	None
Racial group	None	None	No	None

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority 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.

Alternatively there may already be policies in place which would mitigate any adverse impact identified.

Please provide details in the box below:

The Government has set out its intention to end six-figure exit payments and believes a cap at £95K is the appropriate means to achieve this. The large majority of workers are not affected. But where generous early retirement provisions are offered that include immediate payment of unreduced pensions, some lower paid staff with very long service can currently get exit packages above the level of the cap. £95K is a large exit payment whatever the level of an individual's former salary and the Government does not believe the taxpayer should continue to fund exit payments that are larger than this.

The Government recognises the importance of exit payments in providing workers with support as they get back into employment or enter retirement. However, the Government does not believe it is fair for taxpayers to continue funding the small minority of exit packages that cost over £95K.

The introduction of this policy is considered fair, proportionate and represents value for money for UK tax payers as a whole.

Section C

DFP also has legislative obligations to meet under the [Disability Discrimination Order](#) and the [Human Rights Act](#) . The following questions relate to these two areas.

Consideration of Disability Duties

- a) Does the proposed policy / decision provide an opportunity for DFP to better **promote positive attitudes** towards disabled people?

Explain your assessment in full

The policy relates exclusively to the restriction of exit payments to £95,000 for public sector staff. It does not provide an opportunity to better promote positive attitudes towards disabled people. The policy will apply regardless of disability when exiting the service.

- b) Does the proposed policy / decision provide an opportunity to actively **increase the participation** by disabled people in public life?

Explain your assessment in full

The policy relates exclusively to the restriction of exit payments to £95,000 for public sector staff. It does not provide an opportunity to actively increase the participation by disabled people in public life.

Consideration of Human Rights

- c) The Human Rights Act (HRA) 1998 brings the European Convention on Human Rights (ECHR) into UK law and it applies in N Ireland. Articles 3 and 4 are classified as “absolute” rights ie the State can never withhold or take away these rights. All others are either “qualified” or “limited”. Further information is available via the following link

<https://www.justice.gov.uk/downloads/human-rights/human-rights-making-sense-human-rights.pdf>

Indicate any potential adverse impacts that the policy / decision may have in relation to human rights issues.

		<u>Adverse impact</u>
Right to Life	Article 2	no
Prohibition of torture, inhuman or degrading treatment	Article 3	no
Prohibition of slavery and forced labour	Article 4	no
Right to liberty and security	Article 5	no
Right to a fair and public trial	Article 6	no
Right to no punishment without law	Article 7	no
Right to respect for private and family life, home and correspondence	Article 8	no
Right to freedom of thought, conscience and religion	Article 9	no
Right to freedom of expression	Article 10	no
Right to freedom of peaceful assembly and association	Article 11	no
Right to marry and to found a family	Article 12	no

The prohibition of discrimination	Article 14	no
Protection of property and enjoyment of possessions	Protocol 1 Article 1	no
Right to education	Protocol 1 Article 2	no
Right to free and secret elections	Protocol 1 Article 3	no

Consideration of Human Rights (cont)

Please indicate any ways which you consider the policy positively promotes human rights.

The policy relates exclusively to the restriction of exit payments to prescribed staff. It does not provide an opportunity to positively promote human rights.

Please explain any adverse impacts on human rights that you have identified.

None

If you have identified any adverse impacts on human rights please consider these further by using the toolkit provided by the Office of the First Minister and Deputy First Minister which can be found on pages 63-71 of the Policy toolkit at <http://www.ofmdfmi.gov.uk/workbook-four-changes-involving-sustainable-development-2.pdf>

Monitoring Arrangements

Section 75 requires DFP to have equality monitoring arrangements in place in order to assess the impact of policies and services etc; to help identify barriers to fair participation; and to better promote equality of opportunity.

Outline what data you will collect in the future in order to monitor the impact of this policy / decision on equality, good relations and disability duties.

Equality	Good Relations	Disability Duties
Northern Ireland Public Service Workforce Statistics Equality Statistics for the NICS	Northern Ireland Public Service Workforce Statistics	Northern Ireland Public Service Workforce Statistics

Section D

Formal Record of Screening Decision

<p>Title of Proposed Policy / Decision being screened: Cap on Exit Payments made to Public Sector Workers – Legislative Consent Motion</p>

I can confirm that the proposed policy / decision has been screened for –

x	equality of opportunity and good relations
x	disabilities duties; and
x	human rights issues

On the basis of the answers to the screening questions, I recommend that this policy / decision is –

	* <u>Screened In</u> – Necessary to conduct a full EQIA
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x	* <u>Screened Out</u> – No EQIA necessary (no impacts)
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	* <u>Screened Out - Mitigating Actions</u> (minor impacts) Provide a brief note here to explain how this decision was reached:
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**Screening assessment
completed by**

Name Emma Cocks
Grade SO
Date 13/10/15

Approved by –

Name Blathnaid Smyth
Grade Grade 7
Date 13/10/15

Strategic Equality Branch Notified (12/10/2015)
Equality Contacts advised (13/10/2015)