Northern Ireland Assembly

SECTION 75 SCREENING FORM

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 state in their guidance[1] 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 Equality Commission'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 our its 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

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[1]'Section 75 of the Northern Ireland Act 1998, A Guide for Public Authorities' April 2010, page 30. A policy may include planning decisions, service changes, corporate strategies, policy development, practices, guidelines, procedures and protocols; board papers

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.

Policy Details

Name of the policy to be screened/description:
Capability Policy

_____

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

_____

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

The purpose of this Policy is to set out the procedures which will be followed if a staff member does not meet with the standards of performance expected of them and is intended, where necessary, to help and support the staff member in achieving those standards. It establishes a clear framework to enable managers to deal with unacceptable performance in a fair and consistent manner and without undue delay.

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

The policy will apply to all eligible staff.
_____

Who initiated or wrote the policy?
The Human Resources Office developed the original policy and has led the current review.
_____

Directorate responsible for devising and delivering the policy?
Corporate Services
_____

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 SMG/Assembly Commission meetings.

In revising the Capability Policy, the Human Resources Office has consulted with SMG and Trade Union Side.

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 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 : Click here to enter text.

Other policies with a bearing on this policy

What are these policies and who owns them? Please list:
Click here to enter text.
Assembly Commission's Guide to Managing & Developing Performance;
Assembly Skills & Behaviours;
Managing Attendance Policy;
Standards of Conduct;
Discipline Policy.
(all owned by the Human Resources Office).

Consideration of available data/research *(This means any data or information you currently hold in relation to the policy or have gathered 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) do you hold to inform your decision making process? For example, is there any evidence of higher or lower participation or uptake by different groups?

Section 75 category	Details of evidence/information
Religious belief	The quantitative data on the workforce composition at 01.04.19 was as follows: 	Protestant	Roman Catholic	Non Determined	Total	 	---	---	---	---	 	184	125	14	323	
Political opinion	Information not held.
Racial group	Information is collated on the race of applicants for positions within the Assembly Commission but is not held/monitored for staff once in post.
Age	The policy applies to all staff. The quantitative data on the workforce composition at 01.04.19 was as follows: 	Age	Number	 |---|---| 	< 30	0	 	30 – 39	68	 	40 – 49	126	 	50 – 59	94	 	>60	35	

	TOTAL	323	

Marital status	Information not held.
Sexual orientation	Information not held.
Men and women generally	The quantitative data on the workforce composition at 01.04.19 was as follows:

Male	Female
180	143

Disability	5 staff completed the most recent Annual Disability Audit (2019) to indicate that they consider that they have a disability. This information has been collected from staff however there may be other staff with disabilities who have not responded to the audit.
Dependants	Information not held.

Current Assessment of Impact

Having looked at the data/information you have collected in the question above, what does this tell you are the needs, experiences and priorities for the people who fall into the groups below, in relation to your policy? 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).**

Section 75 category	Details of needs/experiences/priorities and details of policy impact	Level of Impact
Religious belief	The Capability Policy apply to all staff.	None
Political opinion	As above	None
Racial group	As above	None
Age	As above	None
Marital status	As above	None
Sexual orientation	As above	None
Men and women generally	As above	None
Disability	The Managing Attendance Policy will be considered for performance issues relating to ill health or disability.	None
Dependants	The Capability Policy applies to all staff.	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

1 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	Issue	Minor/major/none?
Religious belief	The Capability Policy is procedural in nature and will be applied to all staff irrespective of Section 75 category	None
Political opinion	As above	None
Racial group	As above	None
Age	As above.	None
Marital status	As above.	None
Sexual orientation	As above	None
Men and women generally	As above	None
Disability	The Managing Attendance Policy will be considered for performance issues relating to ill health or disability.	None
Dependants	The Capability Policy is procedural in nature and will be applied to all staff	None

	irrespective of Section 75 category	

2 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	Issue	Mitigating Measure
Religious belief	N/A	None
Political opinion	As above	None
Racial group	As above	None
Age	As above	None
Marital status	As above	None
Sexual orientation	As above	None
Men and women generally	As above	None
Disability	As above	None
Dependants	As above	None

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	N/A	None
Political opinion	N/A	None
Racial group	N/A	None

4	Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?	
Section 75 category	**If Yes, provide details**	**If No, provide reasons**
Religious belief		The Capability Policy applies to all staff irrespective of religious belief.
Political opinion		As above
Racial group		As above

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?

In reviewing the Capability Policy, the Human Resources Office has consulted SMG and Trade Union Side.

Disability Duties

Consider whether the policy:

a) Discourages disabled people from participating in public life and fails to promote positive attitudes towards disabled people.
No

b) Provides an opportunity to better positive attitudes towards disabled people or encourages their participation in public life.
No

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.

No level of impact on multiple Section 75 categories has been identified during screening.

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; please mark an x in 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.

No adverse impact on multiple Section 75 categories has been identified during screening.

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.

N/A

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	Click
Social need	Click
Effect on people's daily lives	Click
Relevance to a public authority's functions	Click

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 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 Equality Commission for NI (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?

The Human Resources Office monitors the number of staff working flexibly or who have partially retired.

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

Information collated as part of recruitment/selection competitions conducted for apprenticeships/placements.

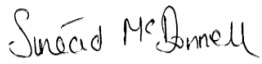## Part 5 - Data Protection

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:	Position/Job Title	Date
Karen Martin	Deputy Head of HR	19.07.19
Approved by:		
Sinéad McDonnell	Head of HR	19.07.19

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, should be forwarded to the Clerk/Chief Executive for review, prior to proceeding to SMG and the Assembly Commission.

A copy of the completed screening template 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.

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.

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.

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.