



Equality Screening Template – Section 75 of Northern Ireland Act 1998

Please complete the coversheet details below:

Policy title: The Insolvency (Monetary Limits) (Amendment) Order (Northern Ireland) 2022 and the Insolvency (Amendment) Rules 2022.

Decision (delete as appropriate)

Policy screened out **without** mitigation or an alternative policy adopted

Contact: Eileen Glenn

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For Equality Unit Completion:

Amendments requested? Yes / No

Date returned to Business Area:

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Content

Part 1. Policy scoping – asks public authorities to provide details about the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

Part 2. Screening questions – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely

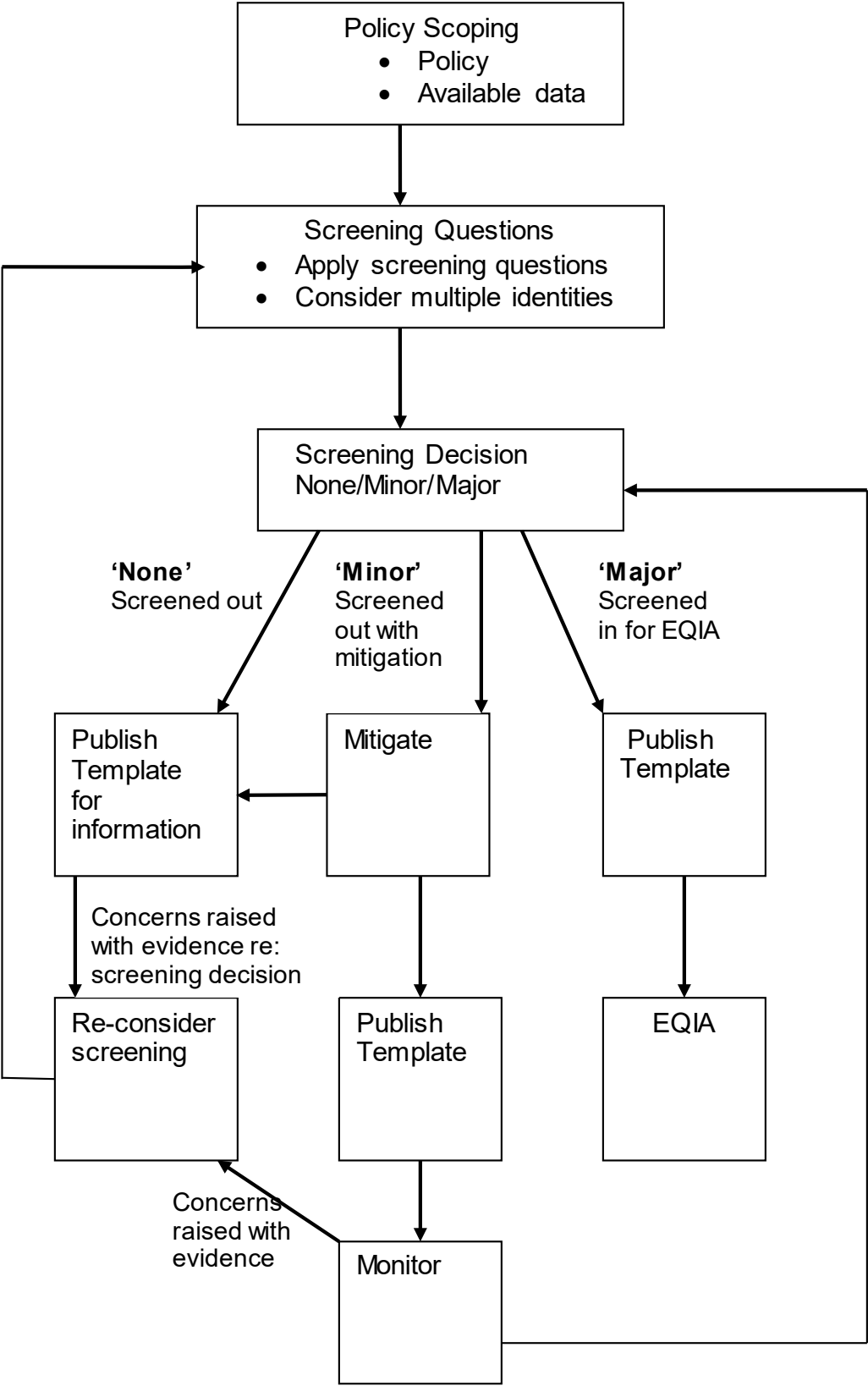
impact. This includes consideration of multiple identity and good relations issues.

Part 3. Screening decision – guides the public authority to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

Part 4. Monitoring – provides guidance to public authorities on monitoring for adverse impact and broader monitoring.

Part 5. Approval and authorisation – verifies the public authority's approval of a screening decision by a senior manager responsible for the policy.

Flowchart for the equality screening process and decision.



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 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.

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).

Information about the policy

Name of the policy

The Insolvency (Monetary Limits) (Amendment) Order (Northern Ireland) 2022 and the Insolvency (Amendment) Rules 2022.

Is this an existing, revised or a new policy?

Revised.

What is it trying to achieve? (intended aims/outcomes)

The aim is to ensure that people in Northern Ireland who are burdened by debt which they cannot repay have the same rights to access debt relief as people in the same position in England and Wales.

A Debt Relief scheme became operational in Northern Ireland in June 2011. The scheme is modelled on a similar scheme in operation in England and Wales and is intended to give individuals who cannot afford the cost of petitioning for bankruptcy the opportunity of obtaining relief from debt.

The only cost involved in obtaining a Debt Relief Order is a £90 application fee whereas there is a £525 deposit and a £151 court fee to petition for bankruptcy.

There are strict eligibility conditions for the Debt Relief scheme. When it first became operational in June 2011, the total level of indebtedness could not exceed £15,000, the debtor could not have more than £300 in assets and their surplus income could not exceed £50 in the month. If the debtor owned a

vehicle and it had not been adapted because of disability its value could not exceed £1,000.

Legislation was made in England and Wales to increase two of these limits with effect from 1 October 2015. The limit on total indebtedness was increased to £20,000 and the limit on total assets to £1,000. Corresponding legislation made in Northern Ireland provided for the same two limits to be increased to the same amounts with effect from 30 November 2016.

Further legislation has been made in England and Wales to increase all four limits with effect from 29 June 2021 –

- the limit on maximum total debts has been increased to £30,000
- the limit on the total value of assets has been increased to £2,000
- the limit on monthly surplus income has been increased to £75
- the limit on the value of a domestic vehicle not adapted due to disability has been increased to £2,000.

The Insolvency Service in Northern Ireland proposes to make the same increases to the same four limits applying under its scheme.

It is normal practice to keep insolvency legislation in Northern Ireland in parity with that applying in England and Wales. This ensures that those affected by insolvency are treated the same way as they would be in England and Wales and simplifies matters for creditors from outside Northern Ireland.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

The policy will benefit anyone with problem debt who falls within the new increased eligibility limits irrespective of which section 75 category they are in. There is no reason to believe that increasing the limits as proposed will have any differential impact, either positive or negative, for any of the section 75 groups

Who initiated or wrote the policy?

The Department for the Economy

Who owns and who implements the policy?

The policy is owned and is being implemented by the Insolvency Service which is a branch of the Department for the Economy.

Implementation factors

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

If yes, are they (please delete as appropriate)

Legislative

Two Statutory Rules will be needed to implement increases to the eligibility limits for the Debt Relief scheme and it will not be possible to make these in the limited time between consultation ending and the Assembly being prorogued in preparation for elections in May 2022. Due to the time which will then be needed to carry out the procedures to make the Statutory Rules it is unlikely that they will be in operation before November 2022.

Main stakeholders affected

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

Staff

Service users Raising the eligibility limits for the Debt Relief scheme would enable a group of individuals to make use of it who are currently unable to do so.

Voluntary/community

Other, please specify. The policy will impact on businesses and others who are owed money.

Other policies with a bearing on this policy

N/A

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. The Commission has produced this guide to [signpost to S75 data](#).

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Religious belief evidence / information:

It was noted in relation to the increase in eligibility limits in 2016 that a majority of the applicants to the Debt Relief scheme who had answered an optional question about their religion were Protestants. However it was impossible to draw any meaningful conclusions from this as over one third of applicants choose not to answer the question about religion. There is no reason to believe that raising the eligibility limits as proposed will do anything to alter the religious make-up of applicants to the scheme.

It is normal practice to keep insolvency legislation in Northern Ireland in parity with that applying in England and Wales. This ensures that those affected by insolvency are treated in the same way as they would be in England and Wales and simplifies matters for creditors from outside Northern Ireland.

There is no reason to believe that the proposed changes to the eligibility limits will have either a favourable or adverse impact on this or any other section 75 group. The change is technical in nature and does not involve any alteration to the fundamental policy. It is need for the relief offered by the scheme which determines the level of demand for the scheme, not membership of any section 75 category.

Political Opinion evidence / information:

The changes to the eligibility limits are being made because it is normal practice to keep insolvency legislation in Northern Ireland in parity with that applying in England and Wales. This ensures that those affected by insolvency are treated in the same way as they would be in England and Wales and simplifies matters for creditors from outside Northern Ireland.

There is no reason to believe that the proposed changes will have either a favourable or adverse impact on this section 75 group. The change is technical

in nature and does not involve any alteration to the fundamental policy. It is need for the relief offered by the scheme which determines the level of demand for the scheme, not membership of any section 75 category.

Racial Group evidence / information:

It was noted in relation to the increase in eligibility limits in 2016 that it was impossible to draw any meaningful conclusions from the Insolvency Service statistics on the ethnicity of applicants to the Debt Relief scheme because a large number of applicants did not provide an answer.

The changes to the eligibility limits are being made because it is normal practice to keep insolvency legislation in Northern Ireland in parity with that applying in England and Wales. This ensures that those affected by insolvency are treated in the same way as they would be in England and Wales and simplifies matters for creditors from outside Northern Ireland.

There is no reason to believe that the proposed changes will have any adverse impact on any racial group. The change is technical in nature and does not involve any alteration to the fundamental policy. It is need for the relief offered by the scheme which determines the level of demand for the scheme, not membership of any section 75 category.

Age evidence / information:

It was noted in relation to the increase in eligibility limits in 2016 that although applicants had ranged in age from 18 to 73+ the majority were in the 23 to 57 year bracket.

However the changes to the eligibility limits are being made because it is normal practice to keep insolvency legislation in Northern Ireland in parity with that applying in England and Wales. This ensures that those affected by insolvency are treated in the same way as they would be in England and Wales and simplifies matters for creditors from outside Northern Ireland.

There is no reason to believe that the proposed changes will alter the age profile of the applicants in any way. The change is technical in nature and does not involve any alteration to the fundamental policy. It is need for the relief offered by the scheme which determines the level of demand for the scheme, not membership of any section 75 category.

Marital Status evidence / information:

It was noted in relation to the increase in eligibility limits in 2016 that single people were the largest group applying to the Debt Relief scheme. However the changes to the eligibility limits are being made because it is normal practice to keep insolvency legislation in Northern Ireland in parity with that applying in England and Wales. This ensures that those affected by insolvency are treated in the same way as they would be in England and Wales and simplifies matters for creditors from outside Northern Ireland. There is no reason to believe that the proposed changes will affect the relative proportions of people applying to the Debt Relief scheme in terms of their marital status. The change is technical in nature and does not involve any alteration to the fundamental policy. It is need for the relief offered by the scheme which determines the level of demand for the scheme, not membership of any section 75 category.

Sexual Orientation evidence / information:

No evidence or information is available. However the changes to the eligibility limits are being made because it is normal practice to keep insolvency legislation in Northern Ireland in parity with that applying in England and Wales. This ensures that those affected by insolvency are treated in the same way as they would be in England and Wales and simplifies matters for creditors from outside Northern Ireland. There is no reason to believe that the proportions of heterosexual, homosexual, bisexual and asexual people applying for debt relief under the increased limits will be any different from what they are under the current limits. The change is technical in nature and does not involve any alteration to the fundamental policy. It is need for the relief offered by the scheme which determines the level of demand for the scheme, not membership of any section 75 category.

Men & Women generally evidence / information:

It was noted in relation to the increase in eligibility limits in 2016 that 60% of applications to the Debt Relief scheme had been from women as against 40% from men. However the changes to the eligibility limits are being made because it is normal practice to keep insolvency legislation in Northern Ireland in parity with that applying in England and Wales. This ensures that those affected by insolvency are treated in the same way as they would be in England and Wales and simplifies matters for creditors from outside Northern Ireland.

There is no reason to believe that the proposed changes will affect the ratio of women to men. The change is technical in nature and does not involve any alteration to the fundamental policy. It is need for the relief offered by the scheme which determines the level of demand for the scheme, not membership of any section 75 category.

Disability evidence / information:

It was noted in relation to the increase in eligibility limits in 2016 that the Insolvency Service statistics on applicants with a disability were distorted by the number of applicants who did not provide information.

The changes to the eligibility limits are being made because it is normal practice to keep insolvency legislation in Northern Ireland in parity with that applying in England and Wales. This ensures that those affected by insolvency are treated in the same way as they would be in England and Wales and simplifies matters for creditors from outside Northern Ireland.

There is no reason to believe that the proposed changes will result in the proportion of those of the additional applicants to the scheme who are disabled being any different from the proportion under the scheme as it stands. The change is technical in nature and does not involve any alteration to the fundamental policy. It is need for the relief offered by the scheme which determines the level of demand for the scheme, not membership of any section 75 category.

Dependants evidence / information:

It was noted in relation to the increase in eligibility limits in 2016 that the proportion of applicants with no dependents to those with dependents was 63% to 37%.

However the changes to the eligibility limits are being made because it is normal practice to keep insolvency legislation in Northern Ireland in parity with that applying in England and Wales. This ensures that those affected by insolvency are treated in the same way as they would be in England and Wales and simplifies matters for creditors from outside Northern Ireland.

There is no reason to believe that the proposed changes will have any impact on the proportions of applicants with and without dependents. The change is technical in nature and does not involve any alteration to the fundamental policy. It is need for the relief offered by the scheme which determines the level of demand for the scheme, not membership of any section 75 category.

Needs, experiences and priorities

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

Religious belief

The policy will benefit anyone with problem debt who falls within the new increased eligibility limits irrespective of which section 75 category they are in. There is no reason to believe that increasing the limits as proposed will have any differential impact, either positive or negative, on any of the section 75 groups.

It is not anticipated that this category will have any different needs, experiences or priorities in relation to this policy.

Political Opinion

As above

Racial Group

As above

Age

As above

Marital status

As above

Sexual orientation

As above

Men and Women Generally

As above

Disability

As above

Dependants

As above

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the Screening Questions 1-4, which follow.

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

If the public authority's 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 the public authority's 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.

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?

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**:

This is a revised policy and there is no reason to believe that the proposed changes to the eligibility limits will have any adverse or favourable impact.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**:

This is a revised policy and there is no reason to believe that the proposed changes to the eligibility limits will have any adverse or favourable impact.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**:

This is a revised policy and there is no reason to believe that the proposed changes to the eligibility limits will have any adverse or favourable impact.

What is the level of impact? None

Details of the likely policy impacts on **Age**:

This is a revised policy and there is no reason to believe that the proposed changes to the eligibility limits will have any adverse or favourable impact.

What is the level of impact? None

Details of the likely policy impacts on **Marital Status**:

This is a revised policy and there is no reason to believe that the proposed changes to the eligibility limits will have any adverse or favourable impact.

What is the level of impact? None

Details of the likely policy impacts on **Sexual Orientation**:

This is a revised policy and there is no reason to believe that the proposed changes to the eligibility limits will have any adverse or favourable impact.

What is the level of impact? None

Details of the likely policy impacts on **Men and Women**:

This is a revised policy and there is no reason to believe that the proposed changes to the eligibility limits will have any adverse or favourable impact.

What is the level of impact? None

Details of the likely policy impacts on **Disability**:

This is a revised policy and there is no reason to believe that the proposed changes to the eligibility limits will have any adverse or favourable impact.

What is the level of impact? None

Details of the likely policy impacts on **Dependants**:

This is a revised policy and there is no reason to believe that the proposed changes to the eligibility limits will have any adverse or favourable impact.

What is the level of impact? None

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories? Yes/No

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

Religious Belief –

No, The nature of the policy means that the eligibility criteria must be objectively set and membership of any of the section 75 categories is not relevant.

Political Opinion –

No, The nature of the policy means that the eligibility criteria must be objectively set and membership of any of the section 75 categories is not relevant.

Racial Group –

No, The nature of the policy means that the eligibility criteria must be objectively set and membership of any of the section 75 categories is not relevant.

Age –

No, The nature of the policy means that the eligibility criteria must be objectively set and membership of any of the section 75 categories is not relevant.

Marital Status –

No, The nature of the policy means that the eligibility criteria must be objectively set and membership of any of the section 75 categories is not relevant.

Sexual Orientation –

No, The nature of the policy means that the eligibility criteria must be objectively set and membership of any of the section 75 categories is not relevant.

Men and Women generally –

No, The nature of the policy means that the eligibility criteria must be objectively set and membership of any of the section 75 categories is not relevant.

Disability –

No, The nature of the policy means that the eligibility criteria must be objectively set and membership of any of the section 75 categories is not relevant.

Dependants –

No, The nature of the policy means that the eligibility criteria must be objectively set and membership of any of the section 75 categories is not relevant.

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

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief:**

The policy is not likely to have any impact.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**:

The policy is not likely to have any impact.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**:

The policy is not likely to have any impact.

What is the level of impact? None

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

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

Religious Belief –

No, as Debt Relief Orders are applied for and obtained by individuals the policy does not lend itself to promotion of better relations between people with different religious beliefs.

Political Opinion –

No, as Debt Relief Orders are applied for and obtained by individuals the policy does not lend itself to promotion of better relations between people with different political opinions.

Racial Group –

No, as Debt Relief Orders are applied for and obtained by individuals the policy does not lend itself to promotion of better relations between people belong to different racial groups.

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).

No

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

All applicants to the Debt Relief scheme fall into more than one of section 75 categories. The Department has no reason to believe that the proposed changes to the eligibility limits will have any impact on the profile of applicants to the scheme.

Part 3. Screening decision

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

The decision is not to carry out an equality impact assessment as the planned legislation will have no impact on any of the section 75 groups..

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

There is no impact on any of the s75 groups and therefore no mitigation or alternative is required.

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

All public authorities' equality schemes must state the authority's 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 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 a separate Commission publication: Practical Guidance on Equality Impact Assessment.

This document will be made available for comment as part of a public consultation to be carried out with respect to the proposed legislation. Any feedback will be considered as part of the review of the consultation responses.

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.

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 Department has concluded that the impact is "none" therefore there is no need for mitigation.

Timetabling and prioritising

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 -

Social need -

Effect on people's daily lives -

Relevance to a public authority's functions –

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 the public authority in timetabling. Details of the Public Authority'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?

If yes, please provide details.

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

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

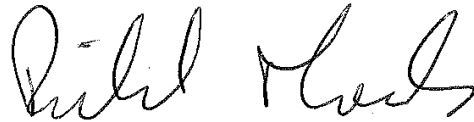
This screening will be issued as part of a public consultation on the proposed increases to the eligibility limits for the Debt Relief scheme and any feedback will be taken into account.

The Northern Ireland Debt Relief scheme is kept in parity with the scheme in England and Wales and if further changes are made to that scheme consideration will be given to implementing corresponding changes to the Northern Ireland scheme.

While formal Post Project Appraisal in relation to the planned increase to the eligibility limits will not be carried out the entire debt relief scheme is kept under review. The purpose of the increase in limits is aimed at providing access to this form of low cost debt relief to more citizens and statistics on the numbers of Debt Relief Orders made each quarter are currently collected and analysed. In addition, the number of individuals who made use of the Debt Relief scheme is included in the Insolvency Service's annual report.

5 - Approval and authorisation

Screened by:	Jack Reid
Position/Job Title:	Deputy Principal
Business Area/ Branch:	Insolvency Service Management and Regulation Group
Date:	7 December 2021



Approved by:

Richard Monds

Position/Job Title:

Director of Insolvency

Business Area/Branch:

Insolvency Service (NI)

Date:

15 December 2021

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, made easily accessible on the public authority's website as soon as possible following completion and made available on request.