



Equality Screening Template – Section 75 of Northern Ireland Act 1998

Please complete the coversheet details below:

Policy title: Amendment of the Parental Bereavement (Leave and Pay) Regulations to include Miscarriage Leave and Pay entitlement

Decision (delete as appropriate)

Policy screened out

Contact: Gareth Dillon

Date of completion: 14 October 2022

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.

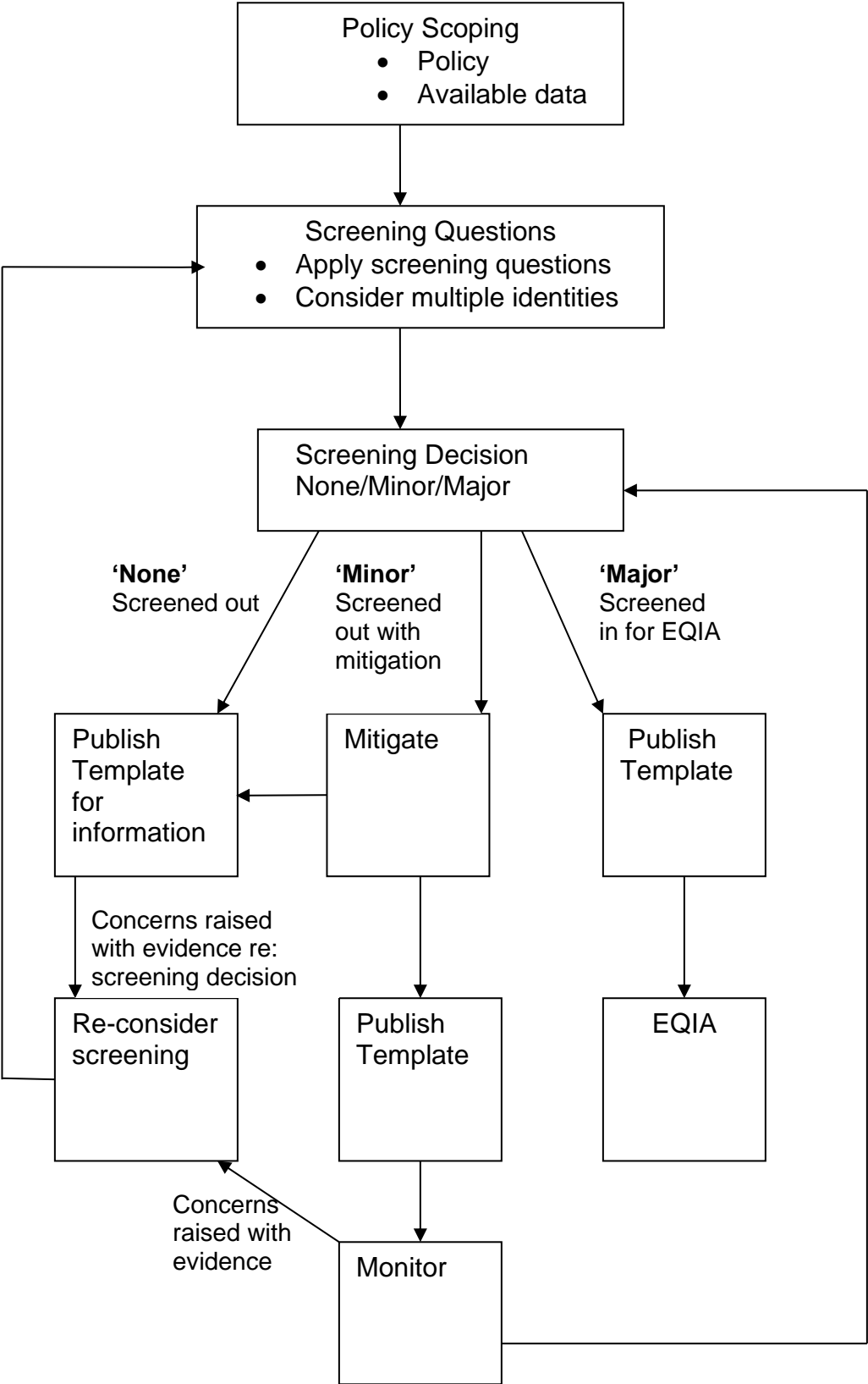
Part 2. Screening questions – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues.

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

Amendment of the Parental Bereavement (Leave and Pay) Regulations to include Miscarriage Leave and Pay entitlement.

Is this an existing, revised or a new policy?

The Department for the Economy is under a statutory obligation to introduce Miscarriage Leave and Pay as an amendment to an existing policy regarding Parental Bereavement Leave and Pay (PBLP); it will require subordinate legislation. Associated legislation comprises the Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022, (The Act); and, Parental Bereavement Leave and Pay Regulations which came into force on 6 April 2022.

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

Eligible employees and workers who sadly experience still birth from the 24th week of pregnancy or the death of a child before their 18th birthday are entitled to ten days' paid leave. The aim of this policy is to extend to eligible employees and workers who experience a miscarriage, up to the end of the 23rd week of pregnancy, the same entitlements to leave and pay (i.e. 10 days' paid leave). For the purposes of the consultation miscarriage will be defined as an unintentional miscarriage.

Miscarriage leave and pay will be a day one right with no minimum period of employment necessary before the statutory payment can be made. The existing policy / legislation will also be amended to extend the same day one entitlement to those working parents availing of parental bereavement leave and pay following a still birth or the death of a child, thereby removing the six-month qualifying period currently in effect.

This screening document will be reviewed and updated as appropriate following analysis of the responses to the consultation on Miscarriage Leave and Pay. The consultation is due to open on 24 October 2022 for an eight-week period.

Are there any Section 75 categories which might be expected to benefit from the intended policy?
If so, explain how.

Any eligible worker or employee who experiences the loss of pregnancy, through miscarriage up to the end of the 23rd week of pregnancy will be eligible to claim this new entitlement. Therefore any worker / employee in any of the s75 categories might potentially be expected to benefit from this new policy / entitlement.

Who initiated or wrote the policy?

The policy was initiated by the Department for the Economy (DfE) - as the Parental Bereavement (Leave and Pay) Act was passing through the Assembly, it was recognised how important it is that employees and workers who experience the loss of a pregnancy through miscarriage should also be able to avail of the same support. The Act therefore places a statutory obligation upon DfE to modify and apply the regulations which entitle a working parent to paid leave following the death of a child or a still birth to those who have experienced a miscarriage up to the end of the 23rd week of pregnancy. Northern Ireland will be the first region in the UK to introduce such an entitlement.

Who owns and who implements the policy?

Department for the Economy owns the policy and legislation.

Primary responsibility for implementation will rest with the Department for the Economy. The policy will have legislative implications for the Department for Communities and financial implications for the Department of Finance.

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: This policy will be implemented through subordinate legislation and subject to the draft affirmative resolution procedure.

other, please specify

Time: This policy will require HMRC to implement a system change in order for the change to be able to come into effect. It is hoped it will be possible to introduce the new policy by 6 April 2024.

Main stakeholders affected

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

The policy will impact upon employees and workers and their employers.
Voluntary & community sector/trade unions.
Other public sector organisations.
NICS officials.

Other policies with a bearing on this policy

DFE's Parental Bereavement Leave and Pay Policy.

- **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.

A review of the legislation and policy position in other jurisdictions has been undertaken. The data available from NISRA and the Department of Health on the numbers of annual births and miscarriages in Northern Ireland has also been considered.

There is no central recording of pregnancy loss numbers or rates in Northern Ireland. Estimates are often used and applied to population figures as not all pregnancy losses will be known to healthcare providers. Pregnancy loss may also be recorded on a number of different information systems. According to the NHS, it is estimated that, amongst people who know they are pregnant, about 1 in 8 pregnancies will end in miscarriage. In a Northern Ireland context this would mean that approximately 3000 miscarriages occur each year.

Religious belief evidence / information:

The proposal is designed to have a positive impact on workers and employees if they suffer the loss of a pregnancy as a result of a miscarriage. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

Political Opinion evidence / information:

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of a miscarriage. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

Racial Group evidence / information:

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of a miscarriage. We haven't identified any evidence to suggest that people within different racial groups would be adversely affected by this, or the number of people who would

potentially benefit.

Age evidence / information:

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of a miscarriage. We haven't identified any evidence to suggest that people within this category would be adversely affected by this. Having said that, the policy is mainly targeting workers and employees of childbearing age and their partners who are also workers and employees, therefore it is reasonable to expect that the majority of people availing of the benefits will be from that age demographic. However, we have no evidence to establish the age demographic of partners. There is no central recording of pregnancy loss numbers or rates in Northern Ireland. Estimates are often used and applied to population figures as not all pregnancy losses will be known to healthcare providers. Pregnancy loss may also be recorded on a number of different information systems. According to the NHS, it is estimated that, amongst people who know they are pregnant, about 1 in 8 pregnancies will end in miscarriage. In a Northern Ireland context this would mean that approximately 3000 miscarriages occur each year. We don't anticipate that those outside of child bearing age will be disproportionately, negatively impacted by the proposal.

Marital Status evidence / information:

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of a miscarriage. Married and unmarried couples and individuals would be equally entitled. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

Sexual Orientation evidence / information:

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of a miscarriage. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

Men & Women generally evidence / information:

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of miscarriage. The policy intention is that pregnant women and their partners will be equally eligible, regardless of gender, enabling them to avail of benefits which were not previously in place.

Disability evidence / information:

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of a miscarriage. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

Dependants evidence / information:

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of a miscarriage. We haven't identified any evidence to suggest that people within this category would be adversely affected by this.

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

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category.

Political Opinion

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category.

Racial Group

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category.

Age

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category. Having said that, the policy is mainly targeting workers and employees of childbearing age and their partners who are also workers and employees, therefore it is reasonable to expect that the majority of people availing of the benefits will be from that age demographic. However, we have no evidence to establish the age demographic of partners. We don't anticipate that addressing the needs of those within the targeted group will impose a negative impact on those outside of it.

Marital status

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category.

Sexual orientation

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category.

Men and Women Generally

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category.

Disability

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category.

Dependants

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category.

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**:

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of a miscarriage. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

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

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of a miscarriage. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

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

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of a miscarriage. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

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

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of a miscarriage. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit. Having said that the policy is mainly targeting workers and employees of childbearing age and their partners who are also workers and employees therefore it is reasonable to expect that the majority of people availing of the benefits will be from that age demographic.

However, we have no evidence to establish the age demographic of partners. We don't anticipate that those outside of child bearing age will be disproportionately, negatively impacted by the proposal.

What is the level of impact? None

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

The proposal is designed to have a positive impact on workers and employees if they experience suffer the loss of a pregnancy as a result of a miscarriage. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

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

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of a miscarriage. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

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

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of miscarriage. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

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

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of miscarriage. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

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

The proposal is designed to have a positive impact on workers and employees if they experience the loss of a pregnancy as a result of

miscarriage. We haven't identified any evidence to suggest that people within this category would be adversely affected by this.
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 –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Political Opinion –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Racial Group –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Age –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Marital Status –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Sexual Orientation –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Men and Women generally –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Disability –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

Dependants –

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

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**:

None

What is the level of impact? None

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

None

What is the level of impact? None

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

None

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 –

If Yes, provide details:

If No, provide reasons: Not applicable to this policy proposal

Political Opinion –

If Yes, provide details:

If No, provide reasons: Not applicable to this policy proposal

Racial Group –

If Yes, provide details:

If No, provide reasons: Not applicable to this policy proposal

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

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

This policy is targeted at workers and employees who have experienced a pregnancy loss as a result of miscarriage. It benefits only those who fit within this category. The policy intention is to have a positive impact upon those eligible workers and employees who are affected by a miscarriage up to the end of the 23rd week of pregnancy.

The policy will most likely be relevant to those of a certain age demographic (i.e. child bearing age) and their partners (no way of knowing this age demographic) but in addition to this people affected by the policy could fall into any or most of the other categories. Notwithstanding this the policy is not anticipated to have an adverse impact on the affected age demographic or on those outside of it or on those in any of the other categories.

Part 3. Screening decision

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

The policy has no, discernible adverse impacts on any of the Section 75 categories as detailed above. The policy intent is to provide statutory leave and / or payment to those who experience unintentional miscarriage up to the end of the 23rd week of pregnancy. It is recognised that those who voluntarily end a pregnancy before the 24th week, including those who do so on the grounds of medical advice will not be able to avail of this entitlement. However, those who fall outside the scope of the policy may be eligible to avail of other contractual or statutory entitlements, including statutory sick pay.

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.

No alternative policy required. The public consultation will help to determine if the policy proposal is appropriate and how it should be implemented. In reaching a final policy decision, further equality impact insight gained through the consultation process will be taken into account. Any unanticipated equality impacts which may arise following the introduction of legislation resulting from this policy proposal will be assessed as they arise, and further addressed as the need arises.

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

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.

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.

Timetabling and prioritising n/a

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.

The proposed Miscarriage Leave and Pay policy is subject to consultation. This screening document will therefore be reviewed and updated as appropriate following analysis of the responses to the consultation. The consultation is due to open on 24 October 2022 for an eight-week period.

Part 5 - Approval and authorisation

Screened by: Ann-Marie Anderson

Position/Job Title: Deputy Principal

Business Area/ Branch: Employment Relations Policy & Legislation: Work-Life Balance

Date: 14 October 2022

Approved by: Colin Jack

Position/Job Title: Head of Business & Employment Regulation Division.

Date: 18 October 2022

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.