

Department of
Justice

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Building a fair, just and safer community

**REVIEW OF THE LEVEL OF STATUTORY
BEREAVEMENT DAMAGES IN
NORTHERN IRELAND**

CONSULTATION DOCUMENT

5 October 2015

This consultation begins on 5 October 2015.

This consultation closes at 5.00pm on 30 November 2015.

1. INTRODUCTION

1.1 When a person dies as the result of another person's negligence, the Fatal Accidents (Northern Ireland) Order 1977¹ ("the 1977 Order") allows the person's dependants to claim certain damages, for example, for the deceased person's loss of earnings. A limited category of people may also claim for a fixed sum known as a bereavement award or bereavement damages.

1.2 This consultation is only about the level of the fixed amount of the bereavement award.

1.3 The availability of bereavement awards in Northern Ireland under the 1977 Order is a matter for the Department of Finance and Personnel as it is responsible for the substantive law on damages. The Department of Justice is responsible for setting the amount of bereavement damages in Northern Ireland.² This has been fixed at £11,800 since 2008.³

2. BACKGROUND

2.1 The somewhat controversial function⁴ of bereavement damages is to provide a token payment in acknowledgement of the grief caused by the death. The award is not intended to be regarded as reflecting, in any way, the value of the deceased's life or as a punishment for the negligent person who caused the death.

2.2 Bereavement damages can only be claimed where the death is as a result of another's wrongful act, neglect or default, and can only be claimed by the deceased's spouse or civil partner, or, if the deceased was under 18, and had never

¹ 1977 No.1251 (NI 18).

² Article 3A(5) of the 1977 Order.

³ S.I. 2007/3488.

⁴ See for example Department of Finance and Personnel Northern Ireland *The Law on Damages Consultation Paper* April 2012.

been married or in a civil partnership, by the deceased's parents⁵. If awarded by the court, these damages are paid by the defendant.

2.3 In Northern Ireland, awards of bereavement damages are not specifically recorded and, therefore, there are no statistics available for them. We have, however, looked at the total number of orders made under the 1977 Order and have found that the numbers are relatively small:

- 20 orders in 2012;
- 8 in 2013;
- 6 in 2014.

So, we can deduce that the total number of bereavement damages awards could not exceed those figures and is likely to be lower.

3. PURPOSE OF CONSULTATION

3.1 The purpose of this consultation is only to seek views on the review of the level of bereavement damages in Northern Ireland and whether an increase is appropriate. It is aimed at those who may be impacted by any increase in these damages, including those who would have to pay any additional sums. It does not look at the substantive law on damages, including who is entitled to bereavement damages, as this is the responsibility of the Department of Finance and Personnel.

3.2 A list of those notified of this consultation is at Appendix 1. This list is not meant to be exhaustive and responses are welcomed from anyone with an interest in or views on this consultation paper.

4. BEREAVEMENT DAMAGES – OTHER JURISDICTIONS

4.1 Bereavement damages are available in England and Wales under the Fatal Accidents Act 1976⁶. The 1977 Order is modelled on that Act. The previous policy in England and Wales had been to increase the award every three years in line with

⁵ Article 3A(2) of the 1977 Order.

⁶ 1976 c.30.

inflation.⁷ However, the award was increased by 10% in 2013, linking it with the 10% increase in damages associated with reforms to civil litigation costs which do not apply in Northern Ireland. The award was, therefore, set at £12,980 for causes of action arising from 1 April 2013⁸. No commitment has been given on the frequency of amending this level and there are currently no plans to change it.

4.2 Damages for grief and sorrow are available in Scotland under the Damages (Scotland) Act 2011.⁹ There is no statutory maximum: each case is decided on an individual basis.

4.3 In Ireland, compensation is available for mental distress under the Civil Liability Act 1961.¹⁰ The award must not exceed €35, 000.¹¹

5. REVIEW OF LEVEL OF BEREAVEMENT DAMAGES IN NORTHERN IRELAND

5.1 Consultees are invited to comment on the following questions.

Question 1

Do you think the level of bereavement damages should be increased in Northern Ireland?

5.2 Should a decision be taken to increase the level of bereavement damages in Northern Ireland, the Department must consider the most appropriate way to determine the new level of bereavement damages. Two options have been identified:

- increasing the level of award to the same level as England and Wales; or

⁷ S.I. 2007/3489.

⁸ S.I. 2013/510.

⁹ 2011 asp 7.

¹⁰ No. 41 of 1961.

¹¹ S.I. No. 6 of 2014.

- increasing the level of award in line with inflation as measured by the Consumer Price Index (CPI)¹². We estimate this to be £14,339.¹³

Question 2

Option 1 - Do you think the level of bereavement damages should increase to the same level as England and Wales?

Question 3

Option 2 - Do you think the level of bereavement damages should increase in line with inflation as measured by the CPI?

Question 4

If you consider Options 1 and 2 to be inappropriate, do you think the level of bereavement damages should be increased by another method?

6. NEXT STEPS

6.1 The Department will consider the responses to this consultation and, if necessary, bring forward legislation, subject to the Assembly's negative resolution procedure, to revise the level of damages.

7. IMPACT

7.1 Section 75 of the Northern Ireland Act 1998 requires that all public authorities in Northern Ireland comply with a statutory duty 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, gender, and those with or without a disability and those with or without dependents; and

¹² CPI indices are used in many ways by Government, businesses and society in general. They can affect interest rates, tax allowances, wages, state benefits, pensions, maintenance, contracts and many other payments. The CPI is used for purposes such as uprating pensions, wages and benefits.

¹³ ONS formula Later Date Index divided by Earlier Date Index i.e.

$\text{£11,800} \times (128.2[\text{June 2015}] / 105.5[\text{Jan 2008}]) = \text{£14,339}$

- have regard to the desirability of promoting good relations between persons of different religious belief, political opinion and racial group.

7.2 In addition, public authorities are also required to meet legislative obligations under the Disability Discrimination (Northern Ireland) Order 2006,¹⁴ particularly in the formation of public policy making.

7.3 The Department is committed to fulfilling those obligations and proposals arising from this paper have been subjected to screening to determine impact on equality of opportunity, good relations and other statutory duties (see screening form at Appendix 2). The Department welcomes views on this.

7.4 The Department does not consider that this issue engages the regulatory impact assessment process. There is no readily available data on the number of bereavement damages awards made in Northern Ireland, but, as noted at 2.3, the number is understood to be relatively small. The Department welcomes any further information on the number of awards. This review does not impose a new regulation on businesses and even if it is decided to increase the level of bereavement damages, that increase does not impose or remove burdens for businesses, nor is the intention to impose costs. Any costs that businesses would incur would only relate to circumstances where that business is found liable in negligence in respect of a person's death. The Department does, however, welcome views on this.

8. HOW TO RESPOND

8.1 The Department welcomes views on the issues raised in this consultation paper. The consultation will run from 5 October 2015 and all responses should be submitted **by 5.00pm on 30 November 2015**. Appendix 3 provides a questionnaire for completion by respondents which is also available on the Department's website. Responses can be sent by e-mail, fax or post as below.

¹⁴ S.I. 2006 No.312 (N.I.1)

8.2 For queries and responses to the consultation please contact:

SUSAN McCracken
*Consultation Co-Ordinator
Courts, Legal & Corporate Branch
Civil Justice Policy Division
Massey House
Stormont Estate
Belfast
BT4 3SX*

*Tel: 028 90 169612
Fax 028 90 169502
Textphone: 028 90 527668*

Email: atojconm@dojni.x.gsi.gov.uk

8.3 When responding, please state whether you are making a submission as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Additional copies and alternative formats

8.4 An electronic copy of this document is available to view and download from the consultation section of the Department of Justice website (<http://www.dojni.gov.uk>).

8.5 You may make copies of this document without seeking permission and if you require further printed copies, we would invite you to access the document through our website. If you do not have access to the internet and require us to provide you with further copies, please contact us with your specific request.

8.6 Copies in other formats, including Braille, large print or audio cassette may be made available on request. If it would assist you to access the document in an alternative format, or a language other than English, please let us know and we will do our best to assist you.

Confidentiality

8.7 At the end of the consultation period, copies of responses received by the Department may be made available publicly. A summary of responses may also be published on the Department of Justice website. If you prefer all or part of your response or name to be anonymised, please state this clearly in your response. Any confidentiality disclaimer that may be generated by you or your organisation's IT system or included as a general statement in your fax cover sheet, will be taken to apply only to information in your response for which confidentiality has been specifically requested.

8.8 Any personal data which you provide will be handled in accordance with the Data Protection Act 1998¹⁵. Respondents should also be aware that the Department's obligations under the Freedom of Information Act 2000¹⁶ may require that responses not subject to specific exemptions in the Act be communicated to third parties on request.

Complaints

8.9 Any comments, queries or concerns about the way this exercise has been conducted should be sent to the following address:

Standards Unit
Department of Justice
Block 5
Knockview Buildings
Stormont Estate
Belfast
BT4 3SL

or e-mail to Standardsunit@dojni.x.gsi.gov.uk

¹⁵ 1998 c.29.

¹⁶ 2000 c.36.

Appendix 1 – List of Consultees

This consultation document has been sent to the following organisations:

Advice NI

Association of British Insurers

Association of Personal Injury Lawyers

AXA Insurance

British Insurance Brokers' Association

British Medical Association

Care for the Family

Citizens Advice Bureau

Confederation of British Industry

Construction Employers' Federation

Cruse Bereavement Care Northern Ireland

Departmental Solicitor

Directorate of Legal Services

Engineering Employers Federation

FDA

Federation of Small Businesses

FOIL Forum of Insurance Lawyers

General Council of the Bar of Northern Ireland

GMB

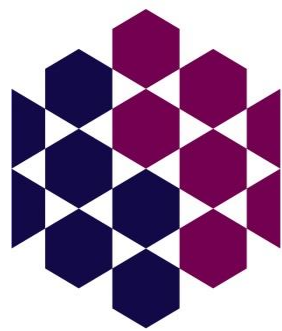
Health & Safety Executive Northern Ireland

Northern Ireland Health & Social Care Board

Belfast Health & Social Care Trust

Southern Health & Social Care Trust

South Eastern Health & Social Care Trust
Northern Health & Social Care Trust
Western Health & Social Care Trust
Irish Congress of Trade Unions
Medical Defence Union
Motor Accident Solicitors' Society
Northern Ireland Ambulance Service Trust
Northern Ireland Housing Executive
Northern Ireland Local Government Association
NIPSA
Office of the Lord Chief Justice of Northern Ireland
Patient Client Council
The Law Society of Northern Ireland
Translink
UNISON
UNITE



Department of
Justice

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DOJ Section 75

EQUALITY SCREENING FORM

**Title of Policy: REVIEW OF THE LEVEL OF
STATUTORY BEREAVEMENT DAMAGES IN
NORTHERN IRELAND**

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to **have due regard to the need to promote equality of opportunity:**

- between person of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and,
- between persons with dependants and persons without¹.

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

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

Introduction

1. This form should be read in conjunction with the Equality Commission's revised Section 75 guidance, "A Guide for Public Authorities" April 2010, which is available on the Equality Commission's website (www.equalityni.org). **Staff should complete a form for each new or revised policy for which they are responsible (see page 6 for a definition of policy in respect of section 75).**
2. The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations and so determine whether an Equality Impact Assessment (EQIA) is necessary. Screening should be introduced at an early stage when developing or reviewing a policy.

¹A list of the main groups identified as being relevant to each of the section 75 categories is at Annex B of the document.

3. The lead role in the screening of a policy should be taken by the policy decision-maker who has the authority to make changes to that policy and should involve, in the screening process:
 - other relevant team members;
 - those who implement the policy;
 - staff members from other relevant work areas; and
 - key stakeholders.

A flowchart which outlines the screening process is provided at Annex A.

4. The first step in the screening exercise, is to gather evidence to inform the screening decisions. Relevant data may be either quantitative or qualitative or both (this helps to indicate whether or not there are likely equality of opportunity and/or good relations impacts associated with a policy). Relevant information will help to clearly demonstrate the reasons for a policy being either 'screened in' for an equality impact assessment or 'screened out' from an equality impact assessment.
5. The absence of evidence does not indicate that there is no likely impact but if none is available, it may be appropriate to consider subjecting the policy to an EQIA.
6. Screening provides an assessment of the likely impact, whether 'minor' or 'major', of its policy on equality of opportunity and/or good relations for the relevant categories. In some instances, screening may identify the likely impact is none.
7. The Commission has developed a series of four questions, included in Part 2 of this screening form with supporting sub-questions, which should be applied to all policies as part of the screening process. They identify those policies that are likely to have an impact on equality of opportunity and/or good relations.

Screening decisions

8. Completion of screening should lead to one of the following three outcomes. The policy has been:
 - i. 'screened in' for equality impact assessment;
 - ii. 'screened out' with mitigation or an alternative policy proposed to be adopted; or
 - iii. 'screened out' without mitigation or an alternative policy proposed to be adopted.

Screening and good relations duty

9. The Commission recommends that a policy is 'screened in' for equality impact assessment if the likely impact on **good relations** is 'major'. While there is no legislative requirement to engage in an equality impact assessment in respect of good relations, this does not necessarily mean that equality impact assessments are inappropriate in this context.

Part 1

Definition of Policy

There have been some difficulties in defining what constitutes a policy in the context of section 75. To be on the safe side it is recommended that you consider any new initiatives, proposals, schemes or programmes as policies or changes to those already in existence. It is important to remember that even if a full EQIA has been carried out in an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if further screening or an EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

Overview of Policy Proposals

The aims and objectives of the policy must be clear and terms of reference well defined. You must take into account any available data that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the s75 categories.

Policy Scoping

10. 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.
11. 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

Review of the level of statutory bereavement damages in Northern Ireland.

Is this an existing, revised or a new policy?

This is an existing policy.

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

Review the level of bereavement damages.

Under the Fatal Accidents (Northern Ireland) Order 1977 (“the 1977 Order”), there is a statutory right for a limited category of people to claim for a fixed award of damages for bereavement where a death has been caused by another person’s negligence.

The availability of bereavement damages in Northern Ireland under the 1977 Order is a matter for the Department of Finance and Personnel as it is responsible for the substantive law on damages. The Department of Justice is responsible for setting the amount of bereavement damages, which has been fixed at £11,800 in Northern Ireland since 2008.

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

Yes – following the review, if it is decided to increase the level of bereavement damages, then the specified dependants of the deceased, who are statutorily entitled to these damages, would be expected to benefit – the deceased’s husband, wife or civil partner, or if the deceased was under 18 and, was never married or been in a civil partnership, his or her parents. However, any increase in the current level of damages is unlikely to be significant as depending on the outcome of the review it is expected to be based on the Consumer Price Index, the figure in England & Wales or another method suggested by consultees (if this is used).

Who initiated or wrote the policy?

Department of Justice

Who owns and who implements the policy?

Department of Justice

Implementation factors

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

If yes, are they

- financial
- legislative
- other, please specify – **Outcome of the consultation**

Main stakeholders affected

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

- staff
- service users
- other public sector organisations – **health & social care trusts**
- voluntary/community/trade unions
- other, please specify – **employers, insurance companies, recipients of bereavement damages.**

Other policies with a bearing on this policy

- what are they?

none

- who owns them?

n/a

Available evidence

14. Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.
15. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Information is not currently gathered on the number of awards of bereavement damages in Northern Ireland each year. The total number of orders made under the 1977 Order is relatively small: 20 orders in 2012, eight in 2013 and six in 2014. So, it can deduced that the total number of bereavement damages awards could not exceed those figures and is likely to be lower.

The defendants to successful proceedings under the 1977 Order who would have to pay bereavement damages do not fall into any of the section 75 categories.

Section 75 Category	Details of evidence/information
Religious belief	See answer at 15.
Political opinion	See answer at 15.
Racial group	See answer at 15.
Age	See answer at 15.
Marital status	See answer at 15.
Sexual orientation	See answer at 15.
Men and Women generally	See answer at 15.
Disability	See answer at 15.
Dependants	See answer at 15.

Needs, experiences and priorities

16. 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 for each of the Section 75 categories.

There does not appear to be any needs, experiences or priorities which are relevant to section 75 categories. This answer is subject to consultation responses.

Section 75 Category	Details of evidence/information
Religious belief	See answer at 16.
Political opinion	See answer at 16.
Racial group	See answer at 16.
Age	See answer at 16.
Marital status	See answer at 16.
Sexual orientation	See answer at 16.
Men and Women generally	See answer at 16.
Disability	See answer at 16.
Dependants	See answer at 16.

Part 2

SCREENING QUESTIONS

Introduction

17. In making a decision as to whether or not there is a need to carry out an equality impact assessment, consider questions 1-4 listed below.
18. If the conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the decision may to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, give details of the reasons for the decision taken.
19. If the 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.
20. If the 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

21. (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

22. (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

23. (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.

24. 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?

Minor/Major/None

None. No bearing on equality of opportunity for section 75 categories is expected. This is subject to consultation responses.

Section 75 category	Details of policy impact	Level of impact? Minor/Major/None
Religious belief		None.
Political opinion		None.
Racial group		None.
Age		None.
Marital status		None.
Sexual orientation		None.
Men and Women generally		None.
Disability		None.
Dependants		None.

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

No opportunities to promote quality of opportunity for section 75 categories are expected. This is subject to replies to the consultation.

Section 75 category	If Yes, provide details	If No, provide reasons
Religious belief		No opportunities expected.
Political opinion		No opportunities expected.
Racial group		No opportunities expected.
Age		No opportunities expected.
Marital status		No opportunities expected.
Sexual orientation		No opportunities expected.
Men and Women generally		No opportunities expected.
Disability		No opportunities expected.
Dependants		No opportunities expected.

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

None. There does not appear to be any bearing in terms of its likely impact on good relations for people within the equality and good relations categories. This is subject to responses to the consultation.

Good relations category	Details of policy impact	Level of impact Minor/Major/None
Religious belief		None.
Political opinion		None.
Racial group		None.

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

There does not appear to be any opportunities to promote good relations.

This is subject to consultation responses.

Good relations category	If Yes, provide details	If No, provide reasons
Religious belief		No opportunities expected.
Political opinion		No opportunities expected.
Racial group		No opportunities expected.

Additional considerations

Multiple identity

25. 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?

None apparent. This is subject to the consultation responses.

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

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

None available.

Part 3

Screening decision

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

At this stage, it is not anticipated that an equality impact assessment is required as it is not envisaged that the review will have any bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories. This is subject to consultation responses.

28. If the decision is not to conduct an equality impact assessment, consider if the policy should be mitigated or an alternative policy be introduced.

Subject to consultees' views, this is not considered necessary.

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

30. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

31. 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.
32. Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?
33. If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

Timetabling and prioritising

34. Factors to be considered in timetabling and prioritising policies for equality impact assessment.
35. 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.
36. 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	

37. 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.
38. Is the policy affected by timetables established by other relevant public authorities?
39. If yes, please provide details.

Part 4

Monitoring

40. Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).
41. 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).
42. 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.

Part 5

Approval and authorisation

Screened by:	Position/Job Title	Date
Susan McCracken Jo Wilson	Courts, Legal and Corporate Branch – Civil Justice Policy Division	6 August 2015
Approved by:		
Laurene McAlpine	Deputy Director, Civil Justice Policy Division	9 September 2015

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.

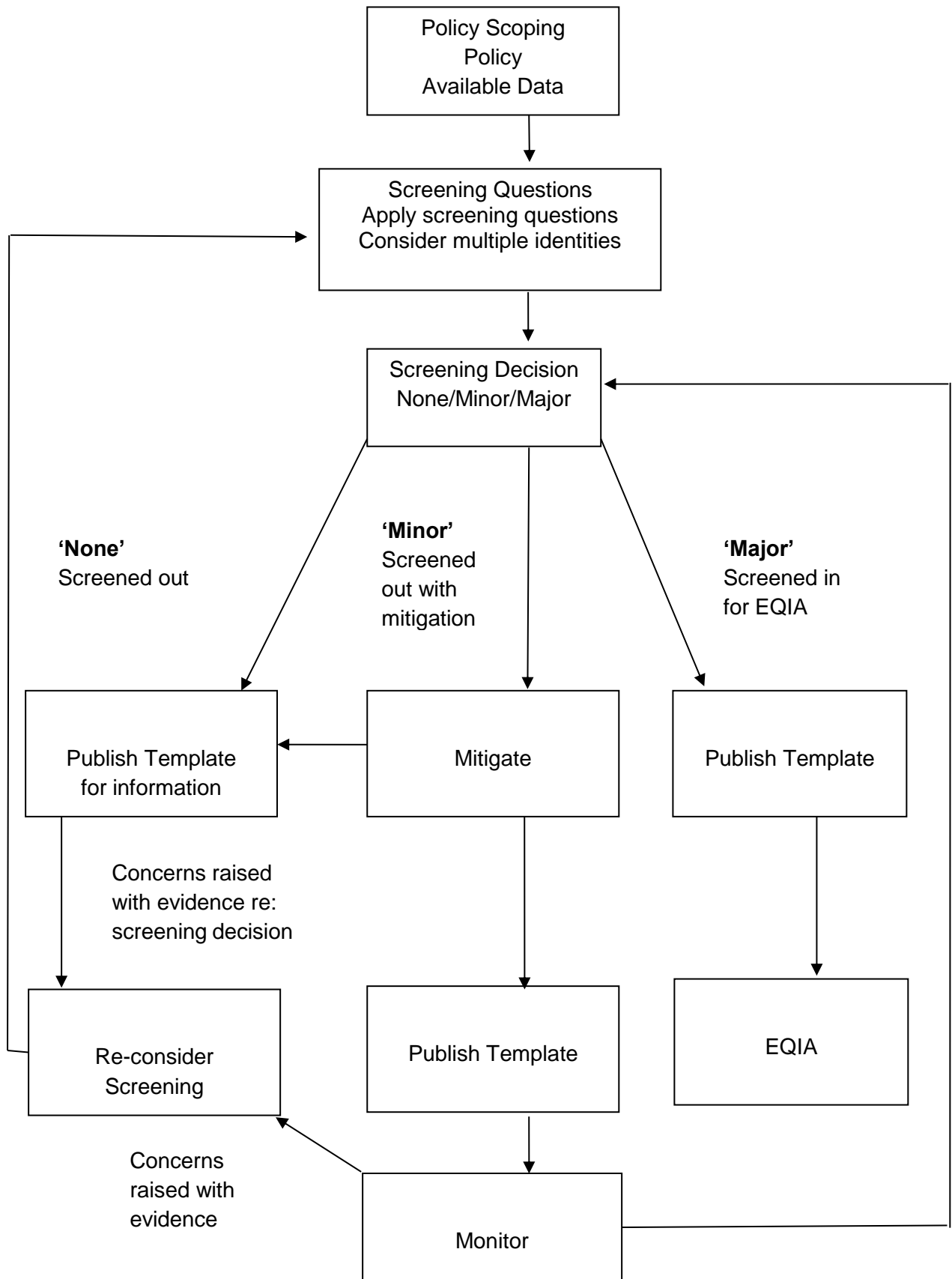
The Screening exercise is now complete.

When you have completed the form please retain a record in your branch and send a copy for information to:-

Equality Unit
Knockview Buildings
Stormont Estate
BELFAST
BT4 3SU
Tel: 02890 522611

or e-mail to Equality Unit dojequality@dojni.x.gsi.gov.uk.

SCREENING FLOWCHART



MAIN GROUPS IDENTIFIED AS RELEVANT TO THE SECTION 75 CATEGORIES

Category	Main Groups
Religious Belief	Protestants; Catholics; people of other religious belief; people of no religious belief
Political Opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Afro Caribbean people; people of mixed ethnic group, other groups
Age	For most purposes, the main categories are: children under 18; people aged between 18 and 65. However the definition of age groups will need to be sensitive to the policy under consideration. For example, for some employment policies, children under 16 could be distinguished from people of working age
Marital/Civil Partnership Status	Married people; unmarried people; divorced or separated people; widowed people; civil partnerships
Sexual Orientation	Heterosexuals; bisexual people; gay men; lesbians
Men and Women generally	Men (including boys); women (including girls); trans-gender and trans-sexual people
Persons with a disability and persons without	Persons with a physical, sensory or learning disability as defined in Schedules 1 and 2 of the Disability Discrimination Act 1995.
Persons with dependants and persons without	Persons with primary responsibility for the care of a child; persons with personal responsibility for the care of a person with a disability; persons with primary responsibility for a dependent elderly person.

Appendix 3 – Questionnaire for Respondents

Please Note this form should be returned with your response to ensure that we handle your response appropriately.

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Forename

2. Postal Address

Postcode	Phone
Email	

3. Permissions - I am responding as... (choose one)

An Individual <input type="checkbox"/>	An Organisation <input type="checkbox"/>
(a) Do you agree to your response being made available to the public? Please tick as appropriate <input type="checkbox"/> Yes <input type="checkbox"/> No	(b) The name of your organisation will be made available to the public Are you content for your response to be made available? Please tick as appropriate <input type="checkbox"/> Yes <input type="checkbox"/> No

CONSULTATION QUESTIONS [continue on separate sheet of paper as required)

Question 1:

Do you think the level of bereavement damages should be increased in Northern Ireland?

Yes / No

Comments:

Question 2:

Option 1 - Do you think the level of bereavement damages should increase to the same level as England and Wales?

Yes / No

Comments:

Question 3:

Option 2 - Do you think the level of bereavement damages should increase in line with inflation as measured by the CPI?

Yes / No

Comments:

Question 4:

If you consider Option 1 and 2 to be inappropriate, do you think the level of bereavement damages should be increased by another method?

Yes / No

Comments:

Any further comments?



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