

Department of
Justice

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Building a fair, just and safer community

**REVIEW OF CERTAIN PROVISIONS IN
THE MENTAL HEALTH REVIEW TRIBUNAL
(NORTHERN IRELAND) RULES 1986**

CONSULTATION PAPER ISSUED TO TARGETED CONSULTEES

26 October 2015

This consultation begins on 26 October 2015.

This consultation closes at 5.00pm 23 November 2015.

1. INTRODUCTION

1.1 The Mental Health Review Tribunal (“the Tribunal”) is an independent judicial body, set up under the Mental Health (Northern Ireland) Order 1986¹ (“the Order”), which reviews the cases of patients who are compulsorily detained or are subject to guardianship under the Order. The Tribunal’s function is to provide mental health patients with a safeguard against unlawful detention under the Order by means of a review of their cases from both the medical and non-medical points of view. After considering all of the evidence submitted at the hearing, the Tribunal decides whether or not the patient should continue to be detained under the Order.

1.2 The Mental Health Review Tribunal (Northern Ireland) Rules 1986² (“the Rules”) set out the procedure to be followed by the Tribunal. The Rules are made by the Department of Justice, after consultation with the Lord Chief Justice.

1.3 This consultation is about certain provisions in the Rules which relate to the time limits for complying with the Rules.

2. BACKGROUND

2.1 Article 5 of the European Convention on Human Rights guarantees a person’s right to liberty and protects against arbitrary deprivation of liberty. Article 5 sets out the particular circumstances in which the right to liberty can be interfered with and provides that such circumstances must be prescribed in law and open to challenge.

2.2 The Tribunal is a forum for challenging deprivations of liberty under the Order. Under Article 5(4) of the European Convention, everyone who is deprived of his or her liberty shall be entitled to take proceedings by which the lawfulness of that detention shall be decided speedily by a court and his or her release ordered if the detention is not lawful. There is, therefore, an obligation to ensure that a person deprived of liberty under the Order is able to have the lawfulness of his or her

¹ S.I. 1996/595 (NI) 4.

² S.R. 1986/193.

detention reviewed speedily by the Tribunal, that is as soon as reasonably practicable having regard to the individual circumstances of the case.

2.3 Under rule 26(2) of the Rules, the time appointed by the Rules for doing any act may, in the particular circumstances of the case, be extended, or abridged (shortened) by the Tribunal on such terms, if any, as the Tribunal thinks fit. Rule 26(2) also specifies, however, that the power to abridge time does not apply to the notice periods required under the Rules for the resumption of adjourned hearings³, hearings⁴ and reconvened hearings⁵.

2.4 In the case of these three types of hearing, all parties must be given not less than 14 days' notice of the hearing or such shorter notice as all the parties consent to. This includes the Department of Justice, in the case of certain patients.

2.5 Time limits for giving notice of hearings and other matters are important in ensuring that parties have adequate time to prepare their case and can effectively participate in the hearing. Time must properly be allowed, as is reasonably necessary, to ensure that the Tribunal is in a position to adequately and fairly adjudicate on the issues before it.

2.6 If, however, the Tribunal does not have the discretion to shorten time limits in all cases, there may be a risk that an individual case may not be heard as soon as is reasonably practicable, having regard to the relevant circumstances of the case. The Tribunal may not, of course, change a time limit if that would conflict with a provision in the Order containing a time limit. It only has jurisdiction to deal with applications in accordance with the Order.

3. PURPOSE OF CONSULTATION

3.1 The purpose of this consultation is to seek views on amending the Rules to ensure that the Tribunal may amend time limits under the Rules in all cases.

³ Rule 16(4) of the Rules.

⁴ Rule 20 of the Rules.

⁵ Rule 25(2) of the Rules.

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. MENTAL HEALTH REVIEW RULES – OTHER UK JURISDICTIONS

4.1 In England, the First-tier Tribunal (Health, Education and Social Care Chamber) may extend or shorten the time for complying with any rule, practice direction or direction, unless such extension or shortening would conflict with a provision of another enactment containing a time limit.⁶ When giving notice for hearings, the Tribunal may give shorter notice than that required under the relevant rules with the parties' consent or in urgent or exceptional circumstances.⁷

4.2 In Wales, the Mental Health Review Tribunal for Wales may extend or shorten the time for complying with any rule or direction (unless such extension would conflict with a provision of an enactment containing a time limit) if the party requiring the extension or abridgement has shown a good reason why it is necessary; and the Tribunal considers the extension or abridgement to be in the interests of justice.⁸ The Tribunal may also give less notice of the date, time and place of any hearing than that required under the relevant rules with the parties' consent or in urgent or exceptional circumstances.⁹

4.3 In Scotland, the Mental Health Tribunal for Scotland may extend the time appointed under the relevant rules for doing any act.¹⁰ Notice must be given to the parties not less than seven days before the date fixed for hearing or such shorter period as the Tribunal may decide is appropriate.¹¹

⁶ Rule 5 of the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 (S.I. 2008/2699)..

⁷ Rule 37(4).

⁸ Rule 5(2)(a) of Mental Health Review Tribunal for Wales Rules 2008 (S.I. 2008/2705).

⁹ Rule 24(4).

¹⁰ Rule 52(2) of Mental Health Tribunal for Scotland (Practice and Procedure) (No 2) Rules (S.S.I. 2005/519).

¹¹ Rule 56.

4.4 Tribunals in the other United Kingdom jurisdictions all have the power to extend and abridge notice periods in all proceedings.

5. REVIEW OF RULES ON TIME LIMITS

5.1 Consultees are invited to respond to the following questions.

Question 1

Do you think that the Tribunal should be given the discretion to abridge time limits in all proceedings? The Department particularly welcomes information from Tribunal users on the expected practical implications of a decision by the Tribunal to abridge time.

5.2 Should a decision be taken to amend the Rules to allow the Tribunal to abridge time limits in all proceedings, the Department must consider the most appropriate grounds for the exercise of this power. Two options have been identified:

- in urgent or exceptional circumstances; or
- when in the interests of justice.

Question 2

Option 1 - Do you think the discretion should be exercised in urgent or exceptional circumstances?

Question 3

Option 2 - Do you think the discretion should be exercised when in the interests of justice?

Question 4

Do you think the discretion should be exercised on another ground? If so, what?

5.3 If the Tribunal is to be given the discretion to abridge time limits in all proceedings, this would be subject to time limits in primary legislation, such as the Order. When the Mental Capacity Bill, which is currently before the Assembly, comes into force, some of these time limits will change, chiefly in relation to those aged over 16 years. The Rules will also be reviewed in light of the coming into force of the Mental Capacity Bill.

6. NEXT STEPS

6.1 The Department will consider the responses to this consultation. Any amendments to the Rules are made by the Department, after consultation with the Lord Chief Justice, and are subject to the Assembly's negative resolution procedure.

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
- 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 2006,¹² 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

¹² S.I. 2006 No.312 (N.I.1)

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. 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 26 October 2015 and all responses should be submitted **by 5.00pm on 23 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.

8.2 For queries and responses to the consultation please contact:

Susan McCracken
Consultation Co-Ordinator
Civil Justice Policy Division
Massey House
Stormont Estate
Belfast
BT4 3SX

Tel: 028 9016 9612
Fax 028 9016 9502
Textphone: 028 9052 7668

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 1998¹³. Respondents should also be aware that the Department's obligations under the Freedom of Information Act 2000¹⁴ may require

¹³ 1998 c.29.

¹⁴ 2000 c.36.

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

Appendix 1 – List of Consultees

This consultation document has been sent to the following organisations:

British Association of Social Workers

British Medical Association

British Psychological Society (NI Branch)

Children's Law Centre

Directorate of Legal Services

Disability Action

Extern

General Council of the Bar of Northern Ireland

General Medical Council

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

Law Centre (NI)

Mencap

Mental Health Review Tribunal for Northern Ireland

Mindwise

Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO)

Northern Ireland Association of Mental Health (NIAMH)

Northern Ireland Commissioner for Children and Young People (NICCY)

Northern Ireland Human Rights Commission

Office of the Lord Chief Justice of Northern Ireland

Patient Client Council

Praxis Care Counselling

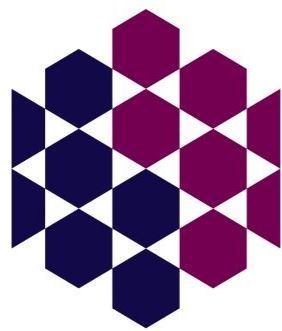
The Law Society of Northern Ireland

Regulation and Quality Improvement Authority

Royal College of General Practitioners

Royal College of Psychiatrists in Northern Ireland

Voice of Young People in Care



Department of
Justice

www.dojni.gov.uk

DOJ Section 75

EQUALITY SCREENING FORM

**Title of Policy: THE MENTAL HEALTH REVIEW
TRIBUNAL (NORTHERN IRELAND) RULES 1986:
EXTENDING THE TRIBUNAL'S POWERS TO
SHORTEN HEARING NOTICE PERIODS**

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

The Mental Health Review Tribunal (Northern Ireland) Rules 1986: extending the Tribunal's powers to shorten hearing notice periods

Is this an existing, revised or a new policy?

It is a revised policy.

The Mental Health Review Tribunal ("the Tribunal") is an independent judicial body, set up under the Mental Health (Northern Ireland) Order 1986 ("the Order"), which reviews the cases of patients compulsorily detained or subject to guardianship under the Order. The Tribunal's function is to provide mental health patients with a safeguard against unlawful detention under the Order by means of a review of their cases from both the medical and non-medical points of view. After considering all of the evidence submitted at the hearing, the Tribunal decides whether or not the patient should continue to be detained under the Order. The Mental Health Review Tribunal (Northern Ireland) Rules 1986 ("the Rules") set out the procedure to be followed by the Tribunal.

Under rule 26(2) of the Rules the time appointed by the Rules for doing any act may, in the particular circumstances of the case, be extended, or abridged (shortened) by the Tribunal on such terms, if any, as the Tribunal thinks fit.

Currently rule 26(2) also specifies, however, that the power to abridge time does not apply to the notice periods required under the Rules for the resumption of adjourned hearings [rule 16(4)], hearings [rule 20] and reconvened hearings [rule 25(2)].

The revised policy would extend the Tribunal's discretion to shorten hearing notice periods to cover all types of hearing including adjourned and reconvened hearings.

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

Ensuring compliance with Article 5 of the European Convention on Human Rights (guaranteeing a person's right to liberty and protecting against arbitrary deprivation of liberty) by providing the Tribunal with discretionary powers to abridge hearing time limits in respect of all hearings (including adjourned and reconvened hearings) thus enabling individual cases before it to be heard as soon as is reasonably practicable having regard to their relevant circumstances.

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

Potentially men and adults aged 18-44 as these groups are more likely to be compulsorily detained under the Order.

Who initiated or wrote the policy?

Civil Justice Policy Division, DOJ

Who owns and who implements the policy?

Policy Owner: DOJ

The Rules are made by the Department after consultation with the Lord Chief Justice

Policy Implementation: The Mental Health Review Tribunal

If a decision is taken to amend the Rules as proposed the Tribunal will acquire the discretion to shorten hearing notice time limits in all proceedings.

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 –

Providing the Tribunal with the discretion to shorten hearing notice periods may result in more appeals proceeding to a hearing and thus an increase in the total amount of hearing fees and travel and subsistence costs paid to Tribunal members.

Main stakeholders affected

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

- staff
NI Courts and Tribunal Service (NICTS) staff providing secretariat and other administrative services to the Tribunal
- service users
Patients compulsorily detained under the Order and their legal representatives
- other public sector organisations
NI Health and Social Care Trusts
- voluntary/community/trade unions
Voluntary bodies providing mental health advocacy
- other, please specify
Tribunal Members

Other policies with a bearing on this policy

No

- what are they? **Not applicable.**
- who owns them? **Not applicable.**

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.

Evidence is available to show that in Northern Ireland men are more likely than women to be compulsorily detained for psychiatric treatment. Of the 987 compulsory admissions under the Order during 2014/15 54.5% were male and 45.5% were female.

Over the same period almost half (45.5%) of compulsory admissions involved patients aged 18-44; 29.8% aged 45-64; 13.5% aged 75 and over; 8.3% aged 65-74 and 2.9% aged under 18.

During 2014/15 approximately 300 appeals were lodged with the Tribunal. Data are not readily available from NICTS on the breakdown of appellants by gender, age or other s75 categories.

Data sources: DHSSPS Hospital Statistics: Mental Health and Learning Disability series; Northern Ireland Courts and Tribunals Service.

Section 75 Category	Details of evidence/information
Religious belief	No relevant data or research identified
Political opinion	No relevant data or research identified
Racial group	No relevant data or research identified
Age	The highest proportion of compulsory admissions is among adults aged 18-44 and the lowest is among those aged under 18.
Marital status	No relevant data or research identified
Sexual orientation	No relevant data or research identified
Men and Women generally	Men are more likely than women to be compulsorily detained under the Order than women.
Disability	No specific relevant data or research identified – logically, however, it would be expected that a proportion of compulsory admissions would relate to people with a mental health disability
Dependants	No relevant data or research identified

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.

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

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

<p>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</p>		
Section 75 category	Details of policy impact	Level of impact? Minor/Major/None
Religious belief	See Q 15	None
Political opinion	See Q 15	None
Racial group	See Q 15	None
Age	As adults aged 18-44 make up almost half of those compulsorily detained under the Order they may tend to benefit more from the rule change.	Minor
Marital status	See Q 15	None
Sexual orientation	See Q 15	None
Men and Women generally	As more men than women are compulsorily detained than women under the Order they may tend to benefit more from the rule change.	Minor
Disability	To the extent that those compulsorily detained may be more likely to have a mental disability they may tend to benefit more from the rule change.	Minor
Dependants	See Q 15	None

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

Providing the Tribunal with the discretion to shorten hearing notice periods would benefit all s75 groups to the extent that they are likely to be compulsorily detained under the Order and may wish to challenge the lawfulness of their detention by appealing to the Tribunal.

It is not envisaged that any s75 categories would be adversely impacted by this rule change.

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

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?
 Minor/Major/None

Good relations category	Details of policy impact	Level of impact Minor/Major/None
Religious belief		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?
No opportunities to promote good relations within any of the good relations categories are expected.

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

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.

(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.

Providing the Tribunal with the discretion to shorten hearing notice periods would benefit all s75 groups to the extent that they are likely to be compulsorily detained under the Order and may wish to challenge the lawfulness of their detention by appealing to the Tribunal. To the extent that they do / may make up a higher proportion of compulsory admissions men, adults aged 18-44 and those with a mental disability may tend to benefit most from the proposed policy change.

It is not envisaged that any s75 categories would be adversely impacted by this rule change.

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.

Not applicable. It is not envisaged that any s75 categories would be adversely impacted by this rule change.

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

Not applicable.

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.

Not applicable.

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
Adele Watters	Head of Judicial Policy and Tribunals Branch, Civil Justice Policy Division	7 October 2015
Approved by:		
Laurene McAlpine	Head of Civil Justice Policy Division	8 October 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.

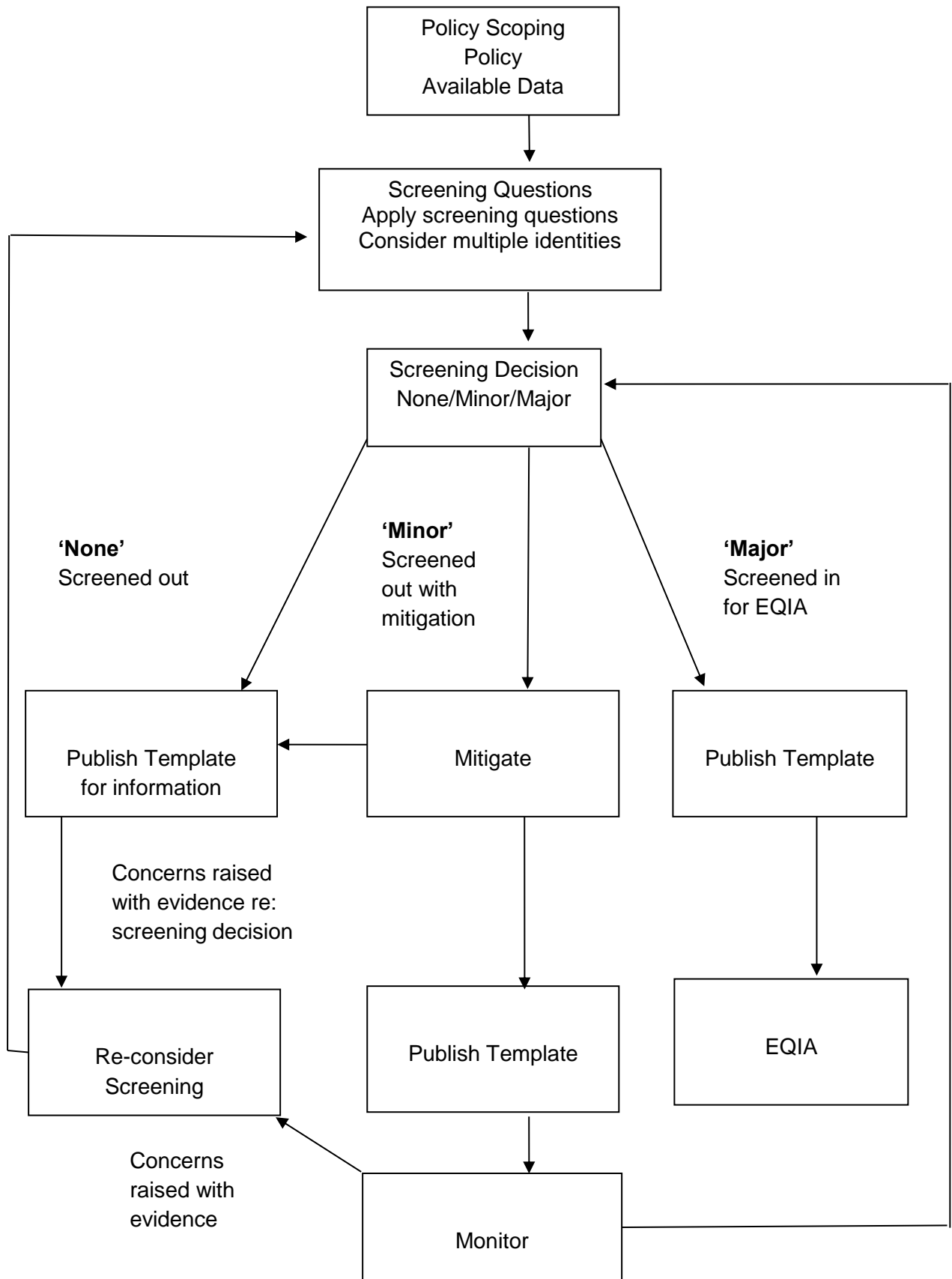
The Screening exercise is now complete.

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 that the Tribunal should be given the discretion to abridge time limits in all proceedings? The Department particularly welcomes information from Tribunal users on the expected practical implications of a decision by the Tribunal to abridge time.

Yes / No

Comments:

Question 2:

Option 1 - Do you think the discretion should be exercised in urgent or exceptional circumstances?

Yes / No

Comments:

Question 3:

Option 2 - Do you think the discretion should be exercised when in the interests of justice?

Yes / No

Comments:

Question 4:

Do you think the discretion should be exercised on another ground? If so, what?

Yes / No

Comments:

Any further comments?



Department of Justice,
Courts, Legal & Corporate
Branch,
Civil Justice Policy Division,
Access to Justice Directorate,
Massey House,
Stormont Estate,
Belfast,
BT4 3SX.

<http://www.dojni.gov.uk>