

NIPEC/18/26
(replacing NIPEC 16/24)



NORTHERN IRELAND PRACTICE AND EDUCATION
COUNCIL FOR NURSING AND MIDWIFERY

Equality and Human Rights Screening Policy

July 2018

Review date: September 2021

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1. Background

The legislation

- 1.1 Under Section 75 and Schedule 9 of the Northern Ireland Act 1998, as a public authority the Business Services Organisation (BSO) is required to assess the likely impact of policies on the promotion of equality of opportunity.
- 1.2 In a similar way, under the Disability Discrimination Act 1995 (as amended by Article 5 of the Disability Discrimination (Northern Ireland) Order 2006) and Equality Commission guidance, public authorities are required to consider the effect of their policies on (a) the participation of disabled people in public life and (b) the promotion of positive attitudes towards disabled people.
- 1.3 Likewise, the Human Rights Act 1998 requires public authorities to ensure that its decisions and actions are compatible with the Human Rights Act.
- 1.4 In short, therefore, equality and human rights screening is a key instrument of promoting equality and human rights in policy- and decision-making.

Key terms

- 1.5 In its 2010 document *Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities*, the Equality Commission defines the purpose of screening as “identifying those policies that are likely to have an impact on equality of opportunity and/or good relations”.
- 1.6 More broadly speaking, screening seeks to ensure that our decision-making takes equality issues into consideration and thus becomes more informed and robust. Similarly, by screening we identify and seek to meet the needs of those impacted by our work.
- 1.7 The nine equality categories, which public authorities need to take into consideration, relate to age, gender, religion, political opinion, disability, ethnicity, sexual orientation, marital status and dependants.
- 1.8 The Equality Commission moreover points out that: “*in the context of Section 75, policy is very broadly defined and covers all the ways in which a public authority carries out or proposes to carry out its functions relating to Northern Ireland*”.

- 1.9 The Commission explains that: *“the term ‘policy’ is used to denote any strategy, policy (proposed/amended/existing) or practice and/or decision, whether written or unwritten”*.
- 1.10 To acknowledge the comprehensive nature of the term, therefore, the phrase ‘policies and decisions’ is employed throughout in the context of screening.

2. Aim of the policy

2.1 The aims of this policy are to:

- ensure we comply with the statutory duties under equality, disability and human rights legislation as well as our Equality Scheme commitments
- specifically under Section 75, to ensure that the screening questions set by the Equality Commission are considered (see Appendix 1)
- ensure that evidence of our consideration of equality implications is produced and made publicly available
- spell out the screening process, roles and responsibilities in relation to screening for the benefit of staff and those affected by what we do.

3. Our screening procedure

Who carries out the screening

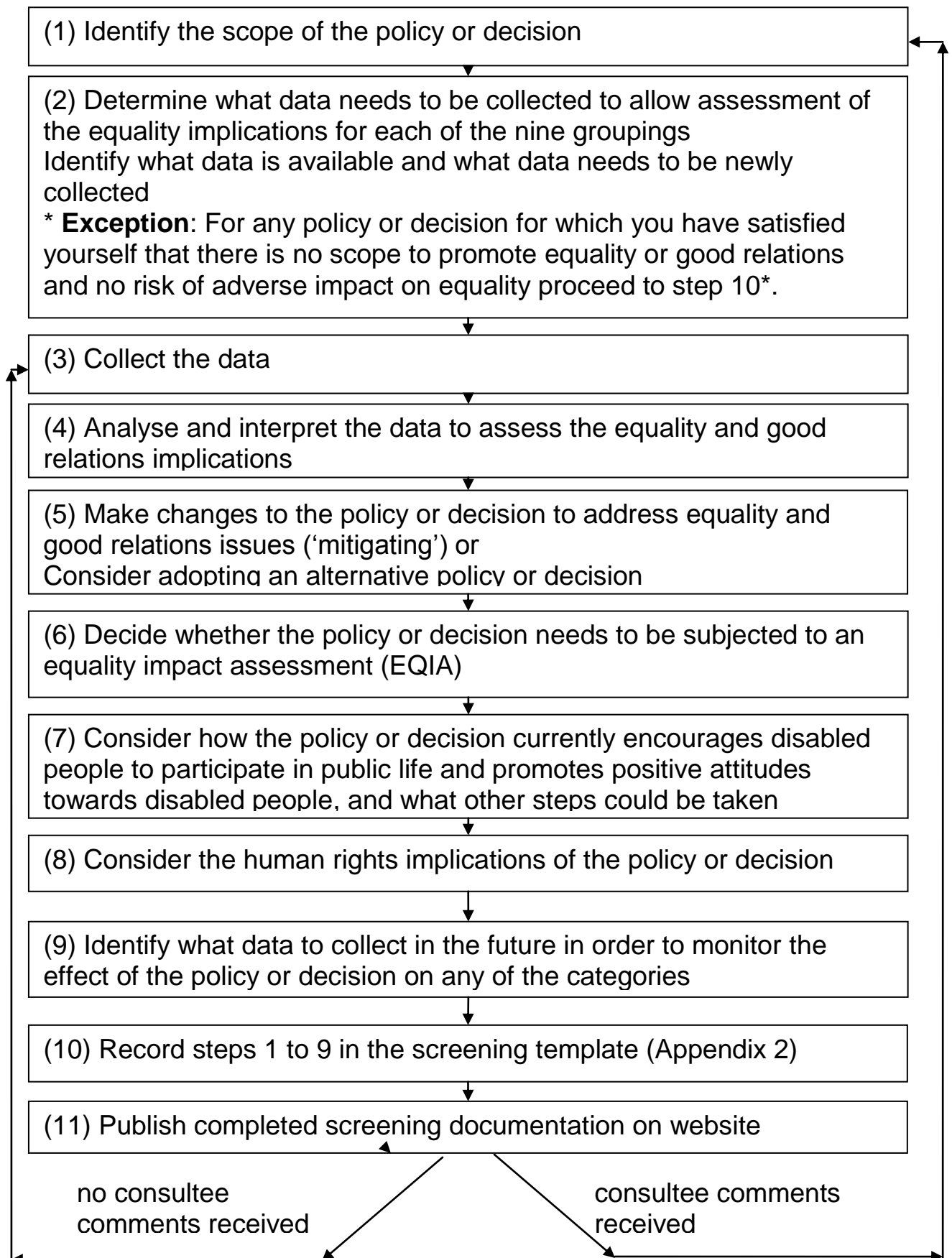
- 3.1 The responsibility for undertaking the screening rests with the respective senior manager who leads on the policy or decision (the ‘lead policy officer’). In line with Equality Commission recommendations, this is defined as a member of staff who has the authority to make changes to that policy or decision.
- 3.2 As a matter of good practice, and to ensure that screening is robust, s/he will involve others with relevant knowledge and experience in the exercise.

When screening is undertaken

- 3.3 Equality considerations will be taken into account from the very start of the policy and decision-making process. In other words screening will commence in tandem with the policy process itself to ensure that equality considerations inform the decision-making.

How we carry out the screening

- 3.4 In screening policies and decisions, we will normally undertake a series of steps as illustrated in the flowchart on page 5.
- 3.5 We will conclude our screening by reaching one of three possible screening decisions:
- (1) that the policy or decision should be subject to full equality impact assessment.
 - (2) that the policy or decision does not require equality impact assessment in light of mitigation or the adoption of an alternative policy or decision.
 - (3) that the policy or decision does not require equality impact assessment and there is no need for mitigation or the adoption of an alternative policy or decision.



How we document our screening activities

- 3.6 In order to evidence the consideration given to equality issues in policy- and decision making in NIPEC, the lead policy officer will ensure that screening documentation is completed. This involves completing a screening template (Appendix 2).
- 3.7 The lead policy officer will ensure that the screening template or written assurance accompanies the policy or decision throughout its approval process to allow comments by those consulted. If comments received from consultees require changes to be made to the screening template, these will be implemented before final approval of the policy or decision.
- 3.8 Once the policy or decision has passed the final stage of decision-making, the lead policy officer must forward a copy of the screening documentation to NIPEC's Corporate Services Manager, who in turn will forward to the BSO Equality Unit.
- 3.9 The BSO Equality Unit will maintain a register of screening decisions as well as an archive of completed screening templates and written assurances.

How we publish information on our screening exercises

- 3.10 We will publish screening reports every three months. These can be accessed on the BSO website via a link on NIPEC's main website. A copy of all screening templates can also be accessed in this way or requested in alternative formats.
- 3.11 If any of our consultees or stakeholders raises a concern about a screening decision, the lead policy officer will consider rescreening the policy or decision.
- 3.12 For those policies or decisions that undergo a period of public consultation we will ensure that the completed screening template accompanies the policy document, to allow informed comment by consultees on the equality implications.

How we meet our equality obligations for any policies emanating from regional policy templates

- 3.13 We recognise that the legislation confirms that any policy adopted by NIPEC becomes a NIPEC policy and that we therefore must be in a position to provide evidence of its screening.

3.14 For any policies that are initiated by third parties therefore, such as through regional policy templates developed by HSC-wide working groups, which are then adapted and adopted by NIPEC, the lead policy officer will:

- request a completed screening template from the regional author(s) of the policy template.
- review the screening template to assess whether or not: (a) the impacts identified by the regional author(s) apply to NIPEC; and (b) any additional or particular impacts arise for NIPEC.
- complete a NIPEC screening template to document this assessment.

4. Roles and Responsibilities

4.1 The **Chair, Chief Executive** and **Non-executive Council members** are accountable to NIPEC's Council for the overall performance of their organisation. Matters of equality, good relations and human rights are central to this accountability and central to the discharge of governance responsibilities.

4.2 NIPEC **Council Members** are responsible for seeking assurance from the respective member of NIPEC's Senior Team, that any policy¹ submitted to the Council for decision has been screened, that the associated screening documentation has been completed and copies shared with the BSO Equality Unit.

4.3 The **Chief Executive** is accountable to NIPEC Council for the development, implementation, maintenance and review of the Equality Scheme in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998, including any good practice or guidance that has been or may be issued by the Equality Commission. This includes the screening of policies and decisions.

They are also responsible for:

- Providing assurance to NIPEC Council.
- Seeking assurance from the respective member of NIPEC's Senior Team that any policy² submitted to NIPEC Council for decision has been screened, that the associated screening documentation has been completed and copies shared with the BSO Equality Unit.

¹ See section 1.9 for definition of policy

² See section 1.9 for definition of policy

4.4 The **Senior Team** are responsible for:

- ensuring that all lead policy officers have been trained on screening
- providing assurance to the Chief Executive and the Council that policies and decisions in their area of responsibility have been screened, that the associated screening documentation has been completed and, copies shared with the Corporate Services Manager and forwarded to the BSO Equality Unit.

4.5 The **lead policy officer** is responsible for:

- carrying out the screening exercise and for completing the associated documentation (screening template or written assurance)
- deciding who else to involve in the process
- ensuring that a copy of the completed screening template or written assurance is forwarded to the Corporate Services Manager as soon as possible once the screening has been completed alongside the decision-making process
- giving consideration to rescreening the policy or decision if a consultee raises a concern about a screening decision based on supporting evidence.

4.6 The **Corporate Services Manager** is responsible for:

- providing support, advice and guidance to lead policy officers in undertaking screening
- forwarding completed screening and policy documents to BSO Equality Unit for publication on website
- maintaining a register of policies and decisions screened and an archive of completed screening templates
- giving consideration to rescreening the policy or decision if a consultee raises a concern about a screening decision based on supporting evidence.

4.5 The **BSO Equality Unit** is responsible for:

- providing lead policy officers with the opportunity to attend focused training on screening
- providing support, advice and guidance to lead policy officers in undertaking screening
- maintaining a register of policies and decisions screened and an archive of completed screening templates and written assurances

- compiling and publishing screening reports quarterly (which detail all policies screened over the previous three months and include decisions reached)
- collating and disseminating consultee comments to NIPEC's Corporate Services Manager and/or the appropriate lead policy officer.

If you require this document in an alternative format (such as large print, Braille, disk, audio file, audio cassette, Easy Read or in minority languages to meet the needs of those not fluent in English), please contact:

Corporate Services Manager
NIPEC
79 Chichester Street
Belfast
BT1 4JE

email: enquiries@nipec.hscni.net
Tel: 0300 300 0066

Screening questions

The four screening questions are defined as:

- 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)
- Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?
- To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group? (minor/major/none)
- Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?

(Equality Commission (2010): Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities)

Equality and Human Rights Screening Template



Insert name of policy:

Insert NIPEC reference number:

Insert date of screening:

NIPEC is required to consider the likely equality implications of any policies or decisions. In particular it is asked to consider:

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)?
2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?
3. To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group (minor / major / none)?
4. Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?

For advice on screening please contact: staff in the Equality Unit Business Services Organisation, equality.unit@hscni.net or Telephone 028 9536 3961

For information (evidence, data, research etc.) on the Section 75 equality groups see the Equality and Human Rights Information Bank on the BSO website – <http://www.hscbusiness.hscni.net/services/1798.htm>

As part of the audit trail documentation needs to be made available for all policies as decisions examined for equality and human rights implications. The screening template is a pro forma to document consideration of each screening question.

(1) INFORMATION ABOUT THE POLICY OR DECISION

1.1 Title of policy or decision

1.2 Description of policy or decision

- what is it trying to achieve? (aims and objectives)
- how will this be achieved? (key elements)
- what are the key constraints? (for example financial, legislative or other)

1.3 Main stakeholders affected (internal and external)

For example staff, actual or potential service users, other public sector organisations, voluntary and community groups, trade unions or professional organisations or private sector organisations or others

1.4 Other policies or decisions with a bearing on this policy or decision

- what are they?
- who owns them?

(2) CONSIDERATION OF EQUALITY AND GOOD RELATIONS ISSUES AND EVIDENCE USED

For information (evidence, data, research etc.) on the Section 75 equality groups see the Equality and Human Rights Information Bank on the BSO website – <http://www.hscbusiness.hscni.net/services/1798.htm>

2.1 Data gathering

What information did you use to inform this equality screening? For example previous consultations, statistics, research, Equality Impact Assessments (EQIAs), complaints. Provide details of how you involved stakeholders, views of colleagues, service users, staff side or other stakeholders.

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2.2 Quantitative Data

Who is affected by the policy or decision? Please provide a statistical profile. Note if policy affects both staff and service users, please provide profile for both.

Category	<i>What is the makeup of the affected group? (%) Are there any issues or problems? For example, a lower uptake that needs to be addressed or greater involvement of a particular group?</i>
Gender	
Age	
Religion	
Political Opinion	
Marital Status	
Dependent Status	
Disability	
Ethnicity	
Sexual Orientation	

2.3 Qualitative Data

What are the different needs, experiences and priorities of each of the categories in relation to this policy or decision and what equality issues emerge from this? Note if policy affects both staff and service users, please discuss issues for both.

Category	Needs and Experiences
Gender	
Age	
Religion	
Political Opinion	
Marital Status	
Dependent Status	
Disability	
Ethnicity	
Sexual Orientation	

2.4 Multiple Identities

Are there any potential impacts of the policy or decision on people with multiple identities? For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people.

2.5 Making Changes

Based on the equality issues you identified in 2.2 and 2.3, what changes did you make or do you intend to make in relation to the policy or decision in order to promote equality of opportunity?

<i>In developing the policy or decision what did you do or change to address the equality issues you identified?</i>	<i>What do you intend to do in future to address the equality issues you identified?</i>

2.6 Good Relations

What changes to the policy or decision – if any – or what additional measures would you suggest to ensure that it promotes good relations? (refer to guidance notes for guidance on impact)

Group	Impact	Suggestions
Religion		
Political Opinion		
Ethnicity		

(3) SHOULD THE POLICY OR DECISION BE SUBJECT TO A FULL EQUALITY IMPACT ASSESSMENT?

A full equality impact assessment (EQIA) is usually confined to those policies or decisions considered to have major implications for equality of opportunity.

How would you categorise the impacts of this decision or policy (refer to guidance notes for guidance on impact)

Please tick:

Major impact	<input type="checkbox"/>
Minor impact	<input type="checkbox"/>
No further impact	<input type="checkbox"/>

Do you consider that this policy or decision needs to be subjected to a full equality impact assessment?

Please tick:

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please give reasons for your decisions:

(4) CONSIDERATION OF DISABILITY DUTIES

4.1 In what ways does the policy or decision encourage disabled people to participate in public life and what else could you do to do so?

<i>How does the policy or decision currently encourage disabled people to participate in public life?</i>	<i>What else could you do to encourage disabled people to participate in public life?</i>

b. In what ways does the policy or decision promote positive attitudes towards disabled people and what else could you do to do so?

<i>How does the policy or decision currently promote positive attitudes towards disabled people?</i>	<i>What else could you do to promote positive attitudes towards disabled people?</i>

(5) CONSIDERATION OF HUMAN RIGHTS

5.1 Does the policy or decision affect anyone's Human Rights? Complete for each of the articles

ARTICLE	Yes/No
Article 2 – Right to life	
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment	
Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour	
Article 5 – Right to liberty & security of person	
Article 6 – Right to a fair & public trial within a reasonable time	
Article 7 – Right to freedom from retrospective criminal law & no punishment without law	
Article 8 – Right to respect for private & family life, home and correspondence.	
Article 9 – Right to freedom of thought, conscience & religion	
Article 10 – Right to freedom of expression	
Article 11 – Right to freedom of assembly & association	
Article 12 – Right to marry & found a family	
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights	
1 st protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property	
1 st protocol Article 2 – Right of access to education	

*If you have answered no to all of the above, please move on to **Question 6** on monitoring*

5.2 If you have answered yes to any of the Articles in 5.1, does the policy or decision interfere with any of these rights? If so, what is the interference and who does it impact upon?

List the Article Number	Interfered with? Yes/No	What is the interference and who does it impact upon?	Does this raise legal issues?* Yes/No

** It is important to speak to your line manager on this and if necessary seek legal opinion to clarify this*

5.3 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy or decision.

(6) MONITORING

6.1 What data will you collect in the future in order to monitor the effect of the policy or decision on any of the categories (for equality of opportunity and good relations, disability duties and human rights)?

Equality & Good Relations	Disability Duties	Human Rights

Approved lead officer: _____

Position: _____

Date: _____

Policy/decision screened by: _____

Please note that having completed the screening you are required by statute to publish the completed screening template, as per your organisation's equality scheme. If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, you will need to review the screening decision.

Please forward completed template to: equality.unit@hscni.net

If you require this document in an alternative format (such as large print, Braille, disk, audio file, audio cassette, Easy Read or in minority languages to meet the needs of those not fluent in English), please contact:

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