

BELFAST EDUCATION & LIBRARY BOARD
NORTH EASTERN EDUCATION & LIBRARY BOARD
SOUTH EASTERN EDUCATION & LIBRARY BOARD
SOUTHERN EDUCATION & LIBRARY BOARD
WESTERN EDUCATION & LIBRARY BOARD
STAFF COMMISSION FOR EDUCATION & LIBRARY BOARDS

SCREENING TOOLKIT

This information can also be made available, on request, in alternative formats including in large print, in Braille, by e-mail, on computer disc, on audio-cassette and in minority languages to meet the needs of those people who are not fluent in English.

Final Draft: 31 March 2011

CONTENTS

Background	1
Introduction	1
Equality Duties	2
Disability Duties	2
Policy Screening Process	4
Part 1 - Policy Scoping	7
Part 2 - Screening Questions	8
Part 3 - Screening Decision	13
Part 4 - Monitoring	15
Part 5 - Data Protection Review/Self Assessment Protocol	15
Part 6 - Human Rights Audit of Policy	15
Part 7 - Approval and Authorisation	17
Appendix 1	Key Stages in the Policy Screening Process
Appendix 2	The Ten Features of Good Policy-Making
Appendix 3	Policy Screening Template

BACKGROUND

Section 75 of the Northern Ireland Act 1998 was intended to be transformative. Its aim was to change the practices of government and public authorities so that equality of opportunity and good relations became central to policy making, policy implementation, policy review and service delivery.

Since the introduction of this legislation the five Education and Library Boards and the Staff Commission for Education and Library Boards have adopted a co-ordinated approach to the development, implementation and review of a programme of work to implement these statutory equality duties. In regard to the equality screening process, this involved training for staff involved in the process, the development and pilot of a screening pro forma, the development, implementation and review of a screening toolkit and the publication of screening decisions. A two-staged approach was developed to enable those individuals/groups with a legitimate interest in the policy to engage in the process.

In the period 2006 - 2008 the Equality Commission conducted an effectiveness Review of the Section 75 statutory equality duties. This Effectiveness Review enabled the Equality Commission to take stock of progress on the implementation of Section 75 and to ascertain if it was delivering on its intention that equality of opportunity and good relations should be central to public policy making and development. The Effectiveness Review's recommendations have influenced the direction and informed the content of the Equality Commission's revised Guide for Public Authorities which was approved by the Secretary of State in April 2010, available at www.equalityni.org

One of the most significant changes, arising from the above Effectiveness Review, has been to the equality screening process, with revised questions developed together with a screening template. Screening is now recognised as one of the key tools to enable us to fulfil our statutory obligations and mainstream the Section 75 equality and good relations duties into policy development and service delivery. It is envisaged that the new screening process will provide us with an opportunity to improve our decision-making and support 'evidence based' policy making.

This new screening toolkit has been developed to take account of the changes arising from the Equality Commission's revised Guide. Its aim is to provide practical assistance to staff involved in the equality screening of policies and will be accompanied by training.

Further guidance and assistance is available to staff involved in the screening of policies from the Board's Equality Representative.

INTRODUCTION

This toolkit has been developed by the five Education and Library Boards and the Staff Commission for Education & Library Boards to provide practical guidance to officers involved in equality screening in relation to Section 75 of the Northern Ireland Act 1998. It outlines the key stages of the screening process and contains the equality screening template. A flowchart is available at Appendix 1 to give you a snapshot of the screening process. It is supported by specific training on the equality screening of policies.

EQUALITY DUTIES

Section 75 of the Northern Ireland Act 1998

The promotion of equality of opportunity entails more than the elimination of discrimination. It requires pro active measures to be taken to maintain and secure equality of opportunity.

Section 75 of the Northern Ireland Act 1998 (the Act) requires the Boards/Staff Commission, in carrying out their functions to have due regard to the need to promote equality of opportunity:

- a) Between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- b) Between men and women generally;
- c) Between persons with a disability and persons without; and
- d) Between persons with dependants and persons without.

The equality duty imposed by Section 75 extends to “*persons with and without dependants*”, a category of persons which is not specifically covered under the current anti-discrimination legislation in Northern Ireland.

The Boards/Staff Commission are also required in carrying out their functions, to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

DISABILITY DUTIES

Disability Discrimination Act 1995

As well as the two statutory equality duties outlined above the Boards/Staff Commission, under Section 49A of the Disability Discrimination Act 1995 (the DDA) are required when carrying out their functions to have due regard to the need to:

- promote positive attitudes towards disabled people; and
- encourage the participation by disabled people in public life.

Why are these duties so important?

They encourage us to:

- identify and address inequalities (to think more about what we do and how we do it);
- be able to demonstrate measurable positive impacts on the lives of people experiencing inequalities through our business planning processes (to consider the impact of what we do on the people who do/do not take up our services);
- use Section 75 and the Disability Duties as a policy tool to facilitate better public policy making and improved equality outcomes for those to whom we provide services and for our workforce.

We recognise that people do not neatly fit into one Section 75 category and for this reason as part of the screening process we will aim to consider multiple identity issues.

How do we implement these duties?

Under Schedule 9 of the NI Act, we are required to submit an **Equality Scheme** to the Equality Commission showing how we intend to carry out our equality duties. The Equality Scheme is our plan to show how we will promote equality of opportunity and good relations. It ensures that the promotion of equality is central to our decision and policy-making processes.

It details our commitment to:

- full and meaningful consultation;
- ensure that information is made available to the affected groups;
- ‘**screen**’ and carry out Equality Impact Assessments on those policies which it feels may adversely impact on any of the nine groups;
- monitor the impact of our policies, the results of which will be published in our Annual Reports;
- conduct equality awareness training to ensure all staff are aware of the equality duties and the importance of complying with the scheme as they undertake their work;
- conduct a formal review of our Equality Schemes.

Under Section.49B of the DDA we are also required to submit to the Equality Commission a **Disability Action Plan** showing how we intend to carry out our disability duties. The Boards/Staff Commission received an exemption from the requirement to produce a Disability Action Plan due to the changes proposed as part of the Review of Public Administration. We did however agree with the Equality Commission to develop and implement an **Interim Disability Action Plan**.

It details our commitment to:

- include specific questions on the disability equality duties in the **screening process**;
- review measures taken/planned to promote positive attitudes towards people with disabilities in public life;
- conduct an examination of training and guidance provided on the promotion of equality of opportunity for people with disabilities;
- outline the current range of public life positions for which we currently have responsibility;
- explore, in consultation with disability groups, how such positions could be made more accessible to and inclusive of people with disabilities.

POLICY SCREENING PROCESS

Why do we screen?

Apart from our statutory equality duties screening enables us to identify those policies that are likely to have an impact on equality of opportunity/disability equality and/or good relations. It is one of the key tools to enable us to mainstream the equality and disability duties into our policy development and service delivery. It provides us with an opportunity to improve decision-making and support 'evidence based' policy making.

Policy-making and equality screening

Before considering the screening process it is important to look at some aspects of the policy making process as policy development and equality screening are very much interlinked.

If a policy is well developed it will achieve its desired outcome and will make the screening process much easier for those involved.

The first question we therefore need to address is 'What is a Policy?' The Equality Commission states that the term 'policy' should be used to denote *any strategy, policy (proposed/amended/existing) or practice and/or decision, whether written or unwritten.*

The Boards/Staff Commission have defined policies as '**any decision as to how we fulfil our functions both statutory and non-statutory**'. This could be the adoption of a new policy/procedure and/or a change of strategy, change of service provision, the removal or diminution of a service etc.

It is worth noting that the Section 75 statutory duties apply to internal policies (relating to staff who work in our Organisations), as well as external policies (relating to those who are, or could be, served by us).

The process of policy making is not high science, but can be difficult to do well. As in any process, there are tools and techniques that can help in doing the job more effectively. The Office of the First and Deputy First Minister (OFMDFM) in its 'Practical Guide to Policy Making in Northern Ireland' sets out the key features of good policy making. The ten features of good policy-making are set out at Appendix 2. As you can see these ten features overlap and need to be considered collectively. Taken together they reflect the type of analysis which needs to be considered when developing a new policy or amending an existing one.

An inherent part of the policy making and indeed the equality screening process is **engagement with those whom the policy will directly or indirectly impact** e.g. service users, this may include children and young people, parents. It should also include those individuals groups listed in our Equality Scheme. Very often these groups will have a clearer idea than us about what the problems are, why the situation is as it is and why previous initiatives did or did not work. They are also well placed to advise on how a new/amended policy can be put into practice on the ground and what, if any, pitfalls need to be avoided. **Gathering this evidence through consultation can provide a very valuable input to the policy making process and inform the equality screening.** It may also avoid expensive mistakes later.

When do you screen?

Screening should be completed at the earliest opportunity in the policy development process. Policies should normally be screened prior to presentation to the Board and adoption or implementation. It is difficult to be absolutely definitive about when exactly screening should take place but there are two main circumstances when screening is conducted. These are:-

1. Where the policy is being developed and screening can easily be integrated into the process and engagement with main stakeholders can begin at an early stage. This is normally where the policy-making process is pro active.
2. Where an existing policy is to be changed or modified in response to a new situation or because of external forces i.e., financial constraints which may require a reduction in service provision. This is normally where the policy-making process is likely to be more reactive.

In general screening is more useful if it is introduced at an early stage when developing or reviewing a policy, or during successive stages of implementation (e.g., strategic review, options paper). Undertaking screening after policy proposals have been developed may be inefficient in terms of time; and less effective if the policy has to be reviewed to address/mitigate against negative equality impacts at a later stage in the process.

Pre Screening Checklist

Are you clear

- What the policy's intended aims and outcomes are?
- What individuals/groups are likely to benefit or be impacted upon by the policy? (who are its main stakeholders);
- How the policy links to the corporate/business planning processes?
- Has this policy or an associated policy been previously screened?
- What engagement has there been as part of the policy making process?
- What evidence has been gathered to inform the policy?
- How the policy fulfils our duties to promote equality of opportunity, good relations and disability equality?
- What monitoring, evaluation and review mechanisms have been built into the process, does this enable effective monitoring on the equality grounds covered by Section 75?

Having this information to hand will make the screening process much easier.

What steps are involved in the Screening Process?

To ensure a consistent approach is adopted, the Policy Screening Template at Appendix 3 must be used for all screening exercises. This completed template will be placed on the Boards'/Staff Commission's websites for the information of consultees. The Boards/Staff Commission recommend that screening be conducted:

- By more than one person and preferably that a member of the screening panel is from another functional area;
- By staff at a senior level; those with responsibility for the policy development, implementation and review;
- With at least one member of the screening panel having been trained on the screening of policies process; and
- After screening the policy, a copy of the completed template and any other associated documentation is provided to the Board's Equality Representative.

PART 1 - POLICY SCOPING

The purpose of policy scoping is to help provide the background and context for the policy under review. It requires you to provide details about the policy, procedure, practice and/or decision being screened and to identify what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

The questions relating to Section 75 beneficiaries; policy origin; implementation factors; main stakeholders affected and other policies with a bearing on this policy are self explanatory.

Available Evidence/Information

This may include information from a variety of sources (both quantitative and qualitative. For example:

- our management information systems e.g. School Census data, Employment Monitoring Data;
- service monitoring (customer surveys) and complaints;
- Equality Impact Assessments in the same or broadly similar policy area (both internal and external);
- research surveys and/or feedback from consultation exercises, including engagement as part of the policy-making process.

In this first part you're trying to identify, on each equality ground, all the available evidence/information (both qualitative and quantitative) you have which will help inform the screening process. In this regard it is important to think about sub-categories of people within the Section 75 grounds e.g. the Age ground could require you to look separately at data for pupils at primary level and those at post primary, etc.

Needs, experiences and priorities

Using the information collected you need now to analyse what it tells you, from an equality perspective, about the needs, experiences and priorities of those affected by this policy.

Example

Policy: The development of a revised literacy and numeracy strategy

Available Evidence (Q.1E):

Performance in Reading Literacy, Programme for International Student Assessment (PISA), 2009
Performance in Mathematics, (PISA), 2009
Attainment levels under current policy by gender, age, disability, race, school management type and FSM entitlement (school census and school leavers' survey). Need to look at the evidence on attainment level by each equality ground, as appropriate.

Needs, Experiences and Priorities (Q1F):

Traveller pupils have specific needs because of their nomadic lifestyle. Multiple identify issues – higher level of under-achievement of pupils in receipt of FSMs. Boys under performing when compared to girls. Priorities to raise standards; NI has one of the widest gaps of countries participating in PISA, between high and low achievers.

PART 2 - SCREENING QUESTIONS

This is a particularly important part of the screening process as it enables you to make a decision as to whether the policy could have a negative impact on one or more of the nine equality grounds. The four questions in this part will essentially inform the screening panel as to whether an equality impact assessment or other action is required. Using the information from Part 1 it is crucial that you identify on each equality ground, as appropriate, what the anticipated/actual impact of the policy is and the level of impact.

It is important that you do not assume that a service available to all in theory can be accessed by all in practice.

As you will have identified in Part 1 individuals/groups may experience the impact of a policy differently.

This part of the screening process has changed to the extent that not only do you need to identify the details of the policy impact in respect of each equality ground but at Part 2(A) and 2(C) you also need to **assess** the level of impact.

The Guidance provided below relates to the equality of opportunity questions but is also applicable to the good relations questions contained in this section.

There are **three possible levels** of impact. They are ‘**none**’, ‘**minor**’ and ‘**major**’.

IN FAVOUR OF NONE

If you conclude that in respect of all of the Section 75 equality categories and/or good relations or disability equality duties that the policy has no impact then it may be ‘screened out’.

This is normally only the case where:

- The policy has no relevance to equality of opportunity or good relations;
- The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity, disability equality and/or good relations.

The screening template will still have to be fully completed and placed on the Board’s website, as per page 15.

Set out below is an illustrative example where the impact is ‘none’. It is important that this example is not used to inform a particular screening exercise, it is for illustrative purposes only.

EXAMPLE: In favour of 'NONE'

Impact on Equality of Opportunity (Q2A):

Public authorities are obliged by government and legislation to have certain policies in place as part of their governance framework e.g. Anti-fraud policy. This policy will apply to all staff and other stakeholders, it is technical and very procedural in nature. It sets out definitions, responsibilities, processes and procedures to be followed when it is activated. It is usually reactive in nature rather than proactive in the sense that it prescribes the response to an event or set of circumstances rather than promulgating a service. There is little, if any, scope for modifying the policy or having an alternative policy.

Opportunities to better promote Equality of Opportunity (Q2B)

The impact of the policy falls universally on everyone in terms of responsibility and response and this curtails any opportunities to promote equality of opportunity.

IN FAVOUR OF 'MINOR' IMPACT

If you conclude that the impact is minor in respect of one or more of the Section 75 equality categories and/or good relations or disability equality duties, then consideration should be given to:

- the appropriateness of an EQIA; **or to**
- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote the equality and disability equality and/or good relations duties.

Set out below is an illustrative example where the impact is 'minor'. It is important that this example is not used to inform a particular screening exercise, it is for illustrative purposes only.

EXAMPLE: In favour of 'MINOR' impact

The current financial situation is placing us under considerable economic strain. In an effort to save money vacancy controls, restructuring and redundancy arrangements are being put in place to achieve efficiencies in back office functions to ensure that the reductions do not impact on core services for children and young people in schools and youth services.

Impact on Equality of Opportunity (Q2A)

The potential for negative equality impacts have been identified on a number of equality grounds including gender, disability, dependants and age. It is proposed that the staffing reductions will be achieved through the non-filling of vacant posts and voluntary severance arrangements; there are no proposed compulsory redundancies at this stage.

Opportunities to better promote Equality of Opportunity (Q2B)

Yes (Age ground, Multiple identity grounds)

1. by excluding from vacancy controls posts which impact on service users (namely children and young people) these are: school based posts; and basic grade education psychologists, education welfare officers and youth workers; and
2. by the non-filling of vacant posts and voluntary severance arrangements, compulsory redundancies can be avoided thereby reducing the negative impacts on staff.

No (Age ground)

The benefits payable to officers who retire prematurely are related to age and length of service criteria as specified under NILGOSC Regulations, these cannot therefore be mitigated.

Multiple Identity Issues (Q2E)

There **are no proposals** to transfer staff to other locations but if this were to arise, it is likely to impact on people with multiple identities, however, a range of factors, including the preference and circumstances of the employee would be taken into account. The employment monitoring data would be used to quantify the potential equality impacts if such a scenario were to arise.

Disability Equality (Q2F)

In the event that a relocation policy was being implemented priority would need to be given to meeting the needs of staff who have a disability for whom relocation is likely to cause greatest difficulty. In practical terms existing reasonable adjustments for staff with disabilities agreed under the DDA 1995, as amended, would remain in place, however where a change of location is unavoidable such arrangements would be reviewed, in consultation with the individual member of staff, to identify if any further support arrangements were required.

Screening decision (Q3B):

The impact has been assessed as 'minor' in this particular set of circumstances because, whilst disruptive and difficult for staff to come to terms with the changes being put in place, there are no compulsory redundancies and the impact on services has been mitigated as far as possible. The mitigation measures reflect best practice as per the Labour Relations Agency's Guidance and the Public Service Commission's Guiding Principles applicable in such circumstances; and best protect frontline services.

IN FAVOUR OF 'MAJOR' IMPACT

If you conclude that the policy is likely to have a major impact on one of more of the Section 75 equality categories and/or good relations or disability equality duties, then consideration should be given to subjecting the policy to an equality impact assessment.

This is normally the case where:

- the policy is significant in terms of its strategic importance;
- 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 EQIA in order to better assess them;
- potential equality/disability 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;
- 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;
- the policy is likely to be challenged by way of judicial review;
- the policy is significant in terms of expenditure.

The answer to these screening questions will determine whether the policy falls into the category of 'none', 'minor' or 'major' this will inform the screening decision in the next section.

Set out below is an illustrative example where the impact is 'major'. It is important that this example is not used to inform a particular screening exercise, it is for illustrative purposes only.

EXAMPLE: In favour of 'MAJOR'

The Electronic Libraries for Northern Ireland (ELFNI) was a new policy which aimed to deliver socially inclusive, cost effective, efficient and modern public library and information services to the NI community. The services were to be provided by way of partnership with the private sector (PPP).

Impact on Equality of Opportunity (Q2A)

Initial consultations had indicated that the ELFNI would promote equality of opportunity in library use. Particularly on the grounds of age (older and younger people, dependants, disability and race)

However, the Trade Unions expressed serious concerns about the use of PPP and the potential for significant equality impacts on library staff whose jobs would transfer to the private sector. (Potential impacts were identified on grounds of gender, marital status and dependants)

Opportunity to better promote Equality of Opportunity (Q2A)

Provision of adaptive technology and disability awareness training to staff and training in the use of adaptive technology. (Disability ground)

Taster sessions and specific marketing to encourage older people to use computers. (Age ground)
Provision of language and translation software. (Race ground)

Consideration of the needs of people who are housebound (and their carers), those in hospital, residential or nursing homes. (Dependants ground)

Consideration of the impact of the PPP contract on library staff.

Multiple Identity issues (Q2E)

Collection of data from GB on the impact of charging on individuals and groups for some services particularly given the overall commitment to a socially inclusive service.

Disability Equality (Q2F)

Accessible premises and the provision of adaptive technology and the availability of staff who had been trained in its use.

Screening Decision (Q3B)

This policy was highly significant in terms of its strategic importance and would also shape future library provision. Whilst the policy was intended to promote equality of opportunity in library use data was not available on some of its potential impacts e.g. introduction of charging for some services, introduction of technology to all libraries which could impact on existing service users who were primarily interested in books. Potential adverse impacts had been identified in relation to staff who would be affected by ELFNI centralisation.

The policy was therefore viewed as major in terms of its strategic significance, its impact on future service provision and on the staff who worked in it and the public (across the Section 75 dimensions) who would use the service.

Consultation was the main element in engaging early with staff and service users and non-users as well as the Section 75 constituency producing informed and positive support for the project and allowing the development of successful mitigations to the issues raised.

Multiple Identity

It is important to recognise that people can and do fall into more than one Section 75 category. Taking this into consideration you now need to identify if there are any potential impacts of the policy on people with multiple identities, for example, disabled minority ethnic people, disabled women, young Protestant men and young lesbians, gay and bisexual people (LGBT). The example 'in favour of minor' provides you with a situation where multiple identity issues are likely to arise.

Where you identify potential impacts you are required to provide details of the available data which shows that the policy impacts on people with multiple identities and to also specify the relevant Section 75 categories concerned.

Disability Equality

To encourage us to think about disability equality issues we've included in our screening pro forma a two-part question on disability equality.

In answering the first question you are required to consider whether this policy **discourages** or **encourages** disabled people to participate in public life. It should be noted that the Equality Commission's definition of public life is wider than just public appointments and includes our focus and/or working groups; school Boards of Governors, school councils; youth councils and user groups for a service provided by a us.

In answering the second question we need to think about how we can better promote positive attitudes towards disabled people and encourage their participation in public life. It would be helpful if you would provide details of how this is achieved. For example, outreach measures would include helping a school Governor, who has a hearing impairment, to participate in Board of Governor meetings; or facilitating the engagement of a parent with a disability in parent teacher meetings, encouraging and facilitating disabled people in applying and maintaining employment in our Board are some of the ways in which we can implement these duties. The example 'in favour of minor' provides you with a situation where a disabled person's needs must be taken into account in changes to work, work environment and/or location.

PART 3 - SCREENING DECISION

Having answered the screening questions you are now at the stage that you need to make a decision as to whether an EQIA is required. It is important that you clearly document the rationale for your decision, see summary below of an investigation conducted by the Equality Commission.

Summary of Equality Commission's Investigation

An investigation was conducted by the Equality Commission into the case, "Children's Law Centre and Northern Ireland Office", re the Northern Ireland Office's decision to "screen out" the Anti-Social Behaviour Order policy and legislation. Whilst this investigation was conducted under the previous screening guidance its findings remain very pertinent.

The Northern Ireland Office screened the policy/draft legislation and found that there was evidence of higher or fewer participation or uptake by different groups within the nine categories (evidence of differential impact by age and gender). Under their Equality Scheme they were obliged to give further consideration to whether an EQIA was required. **No reasoning** of such "consideration" is **recorded** in the original screening documentation, which simply records a decision that an EQIA is not required.

The Children's Law Centre pursued a judicial review and a complaint against the Northern Ireland Office.

The Equality Commission in its investigation recommended to the Northern Ireland Office that it conduct, within a specified timeframe a full EQIA. It further recommended that in future screening the Northern Ireland Office should:-

- Set out its reasons for not undertaking a full Equality Impact Assessment at the initial screening stage;
- Ensure that any reasons given for not undertaking an Equality Impact Assessment are adequate reasons in relation to significant implications for equality of opportunity;
- Disclose, for the purposes of consultation, any evidence of differential impacts identified in the initial screening exercise; and
- Address representations of significant adverse impact which emerge from the consultation process.

In favour of 'None' - No EQIA required:

If the decision is not to conduct an EQIA, it is **extremely important** that you provide the details for your reasons.

In favour of 'Minor' - Mitigation Measures required:

Where you've concluded that the impacts are likely to be in the '**minor**' category you need to outline what, if any, mitigation measures have been considered; what action, if any, you propose to take and the reasons for your decision. All policy changes **must** be specified.

In favour of 'Major' - EQIA required:

Where you've determined that an **EQIA is required** it is important to consider when it should commence. Priority criterion and a simple ranking system have been developed to assist you with this process.

Other factors to be considered when timetabling the EQIA are:

- Is it linked to a Best Value Review?
- Is it affected by timetables established by other relevant public authorities e.g. DE?
- What is the scale of the expenditure incurred by the policy?

A new policy 'screened in' should not normally be implemented until an EQIA has been conducted.

PART 4 - MONITORING

An effective monitoring system will enhance the Boards'/Staff Commission's capacity to perform our Section 75 duties efficiently and effectively by enabling us to make better decisions about what actions would best improve equality of opportunity. It will also provide an evidence base that can help demonstrate that due regard has been given to equality. The development of equality monitoring arrangements which are appropriate in size and nature, can, with careful shaping, assist us in meeting not only our Section 75 duties but our broader strategic aims for service development and improvement.

The effective monitoring of the implementation of the policy being screened will help us identify any future adverse impacts. It is important therefore in this section that you provide details of how such monitoring is to be conducted across the Section 75 categories, as appropriate.

The Equality Commission's 'Monitoring Guidance for Use by Public Authorities' (July 2007) will be of assistance to you in the development of a monitoring system. Further assistance is also available from the Board's Equality Representative.

PART 5 - DATA PROTECTION REVIEW/SELF ASSESSMENT PROTOCOL (DFP)

The screening template, for each policy screened has been extended to provide timely consideration of policy related matters such as Data Protection and the Self Assessment Protocol as required by DFP.

PART 6 - HUMAN RIGHTS AUDIT OF POLICY

Under Section 6(1) of the Human Rights Act 1998,

"It is unlawful for a public authority to act in a way which is incompatible with a Convention Right."

The screening template, has been extended to provide timely consideration of possible policy impacts incompatible with Human Rights. A 'Convention Check List' is provided to assist with this consideration but if any doubt arises on the impact of the policy on these rights, legal advice should be sought, from the Boards' Solicitors, and documented on ECHR Checklist/Form A as part of the screening process.

In order to establish an interference to any of the human rights it is essential to identify which right(s) would be potentially interfered with, who would be the potential victim(s) and how this interference would actually occur.

With a few exceptions, rights can be interfered with providing that interference is legitimate, prescribed by law, pursues a legitimate aim and is a necessary and proportionate action.

SUMMARY OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR)

- Article 2:** Every person's life shall be protected by law.
- Article 3:** No one shall be subjected to torture or to inhuman or degrading treatment or punishment.
- Article 4:** No one shall be subjected to slavery or forced labour.
- Article 5:** Everyone shall have the right to liberty and security of person.
- Article 6:** Everyone is entitled to a fair and public hearing when facing a criminal charge or where their civil rights are at stake.
- Article 7:** No one shall be subject to retrospective criminal offence or penalty.
- Article 8:** Everyone has the right to respect for their private and family life, their home and correspondence.
- Article 9:** Everyone has the freedom of thought, conscience and religion.
- Article 10:** Everyone has the right to freedom of expression.
- Article 11:** Everyone has the right to freedom of peaceful assembly, to form and to join trade unions and to associate with others.
- Article 12:** Everyone has the right to marry and to found a family.
- Article 13:** The right to an effective remedy (not part of UK Human Rights Act).
- Article 14:** The rights contained in the Convention shall be secured without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Protocol No 1

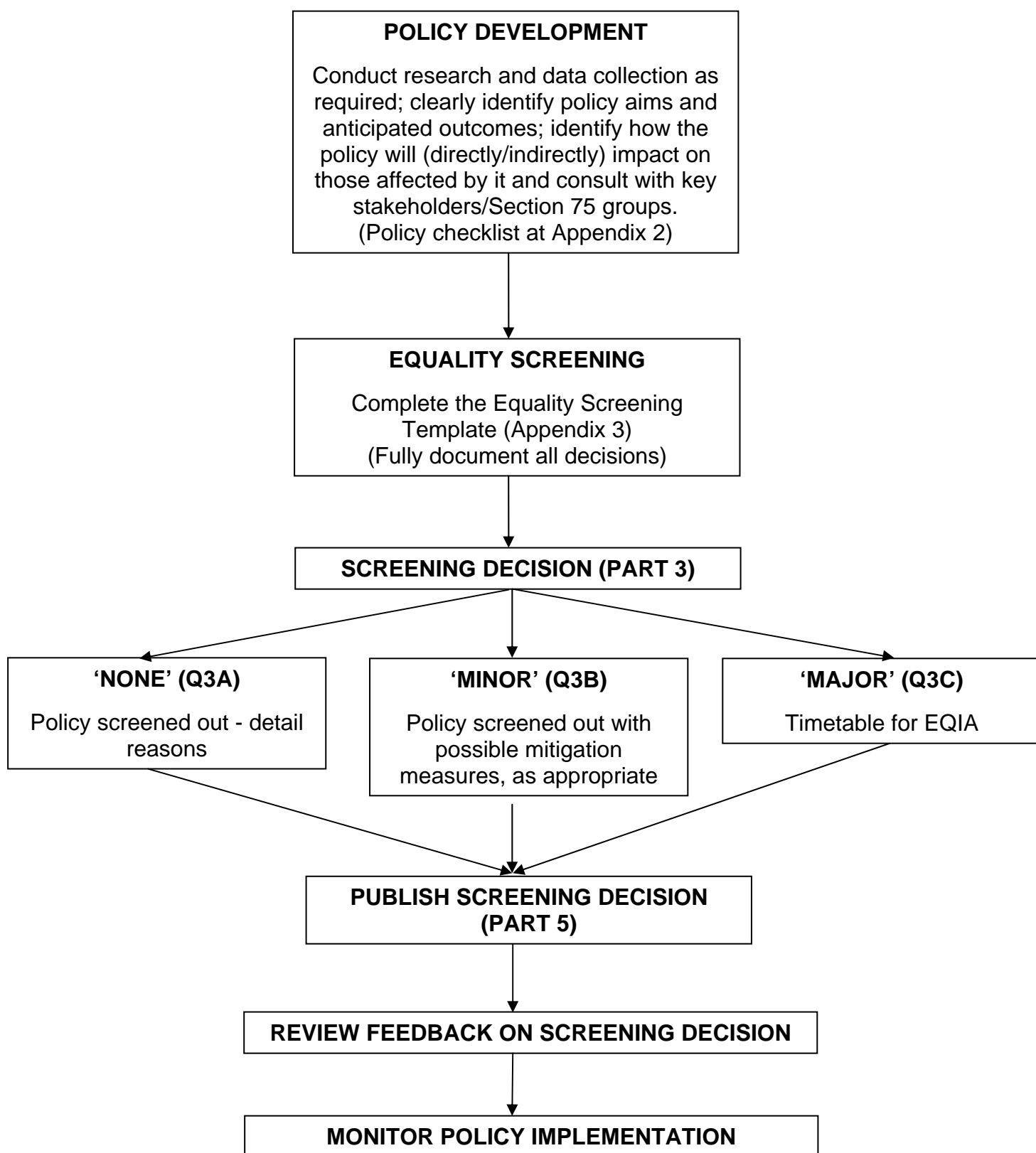
- Article 1:** Everyone is entitled to peaceful enjoyment of his or her possessions. No one shall be deprived of his or her possessions without compensation.
- Article 2:** No person shall be denied the right to education. The State shall respect the right of parents to ensure the education of their children in conformity with their religious and philosophical convictions.
- Article 3:** Everyone has the right to participate in free elections conducted with a secret ballot.

PART 7 - APPROVAL AND AUTHORISATION

The screening template, for each policy screened should be 'signed off' and approved by the senior manager responsible for the policy. A copy of the completed screening template and any other associated documentation should be forwarded to the Board's Equality Representative.

The Equality Representative has in place a process whereby the screening decisions are shared with the Senior Management Team and the Association of Chief Administrative Officers, as appropriate, prior to their publication on the Board's website. The Equality Representative will also make the completed screening template available on request and in alternative formats, as per the Board's Equality Scheme.

KEY STAGES IN THE POLICY-SCREENING PROCESS¹



¹ Policy development and equality screening can run as parallel processes

The Ten Features of Good Policy-Making²

1.	Forward looking	Clearly defined policy outcomes
2.	Outward looking	Takes account of influencing factors
3.	Innovative, flexible and creative	Questions established ways of dealing with things
4.	Evidence based	What evidence is available - Is it relevant/is it useful;
5.	Inclusive	Takes account of the impact on all people directly or indirectly affected by the policy and involves key stakeholders directly
6.	Joined/integrated	What other departments need to be involved/kept informed
7.	Lesson learning	Learns from experience of what works and what does not
8.	Communication	Gives careful consideration to the consultation process
9.	Evaluation	A systematic evaluation of the effectiveness of the policy is built into the policy making process
10.	Review	Ongoing review of the policy is built in to ensure it is doing what it was designed to do

These ten features overlap and need to be considered collectively. Taken together they reflect the type of analysis which needs to be considered when developing a new policy or amending an existing one.

² 'A Practical Guide to Policy Making in Northern Ireland, OFMDFM

POLICY SCREENING TEMPLATE

PART 1 - POLICY INFORMATION

A. Policy Details

Name of Policy: _____

Is it an existing, revised or new policy? _____

What does it seek to achieve? (Intended Aims and Outcomes)

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

Who initiated/wrote the policy? _____

Who owns and who implements the policy? _____

B. Implementation Factors

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

If YES, are they

financial

legislative

other, please specify _____

C. Main Stakeholders Affected

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

staff

service users

other public sector organisations

voluntary/community/trade unions

other, please specify: _____

D. Other Policies with a Bearing on this Policy

What are these policies, please list:

--

Who is the policy lead/owner: _____

E. Available Evidence

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

Section 75 Category	Details of Evidence/Information
Religious belief	
Political opinion	
Racial group	
Age	
Marital status	
Sexual Orientation	
Gender	
Disability	
Dependants	

F. Needs, Experiences and Priorities

Based on the information in the preceding table, what are the different needs, experiences and priorities of each of the following categories, in relation to this particular policy?

Specify details for each of the Section 75 groups:

Section 75 Category	Details of needs/experiences/priorities
Religious belief	
Political opinion	
Racial group	
Age	
Marital status	
Sexual Orientation	
Gender	
Disability	
Dependants	

PART 2 - SCREENING QUESTIONS

A. What is the likely impact on equality of opportunity for those affected by this policy, for each one of the Section 75 equality categories?

Section 75 Category	Details of Policy Impact	Level of Impact? Minor/Major/None³
Religious belief		
Political opinion		
Racial group		
Age		
Marital status		
Sexual Orientation		
Gender		
Disability		
Dependants		

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

Section 75 Category	If Yes, provide details	If No, provide details
Religious belief		
Political opinion		
Racial group		
Age		
Marital status		
Sexual Orientation		
Gender		
Disability		
Dependants		

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

Good Relations Category	Details of Policy Impact	Level of Impact? Minor/Major/None
Religious belief		
Political opinion		
Racial group		

³ See Appendix 1 attached

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

Good Relations Category	If Yes, provide details	If No, provide details
Religious belief		
Political opinion		
Racial group		

E. Multiple Identity

People can and do fall into more than one Section 75 category. Taking this into consideration are there any potential impacts of the policy on people with multiple identities? (e.g. disabled minority ethnic people, disabled women, young Protestant men and young LGBT people)

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

Section 75 Category Details of data on impact of the policy on people with multiple identities

F. Disability Duties

Consider whether the policy:

- i) Discourages disabled people from participating in public life and fails to promote positive attitudes towards disabled people.

- ii) Provides an opportunity to better promote positive attitudes towards disabled people or encourages their participation in public life.

PART 3 - SCREENING DECISION

- A. Policy does not require an EQIA (*'in favour of none'*)

In this situation you must provide details of the reason for this decision

- B. Policy has minor equality impacts which can be mitigated/provided by an alternative policy and therefore does not require an EQIA (*'in favour of minor'*)

In this situation you must provide details of the reason for this decision together with the proposed changes/ amendments for alternative policy to be introduced

- C. Policy requires an EQIA (*'in favour of major'*)

Please provide details of the reason for this decision

- D. Timetabling and prioritising

If option C has been selected under Screening Decision, then complete the following table:

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	

E. Is the Policy affected by the Best Value Programme?

Yes

No

Please elaborate:

F. Is the policy affected by the timetable established by other relevant statutory agencies in relation to common functions?

Yes

No

Please elaborate:

G. What is the scale of expenditure incurred by the policy?

PART 4 - MONITORING

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

The ECNI recommends that where a policy has been amended or an alternative policy introduced, the public authority should monitor more broadly for adverse impact.

See: ECNI. Monitoring Guidance for use by Public Authorities (July 2007) Pages 9 - 10, paragraphs 2.13 - 2.20

What data are required in the future to ensure effective monitoring?

PART 5 - DATA PROTECTION REVIEW/SELF ASSESSMENT PROTOCOL

A. Has appropriate legal advice been given due consideration?

Yes

No

Not applicable

B. Has due consideration been given to information security in relation to this policy?

Yes

No

PART 6 - HUMAN RIGHTS AUDIT OF POLICY

Does this policy touch on any of the ECHR rights as incorporated in the Human Rights Act 1998? (See 'Convention Check List')

Yes

No

If Yes: Complete ECHR Checklist/Form A and attach to this report

PART 7 - APPROVAL AND AUTHORISATION

Screened by:

Position/Job Title:

Date:

Approved by:

Position/Job Title:

Date:

Note: The Screening template, for each policy screened should be 'signed off' and approved by the senior manager responsible for the policy. A copy of the completed screening template and any other associated documentation should be forwarded to the Board's Equality Representative.

The Equality Representative has in place a process whereby the screening decisions are shared with the Senior Management Team and the Association of Chief Administrative Officers, as appropriate, prior to its publication on the Board's website. The Equality Representative will also make the completed screening template available on request and in alternative formats, as per the Board's Equality Scheme.

FORM A
EUROPEAN CONVENTION CHECKLIST

Policy Title: _____

Department: _____

Policy audited by: _____

Date audited: _____

A. With which Human Right(s) does the policy aim or decisions/actions taken within the policy interfere? Please cite from Guidance document

B. Who would be a potential victim in such interference?

C. How would interference occur under this policy? (Cite action/inaction etc.)

D. Is such an action prescribed by law, bye-laws, regulations, guidance etc.? (Cite basis)

E. Does such an action pursue a legitimate aim? (Cite aim)

F. How is the interference necessary, proportionate and reasonable in pursuing the legitimate aim?

Legal Advice Sought

No

Yes

Please attach note of advice