



**DOJ Section 75 - EQUALITY SCREENING FORM**

**Title of Policy: Review of the List of Specified Offences**

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## 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 persons 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 without<sup>1</sup>.

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.**

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

## Introduction

1. This form should be read in conjunction with the Equality Commission's revised Section 75 guidance, "Effective Section 75 Equality Assessments: Screening and Equality Assessments" which is available on the Equality Commission's website:-

### [Effective Section 75 Equality Assessments: Screening and Equality Assessments](#)

**Section 75** statutory duties apply to **internal policies** (relating to people who work for department), as well as **external policies** (relating to those who are, or could be, served by the department).

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.

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. Where data/evidence gaps exist consider engaging with the main representative groups directly, for example Disability Action, Rainbow, and NICCY to find out what you need to know. Bring stakeholders together to discuss policy or link up with other UK bodies who may have similar policies.

7. 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.

8. Contact [EqualityandStaffSupportServices@justice-ni.x.gsi.gov.uk](mailto:EqualityandStaffSupportServices@justice-ni.x.gsi.gov.uk) at any stage of the process for support or guidance.

## Screening decisions

9. 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

10. 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**

11 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**

12. 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**

13. 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.

## Part 1: Policy Scoping

### 14 Information about the policy

#### Name of the Policy/ decision to be screened

The List of Specified Offences (to be re-named the List of Non-filterable Offences) – hereafter referred to as ‘the List’.

#### Is this an existing, revised or a new policy / decision?

This is a revised policy.

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

The policy is a key aspect of the Criminal Records Filtering Scheme administered by AccessNI, which requires the non-disclosure of old and minor convictions and cautions. The List comprises details of offences are excluded from the Filtering Scheme and must always be disclosed. The review will update the List and propose changes to how the List is maintained and published.

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

No

#### Who initiated or wrote the policy?

The policy options were developed by the Department of Justice (‘the Department’).

#### Who owns and who implements the policy?

The Department of Justice, through AccessNI.

### 15 Implementation factors

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

If yes, are they

*Tick Box*

- financial
- legislative – there would be a need to be a functioning Assembly / Minister in post to make any necessary legislative changes
- other, please specify \_\_\_\_\_

### 16 Main stakeholders affected

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

*Tick Box*

- staff
- service users
- other public sector organisations
- voluntary/community/trade unions
- other

**17 Other policies with a bearing on this policy**

*what are they?*

This policy is an integral part of the Department's policy of filtering (or not disclosing) old and minor offences held on an individual's criminal record on criminal record and enhanced criminal record certificates for employment vetting purposes.

*who owns them?*

The Department of Justice



## 18 Available Evidence

Evidence to help inform the screening process may take many forms. Set out all evidence /data (both \*qualitative and quantitative) below along with details of the different groups you have met and / or consulted with to help inform your screening assessment. Specify details for each of the Section 75 categories.

Section 75 Category	Details of evidence/information
Religious belief	We are unaware of any evidence to indicate that people with different religious beliefs would be differentially affected by this review of the List.
Political opinion	We are unaware of any evidence to indicate that people with different political opinions would be differentially affected by this review of the List.
Racial group	We are unaware of any evidence to indicate that people from different racial groups would be differentially affected by this review of the List.
Age	We are unaware of any evidence to indicate that people of different ages would be differentially affected by this review of the List.
Marital status	We are unaware of any evidence to indicate that people with different marital status would be differentially affected by this review of the List.
Sexual orientation	We are unaware of any evidence to indicate that people with different sexual orientation would be differentially affected by this review of the List.
Men and Women generally	We are unaware of any evidence to indicate that men or women would be differentially affected by this review of the List.
Disability	We are unaware of any evidence to indicate that people with or without disabilities would be differentially affected by this review of the List.
Dependants	We are unaware of any evidence to indicate that people with or without dependants would be differentially affected by this review of the List.

**\*Qualitative data** – refers to the experience of individuals related in their own terms, and based on their own experience and attitudes. Qualitative data is often used to complement quantitative data to determine why policies are successful or unsuccessful and the reasons for this.

**Quantitative data** – refers to numbers (that is quantities), typically derived from either a population in general or samples of that population. This information is often analysed either using descriptive statistics (which summarise patterns), or inferential statistics (which are used to infer from a sample about a wider population).

## 19 Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories.

Section 75 Category	Details of evidence/information
Religious belief	It is not considered that any of the proposals set out in the consultation paper would have a significant effect on the needs, experiences and priorities of this s75 category.
Political opinion	It is not considered that any of the proposals set out in the consultation paper would have a significant effect on the needs, experiences and priorities of this s75 category.
Racial group	It is not considered that any of the proposals set out in the consultation paper would have a significant effect on the needs, experiences and priorities of this s75 category.
Age	It is not considered that any of the proposals set out in the consultation paper would have a significant effect on the needs, experiences and priorities of this s75 category.
Marital status	It is not considered that any of the proposals set out in the consultation paper would have a significant effect on the needs, experiences and priorities of this s75 category.
Sexual orientation	It is not considered that any of the proposals set out in the consultation paper would have a significant effect on the needs, experiences and priorities of this s75 category.
Men and Women generally	It is not considered that any of the proposals set out in the consultation paper would have a significant effect on the needs, experiences and priorities of this s75 category.
Disability	It is not considered that any of the proposals set out in the consultation paper would have a significant effect on the needs, experiences and priorities of this s75 category.
Dependants	It is not considered that any of the proposals set out in the consultation paper would have a significant effect on the needs, experiences and priorities of this s75 category.

## Part 2

### SCREENING DECISIONS

#### 20 Decision - In favour of none

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 be 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.

##### Considerations -

- 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 or good relations for people within the equality and good relations categories.

#### 21 Decision - In favour of a 'major' impact

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 (EQIA).

##### Considerations -

- Is the policy significant in terms of its strategic importance?
- The 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;
- The 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;
- 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.

#### 22 Decision - In favour of 'minor' impact

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.

**Considerations -**

- The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- 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;
- 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;
- By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

## Part 2 : Screening questions

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

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

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

<b>Section 75 category</b>	<b>If Yes, provide details</b>	<b>If No, provide reasons</b>
Religious belief		<b>No, as the proposals have no differential impact on any s75 categories.</b>
Political opinion		<b>No, as the proposals have no differential impact on any s75 categories.</b>
Racial group		<b>No, as the proposals have no differential impact on any s75 categories.</b>
Age		<b>No, as the proposals have no differential impact on any s75 categories.</b>
Marital status		<b>No, as the proposals have no differential impact on any s75 categories.</b>
Sexual orientation		<b>No, as the proposals have no differential impact on any s75 categories.</b>
Men and Women generally		<b>No, as the proposals have no differential impact on any s75 categories.</b>
Disability		<b>No, as the proposals have no differential impact on any s75 categories.</b>
Dependants		<b>No, as the proposals have no differential impact on any s75 categories.</b>

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

<b>Good relations category</b>	<b>Details of policy impact</b>	<b>Level of impact Minor/Major/None</b>
Religious belief	<b>The proposals are likely to have little impact on good relations.</b>	<b>None</b>
Political opinion	<b>The proposals are likely to have little impact on good relations.</b>	<b>None</b>
Racial group	<b>The proposals are likely to have little impact on good relations.</b>	<b>None</b>

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

<b>Good relations category</b>	<b>If Yes, provide details</b>	<b>If No, provide reasons</b>
Religious belief		<b>There are no opportunities for promoting good relations between specific categories as the proposals have no differential impact on people of different religious beliefs.</b>
Political opinion		<b>There are no opportunities for promoting good relations between specific categories as the proposals have no differential impact on people of different political opinion.</b>
Racial group		<b>There are no opportunities for promoting good relations between specific categories as the proposals have no differential impact on people of different racial groups.</b>

## **Additional Considerations**

### **Multiple Identity**

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

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

**No.**

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

**There is no impact on this group as criminal records are held in relation to individuals irrespective of their identity.**



## Part 3 : Screening Decision

### 3.1. Screened In

If the decision is to conduct an equality impact assessment, please provide details of the rationale and relevant evidence to support this decision.

**Not applicable**

### 3.2. Screened Out – No EQAI necessary (no impact)

If the decision is not to conduct an equality impact assessment, please provide details of the rationale and relevant evidence to support this decision.

**The screening exercise has not identified any significant implications for equality of opportunity.**

### 3.3. Screened Out – Mitigating Actions (minor impacts)

When the decision is that the likely impact is 'minor' and an equality impact assessment is not to be conducted, you may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy. Explain how these actions will address the inequalities.

**Not applicable**

## Timetabling and Prioritising

25 Factors to be considered in timetabling and prioritising policies for equality impact assessment.

26 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.

27 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	N/a
Social need	N/a
Effect on people's daily lives	N/a
Relevance to a public authority's functions	N/a

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 in timetabling. Details of the Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

28 Is the policy affected by timetables established by other relevant public authorities?

➤ If yes, please provide details.

**Not applicable**

## Part 4 : Monitoring

29 Section 75 places a requirement on the Department to have equality monitoring arrangements in place in order to assess the impact of policies and services etc. and to help identify barriers to fair participation and to better promote equal opportunity.

30 Effective monitoring will help 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.

31 Outline what data you will collect in the future in order to monitor the impact of this policy/ decision on equality, good relation and disability duties.

<b>Equality</b>	Not applicable
<b>Good relations</b>	Not applicable
<b>Disability Duties</b>	Not applicable

## Part 5 : Formal Record of Screening Decision

<b>Title of Proposed Policy / Decision being screened</b> Review of List of Specified Offences
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I can confirm that the proposed policy/decision has been screened for –

<input checked="" type="checkbox"/>	<b>Equality of opportunity</b>
<input checked="" type="checkbox"/>	<b>Good Relations</b>
<input checked="" type="checkbox"/>	<b>Disability duties</b>

On the basis of the answer to the screening questions, I recommend that this policy /decision is –

<input type="checkbox"/>	<b>Screened in – necessary to conduct a full EQIA</b>
<input checked="" type="checkbox"/>	<b>Screened Out – no EQIA necessary (no impacts)</b>
<input type="checkbox"/>	<b>Screened Out – mitigating actions (minor impacts)</b>

**Part 6 Approval and Authorisation**

***(Have you sent this document to the Equality Unit prior to obtaining signature?)***

<b>Screened/completed by:</b>	<b>Grade</b>	<b>Date</b>
<b>Name Patricia Kerr</b>	<b>DP</b>	<b>6 June 2023</b>
<b>Approved by (Grade 7 or above):</b>		
<b>Name Brian Thomson</b>	<b>Grade 7</b>	<b>6 June 2023</b>

## **Quality Assurance**

**Prior to final approval** the Screening Form should be forwarded to [EqualityandStaffSupportServices@justice-ni.x.gsi.gov.uk](mailto:EqualityandStaffSupportServices@justice-ni.x.gsi.gov.uk) for comment/quality assurance. Contact the branch should you require advice or have any queries prior to this stage.

Any NIPS forms should be forwarded to [Peter.Grant@justice-ni.x.gsi.gov.uk](mailto:Peter.Grant@justice-ni.x.gsi.gov.uk)

When you receive a response and there are no further considerations required, the form should be 'signed off' and approved by a senior manager responsible for the policy, this would normally be at least grade 7.

The completed Screening Form should be placed on the DOJ Website where it will be made easily accessible to the public and be available on request. In addition, it will be included in a quarterly listing of all screenings completed during each 3 month period and issued to consultees.

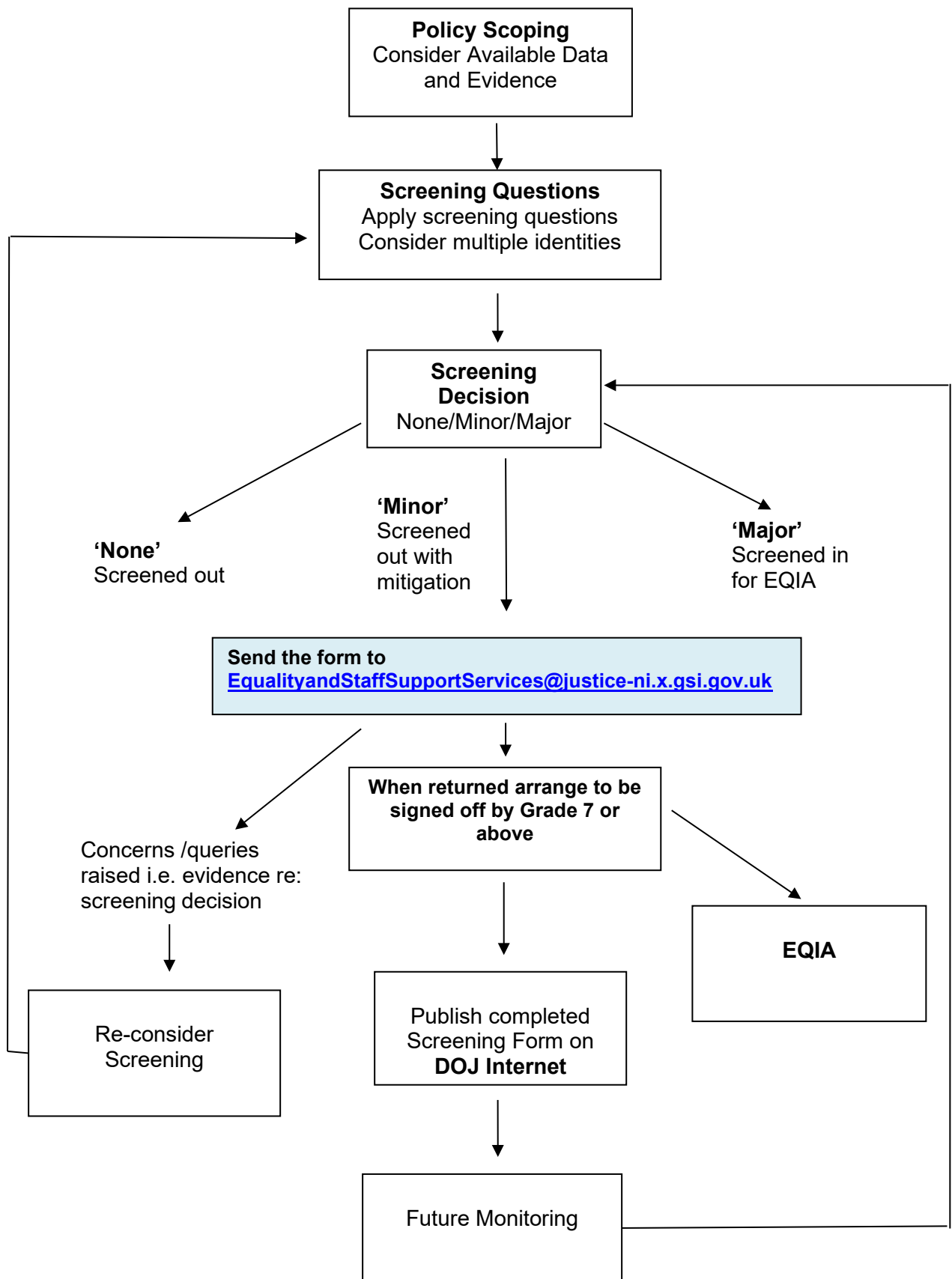
### **The Screening exercise is now complete.**

Please retain a record in your branch and send a copy for information to:-

Equality and Staff Support Services (ESSS)  
Room 3.4, Castle Buildings  
Stormont Estate  
BELFAST  
BT4 3SG  
Tel: 02890 522611

or e-mail to [EqualityandStaffSupportServices@justice-ni.x.gsi.gov.uk](mailto:EqualityandStaffSupportServices@justice-ni.x.gsi.gov.uk)

**ANNEX A  
SCREENING FLOWCHART**



## ANNEX B

### 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.