

**DOJ Section 75**

**EQUALITY SCREENING FORM**

**Title of Policy:**

**Minimum Age of Criminal Responsibility**

***September 2022***

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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 person of different religious belief, political opinion, racial group,

age, marital status or sexual orientation;

● between men and women generally;

● between persons with a disability and persons without; and,

● between persons with dependants and persons without1.

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

● **have regard to the desirability of promoting good relations between**

**persons of different religious belief, political opinion or racial**

**group; and**

● **meet legislative obligations under the Disability Discrimination Order.**

**Introduction**

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

<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/S75Advice-ScreeningEQIA.pdf>

**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).

1. The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations and so determine whether an Equality Impact Assessment (EQIA) is necessary. Screening should be introduced at an early stage when developing or reviewing a policy.

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

3. The lead role in the screening of a policy should be taken by the policy decision-maker who has the authority to make changes to that policy and should involve, in the screening process:

* other relevant team members;
* those who implement the policy;
* staff members from other relevant work areas; and
* key stakeholders.

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

4. The first step in the screening exercise is to gather evidence to inform the screening decisions. Relevant data may be either quantitative or qualitative or both (this helps to indicate whether or not there are likely equality of opportunity and/or good relations impacts associated with a policy). Relevant information will help to clearly demonstrate the reasons for a policy being either ‘screened in’ for an equality impact assessment or ‘screened out’ from an equality impact assessment.

5. The absence of evidence does not indicate that there is no likely impact but if none is available, it may be appropriate to consider subjecting the policy to an EQIA.

6. 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 [DOJSMEqualityand.StaffSupportServices@justice-ni.gov.uk](mailto:DOJSMEqualityand.StaffSupportServices@justice-ni.gov.uk) at any stage of the process for support or guidance.

**Screening decisions**

8. Completion of screening should lead to one of the following three outcomes. The policy has been:

1. ‘screened in’ for equality impact assessment;
2. ‘screened out’ *with* mitigation or an alternative policy proposed to be adopted; or
3. ‘screened out’ *without* mitigation or an alternative policy proposed to be adopted.

**Screening and good relations duty**

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

**Part 1**

**Definition of Policy**

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

**Overview of Policy Proposals**

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

**Policy Scoping**

10. The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

**Part 1: Policy Scoping**

**11. Information about the policy**

|  |
| --- |
| Name of the Policy/ decision to be screened |
| Increasing the Minimum Age of Criminal Responsibility (MACR) in Northern Ireland. |
| Is this an existing, revised or a new policy / decision? |
| A revised policy. |
| What is it trying to achieve? (intended aims/outcomes) |
| Research shows that criminalising children at a young age draws them further and deeper into the criminal justice system. By increasing MACR from the current age of 10 to 14 years, the Department aims to reduce the number of children entering the justice system. This will result in improved life outcomes for many children who will not have to live under the burden of a criminal record or with the stigma of being a young offender. |
| Are there any Section 75 categories which might be expected to benefit from the intended policy? If so, explain how. |
| There is potential for the following benefits to arise from the intended policy once implemented:  i. **Children/young people** (under 14 years) who are involved in offending or anti-social behaviour will benefit from the introduction of legislation aimed at ensuring that they are not deemed criminally liable, therefore they will not be subject to a criminal record or be referred to as a young offender.  ii. **Males** are particularly likely to benefit. This is due to the fact that the proportion of males in the youth justice system is significantly higher than females.  iii. **Catholics** – in recent years, a significantly higher proportion of admissions to the youth justice system, have identified as being from a Catholic background. |
| Who initiated or wrote the policy? |
| The Department of Justice. |
| Who owns and who implements the policy?  The Department of Justice. |
|  |

**12. 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 – primary legislation is required to make the amendment

other, please specify \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**13. 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, please specify \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**14. Other policies with a bearing on this policy**

*what are they?*

|  |
| --- |
| Youth Justice Review (2011)  Youth Justice Scoping Study (2015-2016)  Transitioning Youth Justice (2019)  Strategic Framework on Reducing Offending  Strategic Framework for Youth Justice |

*who owns them?*

|  |
| --- |
| Department of Justice |

**15. 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.

* The minimum age at which a child can be charged with a crime remains unchanged since the 1960’s when, following a recommendation from a report into the youth justice system, it was increased from 8 years to 10 years in England, Wales and Northern Ireland. The landscape for youth justice has undergone considerable change in the intervening years, with a shift in focus from punishment to rehabilitation.
* In 2011, the Youth Justice Review recommended that MACR be increased from 10 to 12, with consideration given to raising it to 14 years following a period of review. This view was further supported by the cross-departmental group which carried out a scoping study into youth justice in 2015.
* The UN Convention on the Rights of the Child (UNCRC) is an international human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. Article 40(3) of the Convention requires member states to set a minimum age of criminal responsibility but does not specify the age. However, following ratification of the Convention, over 50 member states raised the minimum age in their jurisdictions which has resulted in the most common MACR internationally being 14 years.
* In reports issued by the UN Committee on the Rights of the Child in response to periodic examinations on the UK’s compliance with the Convention, the Committee has repeatedly highlighted the UK’s low MACR and recommended that it be raised “in accordance with acceptable international standards”. Furthermore, the Committee’s 2019 report urged all member states to take account of recent scientific evidence and to raise their minimum age accordingly, to at least 14 years.
* The current MACR was set at a time when limited research regarding adolescent brain development had been undertaken, however a 2011 Royal Society report showed that changes in important neural circuits underpinning behaviour continue until at least 20 years of age. This, and the imbalance between the developmental stages of the prefrontal cortex and the amygdala, can explain the often heightened emotions and risk-taking behaviours which are common to adolescents, supporting the case for increasing MACR.
* Children’s sector organisations in Northern Ireland have been calling for an increase to MACR for a number of years. The issue was highlighted during the launch of the Tracing the Review report in November 2021, when a new blog series, co-hosted by QUB, was also launched. To date, articles in support of an increase have been posted by the Centre for Children’s Rights, NICCY, Northern Ireland Alternatives, the Children’s Law Centre and a consultant psychiatrist in child and adolescent mental health.

|  |  |
| --- | --- |
| **Section 75 Category** | **Details of evidence/information** |
| Religious belief | In 2021/22, the information available for Woodlands Juvenile Justice Centre showed that 51.9% of individuals admitted identified as being Catholic and 19.8% identified as Protestant. Of the remaining 28.3%, 12.3% were unknown, 9.4% had no religious belief and 6.6% were from other religious backgrounds.    Between 2016/17 and 2021/22 the majority of admissions and total movements in the JJC involved young Catholics. In 2021/22, out of the total admissions to custody amongst the 10-13 year age group, 71% identified as being Catholic with the religion of the remaining 29% of admissions being categorised as unknown.  Published information relating to the religious background of those young people who engage in youth justice services but who are not held in custody is not available.  *Source – Youth Justice Agency Annual Workload Statistics 21/22* |
| Political opinion | There is limited data available in relation to the political opinions of young offenders in Northern Ireland. |
| Racial group | There is limited data available in relation to the racial profile of young offenders in Northern Ireland. |
| Age | In 2021, there were 99 children under 14 years old processed through the court system. This is out of a total of 1,182 prosecutions for that year, which represents 8.4% of all youth prosecutions. Whilst this figure fluctuates from year to year, the average over the last decade for under 14s has been 7.1% of all prosecutions.  In respect of diversionary disposals, in 2021 the total number of children aged under 14 who were handed down a formal diversionary disposal was 229, which represents 19.1% of all diversionary disposals for children that year. This means in total there were 328 under 14s dealt with by the formal justice system in 2021, or 13.8% of total disposals.  *Source – Court Prosecutions, Convictions and Out of Court Disposals Statistics 2021*  In 2021/22, 102 (96.2%) of the 106 children in custody were aged 14 and over as shown in the table below.  There were 4 (3.8%) children in custody aged 10 to 13, a decrease from 9 (8.3%) in 2020/21.  **Children In Custody By Age - 2017/18 to 2021/22**    *Source – Youth Justice Agency Annual Workload Statistics 21/22* |
| Marital status | This change is in relation to children under the age of 14 years old. As marriage is not legal within the targeted age group, it is not applicable. |
| Sexual orientation | There is limited data available on the sexual orientation of young offenders in Northern Ireland. |
| Men and Women generally | In 2021, a total of 328 children under 14 were in the justice system, of which 251 were male and 77 were female.  *Source – Court Prosecutions, Convictions and Out of Court Disposals Statistics 2021*  Males consistently accounted for the vast majority of individual children in custody, admissions to and movements within the Juvenile Justice Centre over the last five years.  The table below shows the breakdown in the proportion of admissions to custody by gender. The percentage of male admissions ranges from between 79.6% (2020/21) to 88.7% (2018/19). The figure for female admissions is much lower ranging from 9.4% in 2018/19 to a high of 20.4% in 2020/21.  **Admissions to JJC by Gender – 2017/18 to 2021/22**    In relation to referrals to Youth Justice Services, once again males account for the majority of referrals as shown in the table below.  **Individual children referred to YJS by gender - 2017/18 to 2021/22**    *Source – Youth Justice Agency Annual Workload Statistics 21/22*  Of all offences committed by males and dealt with by conviction or diversion in 2020/21, 19.4% (3,414) were first offences; the comparative figure for females was 35.8% (1,385). Of all first offences, 71.1% had been committed by males and 28.9% by females  *Source - First Time Entrants to the Criminal Justice System in Northern Ireland 2020/21* |
| Disability | Information recorded by YJA indicates that 18.8% of children admitted to the Juvenile Justice Centre in 2019/20 reported that they had a disability, including learning disabilities and communication disabilities. A Health Needs Analysis carried out with those in custody between January and December 2019 reported that almost 50% had moderate learning difficulties and 10% displayed severe learning difficulties.  These findings are in line with published research which indicates the prevalence of neurodevelopmental disabilities in children who are in contact with the justice system is higher than their peers. *[Source: see, for example, Hughes et al (2012) “Nobody made the connection: the prevalence of neurodisability in young people who offend”.]*  No child with a physical disability has been admitted to custody in Northern Ireland in the last 5 years. |
| Dependants | There is limited data available in relation to the existence of dependants of young offenders under the age of 14. |

\***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).

**16. 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 | The proposal to increase MACR for children under 14 years will have a greater impact on children from the Catholic community as they have made up the greatest proportion of contact with the justice system, leading to higher admissions to the Juvenile Justice Centre in recent years. The impact will be a positive one, however, as it will ensure that fewer of this cohort will end up in the justice system and therefore, their life chances will be improved both by not having a criminal record and by removing the stigma of being a “young offender”. |
| Political opinion | It is not considered that the proposal to revise the legislative provisions in relation to MACR for children will have a significant differential effect on the needs, experiences and priorities of this category. Children will hold differing political opinions or none. |
| Racial group | It is not considered that the proposal to revise the legislative provisions in relation to MACR for children will have a significant differential effect on the needs, experiences and priorities of this category. |
| Age | The policy is restricted specifically to MACR provisions for children, therefore it will have the largest impact on children/young people aged under 14 years. However, the impact will be a positive one as the aim is to keep young people out of the justice system. This will improve their life chances as they will not have a criminal record nor will they be subjected to the stigma of being known as a “young offender”. |
| Marital status | It is not considered that the proposal to revise the legislative provisions in relation to MACR for children will have any differential effect on the needs, experiences and priorities of this category. The revised policy will only impact children under the age of 14 and as marriage is illegal until the age of 16, this category is not relevant. |
| Sexual orientation | It is not considered that the proposal to revise the legislative provisions in relation to MACR for children will have a significant differential effect on the needs, experiences and priorities of this category. The children who will be impacted will come from different sexual orientation backgrounds. |
| Men and Women generally | Young offenders are overwhelmingly male, therefore the proposal will have a greater impact on this section of society. However, the impact should be a positive one as the aim is to keep young people out of the justice system. They should have better life outcomes as a result of not having a criminal record and not being subjected to the stigma of being labelled a “young offender”. |
| Disability | While information is not available for all children who engage with the youth justice system, the information available in relation to those in custody indicates that a higher proportion have either moderate or severe learning difficulties than would be found in the general population. It is therefore considered that the revised policy may have a positive impact on children under the age of 14, who have a learning disability, as their offending behaviour would be addressed according to welfare-based approaches rather than the more punitive justice system. |
| Dependants | It is not considered that the proposal to revise the legislative provisions in relation to MACR for children will have a significant differential effect on the needs, experiences and priorities of this category. Given the age bracket of the people to be affected by this policy (under 14 years) are not likely to have any dependents |

**Part 2**

**Screening Questions**

17. **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.

18. **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.

19**. 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? | | |
| **Section 75 category** | **Details of policy impact** | **Level of impact? Minor/Major/None** |
| Religious belief | This policy will have a greater impact on **young male** **Catholics**, as this grouping represents the highest proportion of young people in contact with the justice system. However, the policy will provide positive opportunities by reducing this number | Minor (positive not adverse) |
| Political opinion | As any revised policy to change MACR for children and young people would apply equally to all within this s75 category, it is not considered that there would be any adverse impact on equality of opportunity for this category. | None |
| Racial group | As any revised policy to change MACR for children and young people would apply equally to all within this s75 category, it is not considered that there would be any adverse impact on equality of opportunity for this category. | None |
| Age | This policy will affect children and young people under the age of 14 by increasing the age at which children are deemed criminally liable. As a result, fewer young people will enter the youth justice system. Again, the policy will provide positive opportunities. | Major (positive not adverse) |
| Marital status | As any revised policy to change MACR for children and young people would apply equally to all within this s75 category it is not considered that there would be any adverse impact on equality of opportunity for this category. | None |
| Sexual orientation | As any revised policy to change MACR for children and young people would apply equally to all within this s75 category, it is not considered that there would be any adverse impact on equality of opportunity for this category. | None |
| Men and Women generally | This policy will affect young males in particular, as this grouping represents the higher proportion of young people (aged under 14 years) coming through the justice system. Again, the policy will provide positive opportunities | Minor (positive not adverse) |
| Disability | Given the number of children presenting with neuro- and other disabilities in the justice system, this policy may have a positive impact on children under the age of 14 with a disability, as their offending behaviour would be addressed according to welfare-based approaches rather than the more punitive justice system | Minor (positive not adverse) |
| Dependants | As any revised policy to change MACR for children and young people would apply equally to all within this s75 category, it is not considered that there would be any adverse impact on equality of opportunity for this category. | None |

|  |  |  |
| --- | --- | --- |
| **2.2** Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories? | | |
| **Section 75 category** | **If Yes, provide details** | **If No, provide reasons** |
| Religious belief | There is an opportunity to promote equality of opportunity for young male Catholics. This group is presently over represented in the youth justice system and the policy revision provides an opportunity to ensure that fewer of this cohort will end up in the system. The life chances of those impacted, therefore, will be improved as they will neither have a criminal record nor suffer from the stigma of being known as a “young offender”. |  |
| Political opinion |  | No, the policy will apply equally to all individuals who come into contact with the Youth Justice System irrespective of their political affiliation. |
| Racial group |  | No, the policy will apply equally to all individuals who come into contact with the Youth Justice System irrespective of their racial profile. |
| Age | Yes, the policy will apply only to children and young people with the aim of ensuring that only those 14 years and over can be found criminally liable. |  |
| Marital status |  | No, the policy will apply equally to all individuals who come into contact with the Youth Justice System irrespective of their marital status. |
| Sexual orientation |  | No, the policy will apply equally to all individuals who come into contact with the Youth Justice System irrespective of their sexual orientation. |
| Men and Women generally | Yes, there is an opportunity to promote equality of opportunity for young males who come into contact with the justice system as they are significantly more likely to be found criminally liable that young females. Increasing MACR to 14 will allow for the removal of some of these younger males from the justice system and to provide positive help and support to address their issues in a non-stigmatising way. |  |
| Disability | Yes, there is an opportunity to promote equality of opportunity for those very young children with disabilities who come into contact with the justice system. Increasing MACR to 14 will allow for the removal of some of these younger children from the justice system and to provide positive help and support to address their issues in a non-stigmatising way. |  |
| Dependants |  | No, the policy will apply equally to all individuals who come into contact with the Youth Justice System irrespective of whether they have dependants or not. |

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| --- | --- | --- |
| **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? | | |
| **Good relations category** | **Details of policy impact** | **Level of impact Minor/Major/None** |
| Religious belief | The policy will not impact on good relations between persons of different religious beliefs. | None |
| Political opinion | The policy will not impact on good relations between persons of different political opinions. | None |
| Racial group | The policy will not impact on good relations between persons of different racial groups. | None |

|  |  |  |
| --- | --- | --- |
| **2.4.** 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 reasons** |
| Religious belief |  | The policy will have a positive impact on all young people who come into contact with the youth justice systems, regardless of religious belief. |
| Political opinion |  | The policy will have a positive impact on all young people who come into contact with the youth justice systems, regardless of political opinion. |
| Racial group |  | The policy will have a positive impact on all young people who come into contact with the youth justice systems, regardless of racial profile. |

**Additional Considerations**

**Multiple Identity**

20. 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).*

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

|  |
| --- |
| Young male Catholics  Younger children with disabilities  Information on these groups has been provided above. |

**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.

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|  |

**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.

|  |
| --- |
| We have not identified the potential for an adverse impact on any Section 75 group as a result of the policy revision being proposed. Rather, the amendment of existing legislation to raise the Minimum Age of Criminal Responsibility for children will have a positive impact on certain groups as explained above.  The decision therefore is not to conduct a further equality impact assessment. |

**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.

|  |
| --- |
|  |

**Timetabling and Prioritising**

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

23. 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.

24. On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

|  |  |
| --- | --- |
| **Priority criterion** | **Rating (1-3)** |
| Effect on equality of opportunity and good relations |  |
| Social need |  |
| Effect on people’s daily lives |  |
| Relevance to a public authority’s functions |  |

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.

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

* If yes, please provide details.

|  |
| --- |
|  |

**Part 4 Monitoring**

1. 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.
2. 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.
3. 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.

|  |  |
| --- | --- |
| **Equality** | Continue to monitor the information collected by the YJA in relation to religious beliefs, age and gender of young people in contact with the youth justice system. |
| **Good relations** | As above |
| **Disability Duties** | Continue to monitor the information collected by the YJA in relation those in contact with the youth justice system who have a disability. |

**Part 5 Formal Record of Screening Decision**

|  |
| --- |
| **Title of Proposed Policy / Decision being screened**  **Increasing the Minimum Age of Criminal Responsibility in Northern Ireland** |

**I can confirm that the proposed policy/decision has been screened for –**

|  |  |
| --- | --- |
|  | **Equality of opportunity** |
|  | **Good Relations** |
|  | **Disability duties** |

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

|  |  |
| --- | --- |
|  | **Screened in – necessary to conduct a full EQIA** |

|  |  |
| --- | --- |
|  | **Screened Out – no EQIA necessary (no impacts)** |

|  |  |
| --- | --- |
|  | **Screened Out – mitigating actions (minor impacts)** |

**Part 6 Approval and Authorisation**

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

|  |  |  |
| --- | --- | --- |
| **Screened/completed by:** | **Grade** | **Date** |
| **Name**  **Ashleigh Woods** | **SO** | **01/09/2022** |
| **Approved by (Grade 7 or above):** | | |
| **Name**  **Jenny McAlarney** | **G7 (Acting)** | **02/09/2022** |

**Quality Assurance**

**Prior to final approval** the Screening Form should be forwarded to [EqualityandStaffSupportServices@justice-ni.gov.uk](mailto:EqualityandStaffSupportServices@justice-ni.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.gov.uk](mailto:Peter.Grant@justice-ni.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.gov.uk](mailto:EqualityandStaffSupportServices@justice-ni.gov.uk)

**ANNEX A**

**SCREENING FLOWCHART**

**Policy Scoping**

Consider Available Data and Evidence

**Screening Questions**

Apply screening questions

Consider multiple identities

**Screening Decision**

None/Minor/Major

**‘None’**

Screened out

**‘Minor’**

Screened

out with

mitigation

**‘Major’**

Screened in

for EQIA

**Send the form to**

[**EqualityandStaffSupportServices@justice-ni.gov.uk**](mailto:EqualityandStaffSupportServices@justice-ni.gov.uk)

**When returned arrange to be signed off by Grade 7 or above**

Concerns /queries raised i.e. evidence re: screening decision

Publish completed Screening Form on **DOJ Internet**

**EQIA**

Re-consider Screening

Future Monitoring

**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. |