

Equality Screening Form

Policy: Commissioners' Guidance on Raising a Concern under the NICS Code of Ethics (revised December 2021)

Screening flowchart and template *(taken from Section 75 of the Northern Ireland Act 1998 – A Guide for public authorities April 2010 (Appendix 1)).*

Introduction

Part 1. Policy scoping – asks public authorities to provide details about the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

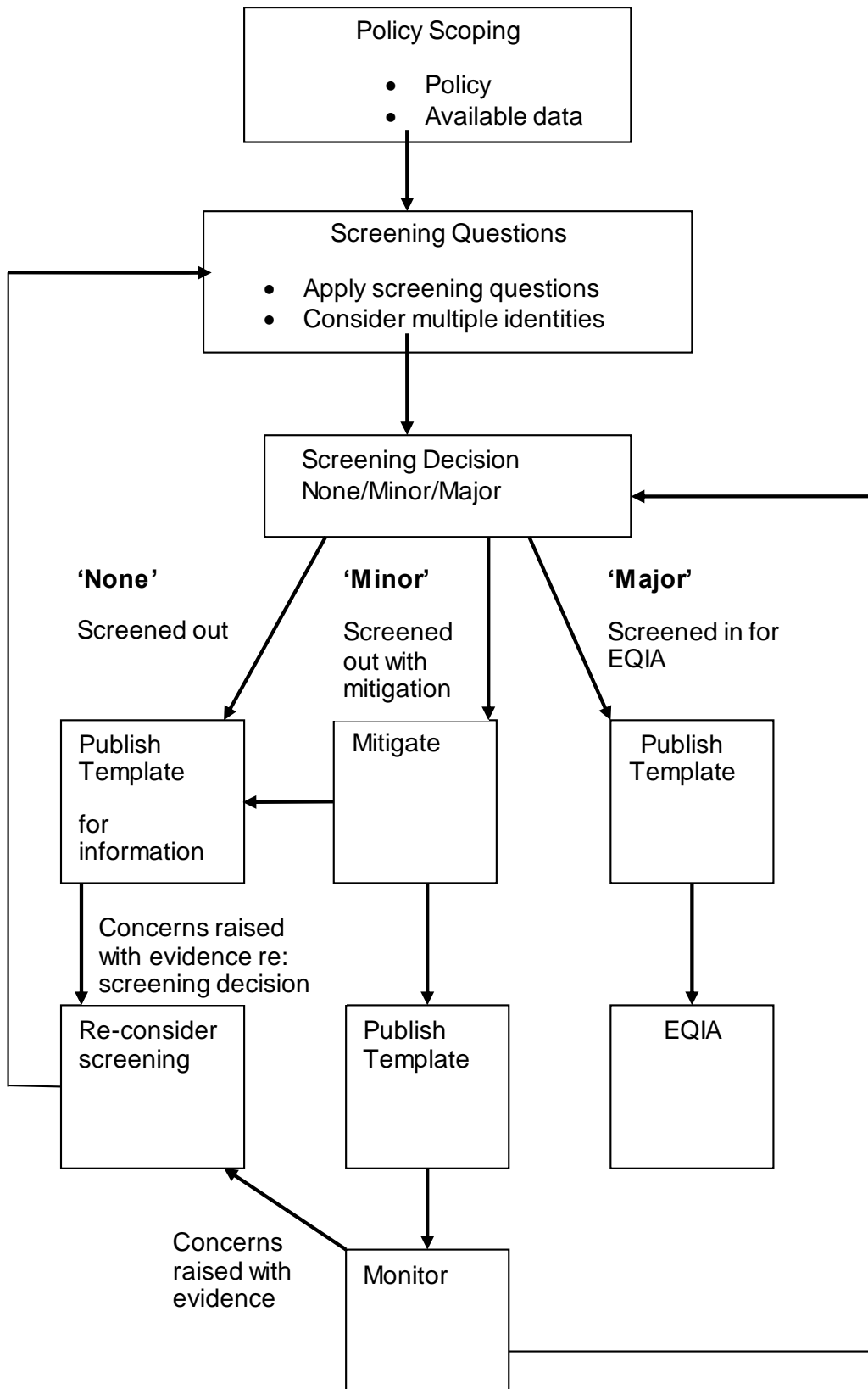
Part 2. Screening questions – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues.

Part 3. Screening decision – guides the public authority to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

Part 4. Monitoring – provides guidance to public authorities on monitoring for adverse impact and broader monitoring.

Part 5. Approval and authorisation – verifies the public authority's approval of a screening decision by a senior manager responsible for the policy.

A screening flowchart is provided overleaf.



Part 1. Policy scoping

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.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

- Civil Service Commissioners (NI) Guidance document on Raising a Concern under the NICS Code of Ethics

Is this an existing, revised or a new policy?

- This is a revised guidance document following the publication of the revised NICS Code of Ethics

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

- This document sets out the guidance in relation to concerns raised by existing civil servants under the Northern Ireland Civil Service (NICS) Code of Ethics. It also sets out the process that the Commissioners will follow when considering such concerns and whether or not to investigate them as appeals. The guidance explains the position in relation to a number of matters including:
 - the legal basis for the Commissioners' role;
 - delegated responsibilities;
 - service standards that the Commissioners work to;
 - the Commissioners' policy on vexatious and unreasonable appeals.

The proposed revisions to the Guidance document made in November 2021 in response to the publication of the revised NICS Code of Ethics reflect:

- changes made to the NICS Code of Ethics;
- the streamlining of the guidance from three documents into one and re-formatted to make more user friendly.
- a minor change to the time limit reducing from 3 months to 1 month from the date on which a final written response was received from the department

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

- This guidance has the potential to benefit all Section 75 categories of employees as it sets out the Commissioners' process in relation to

concerns raised under the NICS Code of Ethics which will ensure fairness and consistency for all NICS employees.

Who initiated or wrote the policy?

- The Civil Service Commissioners for Northern Ireland

Who owns and who implements the policy?

- The Civil Service Commissioners for Northern Ireland

Implementation factors

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

- No

If yes, are they

- financial
- legislative
- other, please specify _____

Main stakeholders affected

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

- NICS staff
- service users
- other public sector organisations
- voluntary/community/trade unions
- other, please specify – Special Advisers

Other policies with a bearing on this policy

- what are they?
 - NICS Code of Ethics
 - NICS HR & Departmental Policy for raising complaints
 - Whistleblowing Policy

- who owns them?
 - NICS

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for relevant Section 75 categories.

Section 75 category	Details of evidence/information
	NICS vacancies are open to those who satisfy their nationality requirements. The population data for those whom this policy may affect (NICS employees) is therefore broad and may extend beyond Northern Ireland.
Religious belief	According to the 2011 Census in Northern Ireland, 40% of the economically active population declared themselves to be Catholic, 41% Protestant, less than 0.01% other religions, 12% no religion and 6% did not state their religion.
Political opinion	In line with Equality Commission guidance, Community Background may be taken as a proxy for political opinion.
Racial group	According to the 2011 Census in Northern Ireland, 98.2% of the economically active population declared themselves to be White, 1.1% Asian, less than 0.01% Irish Travellers, 0.2% Black, 0.2% Mixed and 0.2% Other.
Age	According to the 2011 Census in Northern Ireland, the ages the economically active population declared themselves to be were: 16-24: 15.9% 24-34: 24% 35-44: 23.9% 45-74: 36.1%
Marital Status	The 2011 Census found that 36.14% of the NI population identified as single, 47.56% as married, 0.09% as in a same sex civil partnership, 3.98% separated, 5.45% divorced or formerly in a same sex civil partnership which is now dissolved and 6.78% widowed.
Sexual orientation	There is no Census data on sexual orientation. An estimated 6% to 10% of the population identifies as lesbian, gay, bisexual and

	transgender. According to the statistical publication Sexual Orientation, UK: 2018, Office for National Statistics, 94.6% of the UK population identified as heterosexual or straight in 2018.
Men and women generally	According to the 2011 Census in Northern Ireland, 52.98% of the economically active population declared themselves to be male and 47.02% female.
Disability	In the 2011 Census 20.69% of the NI population reported that their day-to-day activities were limited because of a long-standing health problem or disability.
Dependants	According to the 2011 Census, 33.86% of NI households have dependent children.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities 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	None identified or evidenced.
Political opinion	None identified or evidenced.
Racial group	People from ethnic minority groups or those whose first language is not English may have particular needs with regard to access to information e.g. translation services.
Age	None identified or evidenced.
Marital Status	None identified or evidenced.
Sexual orientation	None identified or evidenced.
Men and women generally	None identified or evidenced.

Disability	People with disabilities may have particular needs with regard to information and access to support e.g. alternative formats.
Dependants	None identified or evidenced.

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's 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.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;

- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	No differential impact.	None
Political opinion	No differential impact.	None
Racial group	No differential impact.	None
Age	No differential impact.	None
Marital status	No differential impact.	None
Sexual orientation	No differential impact.	None
Men and women generally	No differential impact.	None
Disability	No differential impact.	None
Dependants	No differential impact.	None

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		The policy is applicable to all. The revisions do not relate specifically to this category.
Political opinion		The policy is applicable to all. The revisions do not relate specifically to this category
Racial group		The policy is applicable to all. The revisions do not relate specifically to this category. Measures are already in place to address any particular language needs.
Age		The policy is applicable to all. The revisions do not relate specifically to this category.
Marital status		The policy is applicable to all. The revisions do not relate specifically to this category.
Sexual orientation		The policy is applicable to all. The revisions do not relate specifically to this category.
Men and women generally		The policy is applicable to all. The revisions do not relate specifically to this category.
Disability		The policy is applicable to all. The revisions do not relate specifically to this category. Measures are already in place to address any particular needs with regard to access to information in an alternative format or support.

Dependants		The policy is applicable to all. The revisions do not relate specifically to this category.
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3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none		
Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	The policy does not adversely impact on good relations between people of different religious belief.	None
Political opinion	The policy does not adversely impact on good relations between people of different political opinion.	None
Racial group	The policy does not adversely impact on good relations between people of different racial group.	None

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 is applicable to all and the revisions do not relate specifically to this category.
Political opinion		The policy is applicable to all and the revisions do not relate specifically to this category.

Racial group		The policy is applicable to all and the revisions do not relate specifically to this category.
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Additional considerations

Multiple identity

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).

- None known.

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

- Data not available.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The revised Commissioners' Guidance on Raising a Concern under the NICS Code of Ethics has been 'screened out' and an Equality Impact Assessment has not been considered necessary as this screening exercise found no differential impact in respect of all the S75 groups. It has also been concluded that there is no requirement to introduce mitigation measures or an alternative policy to better promote equality of opportunity or good relations.

The Commissioners have an independent role in hearing appeals from civil servants under the Code of Ethics to support the Civil Service core values of integrity, honesty, objectivity and impartiality. Commissioners, as guardians of the 'Merit' principle, value diversity, inclusivity and equality of opportunity with the upmost importance. The guidance document clearly sets out the process that the Commissioners will follow when considering such concerns and whether or not they will investigate them as appeals. The guidance also provides clear clarification on what constitutes an appeal.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced.

No mitigation or alternative policy required.

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

Not required.

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

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

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.

Not applicable.

Timetabling and prioritising

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

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.

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 the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

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

If yes, please provide details.

- Not applicable.

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

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

Part 5 - Approval and authorisation

	Position/Job Title	Date
Screened by:		
Joanne Wray	Equality Officer	28/10/2021
Approved by:		
Deirdre Toner	Chairperson of the Civil Service Commissioners for Northern Ireland	03/11/2021

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.