Section 75 NI Act 1998

EQUALITY SCREENING FORM

Policy Title: Northern Ireland Policing Board's Forfeiture Procedure

Policy Owner: Sarah Reid

EQUALITY SCREENING FORM CONTENTS

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the NI Policing Board 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 without[1].

Without prejudice to the obligations set out above, the NI Policing Board 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 Equality Screening form should be read in conjunction with the Equality Commission's revised Section 75, "A Guide for Public Authorities" April 2010 **Staff should complete a form for each new or revised policy for which they are responsible (see page 6 for a definition of policy in respect of section 75).**

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.

[1] A 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. 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 as 'none'.

7. The Equality Commission has developed four questions, included in Part 2 of this screening form with supporting sub-questions, which should be applied to all policies as part of the screening process. They identify those policies that are likely to have an impact on equality of opportunity and/or good relations.

Screening decisions

8. Completion of screening should lead to one of the following three outcomes. Namely, 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

9. The Equality 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. 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.

The Equality Commission document entitled 'Section 75 of the Northern Ireland Act 1998- A Guide for Public Authorities indicates that:

"In the context of Section 75, the term policies cover all the ways in which a public authority carries out or proposes to carry out its functions relating to Northern Ireland. Policies include unwritten as well as written policies".[2]

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.

11. 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).

[2] Page 87, Equality Commission: Section 75 of the Northern Ireland Act 1998, 'A Guide for Public Authorities, April 2010'.

Information about the policy

Name of the Policy

Northern Ireland Policing Board's Forfeiture Procedure

Is this an existing, revised or a new policy?

Revised Policy

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

It sets out the procedure to be followed by both Officials within Police Pension and Injury Benefits (**PPIB**) Directorate when processing a potential forfeiture case, and the Northern Ireland Policing Board's (the **Board**) Resources Committee when considering a potential forfeiture case under the relevant pension or injury on duty Regulations.

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

Forfeiture will be considered where a former PSNI officer in receipt of a police pension and/ or injury on duty award meets the criteria set out in the relevant pension and injury on duty regulations.

Who initiated or wrote the policy?

Police Pensions and Injury on Duty Directorate

Who owns and who implements the policy?

Police Pensions and Injury on Duty Directorate

Implementation factors

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

If yes, are they

☐ financial
☒ legislative
☐ other, please specify _____

Main stakeholders affected

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

NIPB
PSNI
DOJ
Pension members subject to the Forfeiture Procedure
☐ other, please specify _____

Other policies with a bearing on this policy (please list and provide further details)

- Pensions Forfeiture Guidance and Toolkit September 2024 - Association of Policing and Crime Chief Executives (**APACCE**)
- PPSD 03/2024 Circular issued by the Department of Justice (**DOJ**)

Available evidence

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

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

Section 75 Category	Details of evidence/information
Religious belief	The Procedure outlines the process that has to be followed (in line with national guidance) in relation to the potential forfeiture of a pension. Decision making is based on stipulated and required criteria which is applicable to all identified potential cases. Therefore, as this procedure applies to all pension members that fall under the legislative criteria, individual groupings are not impacted.
Political opinion	As above
Racial group	As above
Age	As above
Marital status	As above
Sexual orientation	As above
Men and Women generally	As above
Disability	As above
Dependants	As above

Needs, experiences and priorities

16. 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 Procedure outlines the process that has to be followed (in line with national guidance) in relation to the potential forfeiture of a pension. Decision making is based on stipulated and required criteria which is applicable to all identified potential cases. Therefore, as this procedure applies to all pension members that fall under the legislative criteria, individual groupings are not impacted.
Political opinion	As above
Racial group	As above
Age	As above
Marital status	As above
Sexual orientation	As above
Men and Women generally	As above
Disability	As above
Dependants	As above

Part 2

SCREENING QUESTIONS

Introduction

17. In making a decision as to whether or not there is a need to carry out an equality impact assessment, consider questions 1-4 listed below.

18. 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, please detail the reasons for the decision taken.

19. 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.

20. 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.

In favour of a 'major' impact

21 (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

22 (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

23 (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.

24. 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	The Procedure outlines the process that has to be followed (in line with national guidance) in relation to the potential forfeiture of a pension. Decision making is based on stipulated and required criteria which is applicable to all identified potential cases. Therefore, as this procedure applies to all pension members that fall under the legislative criteria, individual groupings are not impacted.	**None**
Political opinion	**As above**	**None**
Racial group	**As above**	**None**
Age	**As above**	**None**
Marital status	**As above**	**None**
Sexual orientation	**As above**	**None**
Men and Women generally	**As above**	**None**
Disability	**As above**	**None**
Dependants	**As above**	**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		**No, the Procedure outlines the required process to be followed in all cases of potential forfeiture**
Political opinion		**As above**
Racial group		**As above**
Age		**As above**
Marital status		**As above**
Sexual orientation		**As above**
Men and Women generally		**As above**
Disability		**As above**
Dependants		**As above**

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 Procedure outlines the required process to be followed in all cases of potential forfeiture.**	**None**
Political opinion	As above	**None**
Racial group	As above	**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		**No, the Procedure outlines the required process to be followed in all cases of potential forfeiture**
Political opinion		**As above**
Racial group		**As above**

Additional considerations

Multiple identity

25. 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; young lesbians, gay and bisexual people).*

N/A

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

N/A

Part 3

Screening decision

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

The nature of the amendment to the Procedure does not have any impact on section 75 categories. The amendments reflect the need to provide greater clarity to the process in line with local and national guidance and legislation.

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

No mitigation required.

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

30. Further advice on equality impact assessment may be found in a separate Equality Commission publication: “Practical Guidance on Equality Impact Assessment”.

Mitigation

31. 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.

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

    No, the procedure outlines the required process for the treatment of potential forfeiture cases

33. If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

Timetabling and prioritising

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

35. 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.

36. 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	

37. **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.

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

39. If yes, please provide details.

Part 4

Monitoring

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

41. The Equality 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).

42. 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

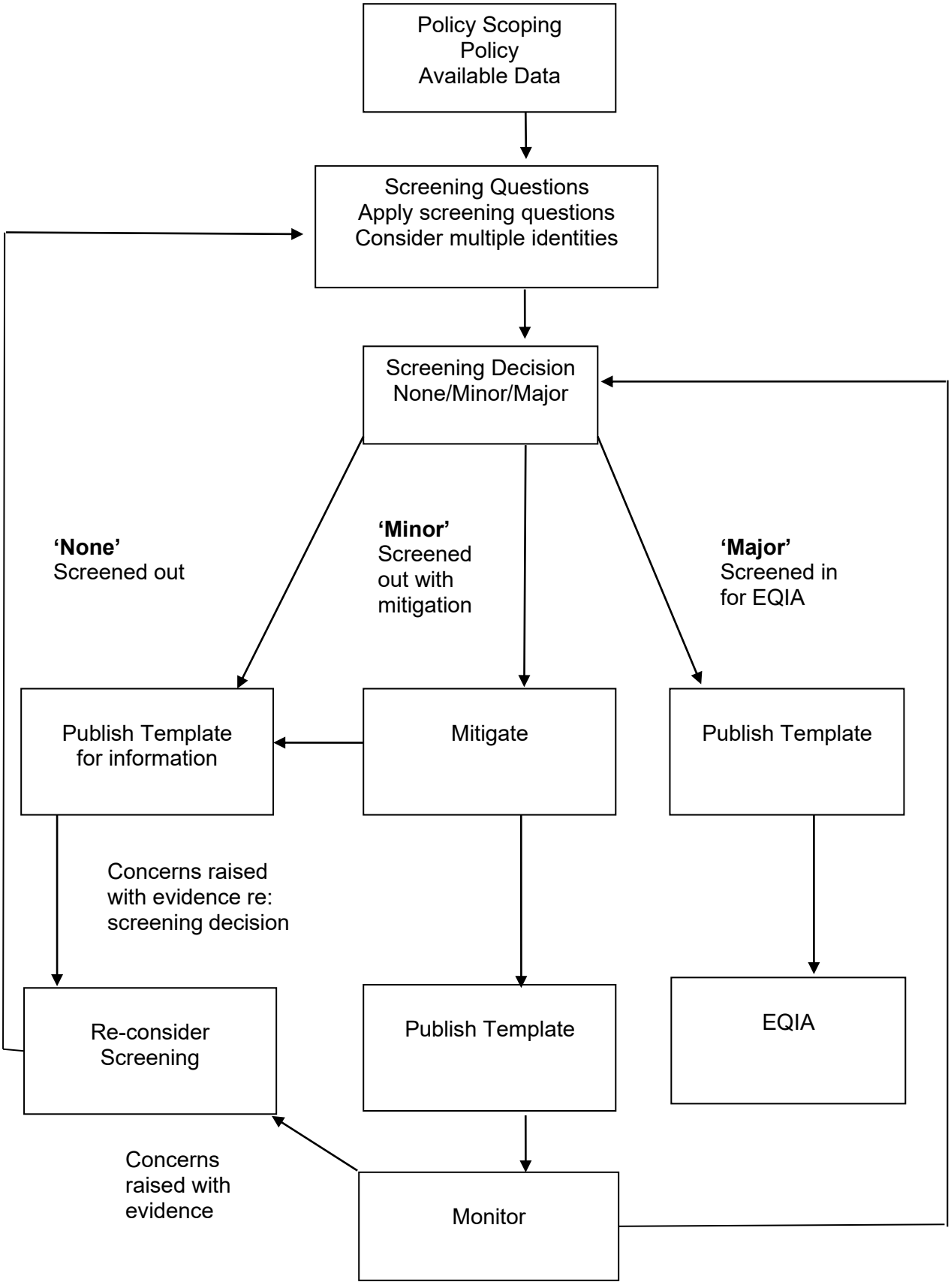
Approval and authorisation

Screened by:	Position/Job Title/ Organisation	Date
Danielle Pearson	**PPIB Manager**	**14 Feb 2025**
Approved by:		
Sarah Reid	**PPIB T/Director**	**14 Feb 2025**

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.

ANNEX A

EQUALITY 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.