



Northern
Ireland
Office

SECTION 75

EQUALITY SCREENING FORM

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SECTION 75 – THE LEGAL BACKGROUND

Under Section 75 of the Northern Ireland Act 1998, the NIO 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
- men and women generally
- persons with a disability and persons without
- persons with dependants and persons without.

2. In addition, and without prejudice to the obligations above, in carrying out our functions in relation to Northern Ireland we are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. The NIO is also required to meet our legislative obligations under the Disability Discrimination Order.

3. A list of the main groups identified as being relevant to each of the Section 75 categories is at **Annex A** of this document.

INTRODUCTION

4. This form should be read in conjunction with the Equality Commission's Section 75 guidance "A Guide for Public Authorities" April 2010, available on the Equality Commission's website (www.equalityni.org). **Staff should complete a form for each new or revised policy for which they are responsible (see page 4 for a definition of a policy in respect of Section 75).**

5. 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.

6. 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 areas of work; and
- key stakeholders.

7. A flowchart which outlines the screening process is attached at **Annex B**.

8. 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 EQIA or 'screened out'.

9. 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.

10. 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.

11. The Equality Commission has developed a series of 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

12. 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

13. The Equality Commission recommends that a policy is 'screened in' for EQIA 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 EQIAs are inappropriate in this context.

FURTHER INFORMATION

14. Further information on equality, including a copy of the NIO Equality Scheme, yearly progress reports on equality to the Equality Commission for Northern Ireland, information on data sources and the Cabinet Office code of practice on consultation may be found on the NIO Intranet under About the NIO > Equality.

15. If you have any questions regarding the screening exercise or Section 75 in general please contact the Corporate Governance Team on 028 9076 5497; or nio.equalityscheme@nio.gov.uk.

16. When you have completed the form please retain on file in the branch for record purposes, and send a copy to the s75 equality advisor.

PART 1 – POLICY SCOPING

INFORMATION ABOUT THE POLICY

Name of the policy	Addressing the legacy of Northern Ireland's Past
Is this an existing, revised or new policy?	New
What is it trying to achieve (intended aims/outcomes)?	<p>It is one of the UK Government's priorities to find a better way to address the legacy of the past. There is broad agreement that the system currently used is not delivering enough for victims, for survivors and for wider society.</p> <p>The Stormont House Agreement (SHA), in December 2014 reached broad political consensus to establish four institutions to address the past after eleven weeks of intensive talks. Whilst agreement has not been reached on every detail, the UK Government considers that the draft proposals take account of the many views expressed and that sufficient consensus has now been reached to seek the views of the public.</p> <p>The consultation document outlines proposals to establish the legacy institutions, as set out in the SHA. These are: the Historical Investigations Unit (HIU); the Independent Commission on Information Retrieval (ICIR); an oral history archive (OHA); and the Implementation and Reconciliation Group (IRG).</p> <p>The aim of the proposals is to reform the current system in order to deliver more balanced and expeditious outcomes for victims.</p> <p>The intended policy outcome is one that:</p> <ul style="list-style-type: none"> • meets the needs of victims and survivors by promoting reconciliation; • enables the people of Northern Ireland to build a better, shared future which reflects broad political consensus; • is balanced, fair, equitable, and crucially proportionate; • achieves confidence that any new legacy institutions would not focus unfairly on one group or another and; • that any approach to the past must be fully consistent with the rule of law.
Are there any s75 categories which might be expected	Based on extensive engagement with stakeholder groups and the evidence we have found, several Section 75 groups would be expected to benefit from the proposals.

to benefit from the intended policy? If so, explain how.

How this may be achieved:

It is the Government's proposal to establish the Stormont House institutions. The benefits of establishing the institutions are to achieve a system that meets the needs of victims and survivors; promotes reconciliation; is balanced, fair, equitable, and proportionate; and is fully consistent with the rule of law.

- The Historical Investigations Unit (HIU) would take forward outstanding investigations into Troubles-related deaths;
- The Independent Commission on Information Retrieval (ICIR) would enable family members to seek and privately receive information about the Troubles-related deaths of their relatives;
- An Oral History Archive (OHA) would enable people from all backgrounds to share experiences and narratives related to the Troubles, and
- An Implementation and Reconciliation Group (IRG) would promote reconciliation and anti-sectarianism.

In order to help us reach and inform as many people as possible, key stakeholder representative groups have offered to assist with engagement throughout the consultation period.

The proposals to establish the institutions would potentially benefit a number of s75 categories, as follows:

'Political opinion'

The establishment of the institutions is intended to contribute to the transition towards social cohesion and reconciliation in NI and long term peace and stability of the region. For example, it is the view of the Victims' Commissioner that "We need to focus on building a society that we all want to live in and invest in and we can only achieve that by addressing the legacy of the past."

'Age'

Many victims and survivors of the Troubles fall within the older age bracket. We expect this group to benefit from the proposals which may provide an opportunity to achieve closure sooner by establishing the institutions. It is expected that those in this group are likely to engage with the HIU, ICIR and OHA. [see Available Evidence section for research/stats]

Koulla Yiasouma, the Northern Ireland Commissioner for Children and Young People (NICCY) delivered a paper entitled "The Impact of Conflict Legacy Issues on Children and Young People", <http://www.niccy.org/media/2430/cvs-conference-niccy.pdf> which examines the needs of victims' families, at a CVS conference in March 2016. Among the findings are that "parents psychologically affected by the

	<p>Troubles continue to affect the lives of children and young people today” http://www.niccy.org/media/2430/cvs-conference-niccy.pdf</p> <p>We would expect proposals to potentially benefit this group, as it is intended that the establishment of the institutions would contribute to promoting reconciliation and anti-sectarianism.</p> <p><u>‘Gender’</u> Available evidence indicates that a majority of those killed during the Troubles were male. It is proposed that families and survivors, many of whom are women, would engage and therefore benefit from, the proposals to establish the institutions.</p> <p><u>‘Dependants’</u> The legacy of the past has also impacted this group as reflected in NICCY’s research: see ‘Age’, above.</p> <p>The proposals would potentially benefit those with dependants and those without. (For example, the ICIR may accept requests from a relative of the deceased who is not a close family member so long as no close family members object and the ICIR is satisfied it is appropriate to proceed).</p> <p><u>‘Disability’</u> Engagement with Victims’ representatives groups has found that a number of victims, survivors and family members have experienced mental and physical health issues. Many people within this group could potentially benefit from the proposals to establish the institutions by accessing the assistance they could offer.</p> <p>While the provision of mental trauma and advocate services are not within the remit of the UKG consultation, there is nevertheless evidence that such services are required. The Stormont House Agreement contained a commitment for the Northern Ireland Executive to implement a comprehensive Mental Trauma Service and to take steps to ensure that victims and survivors have access to high quality services, including advocate-counsellor assistance.</p> <p><u>‘Multiple Identities’</u> Many stakeholders fall within a number of Section 75 groups, and through ongoing consultation, it is proposed to assess the impact on those within ‘multiple identity’ s75 groups. Key stakeholder groups have offered to help us inform individuals and groups of the potential benefits of the proposals.</p>
Who initiated or	The Northern Ireland Office is drafting the policy, and devolved

wrote the policy?	<p>NI departments (Department of Justice, Department for Communities, The Executive Office) will have implementation responsibilities.</p> <p>Initiated by the Stormont House Agreement, these legacy institutions would be established via Westminster legislation, a Legislative Consent Motion in the Northern Ireland Assembly and also by way of international treaty between the Irish Government and the UK Government with respect to the ICIR.</p> <p>The measures in the Northern Ireland (Stormont House Agreement) Bill 'the Bill' were developed following work carried out by the Northern Ireland Office, the Department of Justice, the Department for Communities and the Stormont House Implementation Group.</p>
Who owns and who implements the policy?	The Northern Ireland Office, together with appropriate devolved departments.

IMPLEMENTATION FACTORS

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?	<p>Effective implementation will require strong political support and wider societal support. For the ICIR and OHA in particular, a lack of consensus in support of the proposals could lead to a lack of uptake or engagement with these proposed institutions.</p> <p>We will seek to consider these factors throughout the consultation period.</p>
<p>If yes, are they:</p> <ul style="list-style-type: none"> - financial - legislative - other (please specify) 	<ul style="list-style-type: none"> • the UKG has pledged £150m over 5 years to help establish the institutions. • a Legislative Consent Motion (LCM) is required to enable the legislative process. • Political consensus

MAIN STAKEHOLDERS AFFECTED

<p>Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?</p> <ul style="list-style-type: none"> - staff - service users 	<p>Individual victims and survivors; Commissioner for Victims and Survivors and other victims' representative groups; voluntary / community groups; PSNI; Office of the Police Ombudsman for</p>
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<ul style="list-style-type: none"> - other public sector organisations - voluntary/community/trade unions - other (please specify) 	<p>Northern Ireland; Devolved Departments; Courts Service; Office of the Lord Chief Justice (OLCJ); Director of Public Prosecutions; Attorney General NI; retired police officers, ex-military personnel in NI and GB; police forces in GB (secondments).</p>
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OTHER POLICIES WITH A BEARING ON THIS POLICY

<p>What are they?</p>	<p>Ongoing work led by the devolved administration in respect of inquests and Victims' policy</p> <p>DOJ, PPS and PSNI victims' related policy work and The Executive Office victims' related policy work.</p>
<p>Who owns them?</p>	<p>NIO DOJ and Courts PPS PSNI All departments are aware of the onus to screen their policies</p>

AVAILABLE EVIDENCE

What evidence / information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the s75 categories.

Section 75 category	Details of evidence/information
Religious belief	<p>We know that our stakeholders fall within Northern Ireland's two traditional religious backgrounds - i.e. Protestant and Catholic. We have engaged with political and victims' groups who represent people from both communities and it is evident that many stakeholders, regardless of religion, are keen that mechanisms are introduced to deal with the legacy of the past.</p> <p>In the 2011 census, 45% of the population defined themselves as being from a Catholic religious upbringing; 48% of the population defined themselves as being from a Protestant religious upbringing; 7% of the population are recorded as having no defined religious upbringing or were from other religious upbringings. http://www.ninis2.nisra.gov.uk/public/InteractiveMapTheme.aspx?themeNumber=136&themeName=Census+2011</p> <p>In terms of fatalities, available data (see website below) reports that, during the period July 1969 to December 2001, more people believed to be from a Catholic background than those believed to from a Protestant background are recorded as 'troubles-related deaths'. 1,522 Catholics were killed and 1,288 Protestants were killed. 722 were Armed Forces personnel were killed. The religious belief of those "not from NI" is not recorded.</p> <p>This data [source Cain the Sutton Index of deaths] helps determine fatalities by religious breakdown, age and gender. http://cain.ulst.ac.uk/sutton/index.htm</p> <p>By hosting stakeholder workshops and roadshows, we propose to invite views of those affected by the Troubles and to seek opinions from people and groups, often defined as 'hard to reach', i.e. those, for different reasons, who have not already engaged with victims' representative groups.</p>
Political opinion	<p><u>Background to the political context:</u> The Stormont House Agreement (December 2014) followed 11 weeks of intensive talks between the UK Government, the five political parties of the Northern Ireland Executive and Irish Government. The Agreement addresses some of the most difficult challenges facing Northern Ireland and includes measures to deal with the legacy of the Troubles. The Stormont House Agreement sets out the general terms of the HIU, ICIR OHA and IRG.</p>

	<p>Having engaged extensively with political parties and victims' representative groups with differing political opinions, we have established that many stakeholders are in favour of establishing the institutions.</p> <p>In terms of differing political opinions on dealing with the past, it is recognised that some groups would prefer to seek alternative ways to deal with the past.</p> <p>Due to differing political opinions, it may be necessary to encourage some victims and their families to engage with the institutions. This will be assisted by hosting a number of stakeholder workshops across Northern Ireland, Ireland and GB.</p>
Racial group	<p>It is not expected that this s75 group is affected in a major way, although evidence is invited from stakeholder groups.</p>
Age	<p>It is likely that, given the passage of time, many victims and survivors are likely to be in the older age bracket. The ages of individuals who were killed range from 6 to 87 years old at the time of death - a majority of deaths from the Troubles occurred before 1977.</p> <p>In terms of numbers of "people presenting with issues related to the 1970s and 1980s", WAVE Trauma Centre reported at the Joint Committee on the Implementation of the Good Friday Agreement Debate on Thursday, 26 October 2017, that "in the last year [WAVE] have had 650 new referrals from people between the ages of six and 90 years"</p> <p>Some have concerns around the potential prosecution of Armed Forces veterans, most of whom are within the older age bracket. With the assistance of representative stakeholder organisations, it is planned to engage with those who fall within this group.</p> <p>Children and young people</p> <p>The proposals would potentially impact young people's lives positively, by offering an opportunity to promote reconciliation and anti-sectarianism.</p> <p>CVS's research project entitled: Children and Young People Engagement Project 2016 is informative research that highlights the impact of the legacy of the past on young people. It is expected that establishment of the IRG and the OHA in particular would benefit this group, in promoting reconciliation and anti-sectarianism and inviting young people to record how the "Troubles" have impacted on their lives. https://www.cvsni.org/media/1617/cvs-cyp-final-report-26-april-2016.pdf</p> <p>Koulla Yiasouma, the Northern Ireland Commissioner for Children and Young people, in delivering "The Impact of Conflict Legacy Issues on Children and Young People", commented that: "We need to have an open and honest conversation which includes children and young people</p>

	<p>about the impact of the conflict and how we as a society move forward in peace and stability. Adults and Government need to facilitate young people to have their say and also to listen and act. I look forward to working with the Commission for Victims and Survivors further to secure a better future for all of the children and young people on Northern Ireland.”</p> <p>http://www.niccy.org/media/2430/cvs-conference-niccy.pdf</p>
Marital status	<p>We know that many people lost partners and spouses during the Troubles. The consultation will invite data from stakeholders to help us determine the impact of our proposals on married people as well as people who were not married to their partner.</p>
Sexual orientation	<p>It is not expected that this group will be affected significantly, although evidence is welcomed.</p>
Men and women generally	<p>The majority of those who died during the Troubles were men. CVS monitors, on a quarterly basis, the profile of victims and survivors who present to the Victims and Survivors. Latest figures indicate that 41% male and 59% female present to the VSS for services. Specific (CVS) research has been carried out in relation to gender principles when dealing with the legacy of the past by the Legacy Gender Integration Group.</p> <p>Again, through partnering during consultation, it is planned to assess the needs and encourage views of all those affected within this category.</p>
Disability	<p>Many stakeholders were injured, disabled, or their mental health was affected as a result of the Troubles. We plan to engage with those affected and to assess how the proposals will impact these groups.</p> <p>CVS’s research indicates that “up to 40,000 people have been injured as a consequence and up to 1,000 people severely injured. The VSS provides services to 500 physically injured people and also develop bespoke services and assistance”.</p> <p>CVS-led research is scheduled to commence in January 2018, through the PEACE IV Victims and Survivors Research Programme, exploring various mental health issues and physical problems experienced by victims.</p> <p>With regard to younger stakeholders affected also by mental health issues, the CVS/VSS-led PEACE IV - Victims Programme, which reports that the wellbeing of a section of our young people continues to be negatively affected by the trans-generational legacy of the Troubles and will focus on a *Review of Trauma Services Project; a Trans-generational Legacy and Young People; and an *Advocacy Services Project.</p> <p>https://www.cvsni.org/media/1668/200617-piv-rs-pres.pdf (*to be taken forward by the NIE and not within the remit of the UKG consultation)</p> <p>https://www.cvsni.org/media/1171/towards-a-better-future-march-</p>

	<p>2015.pdf, prepared for CVS by Ulster University (March 2015), recommends the adoption of a two-generation approach as its core principle, where the focus is not only on the needs of specific generations but also the relationships between them.</p> <p>The research explores the trans-generational impact across four key areas: parental mental health, the relationship between the Troubles' Legacy and suicide, the development of children in their early years and a review of existing service provision addressing the trans-generational impact on mental health and wellbeing.</p> <p>In partnership with our key stakeholder representative groups, we plan to assess the effect our proposals would have on this stakeholder group.</p>
Dependants	<p>We are aware that victims' dependants (families of those killed or injured) come from a range of backgrounds, including families of armed forces veterans.</p> <p>In terms of others affected by the legacy of the past, there is evidence that families and dependants of political ex-prisoners have experienced drug or alcohol related problems and difficulties obtaining employment.</p> <p>Establishment of the institutions would potentially offer opportunities to enable people from all backgrounds to share experiences and narratives related to the Troubles, and promote reconciliation.</p> <p>A number of political ex-prisoners and some of their dependants have gone on to participate in politics. Through engagement with politicians, we know there is support for the establishment of the institutions as a method of transition towards social cohesion and reconciliation.</p> <p>Research on the role of ex political prisoners in violence prevention initiatives in NI, as follows, would support the value in and benefits of the proposals to establish the institutions: http://www.tandfonline.com/doi/full/10.1080/1057610X.2016.1253990</p> <p>Additionally, referencing:</p> <p><i>Peter Shirlow, Politically Motivated Former Prisoners: Evaluation of the Core Funding Project 2006–2008 (Belfast: Community Foundations of Northern Ireland, 2008);</i> <i>Peter Shirlow, Brian Graham, Kieran McEvoy, Feilim O hAdhmaill, and Dawn Purvis, Politically Motivated Former Prisoner Groups: Community Activism and Conflict Transformation (Belfast: Northern Ireland Community Relations Council, 2005);</i> <i>Peter Shirlow and Kieran McEvoy, Beyond the Wire: Former Prisoners and Conflict Transformation in Northern Ireland (London: Pluto Press, 2008).</i></p>
Multiple identities	<p>We should highlight that many stakeholders fall within 'multiple identities', who have been affected by the legacy of the Troubles; there are links to prescription and illegal drug misuse. This would affect a number of s75</p>

categories:

'Disability' 'Gender' 'Age': men and women in poor mental health*, a result of drug and alcohol use linked to the legacy of the Troubles; misuse of prescription or illegal drugs by both men and women; and young men are drawn into the criminal justice system, as evidenced by DoJ statistics and high prosecution numbers in terms of drug-related offences:

<https://www.health-ni.gov.uk/news/statistics-ni-drug-misuse-database-1-april-2015-31-march-2016>

<http://www.belfasttrust.hscni.net/pdf/TraumaAlcoholDrugs-ComorbidityReport-ETAP.pdf>

<https://www.justice-ni.gov.uk/news/court-prosecutions-conviction-and-out-court-disposals-statistics-northern-ireland-2016-published>

The benefits of the proposals to establish the institutions: would provide a mechanism to promote reconciliation and anti-sectarianism and to provide family support for victims and their families.

* To note that it is outside the remit of the UK Government's consultation to provide for mental trauma services. This is because, in parallel with the proposed new institutions, the Stormont House Agreement contained a commitment for the Northern Ireland Executive to implement a comprehensive Mental Trauma Service and to take steps to ensure that victims and survivors have access to high quality services, including advocate-counsellor assistance.

NEEDS, EXPERIENCES AND PRIORITIES

Section 75 category	Details of needs/experiences/priorities
Religious belief	<p>The two key religious groups in this category are Catholic and Protestant and may identify as having different needs in terms of dealing with the past and legacy issues. Some groups may have concerns about whether the new institutions will be effective and it may be necessary to encourage some victims and their families to engage with the institutions, for example, with the HIU.</p> <p>The legacy institutions would be obliged, by legislation, to operate in ways that are balanced, proportionate, transparent, fair and equitable.</p>
Political opinion	<p>It is known that our stakeholders come from a range of backgrounds, with different experiences and needs in terms of legacy.</p> <p>Ongoing engagement has identified that political representatives, victims' representatives groups and armed forces veterans hold various - often opposing - views on dealing with the past. It is acknowledged that some may not support the establishment of the institutions and would offer alternative suggestions to dealing with the past.</p> <p>It is possible that some victims, their families or representative groups may not wish to engage with the institutions. Therefore their needs should be considered and accounted for in establishing the institutions.</p> <p>It is important that opinions are encouraged from a wide range of stakeholders, in relation to the proposals on dealing with the past and on the establishment of the institutions.</p>
Racial group	<p>We do not expect proposals to impact this group significantly in terms of needs, although we welcome evidence.</p> <p>As noted below in the 'Disability' section, we understand that easy read versions of the consultation may also assist and enable those for whom English is not a first language.</p> <p>The Consultation documents are published online and print copies will be supplied for those who are unable or prefer not to access them online, will be made available to the public on request.</p> <p>The Consultation web page clearly indicates that the documents are available on request and where reasonably</p>

	<p>practicable in an alternative format e.g. braille, audio formats, large print or minority languages.</p>						
Age	<p>As previously stated, due to the period referred to as the “Troubles” in NI, family requests are likely to come from the older generation who would require closure as soon as possible. The HIU would have a specified caseload to work through. It is acknowledged that the expediency of the HIU carrying its work, within a 5 year time-frame, is important. This is a priority for people who might be in ill health and/or, elderly. The ICIR would consider requests for information from families of the deceased.</p> <p>The OHA would also invite children and young people to record how the “Troubles” have impacted on their lives as well as engaging with the older generation that lived through this period. It is expected that establishment of the IRG and the OHA in particular would benefit this group, in promoting reconciliation and anti-sectarianism and inviting young people to record how the “Troubles” have impacted on their lives.</p>						
Marital status	<p>We know that many people were widowed during the Troubles and we will also invite data from stakeholders to help us determine the impact our proposals would have on stakeholders within the category who were not married.</p>						
Sexual orientation	<p>We would welcome any evidence on the needs of this group.</p>						
Men and women generally	<p>A majority of those who lost their lives as a result of the Troubles were men. We therefore must ensure meaningful engagement takes place with victims’ partners and families. More data on this category is invited throughout the consultation to ensure equality of opportunity is offered.</p> <p>Deaths by Gender (source Cain)</p> <table> <tr> <td>male</td> <td>3210</td> </tr> <tr> <td>female</td> <td>322</td> </tr> <tr> <td>total</td> <td>3532</td> </tr> </table>	male	3210	female	322	total	3532
male	3210						
female	322						
total	3532						
Disability	<p>It is acknowledged that many people were injured or disabled as a direct result of the Troubles, and engagement is planned with Disability representatives groups to ensure all views are heard.</p> <p>In order to help meet all victims’ needs, it is planned, during consultation, to hold meetings in small groups in a way designed to be most comfortable for victims, to avoid re-traumatising them.</p> <p>Due to the significant number of victims and survivors of the Troubles with disabilities, we will take a number of steps to</p>						

	<p>make the consultation accessible and so increase participation in the consultation.</p> <p>The consultation will be available in a number of formats. This will include an easy read version of the consultation document intended to facilitate the participation of people who have learning disabilities.</p> <p>In addition to clearly signposting to other services, the easy read guide will also provide an important tool through which individuals with learning difficulties can be supported by advocacy workers and support groups to participate.</p> <p>Both the Easy Read and the Summary documents will use plain English and be optimised for 'screen reader' software.</p> <p>The Consultation documents are published online and print copies will be supplied for those who are unable or prefer not to access them online.</p> <p>The Consultation web page clearly indicates that the documents are available on request and where reasonably practicable in an alternative format e.g. braille, audio formats, large print or minority languages.</p>
Dependants	<p>It is important that the views of victims' dependants should be encouraged throughout the consultation period and to acknowledge that not all victims would have dependants.</p>

PART 2 – SCREENING QUESTIONS

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	<p>These legacy institutions are for the benefit of all families wishing to pursue justice, seek information about Troubles related deaths of their next of kin, record their experiences and to promote reconciliation.</p> <p>They would be obliged to comply with section 75 of the Northern Ireland Act 1998, it is intended to ensure that the needs of all section 75 groups are recognised.</p> <p>We anticipate the proposals to establish the institutions would be a significant positive impact as they would be obliged, statutorily, to operate in ways that are balanced, proportionate, transparent, fair and equitable.</p>	Major
Political opinion	<p>We would anticipate a positive impact on equality of opportunity due to the legal obligations mentioned above, however, we acknowledge that stakeholders hold different political opinions.</p> <p>There are some who may not support the establishment of the institutions and would offer alternative suggestions to dealing with the past.</p> <p>We have therefore assessed a potential major impact to account for different opinions on the proposals.</p>	Major
Racial group	Proposals are not expected to significantly affect this group although evidence is welcomed.	Not known
Age	May be more beneficial to the older generation as the period referred to as the “Troubles” covers 1968-1998 (Jan 66-	Major

	March 04 for HIU) Given the passage of time, many victims and survivors are likely to be older people. The proposals aim to offer opportunities for an advancing age group.	
Marital status	As proposals would affect the partners of victims (whether they were deceased or injured - both married and unmarried) we are seeking quantitative data to examine the extent to which the proposals would impact those within this category in terms of equality of opportunity.	Minor
Sexual orientation	No evidence at this stage but comments are invited from stakeholders.	Not known
Men and women generally	The majority of those who died during the Troubles were men. It would be important to take account of any generational or gender effects in the design of, access to or engagement with the legacy institutions.	Major
Disability	Many people were injured or experienced health problems as a result of the Troubles. In terms of the impact of equality of opportunity, this can be mitigated by meaningful engagement with disability representative groups.	Major
Dependants	It will be important to ensure equality of opportunity for dependents (children / grandchildren) of victims, as well as dependents of others affected throughout the Troubles. We will seek to engage with these groups around opportunities to access the services of the institutions	Major

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	<p>Yes</p> <p>In terms of promoting equality of opportunity, it is the policy intention that all groups, including those with different religious belief who seek assistance from any of the institutions, will have fair and equitable access to information.</p> <p>Key victims' representative groups have offered assistance to encourage engagement with the stakeholder groups we have identified, by hosting events throughout the consultative process. Through this partnership with stakeholder groups we will provide informative messaging about proposals.</p>	
Political opinion	<p>Yes [see also narrative above]</p> <p>The proposals seek to meet the needs of victims and survivors from all political opinions, also to promote reconciliation so that, in coming to terms with the past, the people of Northern Ireland can build a better, shared future for all.</p> <p>In terms of opportunities to promote equality of opportunity of engagement, a stakeholder group raised that direct engagement with a range of ex -prisoner groups is likely to provide valuable feedback on dealing with the past.</p> <p>As mentioned earlier, we expect that stakeholder partnering will help promote equality of opportunity for engagement.</p>	
Racial group		<p>We do not expect the proposals to have a major impact on this group, although we welcome information from stakeholders</p>
Age	<p>Yes</p> <p>It is expected that the legacy institutions will more likely be accessed by a high percentage</p>	

	<p>of people within an older age bracket, due to the timing of ‘the Troubles’.</p> <p>As well as offering older people the opportunity to engage on proposals, we welcome the opportunity to promote equality of opportunity for the children and young people who were affected by the Troubles.</p> <p>As noted earlier, we welcome that stakeholders have offered assistance to help us engage with the wide range of stakeholders affected.</p>	
Marital status	<p>Yes</p> <p>We want to ensure equality of opportunity is offered by inviting engagement from those widowed as a result of the Troubles.</p>	
Sexual orientation		<p>We do not expect the proposals to have a major impact on this group, although we welcome information from stakeholders.</p>
Men and women generally	<p>Yes</p> <p>The majority of those who died during the Troubles were men, therefore it is important that, through meaningful engagement, we take account of any generational or gender effects in the design of, access to or engagement with the legacy institutions.</p>	
Disability	<p>Yes</p> <p>The policy intention is to ensure that those injured or whose mental or physical health was affected as a result of the Troubles are afforded the opportunity to access these institutions.</p> <p>We have produced an ‘easy read’ version of the consultation document, along with infographics, to help provide equality of opportunity for those with learning difficulties.</p> <p>Stakeholder groups will help promote equality of opportunity among stakeholders. Research projects such as the PEACE IV programme</p>	

	aims to target hard to reach and marginalised individuals and communities that have suffered as a result of the Troubles, through the development, implementation and coordination of a number of new and innovative initiatives.	
Dependants	Yes We aim to offer equality of opportunity to dependents / children / grandchildren of victims of the Troubles, by holding stakeholder workshops in partnership with stakeholder representative groups to provide information on engagement with the institutions.	
Multiple identities	Yes As we are aware that many stakeholders do not have online access, we have considered opportunities to promote equality of opportunity of engagement with potentially 'hard to reach' individuals and groups. One stakeholder group suggested that we consider placing consultation documents in all local libraries across Northern Ireland. We have accordingly identified 97 library locations and a number of mobile library services, which would help reach those living in rural locations. The Education Authority has been approached to enable this. In addition, we have also agreed to disseminate information via the Rural Community Network. Healing Through Remembering has developed a resource to assist stakeholders with their understanding of the proposed institutions, and have offered to help with informative messaging throughout the consultation process. http://healingthroughremembering.org/resources/legacy-resources/	

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	It is expected that, by establishing the institutions, there would be a beneficial impact on relations in Northern Ireland. Addressing the legacy of the past can potentially help promote good relations between different communities.	Major
Political opinion	<p>The measures to deal with the legacy of Northern Ireland's past are intended to contribute to the transition towards social cohesion and reconciliation in NI and long term peace and stability of the region.</p> <p>Whilst we do not anticipate an adverse impact by establishing these institutions, it is acknowledged that stakeholders hold different opinions on dealing with legacy issues. It would therefore be important to provide the necessary information around the institutions' statutory obligations to operate in ways that are balanced, proportionate, transparent, fair and equitable.</p>	Major
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	<p>Yes</p> <p>The legacy institutions would be obliged by legislation to operate in ways that are balanced, proportionate, transparent, fair and equitable.</p> <p>The establishment of the institutions is intended to contribute to the transition towards social cohesion and reconciliation in NI and long term peace and stability.</p>	

Political opinion	Yes - as above	
Racial group		N/A

ADDITIONAL CONSIDERATIONS

Multiple identity

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

The proposals will have a direct impact on people's lives. We acknowledge that a number of stakeholders are likely to fall within a combination of s75 categories, termed as 'multiple identities' categories.

For example, there are many women (victims or partners of victims) in the older category, who also have dependants - some of whom may experience health issues: 'gender', 'age', 'dependants' and 'disability'. It is also acknowledged that while many 'political opinions' vary on how best to deal with the past, the proposals are intended to benefit society as a whole.

PART 3 – SCREENING DECISION

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

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

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

The Government gave a commitment in the Stormont House Agreement to establish new mechanisms for addressing the legacy of the past in a way that has confidence for the community in Northern Ireland. The Government is aware of stakeholders' differing opinions on dealing with the past. This evidence has emerged through intensive engagement with stakeholders, which includes victims' representatives groups and Northern Ireland's political parties.

The proposals are intended to contribute to the transition towards social cohesion and reconciliation in NI and long term peace and stability of the region. It has been assessed that the impact of the proposals would be major, in terms of making a positive difference to people's lives.

It has therefore been decided that conducting an Equality Impact Assessment would fully assess the impact on as wide a range of stakeholders as possible.

In order to assess the views of those affected by the Troubles, the consultation, entitled 'addressing the legacy of the past – moving Northern Ireland forward' invites extensive stakeholder feedback on addressing legacy issues.

The Government especially seeks the views of those who have suffered as a result of the Troubles. A greater number of people falling within section 75 categories: 'political opinion', 'gender' 'age', 'disability' and 'dependents' are likely to benefit from the proposals and, by conducting an Equality Impact Assessment the Government will take account of all views on the establishment of these institutions.

MITIGATION

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.

TIMETABLING AND PRIORITISING

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	3
Effect on people's daily lives	2
Relevance to the NIO's functions	3
Total rating score (total of 12)	10

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 you in timetabling. Details of the NIO'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?

NI Departments will have a role in the implementation of the institutions, once established.

NIO is the key policy holder, although the NI Executive (once reinstated) and the Government of Ireland each hold a role in implementation of these institutions.

If yes, please provide details.

PART 4 – MONITORING

4.1. The NIO should consider the guidance contained in the Commission’s Monitoring Guidance for Use by Public Authorities (July 2007).

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

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

PART 5 - APPROVAL AND AUTHORISATION

Screened by:	M Tipping
Grade/Branch/Group:	Legacy Policy Group
Date:	28 November 2017 Evidence reviewed: June/July/August/September/October/November 2017
Approved by Deputy Director:	C Flatt
Date:	May 2018

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 and made available on request.

Any screening forms completed within the Department will be published on a six monthly basis in line with our Departmental Equality Policy monitoring arrangements. Such information will be collated and published by the Corporate Governance Team.

ANNEX A – MAIN GROUPS IDENTIFIED AS RELEVANT TO THE SECTION 75 CATEGORIES

Category	Example Groups
Religious Belief	<p>Buddhist; Catholic; Hindu; Jewish; Muslims; people of no religious belief; Protestants; Sikh; other faiths.</p> <p>For the purposes of Section 75, the term “religious belief” is the same definition as that used in the <i>Fair Employment & Treatment (NI) Order</i>. Therefore, “religious belief” also includes any <i>perceived</i> religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “<i>similar philosophical belief</i>”.</p>
Political Opinion	Nationalists generally; Unionists generally; members/supporters of other political parties.
Racial Group	Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; Travellers; White people.
Men and women generally	Men (including boys); Trans-gendered people; Transsexual people; Women (including girls).
Marital Status	Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.
Age	Children and young people; older people.
Persons with a disability	Persons with disabilities as defined by the Disability Discrimination Act 1995.
Persons with dependants	Persons with personal responsibility for the care of a child; care of a person with disability; or the care of a dependant older person.
Sexual orientation	Bisexual people; heterosexual people; gay or lesbian people.

ANNEX B – SCREENING FLOWCHART

