SECTION 75 POLICY SCREENING FORM

Section 75 Statutory Equality Duties

http://www.equalityni.org/S75duties

The promotion of equality of opportunity entails more than the elimination of discrimination. It may also require proactive measures to be taken to maintain and secure equality of opportunity.

Section 75 (1) requires the University in carrying out its functions, powers and duties 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.

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

a) have *regard to the desirability of promoting good relations* between persons of different

- religious belief
- political opinion; or
- racial group

b) meet legislative obligations under the Disability Discrimination Order.

What is a policy?

The Equality Commission for Northern Ireland state in their guidance[1] that the term 'policy' is used to denote any strategy, policy (proposed/amended/existing) or practice and/or decision, whether written or unwritten.

The University's Equality Scheme reflects the Equality Commission's definition of a policy and this should be applied in determining what needs to be screened.

If you are in doubt, please contact the Diversity and Inclusion Unit for advice. Equality screening guidance is also available at [Queen's website](#) or by contacting the Diversity and Inclusion Unit.

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.

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

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[1] 'Section 75 of the Northern Ireland Act 1998, A Guide for Public Authorities' (April 2010), page 30. A policy may include planning decisions, service changes, corporate strategies, policy development, practices, guidelines, procedures and protocols; board papers

A.   Information about the policy

Name of the policy to be screened and description

Smoking Policy

Is this an existing, revised or a new policy? (please append policy to the screening form)

Revised Policy

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

- *To promote a safe and healthy working environment for University staff, students and visitors;*
- *To support University staff and students who wish to give up smoking;*
- *To ensure ongoing compliance with both the Smoking (NI) Order 2006 and with the University's statutory duty under the Health and Safety at Work (N.I.) Order 1978, to ensure the health, safety and welfare of its employees and those affected by its activities, so far as is reasonably practical.*

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

All S75 categories/groups are expected to benefit from the intended policy aims, including students, contractors, visitors and the general public.

Who initiated or wrote the policy?

Initiated by Safety Services, revised by Reward and Performance, People and Culture Directorate

Directorate responsible for devising and delivering the policy?

People and Culture Directorate

Background to the Policy to be screened.

Include details of any pre- consultations/consultations which have been conducted and/or whether the policy has previously been tabled at the University's Operating Board or the Standing Committee of the Senate.

- *Update to existing policy but screening for first time*

B.   Implementation factors

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

If yes, are they

| x | financial? |

| x | legislative? |

| x | other? (please specify) _staff/student engagement_____ |

C.   Main stakeholders affected

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

| x | staff |

| x | service users |

| | other public sector organisations |

| x | voluntary/community/trade unions |

| X | other, please specify _ general public _____ |

D.   Other policies with a bearing on this policy

- what are they? (please list)
- n/a

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....
....

- who owns them?
- n/a

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....

E.   **Available evidence**

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.
This means any data or information you currently hold in relation to the policy or have gathered during policy development. Evidence to inform the screening process may take many forms and should help you to decide who the policy might affect the most. It will also help ensure that your screening decision is informed by relevant data.

Section 75 category	Details of evidence/information
Religious belief	No evidence available for religious belief.
Political opinion	As per religious belief, see above.
Racial group	As per religious belief, see above.
Age	As per religious belief, see above.
Marital status	As per religious belief, see above.

Sexual orientation	As per religious belief, see above.
Men and women generally	As per religious belief, see above.
Disability	As per religious belief, see above.
Dependants	As per religious belief, see above.

F.   Needs, experiences and priorities

Having looked at the data/information you have collected in the question above, what does this tell you are the needs, experiences and priorities for the people who fall into the groups below, in relation to your policy[2]? And what is the actual or likely impact on equality of opportunity for those affected by the policy. **(See appendix 1 for information on levels of impact).**

Section 75 category	Details of needs/experiences/priorities and details of policy impact	Level of Impact
Religious belief	The policy applies to all University staff and, students as well as visitors, contractors and sub-contractors. Staff who wish to stop smoking will be given support through regular wellbeing campaigns. The Smoking Policy will likely have a positive impact on the health and wellbeing of all staff, regardless of religious belief.	Minor
Political opinion	See religious belief above.	Minor

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[2] If you do not have enough data to tell you about potential or actual impacts you may need to generate more data to distinguish what groups are potentially affected by your policy.

Racial group	See religious belief above	Minor
Age	See religious belief above	Minor
Marital status	See religious belief above	Minor
Sexual orientation	See religious belief above	Minor
Men and women generally	See religious belief above	Minor
Disability	See religious belief above	Minor
Dependants	See religious belief above	Minor

Part 2 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?		
Section 75 category	Issue	Minor/major/none?
Religious belief	All staff will be given access to Smoking Cessation support. The Policy is likely to have a positive impact, regardless of religious belief.	Minor

Political opinion	See above but for political opinion	Minor
Racial group	See above but for racial group	Minor
Age	See above but for age	Minor
Marital status	See above but for marital status	Minor
Sexual orientation	See above but for sexual orientation	Minor
Men and women generally	See above but for gender	Minor
Disability	See above but for disability	Minor
Dependants	See above but for dependant	Minor

2 Are there any actions which could be taken to reduce any adverse impact which has been identified or opportunities to better promote equality of opportunity?		
Section 75 category	Issue	Mitigating Measure
Religious	The Wellbeing team have an effective	Minor

belief	communication plan in place to notify staff of upcoming talks/seminars/support groups. This is further supported by 63 Wellbeing Champions throughout the University, who proactively promote wellbeing activities to staff in their School / Institute / Directorate.	
Political opinion	See above	Minor
Racial group	See above	Minor
Age	See above	Minor
Marital status	See above	Minor
Sexual orientation	See above	Minor
Men and women generally	See above	Minor
Disability	See above	Minor
Dependants	See above	Minor

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	n/a	None
Political opinion	n/a	None
Racial group	n/a	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	N/A	n/a
Political opinion	N/A	n/a
Racial group	N/A	n/a

E   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).*

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

We do not hold data which would indicate the potential impact of the policy on people with multiple identities. This would require further analysis for whom the policy may impact on an intersectional level.

F   Disability Duties

Disability Duties

Consider whether the policy:
 	
a) Discourages disabled people from participating in public life and fails to promote positive attitudes towards disabled people.
 	
   This policy is intended to benefit all staff, students and visitors, and all members of the University community are responsible for its continued implementation.
 	
b) Provides an opportunity to better positive attitudes towards disabled people or encourages their participation in public life.
 	
   Yes, see above

Part 3. Screening decision

Through screening, an assessment is made of the likely impacts, either major, minor or none, of the policy on equality of opportunity and/or good relations for the relevant categories. Completion of screening should lead to one of the following three outcomes; please mark an x in the appropriate box:

☒ **Screened out'** i.e. the likely impact is none and no further action is required

☐ '**Screened out' with mitigation** i.e. the likely impact is minor and measures will be taken to mitigate the impact or an alternative policy will be proposed

☐ '**Screened in' for an equality impact assessment (EQIA)** i.e. the likely impact is major and the policy will now be subject to an EQIA

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

The policy is intended to promote a safe and healthy environment for University staff, students and visitors and support University Staff who wish to give up smoking.
The policy has been reviewed and no adverse impacts have been identified on any of the equality grounds.

If the decision is not to conduct an equality impact assessment, but the policy has minor equality impacts, please provide details of the reasons for this decision and of any proposed mitigating measures or proposed alternative policy.

Click here to enter text.

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

Click here to enter text.

D Timetabling and prioritising

If the policy has been **'screened in'** for equality impact assessment 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	Click
Social need	Click
Effect on people's daily lives	Click
Relevance to the University's functions	Click

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

If yes, please provide details

Part 4. Monitoring

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

Please detail how you will monitor the effect of the policy?

Signage indicating the prohibition of smoking on any part of the campus will be displayed at the major entrances to the University. The locations of the limited number of designated smoking areas will be publicised to staff, students and visitors. The policy will be monitored and reviewed by People & Culture and Safety Services 12 months from adoption. Any adjustments will be made as necessary.

Monitoring will take place through collection and analysis of OH data/wellbeing data e.g referral, smoking cessation sessions etc on equality grounds e.g (age, race, gender, disability, sexual orientation, political opinion, marital status and having dependants).

What data is required in the future to ensure effective monitoring of the policy?
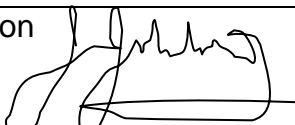
See above re data

Part 5 - Data Protection

If applicable, has legal advice been given due consideration?

Yes ☐ No ☐ N/A ☐x

Has due consideration been given to information security in relation to this policy?

Yes ☐x No ☐

Part 6 - Approval and authorisation

Screened by:	Position/Job Title	Date
Elaine Coleman	Reward Manager	15.11.19
Approved by:		
Joyce Johnston	Head of Reward and Performance	15.11.19

A copy of the screening form, for each policy screened, should be 'signed off' and approved by the senior manager responsible for the policy

In instances where a screening decision concludes that an EQIA is required then the screening form should be countersigned by a Director.

There may at times be policy issues which fall within the scope of being novel, contentious or politically sensitive and could only be taken forward following consultation with the University's Operating Board and/or Standing Committee of the Senate. Where a policy screening highlights such issues the screening form must be signed off by the Director prior to proceeding to the University's Operating Board and/or the Standing Committee of the Senate.

Following ratification, a copy of the approved screening form, and associated policy must be forwarded to the Diversity and Inclusion Unit for publication on the University's website.

ADDITIONAL INFORMATION TO INFORM THE ANNUAL EQUALITY PROGRESS REPORT TO THE EQUALITY COMMISSION

1. Please provide details of any measures taken to enhance the level of engagement with individuals and representative groups as part of screening.

> Various forms of communication to staff regarding Staff Wellbeing initiatives – Round-Up, all staff emails. Initiatives include smoking cessation course, cancer awareness information sessions, general wellbeing events.

2. In developing this policy were any changes made as a result of equality issues raised during :

    (a) pre-consultation / engagement;
    (b) formal consultation;
    (c) the screening process; and/or
    (d) monitoring / research findings.

    If so, please provide a brief summary including how the issue was identified, what changes were made, and what will be the expected outcomes / impacts for those affected.

> n/a

3. Does this policy / decision include any measure(s) to improve access to services including the provision of information in accessible formats? If so please provide a short summary.

> This Policy will be available on the People & Culture website as a pdf so it can be enlarged as needed.

Appendix 1

Levels of Impact (Questions 6-9)

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, you should consider the answers provided to the questions above.

In addition, the **screening questions** above further assist you in assessing your policy and must be completed. Some of these questions require you to assess the level of impact of the proposed policy on "equality of opportunity" and "good relations". The scale used when assessing this impact is either "None", "Minor" or "Major". The following paragraphs set out what each of these terms mean.

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

If your 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 your 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 introduce:

- measures to mitigate the adverse impact; or

- 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.

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.