

EQUALITY IMPACT ASSESSMENT (EQIA)

Part 1. Policy scoping

1.1 Information about the policy / decision

1.1.1 What is the name of the policy / decision?

The Establishment and Agencies (Fitness of Workers) (Revocation) Regulations (Northern Ireland) 2021

1.1.2 Is this an existing, revised or a new policy / decision?

The temporary Covid-19 pre-employment vetting policy which accompanied the Establishment and Agencies (Fitness of Workers) Regulations (Northern Ireland) 2020 which were introduced in April 2020 was stood down by the Department of Health in August 2020. The Health Minister also agreed to a request from the Justice Minister in August 2020 to end the accompanying barred list check (BLC) service provided by AccessNI on 9 September 2020. This enabled HSC staff combating Covid-19 to start employment in advance of the outcome of a full enhanced disclosure check. This decision reflected a reduction in Covid-19 staffing pressures and related demand for the BLC, quick turnaround times for the full enhanced disclosure check from AccessNI and some safeguarding concerns identified with the BLC. However the Health Minister paused work to revoke the Regulations in October 2020 as Covid-19 infections were beginning to increase again. This was to facilitate a quick reintroduction of the temporary policy, if required. With the significant reduction in Covid-19 pressures it is now appropriate to revoke the regulations. Please note that during the period from September 2020 onwards AccessNI responded effectively to the demand for vetting checks without seeking to re-instate either the Barred List Check service or temporary pre-employment vetting policy.

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

The Establishment and Agencies (Fitness of Workers) Regulations (Northern Ireland) 2020 are no longer required and it is appropriate to revoke them. The regulations were made on 2 April 2020 to give effect to the Covid-19 temporary pre-employment vetting policy that permitted employers to recruit staff quickly to health and social care posts on the basis of more limited pre-employment checks, in anticipation of Covid-19 staffing pressures. AccessNI also put in place an emergency Barred List Check (BLC) provision to facilitate the temporary policy.

Since September 2020 the pre-April 2020 pre-employment vetting policy has been in effect. The regulations to be revoked were made to underpin the temporary pre-employment vetting policy in certain health and social care roles and establishments including nursing homes, residential care homes, nursing agencies, children's homes, day care settings, domiciliary care agencies and residential family centres where an employer has a statutory requirement to obtain an enhanced disclosure check and other pre-employment vetting information. As Covid-19 pressures have eased as a result of the vaccination programme the regulations are no longer required in relation to responding to HSC recruitment pressures related to Covid-19.

1.1.3 If there are any Section 75 categories which might be expected to benefit from the intended policy, please explain how.

The ending of the temporary pre-employment vetting policy and BLC service in August/September 2020 strengthened safeguarding arrangements for several Section 75 groups by removing permissions for certain employers to start new employees for Covid-19 related roles subject to more limited checks providing appropriate supervision was in place. This includes older people and those with a disability in nursing homes, residential care homes day care settings, and in receipt of nursing or domiciliary care and children in children's homes and residential family centres. The regulations which enabled the temporary policy are no longer required and should be revoked.

1.1.5 Who initiated or wrote the policy?

The Department of Health wrote the policy.

1.1.6 Who owns and who implements the policy?

The Department of Health owns and will implement the policy.

1.2 Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? If yes, are they

Financial

Legislative

No additional costs are envisaged at this stage.

Other

1.3 Main stakeholders affected

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

Staff (Health Service Staff)

Service users

Other public sector organisations

Voluntary/community/trade unions

Other, please specify

Families/Carers. Health and Social Care Employers.

1.4 Other policies with a bearing on this policy / decision. If any:

Policy	Owner(s) of the policy
Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003	Department of Health
Safeguarding Vulnerable Groups (Northern Ireland) Order 2007	Department of Health.
Safeguarding Vulnerable Groups Act 2006	Department of Health and Social Care
Section 24 of the Northern Ireland Act 1998	The Executive Office and Northern Ireland Office
The Children (Northern Ireland) Order 1995	Department of Health Department of Education
Health and Personal Social Services	Department of Health

(Northern Ireland) Order 1972	Department of Health and Social Care
Protection of Freedoms Act 2012	Department of Health
The Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2012	Department of Health
Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979	Department of Health and Social Care
Disclosure and Barring Service Guidance	

1.5 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.

In developing this guidance, NICE have assessed its equality impact in scoping, consulting and before issuing the final guideline. This process is designed to mitigate the impact on equality. In addition, DoH locally consult on equality and human rights issues.

Section 75 category	Details of evidence/information
Religious belief	The SR has been informed by the continuing reduction in Covid-19 related staffing pressures. Both the temporary pre-employment vetting policy and BLC service were stood down in August/September 2020. Since then AccessNI has been able to maintain quick turnaround times for processing enhanced disclosure checks. No evidence of any impact on this group has been identified.
Political opinion	As above
Racial group	As above
Age	The SR has been informed by the continuing reduction in Covid-19 related staffing pressures. Both the temporary pre-employment vetting policy and BLC service were stood down in August/September 2020. Since then AccessNI has been able to maintain quick turnaround times for processing enhanced disclosure checks. No evidence of any impact on this group has been identified. This includes younger and older people who are

	more likely to use the health and social care services affected.
Marital status	The SR has been informed by the continuing reduction in Covid-19 related staffing pressures. Both the temporary pre-employment vetting policy and BLC service were stood down in August/September 2020. Since then AccessNI has been able to maintain quick turnaround times for processing enhanced disclosure checks. No evidence of any impact on this group has been identified.
Sexual orientation	As above
Gender (Men and women generally)	As above
Disability (with or without)	The SR has been informed by the continuing reduction in Covid-19 related staffing pressures. Both the temporary pre-employment vetting policy and BLC service were stood down in August/September 2020. Since then AccessNI has been able to maintain quick turnaround times for processing enhanced disclosure checks. No evidence of any impact on people with a disability who are more likely to use the health and social care services affected.
Dependants (with or without)	The SR has been informed by the continuing reduction in Covid-19 related staffing pressures. Both the temporary pre-employment vetting policy and BLC service were stood down in August/September 2020. Since then AccessNI has been able to maintain quick turnaround times for processing enhanced disclosure checks. No evidence of any impact on this group has been identified.

* Qualitative data – refers to the experiences of individuals related in their own terms, and based on their own experiences and attitudes. Qualitative data is often used to complement quantitative data to determine why policies are successful or unsuccessful and the reasons for this.

Quantitative data - refers to numbers (that is, quantities), typically derived from either a population in general or samples of that population. This information is often analysed either using descriptive statistics (which summarise patterns), or inferential statistics (which are used to infer from a sample about the wider population).

1.6 Needs, experiences and priorities

Taking into account the information recorded in 1.1 to 1.5, 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 needs/experiences/priorities
---------------------	---

Section 75 category	Details of needs/experiences/priorities
Religious belief	There is no evidence that people within this Section 75 category have any different needs, experiences, priorities or issues in relation to this legislative change; which will apply across all health and social care roles.
Political opinion	There is no evidence that people within this Section 75 category have any different needs, experiences, priorities or issues in relation to this legislative change; which will apply across all health and social care roles.
Racial group	There is no evidence that people within this Section 75 category have any different needs, experiences, priorities or issues in relation to this legislative change; which will apply across all health and social care roles.
Age	Older and younger age groups are more likely to use services in health and social care roles where pre-employment vetting is required. The temporary pre-employment vetting policy and associated BLC operated from April- September 2020. Since then the pre-employment vetting policy in operation prior to April 2020 has been in effect. This legislative change will not impact on this.
Marital status	There is no evidence that people within this Section 75 category have any different needs, experiences, priorities or issues in relation to this legislative change; which will apply across all health and social care roles.
Sexual orientation	There is no evidence that people within this Section 75 category have any different needs, experiences, priorities or issues in relation to this legislative change; which will apply across all health and social care roles.
Gender (Men and women generally)	There is no evidence that people within this Section 75 category have any different needs, experiences, priorities or issues in relation to this legislative change; which will apply across all health and social care roles.

Section 75 category	Details of needs/experiences/priorities
Disability (with or without)	People with a disability are more likely to use services in health and social care roles where pre-employment vetting is required. The temporary pre-employment vetting policy and associated BLC operated from April- September 2020. Since then the pre-employment vetting policy in operation prior to April 2020 would have been in effect. This legislative change will not impact on this.
Dependants (with or without)	There is no evidence that people within this Section 75 category have any different needs, experiences, priorities or issues in relation to this legislative change; which will apply across all health and social care roles.

Part 2. Screening questions

2.1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor/major/none)		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	There is no likely impact on equality of opportunity for those affected by the legislative change within this Section 75 category.	None
Political opinion	There is no likely impact on equality of opportunity for those affected by the legislative change within this Section 75 category.	None
Racial group	There is no likely impact on equality of opportunity for those affected by the legislative change within this Section 75 category.	None
Age	There has been no impact on older and younger age groups since September 2020 when both the temporary pre-employment vetting policy and BLC service were stood down. Both these	None

	groups were more likely to use services impacted by the temporary policy when it was extant from April-August 2020.	
Marital status	There is no likely impact on equality of opportunity for those affected by the legislative change within this Section 75 category.	None
Sexual orientation	There is no likely impact on equality of opportunity for those affected by the legislative change within this Section 75 category.	None
Gender (Men and women generally)	There is no likely impact on equality of opportunity for those affected by the legislative change within this Section 75 category.	None
Disability (with or without)	There has been no impact on people with a disability since September 2020 when both the temporary pre-employment vetting policy and BLC service were stood down. Both these groups were more likely to use services impacted by the temporary policy when it was in operation from April-August 2020.	None
Dependants (with or without)	There is no likely impact on equality of opportunity for those affected by the legislative change within this Section 75 category.	None

2.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		There is no evidence to suggest that there are opportunities to better promote equality of opportunity for people within this Section 75 category.

Political opinion		There is no evidence to suggest that there are opportunities to better promote equality of opportunity for people within this Section 75 category.
Racial group		There is no evidence to suggest that there are opportunities to better promote equality of opportunity for people within this Section 75 category.
Age		There is no evidence to suggest that there are opportunities to better promote equality of opportunity for people within this Section 75 category.
Marital status		There is no evidence to suggest that there are opportunities to better promote equality of opportunity for people within this Section 75 category.
Sexual orientation		There is no evidence to suggest that there are opportunities to better promote equality of opportunity for people within this Section 75 category.
Gender (Men and women generally)		There is no evidence to suggest that there are opportunities to better promote equality of opportunity for people within this Section 75 category.
Disability (with or without)		There is no evidence to suggest that there are opportunities to better promote equality of opportunity for people within this Section 75 category.
Dependants (with or without)		There is no evidence to suggest that there are opportunities to better promote equality of opportunity for people within this

		Section 75 category.
--	--	----------------------

2.3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? (minor/major/none)

Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	The legislative change will not impact on good relations between people of different religious belief.	None
Political opinion	The legislative change will not impact on good relations between people of different political opinion.	None
Racial group	The legislative change will not impact on good relations between people of different racial group.	None

2.4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	If Yes , provide details	If No , provide reasons
Religious belief		There is no evidence to suggest there are opportunities to better promote good relations between people of different religious belief.
Political opinion		There is no evidence to suggest there are opportunities to better promote good relations between people of different political opinion.
Racial group		There is no evidence to suggest there are opportunities to better promote good relations between people of different racial group.

2.5 Additional considerations

Multiple identity

Provide details of data on the impact of the policy on people with multiple identities (e.g. minority ethnic people with a disability, women with a disability, young protestant men, and young lesbian, gay or bisexual persons). Specify relevant Section 75 categories concerned.

The SR has been informed by the continuing reduction in Covid-19 related staffing pressures. Both the temporary pre-employment vetting policy which was enabled by the regulations and BLC service were stood down from September 2020. Since then AccessNI has been able to maintain quick turnaround times for processing enhanced disclosure checks. No data on people with multiple identities has been identified.

2.6 Was the original policy / decision changed in any way to address any adverse impacts identified either through the screening process or from consultation feedback. If so please provide details.

The original policy/decision has not been changed.

Part 3. Screening decision

3.1 How would you summarise the impact of the policy / decision?

No impact

Minor impact

Major impact

X

Consider mitigation (3.4 – 3.5)

3.2 Do you consider that this policy / decision needs to be subjected to a full Equality Impact Assessment (EQIA)?

Yes - screened in

No - screened out

X

3.3 Please explain your reason for making your decision at 3.2.

The SR reflects the fact that both the accompanying temporary pre-employment vetting policy for health and social care roles and Barred List Check service were stood down in August/September 2020. This SR has also been informed by evidence that AccessNI has been able to maintain quick turnaround times for processing enhanced disclosure checks since September 2020 in spite of Covid-19 infections rising during that time and any associated HSC recruitment pressures. No evidence of any detrimental impact on any Section 75 group has been identified.

Mitigation

If you have concluded at 3.1 and 3.2 that the likely impact is '**minor**' and an equality impact assessment is not to be conducted, you must consider mitigation (or scope for further mitigation if some is already included as per 2.6) to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

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

Yes

No

3.5 If you responded "**Yes**", please give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

Part 4. Monitoring

Monitoring is an important part of policy development and implementation. Through monitoring it is possible to assess the impacts of the policy / decision both beneficial and adverse.

4.1 Please detail how you will monitor the effect of the policy / decision?

There will be engagement with AccessNI to ensure that it continues to maintain capacity to deliver quick turnaround times for processing enhanced disclosure checks (if Covid-19 HSC recruitment issues re-emerged).

4.2 What data will you collect in the future in order to monitor the effect of the policy / decision?

As 4.1 above.

Please note: - For the purposes of the annual progress report to the Equality Commission you may later be asked about the monitoring you have done in relation to this policy and whether that has identified any Equality issues.

Part 5. Disability Duties

5.1 Does the policy/decision in any way promote positive attitudes towards disabled people and/or encourage their participation in public life?

There is no evidence that the legislative change promotes positive attitudes towards disabled people and/or encourage their participation in public life.

5.2 Is there an opportunity to better promote positive attitudes towards disabled people or encourage their participation in public life by making changes to the policy/decision or introducing additional measures?

There is no evidence that there is an opportunity to better promote positive attitudes towards disabled people or encourage their participation in public through the introduction of changes or additional measures.

Part 6.Human Rights

6.1 Please complete the table below to indicate whether the policy / decision affects anyone's Human Rights?

ARTICLE	POSITIVE IMPACT	NEGATIVE IMPACT = human right interfered with or restricted	NEUTRAL IMPACT
Article 2 – Right to life	X		
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment	X		
Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour			X
Article 5 – Right to liberty & security of person			X
Article 6 – Right to a fair & public trial within a reasonable time			X
Article 7 – Right to freedom from retrospective criminal law & no punishment without law.			X
Article 8 – Right to respect for private & family life, home and correspondence.			X

ARTICLE	POSITIVE IMPACT	NEGATIVE IMPACT = human right interfered with or restricted	NEUTRAL IMPACT
Article 9 – Right to freedom of thought, conscience & religion			X
Article 10 – Right to freedom of expression			X
Article 11 – Right to freedom of assembly & association			X
Article 12 – Right to marry & found a family			X
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights			X
1 st protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property			X
1 st protocol Article 2 – Right of access to education			X

6.2 If you have identified a likely negative impact who is affected and how?

No negative impact identified.

At this stage we would recommend that you consult with your line manager to determine whether to seek legal advice and to refer to Human Rights Guidance to consider:

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*

- *what action would be required to reduce the level of interference or restriction in order to comply with the Human Rights Act (1998).*

6.3 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.

No actions have been identified which could have been taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy.

Part 7 - Approval and authorisation

	Name	Grade	Date
Screening completed by	Frank Johnston	DP	21 May 2021
Approved by ¹	Adele Willis	G7	24 June 2021
Forwarded to E&HR Unit ²			

Notes:

¹ The Screening Template should be approved by a senior manager responsible for the policy this would normally be at least Grade 7.

² When the Equality and Human Rights Unit receive a copy of the final screening it will be placed on the Department's website and will be accessible to the public from that point on. In addition, consultees who elect to receive it, will be issued with a quarterly listing all screenings completed during each three month period.

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

(PLEASE NOTE : THIS IS NOT PART OF THE SCREENING TEMPLATE BUT MUST BE COMPLETED AND RETURNED WITH THE SCREENING)

1. Please provide details of any measures taken to enhance the level of engagement with individuals and representative groups. Please include any use of the Equality Commissions guidance on consulting with and involving children and young people.

The legislative change reflects the fact that the associated policy which it enabled has been stood down since August/September 2020. However the Health Minister paused work to revoke the Regulations in October 2020 as Covid-19 infections were beginning to increase again. This was to facilitate a quick reintroduction of the temporary policy, if required. With the significant reduction in Covid-19 pressures it is now appropriate to revoke the regulations. AccessNI engaged with organisations and representative groups prior to standing down the BLC service in September 2020. These stakeholders have not sought to re-instate either the temporary pre-employment vetting policy or Barred List Check service since September 2020.

2. In developing this policy / decision 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 effected.

. No changes were made.

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.

The legislative change reflects changes that have already taken place in relation to the related temporary policy which was stood down in August 2020.

Thank you for your co-operation.
Equality and Human Rights Unit.