



Department of  
**Health**

An Roinn Sláinte

Mánnystrie O Poustie

[www.health-ni.gov.uk](http://www.health-ni.gov.uk)

# Equality Screening, Disability Duties and Human Rights Assessment Template

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**Guidance notes are available to assist with completing this template. For further help please contact the Equality and Human Rights Unit ext 20539.**

## Part 1. Policy scoping

### 1.1 Information about the policy / decision

1.1.1 What is the name of the policy / decision?

The Health and Social Care Pension Schemes, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2021

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

This is a revised policy.

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

To remove identified discrimination in survivor benefits. To increase the level at which a pay increase is considered excessive under the 1995 Regulations final pay controls. To make a number of technical amendments.

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

The proposed amendments enhance the HSC pension benefit position for some members, but not at any detriment to other members.

1.1.5 Who initiated or wrote the policy?

The policy was developed and written by the DoH – Pension Policy Unit in line with wider public service pension changes as a result of legal judgements

1.1.6 Who owns and who implements the policy?

The Department of Health has responsibility for the policy, and implementation of associated legislation. The HSC Pension Service has responsibility for the day to day operational implementation of the provisions resulting from the legislation.

## 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

Other

No
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## 1.3 Main stakeholders affected

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

Staff

Service users

Other public sector organisations

Voluntary/community/trade unions

Other, please specify   
All HSC Employers  
GP Practices  
Directional Employers

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

Policy	Owner(s) of the policy
Court rulings in the case of Walker v Innospec, Goodwin v Secretary of State for Education and Brewster re: application for Judicial Review	UK Government

**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.

Section 75 category	Details of evidence/information
Religious belief	Religion will have no bearing on uptake of the legislation
Political opinion	Political opinion will have no bearing on uptake of the legislation
Racial group	Ethnicity will have no bearing on uptake of the legislation
Age	Increasing the level under final pay controls lessens any potential barriers to promotion close to retirement age.
Marital status	Regulations will also remove the nomination requirement for unmarried partners thus removing discrimination.
Sexual orientation	Regulations will equalise survivor benefits for male spouses and civil partners of female members and will therefore have the effect of removing any potential discrimination on the grounds of sexual orientation that currently exists in the 1995 Regulations.

<b>Gender</b> (Men and women generally)	Regulations will equalise survivor benefits for male spouses and civil partners of female members.  The legislation will ensure that access to survivor benefits will apply equally to people of either gender working in the HSC.
<b>Disability</b> (with or without)	There will be no bearing on equality or disability
<b>Dependants</b> (with or without)	Dependent status will have no bearing on uptake of the legislation

\* **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

<b>Section 75 category</b>	<b>Details of needs/experiences/priorities</b>
Religious belief	There is no evidence that different religions will have any different needs, experiences, priorities or issues in relation to the legislation.
Political opinion	There is no evidence that different political opinions will have any different needs, experiences, priorities or issues in relation to the legislation.
Racial group	There is no evidence that different racial groups will have any different needs, experiences, priorities or issues in relation to the legislation.
Age	Increasing the level under final pay controls lessens any potential barriers to promotion close to retirement age.
Marital status	Regulations will also remove the nomination requirement for unmarried partners thus removing discrimination.
Sexual orientation	Regulations will equalise survivor benefits for male spouses and civil partners of female members and will therefore have the effect of removing any potential discrimination on the grounds of sexual orientation that currently exists in the 1995 Regulations.
Gender (Men and women generally)	Regulations will equalise survivor benefits for male spouses and civil partners of female members.  The legislation will ensure that access to survivor benefits will apply equally to people of either gender working in the HSC
Disability (with or without)	There is no evidence that people with disabilities will have any different needs, experiences, priorities or issues in relation to the legislation.
Dependants (with or without)	There is no evidence that those of different dependant status will have any different needs, experiences, priorities or issues in relation to the legislation.



## 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	No impact on equality of opportunity.	None
Political opinion	No impact on equality of opportunity.	None
Racial group	No impact on equality of opportunity.	None
Age	No impact on equality of opportunity.	None
Marital status	No impact on equality of opportunity.	None
Sexual orientation	No impact on equality of opportunity.	None
Gender (Men and women generally)	No impact on equality of opportunity.	None
Disability (with or without)	No impact on equality of opportunity.	None
Dependants (with or without)	No impact on equality of opportunity.	None



2.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If <b>Yes</b> , provide details	If <b>No</b> , provide reasons
Religious belief	-	Religious belief has no impact of qualification for survivor benefits
Political opinion	-	Political Opinion has no impact of qualification for survivor benefits
Racial group	-	Racial Grouping has no impact of qualification for survivor benefits
Age	YES	Increasing the level under final pay controls lessens any potential barriers to promotion close to retirement age.
Marital status	YES	<p>The proposed amendments seek to equalise survivor benefits for male spouses and civil partners of female members and will therefore have the effect of removing any potential discrimination on the grounds of Gender / marital status / sexual orientation that currently exists in the 1995 Regulations.</p> <p>The changes are considered to be consistent with the need to eliminate unlawful discrimination, advance equality of opportunity between those who share a protected characteristic and those who do not and foster good relations between those who share a protected characteristic and those who do not.</p>
Sexual orientation	-	The proposed amendments seek to equalise survivor benefits for male spouses and civil partners of female members and will therefore have the effect of removing any potential

		<p>discrimination on the grounds of Gender / marital status / sexual orientation that currently exists in the 1995 Regulations.</p> <p>The changes are considered to be consistent with the need to eliminate unlawful discrimination, advance equality of opportunity between those who share a protected characteristic and those who do not and foster good relations between those who share a protected characteristic and those who do not.</p>
<p><b>Gender</b> (Men and women generally)</p>	<p>YES</p>	<p>The proposed amendments seek to equalise survivor benefits for male spouses and civil partners of female members and will therefore have the effect of removing any potential discrimination on the grounds of Gender / Marital Status / sexual orientation that currently exists in the 1995 Regulations.</p> <p>The changes are therefore considered to be consistent with the need to eliminate unlawful discrimination, advance equality of opportunity between those who share a protected characteristic and those who do not and foster good relations between those who share a protected characteristic and those who do not.</p>
<p><b>Disability</b> (with or without)</p>	<p>-</p>	<p>Disability has no impact of qualification for survivor benefits</p>
<p><b>Dependants</b> (with or without)</p>	<p>-</p>	<p>Being a dependent has no impact of qualification for survivor benefits</p>

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 policy will not impact on good relations.	None
Political opinion	The policy will not impact on good relations.	None
Racial group	The policy will not impact on good relations.	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 <b>Yes</b> , provide details	If <b>No</b> , provide reasons
Religious belief	-	The statutory rule only applies to payment of survivor benefits, which entitlement to is unaffected by Religious Belief
Political opinion	-	The statutory rule only applies to payment of survivor benefits, which entitlement to is unaffected by Political Opinion
Racial	-	The statutory rule only applies to payment of survivor benefits,

group		which entitlement to is unaffected by Racial Grouping
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## 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.

Some of the identified discrimination affected those with multiple identities ie. Males within heterosexual marriages or civil partnerships. This discrimination will be removed by the proposed legislation.

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 policies that existed in relation to payment of survivor benefits prior to these amendments, have been changed as a result of court rulings.

### Part 3. Screening decision

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

No impact

Minor impact

Major impact

✓

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

✓

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

The proposed Health and Social Care Pension Scheme, Additional Voluntary Contributions and Injury Benefits (Amendment) Regulations (Northern Ireland) 2021 will not create any significant adverse impact on any of the Section 75 groups.

## 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?

Information gathered from this Consultation and similar consultations being carried out for the other NHS Pension Schemes in GB will be used to monitor potential impact.

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

The Department will monitor the effect of the amendments introduced to ensure they equalise survivor benefits for male spouses and civil partners of female members as intended, i.e. the removing any potential discrimination on the grounds of gender, marital status or sexual orientation that currently exists in the 1995 Regulations.

**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?

The policy has no impact

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 opportunity to promote positive attitudes towards disabled people or encourage their participation in public life by changing or introducing additional measures to the legislation

## 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			✓
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment			✓
Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour			✓
Article 5 – Right to liberty & security of person			✓
Article 6 – Right to a fair & public trial within a reasonable time			✓
Article 7 – Right to freedom from retrospective criminal law & no punishment without law.			✓
Article 8 – Right to respect for private & family life, home and correspondence.			✓
Article 9 – Right to freedom of thought, conscience & religion			✓
Article 10 – Right to freedom of expression			✓
Article 11 – Right to freedom of assembly & association			✓
Article 12 – Right to marry & found a family			✓
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights			✓
1 <sup>st</sup> protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property			✓
1 <sup>st</sup> protocol Article 2 – Right of access to education			✓

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

No negative impacts were identified within the legislation

*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 can be taken to promote or raise awareness of human rights or ensure compliance with the legislation in relation to the policy

## Part 7 - Approval and authorisation

	<b>Name</b>	<b>Grade</b>	<b>Date</b>
Screened completed by	Russell McGowan	SO	3/6/21
Approved by <sup>1</sup>	Phil McCusker	DP	2/2/22
Forwarded to E&HR Unit <sup>2</sup>	Phil McCusker	DP	3/2/22

### Notes:

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

<sup>2</sup> 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.

None

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.

None to date

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.

No

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