



DOJ Section 75

EQUALITY SCREENING FORM

Title of Policy: Stalking: Options on the creation of a new specific offence of stalking in Northern Ireland

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The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to **have due regard to the need to promote equality of opportunity:**

- between person of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and,
- between persons with dependants and persons without¹.

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

- **have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group; and**
- **meet legislative obligations under the Disability Discrimination Order.**

Introduction

1. This form should be read in conjunction with the Equality Commission's revised Section 75 guidance, "Effective Section 75 Equality Assessments: Screening and Equality Assessments" which is available on the Equality Commission's website.

<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/S75Advice-ScreeningEQIA.pdf>

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

2. The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations and so determine whether an Equality Impact Assessment (EQIA) is necessary. Screening should be introduced at an early stage when developing or reviewing a policy.

¹A list of the main groups identified as being relevant to each of the section 75 categories is at Annex B of the document.

3. The lead role in the screening of a policy should be taken by the policy decision-maker who has the authority to make changes to that policy and should involve, in the screening process:

- other relevant team members;
- those who implement the policy;
- staff members from other relevant work areas; and
- key stakeholders.

A flowchart which outlines the screening process is provided at Annex A.

4. The first step in the screening exercise is to gather evidence to inform the screening decisions. Relevant data may be either quantitative or qualitative or both (this helps to indicate whether or not there are likely equality of opportunity and/or good relations impacts associated with a policy). Relevant information will help to clearly demonstrate the reasons for a policy being either 'screened in' for an equality impact assessment or 'screened out' from an equality impact assessment.

5. The absence of evidence does not indicate that there is no likely impact but if none is available, it may be appropriate to consider subjecting the policy to an EQIA.

6. Where data/evidence gaps exist consider engaging with the main representative groups directly, for example Disability Action, Rainbow, and NICCY to find out what you need to know. Bring stakeholders together to discuss policy or link up with other UK bodies who may have similar policies.

7. 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.

8. Contact EqualityandStaffSupportServices@justice-ni.x.gsi.gov.uk at any stage of the process for support or guidance.

Screening decisions

8. 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

9. The Commission recommends that a policy is 'screened in' for equality impact assessment if the likely impact on **good relations** is 'major'. While there is no legislative requirement to engage in an equality impact assessment in respect of good relations, this does not necessarily mean that equality impact assessments are inappropriate in this context.

Part 1

Definition of Policy

There have been some difficulties in defining what constitutes a policy in the context of section 75. To be on the safe side it is recommended that you consider any new initiatives, proposals, schemes or programmes as policies or changes to those already in existence. It is important to remember that even if a full EQIA has been carried out in an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if further screening or an EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

Overview of Policy Proposals

The aims and objectives of the policy must be clear and terms of reference well defined. You must take into account any available data that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the s75 categories.

Policy Scoping

10. The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Part 1: Policy Scoping

11. Information about the policy

Name of the Policy/ decision to be screened

Stalking: Options on the creation of a new specific offence of stalking in Northern Ireland

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

This is a new policy proposal and if agreed would enable further work to develop a new offence of “stalking” into law in Northern Ireland. Proposals would be brought forward for consideration by a Justice Minister and the Northern Ireland Assembly.

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

Any new offence would be created to protect and safeguard victims of stalking in Northern Ireland. The NI Assembly debated a motion on stalking in September 2016 and noted with concern that for too long stalking had remained a hidden, insidious and terrifying crime which can result in psychological harm and in the most serious cases murder. The NI Assembly called on the then Minister of Justice to examine the need for specific new offences to be introduced.

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

Stalking mainly affects women although men can be victims of stalking as well. The Crime Survey of England and Wales¹ in 2015 found that 4.9% of women and 2.4% of men reported experiencing stalking. It is likely, therefore, that women in particular will benefit from the proposals.

Who initiated or wrote the policy?

A review of the law relating to stalking in Northern Ireland was initiated by the Minister of Justice in 2016 in response to a number of high profile stalking cases reported in the media. The policy proposals have been developed by the Department in liaison with a Stalking Reference Group comprised of key stakeholders.

Who owns and who implements the policy?

The Department of Justice owns the policy. It will be implemented by the Department, the Police Service Northern Ireland (PSNI) and the Public Prosecution Service (PPS).

¹ <https://www.suzylamplugh.org/managing-stalking-offenders>

12. Implementation factors

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

If yes, are they

Tick Box

- financial
- legislative
- other, please specify _____

13. Main stakeholders affected

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

Tick Box

- staff
- service users
- other public sector organisations
- voluntary/community/trade unions
- other, please specify – the Judiciary, PSNI, PPS and NIPS.

14. Other policies with a bearing on this policy

what are they?

The Stopping Domestic and Sexual Violence and Abuse in Northern Ireland Strategy.

‘Making a difference to victims and witnesses of crime – Improving access to justice, services and support – a five year Strategy’.

Certain international strategies and policies relevant to stalking:

- Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)
- Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence

Relevant Links:

<https://www.justice-ni.gov.uk/publications/stopping-domestic-and-sexual-violence-and-abuse-northern-ireland-seven-year-strategy-march-2016>

<https://www.justice-ni.gov.uk/news/sugden-highlights-her-support-victims-stalking>

who owns them?

The Department of Justice (and in respect of international strategies, the UN General Assembly and the Council of Europe)

15. Available Evidence

Evidence to help inform the screening process may take many forms. Set out all evidence /data (both *qualitative and quantitative) below along with details of the different groups you have met and / or consulted with to help inform your screening assessment. Specify details for each of the Section 75 categories.

As we do not currently have specific offences related to stalking, data is limited.

Section 75 Category	Details of evidence/information
Religious belief	The proposals seeking views on options for the development of new offence of stalking will apply and be accessible <u>equally to all groups/individuals</u> . We do not therefore anticipate that religious belief will be adversely affected.
Political opinion	We anticipate that the proposals apply <u>equally to all groups/individuals</u> and we do not therefore consider there is evidence to indicate that political opinion will be adversely affected.
Racial group	We anticipate that the proposals apply <u>equally to all groups/individuals</u> and we do not therefore consider there is evidence to indicate that racial group will be adversely affected.
Age	We anticipate that the proposals will apply <u>equally to all groups/individuals</u> we do not therefore consider there is evidence to indicate that age will be adversely affected.
Marital status	We anticipate that the proposals will apply <u>equally to all groups/individuals</u> we do not therefore consider there is evidence to indicate that those of differing marital status will be adversely affected.
Sexual orientation	We anticipate that the proposals will apply <u>equally to all groups/individuals</u> we do not therefore consider there is evidence to indicate that those of differing sexual orientation will be adversely affected.
Men and Women generally	As previously indicated women are more likely to be stalked than men however the proposals will apply <u>equally to all groups/individuals</u> . Men are more likely to stalk – see link below to the National Stalking Helpline statistics https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/97819/national-stalking-helpline.pdf
Disability	We anticipate that the proposals policy of providing a new offence of stalking will apply <u>equally to all groups/individuals</u> and we do not therefore consider there is evidence to indicate that those with disabilities or those without will be adversely affected.

Dependants	We anticipate that the proposals will apply <u>equally to all groups/individuals</u> we do not therefore consider there is evidence to indicate that those with dependants or those without will be adversely affected.

***Qualitative data** – refers to the experience of individuals related in their own terms, and based on their own experience 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 a wider population).

16. Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories.

Section 75 Category	Details of evidence/information
Religious belief	It is not considered that the proposals will have a significant differential effect on the needs, experiences and priorities of this category. Stalking can cut across all sections of the community and can affect those with different of religious beliefs, or none.
Political opinion	It is not considered that the proposals will have a significant differential effect on the needs, experiences and priorities of this category. Stalking can cut across all sections of society and can affect those with differing political opinions, or none.
Racial group	It is not considered that the proposals will have a significant differential effect on the needs, experiences and priorities of this category. Stalking can cut across all sections of the community and can affect those from different racial groups.
Age	It is not considered that the proposals will have a significant differential effect on the needs, experiences and priorities of this category. Stalking can affect victims of all ages.
Marital status	It is not considered that the proposals will have a significant differential effect on the needs, experiences and priorities of this category. Stalking can cut across all sections of society and can affect those from differing marital status.
Sexual orientation	It is not considered that the policy will have a significant differential effect on the needs, experiences and priorities of this group. Stalking can cut across all sections of society and can affect those with differing sexual orientation.
Men and Women generally	As previously indicated women are more likely to be stalked than men however men are more likely to stalk. Women may therefore benefit more from the introduction of the policy as it will provide better protection to safeguard victims of stalking.
Disability	It is not considered that the policy will have a significant effect on the needs, experiences and priorities of this group. Stalking can cut across all sections of society and can affect those with disabilities.
Dependants	It is not considered that the policy will have a significant

effect on the needs, experiences and priorities of this group. Stalking can cut across all sections of society and can affect those with or without dependants.

Part 2

SCREENING DECISIONS

17. **Decision - In favour of none**

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

➤ **Considerations –**

- 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.

18. **Decision - In favour of a 'major' impact**

If the conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure (EQIA).

➤ **Considerations-**

- Is the policy significant in terms of its strategic importance?
- The 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;
- The 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;
- 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;
- The policy is likely to be challenged by way of judicial review;
- The policy is significant in terms of expenditure.

19. **Decision - In favour of 'minor' impact**

If the conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

➤ **Considerations –**

- The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- 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;

- 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;
- By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

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?		
Section 75 category	Details of policy impact	Level of impact? Minor/Major/None
Religious belief	It is not considered that the proposals will have an adverse effect on equality of opportunity for this category.	None
Political opinion	It is not considered that the proposals will have an adverse effect on equality of opportunity for this category.	None
Racial group	It is not considered that the proposals will have an adverse effect on equality of opportunity for this category.	None
Age	It is not considered that the proposals will have an adverse effect on equality of opportunity for this category.	None
Marital status	It is not considered that the proposals will have an adverse effect on equality of opportunity for this category.	None
Sexual orientation	It is not considered that the proposals will have an adverse effect on equality of opportunity for this category.	None
Men and Women generally	It is not considered that the proposals will have an adverse effect on equality of opportunity for this category.	None
Disability	It is not considered that the proposals will have an adverse effect on equality of opportunity for this category.	None
Dependants	It is not considered that the proposals will have an adverse effect on equality of opportunity for this 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		
Political opinion		

Racial group		
Age		
Marital status		
Sexual orientation		
Men and Women generally		
Disability		
Dependants		

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?

Good relations category	Details of policy impact	Level of impact Minor/Major/None
Religious belief	We anticipate that the policy proposals will apply <u>equally to all groups/individuals</u> we do not therefore consider there is evidence to indicate that it would impact on good relations between people of different religious belief.	None
Political opinion	We anticipate that the policy proposals will apply <u>equally to all groups/individuals</u> we do not therefore consider there is evidence to indicate that it would impact on good relations between people of differening political opinion.	None
Racial group	We anticipate that the policy proposals will apply <u>equally to all groups/individuals</u> we do not therefore consider there is evidence to indicate that it would impact on good relations between people of different racial groups.	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 are no opportunities to better promote good relations with regard to the introduction of this new policy.
Political opinion		There are no opportunities to better promote good relations with regard to the introduction of this new policy
Racial group		There are no opportunities to better promote good relations with regard to the introduction of this new policy

Additional Considerations

Multiple Identity

20. 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).

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

We anticipate that the policy of providing a new offence of stalking will apply equally to all groups/individuals we do not therefore consider there is evidence to indicate that the policy will impact on people with multiple identities.

Part 3 Screening Decision

3.1. Screened In - If the decision is to conduct an equality impact assessment, please provide details of the rationale and relevant evidence to support this decision.

3.2. Screened Out – No EQAI necessary (no impact)
If the decision is not to conduct an equality impact assessment, please provide details of the rationale and relevant evidence to support this decision.

The policy proposals will apply and be accessible equally to all groups/individuals we do not therefore consider there is evidence to indicate that any of the Section 75 groups will be adversely affected. In light of this we consider that the policy should be screened out and an equality impact assessment is not deemed necessary at this time. We will however take account of the evidence gathered through the consultation and revisit the equality screening if any issues arise.

3.3. Screened Out – Mitigating Actions (minor impacts)
When the decision is that the likely impact is 'minor' and an equality impact assessment is not to be conducted, you may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

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. Explain how these actions will address the inequalities.

Timetabling and Prioritising

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

23. If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

24. On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	

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 in timetabling. Details of the Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

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

➤ If yes, please provide details.

Part 4 Monitoring

26. Section 75 places a requirement on the Department to have equality monitoring arrangements in place in order to assess the impact of policies and services etc. and to help identify barriers to fair participation and to better promote equal opportunity.
27. Effective monitoring will help identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.
28. Outline what data you will collect in the future in order to monitor the impact of this policy/ decision on equality, good relation and disability duties.

Equality	It is anticipated that the impact of the policy will be monitored through PSNI reported crime and PPS prosecution/case outcome statistics, as well as engagement with the relevant agencies to see how any new offences or changes to existing offences are working in practice. It is likely that any changes would take time to 'bed in' and that it may therefore be 2-3 years before any quantitative assessment of the impact can be made.
Good relations	As above
Disability Duties	As above

Part 5 Formal Record of Screening Decision

Title of Proposed Policy / Decision being screened

Stalking: Options on the creation of a new offence of stalking in Northern Ireland

I can confirm that the proposed policy/decision has been screened for –

<input checked="" type="checkbox"/>	Equality of opportunity
<input checked="" type="checkbox"/>	Good Relations
<input checked="" type="checkbox"/>	Disability duties

On the basis of the answer to the screening questions, I recommend that this policy /decision is –

<input type="checkbox"/>	Screened in – necessary to conduct a full EQIA
<input checked="" type="checkbox"/>	Screened Out – no EQIA necessary (no impacts)
<input type="checkbox"/>	Screened Out – mitigating actions (minor impacts)

Part 6 Approval and Authorisation

(Have you sent this document to the Equality Unit prior to obtaining signature?)

Screened/completed by:	Grade	Date
Name Barbara Compston	DP (Acting)	16/10/18
Approved by (Grade 7 or above):		
Name Graham Walker	Grade 7	31/10/18

Quality Assurance

Prior to final approval the Screening Form should be forwarded to EqualityandStaffSupportServices@justice-ni.x.gsi.gov.uk for comment/quality assurance. Contact the branch should you require advice or have any queries prior to this stage.

Any NIPS forms should be forwarded to Peter.Grant@justice-ni.x.gsi.gov.uk

When you receive a response and there are no further considerations required, the form should be 'signed off' and approved by a senior manager responsible for the policy, this would normally be at least grade 7.

The completed Screening Form should be placed on the DOJ Website where it will be made easily accessible to the public and be available on request. In addition, it will be included in a quarterly listing of all screenings completed during each 3 month period and issued to consultees.

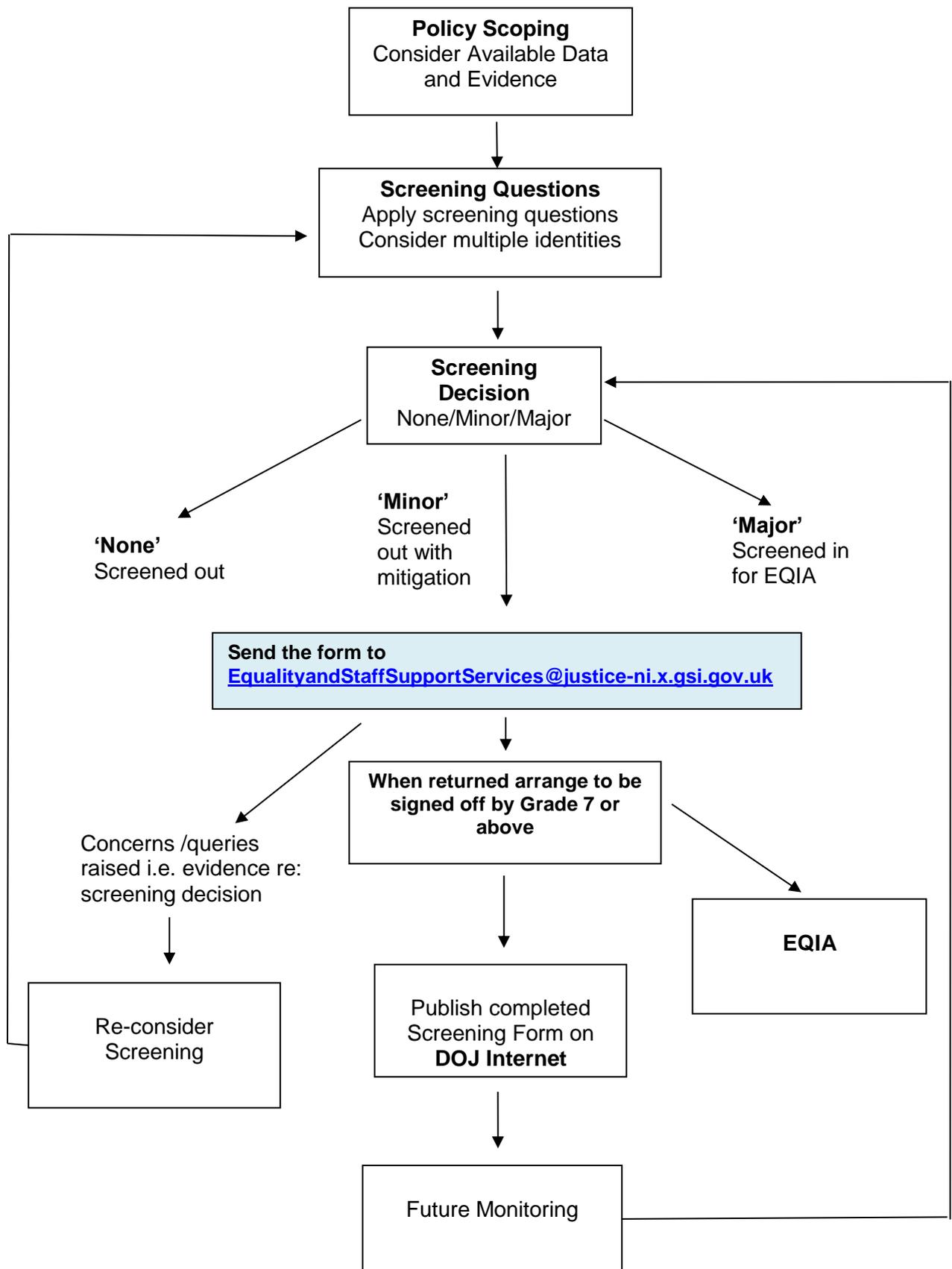
The Screening exercise is now complete.

Please retain a record in your branch and send a copy for information to:-

Equality and Staff Support Services (ESSS)
Room 3.4, Castle Buildings
Stormont Estate
BELFAST
BT4 3SG
Tel: 02890 522611

or e-mail to EqualityandStaffSupportServices@justice-ni.x.gsi.gov.uk

**ANNEX A
SCREENING FLOWCHART**



ANNEX B

MAIN GROUPS IDENTIFIED AS RELEVANT TO THE SECTION 75 CATEGORIES

Category	Main Groups
Religious Belief	Protestants; Catholics; people of other religious belief; people of no religious belief
Political Opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Afro Caribbean people; people of mixed ethnic group, other groups
Age	For most purposes, the main categories are: children under 18; people aged between 18 and 65. However the definition of age groups will need to be sensitive to the policy under consideration. For example, for some employment policies, children under 16 could be distinguished from people of working age
Marital/Civil Partnership Status	Married people; unmarried people; divorced or separated people; widowed people; civil partnerships
Sexual Orientation	Heterosexuals; bisexual people; gay men; lesbians
Men and Women generally	Men (including boys); women (including girls); trans-gender and trans-sexual people
Persons with a disability and persons without	Persons with a physical, sensory or learning disability as defined in Schedules 1 and 2 of the Disability Discrimination Act 1995.
Persons with dependants and persons without	Persons with primary responsibility for the care of a child; persons with personal responsibility for the care of a person with a disability; persons with primary responsibility for a dependent elderly person.