



Department of
Justice

An Roinn Dlí agus Cirt

Mánnystrie o tha Laa

DOJ SECTION 75

EQUALITY SCREENING FORM

Title of policy:

**Proposals to allow the recording and broadcasting of certain
court proceedings**

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 without.

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

Part 1. Policy scoping – asks public authorities to provide details about the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

Part 2. Screening questions – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues.

Part 3. Screening decision – guides the public authority to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

Part 4. Monitoring – provides guidance to public authorities on monitoring for adverse impact and broader monitoring.

Part 5. Approval and authorisation – verifies the public authority's approval of a screening decision by a senior manager responsible for the policy.

The [flowchart](#) details the equality screening process.

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.

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

Information about the policy

Name of the policy:

Proposals to allow the recording and broadcasting of certain court proceedings.

Is this an existing, revised or a new policy?

New policy proposals.

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

It is considered that the recording and broadcasting of certain court proceedings would support the principle of open justice by giving greater effect to the public's right to see justice being done by allowing them to engage with the justice system in a modern and accessible way without undermining the administration of justice. It is also considered that allowing for greater transparency in the conduct of court business would help to improve public understanding of what the judiciary does and how judicial decisions are made, which should enhance public confidence and trust in the justice system.

Therefore, we are consulting on proposals to take a power in primary legislation to disapply the provisions which prohibit the recording and broadcasting of courts and to make secondary legislation to provide for the recording and broadcasting: in the Court of Appeal, of judges handing down decisions, as well as submissions of legal representatives and exchanges between legal representatives and the court; and in the Crown Court, of judges making sentencing remarks. In making these proposals, we wish to make it clear that only some judges and legal representatives in certain proceedings would be filmed. Victims and witnesses, defendants, jury members, members of the public, etc., would not be filmed.

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

It is not envisaged that any Section 75 categories that would benefit in particular from the proposals being consulted on as any broadcasts will be available to any person who wishes to view them. The proposals would be of benefit to the general public.

Who initiated or wrote the policy?

The policy options were developed by the Department of Justice (“the Department”).

Who owns and who implements the policy?

The Department owns the policy. If there is support for the proposals, the Department will also initially be primarily responsible for the next steps following consultation as the recording and broadcasting of certain court proceedings will have to be provided for in primary and secondary legislation brought forward by the Department. However, NICTS and the Lady Chief Justice’s Office will also have a role in the implementation and operation of the policy.

Implementation factors

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

If yes, are they (please delete as appropriate):

financial

legislative

other, please specify: recording and broadcasting processes

Main stakeholders affected

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

staff, e.g. NICTS

service users, e.g. legal representatives

~~other public sector organisations~~

~~voluntary/community/trade unions~~

other, please specify: the judiciary, broadcasters

Other policies with a bearing on this policy

- what are they?
- Consideration of options with regards to allowing media reporting of Children Order proceedings, subject to safeguards to protect the anonymity of the child
- who owns them?
- The Department and the Lady Chief Justice

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to [signpost to S75 data](#).

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Religious belief evidence / information: As any broadcasts will be available equally to all groups/individuals to view, there is no evidence or information available to indicate that this category will be disproportionately affected.

Political Opinion evidence / information: As above.

Racial Group evidence / information: As above.

Age evidence / information: As above.

Marital Status evidence / information: As above.

Sexual Orientation evidence / information: As above.

Men & Women generally evidence / information: As above.

Disability evidence / information: As above.

Dependants' evidence / information: As above.

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 of the needs, experiences and priorities for each of the Section 75 categories below:

Religious belief: It is not considered that the policy options would have an effect on the needs, experiences and priorities of this category as the broadcasts will be available to all persons who wish to view them.

Political Opinion: As above.

Racial Group: As above.

Age: As above.

Marital status: As above.

Sexual orientation: As above.

Men and Women Generally: As above.

Disability: As above.

Dependants: As above.

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are detailed below.

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

If the public authority's 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 the public authority's conclusion is **minor** in respect of one or more of the Section 75 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.

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.
- b) 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.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 categories?

Please provide details of the likely policy impacts and determine the level of impact for each Section 75 category below, i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: The overall aim of the policy options is to provide for the recording and broadcasting of some judges and legal representatives in certain circumstances in specified courts to support the principle of open justice and enhance the transparency of the justice system. The broadcasts will be available to all person, who wish to view them. It is not, therefore, considered that there would be any adverse impact on equality of opportunity for this category.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Political Opinion**: As above

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Racial Group**: As above

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Age**: As above

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Marital Status**: As above

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Sexual Orientation**: As above

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Men and Women**: As above

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Disability**: As above
What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Dependants**: As above
What is the level of impact? Minor / Major / None
(Underline as appropriate)

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories? Yes/No

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 categories below:

Religious Belief - If Yes, provide details:

If No, provide reasons: The policy options do not provide an opportunity to better promote equality of opportunity as all persons will be able to view broadcasts, should they wish to do so.

Political Opinion - If Yes, provide details:

If No, provide reasons: As above

Racial Group - If Yes, provide details:

If No, provide reasons: As above

Age - If Yes, provide details:

If No, provide reasons: As above

Marital Status - If Yes, provide details:

If No, provide reasons: As above

Sexual Orientation - If Yes, provide details:

If No, provide reasons: As above

Men and Women generally - If Yes, provide details:

If No, provide reasons: As above

Disability - If Yes, provide details:

If No, provide reasons: As above

Dependants - If Yes, provide details:

If No, provide reasons: As above

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: The policy options being consulted on are not likely to have an impact on good relations between people of different religious belief as the broadcasts will be available to any person who wishes to view them.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Political Opinion**:

The policy options being consulted on are not likely to have an impact on good relations between people of different political opinion as the broadcasts will be available to any person who wishes to view them.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Racial Group**:

The policy options being consulted on are not likely to have an impact on good relations between people of different racial group as the broadcasts will be available to any person who wishes to view them .

What is the level of impact? Minor / Major / None
(Underline as appropriate)

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

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 categories below:

Religious Belief - If Yes, provide details:

If No, provide reasons: There are no opportunities for promoting good relations between people of different religious belief as the broadcasts will be available to any person who wishes to view them.

Political Opinion - If Yes, provide details:

If No, provide reasons: There are no opportunities for promoting good relations between people of different political opinion as the broadcasts will be available to any person who wishes to view them.

Racial Group - If Yes, provide details:

If No, provide reasons: There are no opportunities for promoting good relations between people of different racial group as the broadcasts will be available to any person who wishes to view them.

Additional considerations

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).

The policy options do not have an impact on people with multiple identities as the broadcasts will be available to all persons who wish to view them.

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

Not applicable.

Part 3. Screening decision

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

The overall aim of the policy options is to provide for the recording and broadcasting of certain courts to support the principle of open justice and enhance the transparency of the justice system. If adopted, the proposals will apply equally to all judges and legal representatives irrespective of whether or not they fall within a particular Section 75 category. In addition, the broadcasts will be available to all persons who wish to view them. It is not, therefore, considered that there would be an impact on equality of opportunity. In view of this, an EQIA is not considered necessary.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

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

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority 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.

Timetabling and prioritising

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

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.

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 [Author pick 1, 2 or 3 if a full EQIA is to take place]

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 the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

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

If yes, please provide details.

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

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

Effective monitoring will help the public authority 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.

Further advice on monitoring can be found at: [ECNI Monitoring Guidance for Public Authorities](#)

Part 5. Approval and authorisation

Screened by: Norma Dempster
Position/Job Title: DP
Date: 25/11/24

Approved by: Martin Moore
Position/Job Title: G7
Date: 26/11/24

Prior to final approval the Screening Form should be forwarded to DOJESSS@justice-ni.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 also be forwarded to Peter.Grant@justice-ni.gov.uk

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the DoJ website as soon as possible following completion and made available on request.

Separately from undertaking screening of the policy, consideration must also be given in respect of undertaking a Rural Needs Impact Assessment (RNIA). This is to ensure that public authorities comply with their duty under Section 1(1) of the Rural Needs Act (NI) 2016. Full information including templates and a useful checklist are available on the [DAERA website](#).