



PUBLIC PROSECUTION SERVICE

VICTIM AND WITNESS POLICY

Section 75

EQUALITY SCREENING FORM

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PPS POLICY EQUALITY SCREENING FORM

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the PPS 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 PPS 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 and the Human Rights Act.**

Introduction

1. This form should be read in conjunction with the Equality Commission's revised Section 75, "A Guide for Public Authorities" April 2010 and available via the following link [S75 Guide for Public Authorities April 2010](#). **Staff should complete a form for each new or revised policy for which they are responsible (see page 6 for a definition of policy in respect of section 75).**
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 will help improve the organisation's service provision through a systematic review of all services, policies, procedures, practices and/or decisions. It will also help determine whether an Equality Impact Assessment (EQIA) is necessary.

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

Screening should be introduced at an early stage when developing or reviewing a policy.

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.
4. The first step in the screening exercise, is to gather evidence and relevant data 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. 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.
6. 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.

7. The Equality Commission has developed a series of four questions, included in Part 3 of this screening form with supporting sub-questions, which should be applied to all policies as part of the screening process. The questions should assist in identifying those policies that are likely to have an impact on equality of opportunity and/or good relations.

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 Equality 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.

Staff should complete a form for each of new or revised policy for which they are responsible (see page 6 for a definition of policy in respect of section 75).

If you have any questions regarding the screening exercise or S75 in general please contact the Equality Officer in Central Management Unit at the address given below.

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.
11. 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
Public Prosecution Service Victim and Witness Policy
Is this an existing, revised or a new policy?
This is a revised policy. The previous Victims and Witnesses Policy was issued in 2008.
What is it trying to achieve? (intended aims/outcomes)
<p>The policy aims to achieve the following:</p> <ul style="list-style-type: none">- To describe the services the PPS provides to victims and witnesses in cases received by the Department from appropriate investigative authorities;- To ensure compliance with the Victim Charter;- Provide guidance to PPS staff and external agencies on best practice in the provision of those services.
Are there any Section 75 categories which might be expected to benefit from the intended policy? If so, explain how.
All Section 75 categories are expected to benefit from this policy. It will ensure consistency in the services and information provided to all victims and witnesses.
Who initiated or wrote the policy?
Public Prosecution Service Legal Guidance and Advice Section.
Who owns and who implements the policy?
The Public Prosecution Service owns the Policy. It will be implemented by Public Prosecutors, PPS Administrative support staff and Counsel who are instructed to act on the behalf of the PPS.

Implementation factors

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

If yes, are they

- ☐ financial
- ☐ legislative
- ☐ other, please specify _____

Main stakeholders affected

13. 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 _____

Other policies with a bearing on this policy

- what are they?

PPS Code for Prosecutors

PPS Code for Prosecuting Cases of Domestic Violence

PPS Code for Prosecuting Cases of Rape

PPS Hate Crime Policy

PPS Code for Prosecuting Cases of Human Trafficking

PPS Road Traffic Policy

PPS Guidelines on Diversion

DOJ Victims Strategy 2013-2015

- who owns them?

Public Prosecution Service and Dept of Justice

Available evidence

14. Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.
15. 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
All	<p>The thrust of the policy was informed by the PPS commitment to improving the services for victims and witnesses. The PPS maintains a position on the Victim and Witness Steering Group overseen by the Department of Justice whose main focus is making improvements in this area. The policy takes significant direction from the five year strategy outlined by the Department of Justice in their document “Making a difference to victims and witnesses of crime. Improving access to justice, services and support” (June 2013).</p> <p>The creation and implementation of the Victim and Witness Care Unit (VWCU) has dramatically changed the way that the PPS serves victims and witnesses. This is particularly relevant with regard the s.75 categories as they often have specific needs that need to be catered for to ensure their engagement with the PPS and the criminal justice process. The VWCU allows for these needs to be identified at the outset of their involvement with the PPS through the use of a single point of</p>

	<p>contact who is specifically trained to conduct a needs assessment at appropriate points in the process.</p> <p>Reports (CIJINI 2011) have shown that the key concerns for witnesses relate to poor communication, delay in case progression and feelings of isolation. The creation of the VWCU is intended to counter all three of these problems to some degree. The policy has been drafted to reflect the experiences and practices of VWCU to date. In addition consideration was given to the recent inspection report of HMCPS with regard communicating with victims. It identified key areas of concern with regard how the CPS were communicating with victims. This was used to inform the style, format and content of the policy to ensure ease of understanding by the end users. Specifically a decision was taken to draft the document to victims and witnesses directly- thereby emphasising the PPS recognition of their importance and our empathy towards their individual need and concerns.</p> <p>The policy also takes direction from the recommendations made by Sir Keir Starmer in his report dated May 2015 (Independent Review of the Prosecution of related sexual abuse and terrorism cases). The policy highlights the emphasis that the PPS now places on consistent communication with victims and witnesses and clearly identifies when and how they can expect such communication to be made with them. This is particularly relevant to section 75 categories for whom communication problems can cause</p>
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	<p>particular additional distress.</p> <p>Still further the policy has been informed by the new legislative developments including: the availability of registered intermediaries, victim impact statements and changes to special measures. The implementation of the Victims Directive which has been transposed into the Victim Charter has also been reflected in the policy in an easy to follow journey theme highlighting each entitlement that victims should expect from the PPS. Whilst the Witness Charter has not been published the PPS has been directly liaising with the Department of Justice on the draft document. It is thereby envisaged that the policy will also reflect the key requirements that will be laid down in the forthcoming Charter. These are all expected to have direct consequences for section 75 categories.</p>
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Needs, experiences and priorities

16. 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	No specific needs, experiences or priorities have been identified.
Political opinion	No specific needs, experiences or priorities have been identified.
Racial group	The single point of contact in VWCU should identify from the outset those persons with language difficulties and ensure information is conveyed more timely and effectively via access to alternative formats.
Age	<p>It is recognised that age is a factor to consider when dealing with issues of vulnerability. This is reflected in the needs assessments conducted by VWCU and is conveyed in the policy through the provision of information on special measures, registered intermediaries, and support given to carers and parents/guardians.</p> <p>The research project with The Commissioner for Older People highlighted the increased anxiety held by older victims involved in the prosecution process. The availability of a single point of contact by the Victim and Witness Care Unit may alleviate concerns. The policy will be made available in alternative formats on request to ensure ease of</p>

	access by such groups also.
Marital status	No specific needs, experiences or priorities have been identified.
Sexual orientation	No specific needs, experiences or priorities have been identified.
Men and Women generally	No specific needs, experiences or priorities have been identified.
Disability	Those victims and witnesses with disabilities can be identified at an early stage by their case officer in VWCU. This enables adequate steps to be taken to ensure that all support mechanisms can be put in place in adequate time to ease any concerns about their involvement. The policy outlines the numerous measures that are available to such persons, including; individual travel and court arrangements, provision of expenses for carers, special measures for those suffering from mental health concerns, registered intermediaries for those with communication concerns etc.
Dependants	<p>The policy highlights the services to be provided to those who are acting on behalf of victims, including nominated representatives, parent/ guardians and appropriate adults. This includes provision of the following:</p> <p>Expenses: to cover the cost of attending court, including those expenses for parents/ guardians, nominated representatives and appropriate adults;</p> <p>Childcare costs: to alleviate the concern of those with dependents and allow them to attend court;</p> <p>Employer contact: to address any issues with</p>

	<p>regard victims and witnesses being absent from work.</p> <p>The policy highlights how these services are accessed and the support that is given to victims and witnesses to avail of them.</p>
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Part 2(a)

17. HUMAN RIGHTS IMPACT ASSESSMENT

Articles as identified by European Convention of Human Rights.

- Article 2 - Right to life
- Article 3 - Prohibition of torture, inhuman or degrading treatment
- Article 4 - Prohibition of slavery and forced labour
- Article 5 - Right to liberty and security
- Article 6 - Right to fair and public trial
- Article 7 - Right to no punishment with law
- Article 8 - Right to respect for private and family life, home and correspondence
- Article 9 - Right to freedom of thought, conscience and religion
- Article 10 - Right to freedom of expression
- Article 11 - Rights to freedom of assembly and association
- Article 12 – Right to marry and to found a family
- Article 14 – The prohibition of discrimination
- Protocol 1 Article 1 – Protection of Property
- Protocol 1 Article 2 - Right to education

Definitions of degree of risk of infringement of each article:

High risk – It is foreseeable that this policy is very likely to breach this Article.

Medium risk – This policy is likely, in certain circumstances, to breach this Article.

Low risk – It is possible, though very unlikely, that this policy will breach this Article.

18. Indicate any potential Human Rights implications associated with this policy, the perceived degree of risk (see above) and who the victim may be.

	Has this policy the potential to infringe the rights (Please Tick)		If yes indicate here the degree of risk – High, Medium or Low (See definitions above)	If yes indicate here who the potential victim(s) would be
	Yes	No		
Article 2		No		
Article 3		No		
Article 5		No		
Article 6		No		
Article 8		No		
Article 9		No		

Article 10		No		
Article 11		No		
Article 12		No		
Article 14*		No		
Article 1 of Protocol 1		No		
Article 2 of Protocol 1		No		

19. Outline any justification for any infringements identified:

N/A

20. Are any alternatives available which may not infringe Human Rights?

Yes ☐

No ☐

If yes, and the decision has been taken NOT to pursue the alternatives, please give a rationale for this decision.

21. Outline any action which could be taken to reduce the level of infringement.

N/A

22. Are there actions that can be taken that would promote human rights?

Yes ☐

No ☐

Please specify:

N/A

Part 2(b)

OBLIGATIONS UNDER THE DISABILITY DISCRIMINATION ORDER

Under section 49A of the Disability Discrimination Act 1995, public authorities, when carrying out their functions must have due regard to the need to:

- **promote positive attitudes towards disabled people; and**
- **encourage participation by disabled people in public life.**

Questions 5 and 6 below relate to these two areas.

Consideration of Disability Duties

23. Does this proposed policy / decision provide an opportunity for PPS to better promote positive attitudes towards disabled people?

Explain your assessment in full

The policy illustrates the services that are available to ensure that people with a disability can participate fully in the criminal justice process and give their best evidence. This includes reference to the new provisions for registered intermediaries. This in turn may result in an increased participation thereby promoting positive attitudes towards disabled people.

24. Does this proposed policy / decision provide an opportunity for PPS to actively increase the participation by disabled people in public life?

Explain your assessment in full

Yes, the policy does provide an opportunity for the PPS to actively increase the participation by disabled people in public life. This is achieved by informing victims and witnesses who suffer from a disability of the enhanced services that are available for them to allow for their participation in the criminal justice system. It outlines the support mechanism that is the Victim and Witness Care Unit and all of the services that they provide to make processes easier. Those with physical disability or mental health issues will be assisted by the structured needs assessment which is provided at key points in the process and individually tailored mechanisms are put in place to meet

their specific needs including: special measures, registered intermediaries, NSPCC or VSNI support, court visits etc.

Part 3

SCREENING QUESTIONS

Introduction

25. In making a decision as to whether or not there is a need to carry out an equality impact assessment, consider questions 1-4 listed below.
26. If the conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the decision maybe 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.
27. 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.
28. 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:
- introduce measures to mitigate the adverse impact; or
 - the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

Factors that would indicate a conclusion in favour of a 'major' impact

29. (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.

Factors that would indicate a conclusion in favour of ‘minor’ impact

30. (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.

Factors that would indicate a conclusion in favour of none

31. (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.
32. 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 equality categories? Minor/Major/None		
Section 75 category	Details of policy impact	Level of impact? Minor/Major/None
Religious belief	None	None
Political opinion	None	None
Racial group	The policy outlines the PPS commitment to provision of services and information to those victims and witnesses whose first language is not English. The policy thus highlights the availability of alternative formats.	Minor (+ve)
Age	The research project with The Commissioner for Older People highlighted the increased anxiety held by older victims involved in the prosecution process. The availability of a single point of contact by the Victim and Witness Care Unit may alleviate concerns. In addition alternative formats of the policy will also be available.	Minor (+ve)
Marital status	None	None
Sexual	None	None

orientation		
Men and Women generally	None	None
Disability	Those with physical disability or mental health issues will be assisted by the needs assessments and the enhanced services provided in response to their individual needs.	Minor (+ve)
Dependants	None	None

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		No specific equality issues have been identified
Political opinion		No specific equality issues have been identified
Racial group	Access to alternative formats will improve the information provided to those who do not have English as their first language.	
Age	It is recognised that age appropriate information may be required and therefore alternative formats of the Policy will be made available on request.	
Marital status		No specific equality issues have been identified
Sexual orientation		No specific equality issues have been identified

		identified
Men and Women generally		No specific equality issues have been identified
Disability	Access to alternative formats will improve the information provided to people with a disability.	
Dependants		No specific equality issues have been identified

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		None
Political opinion		None
Racial group		None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If Yes, provide details	If No, provide reasons
Religious belief		None
Political opinion		None
Racial group		None

Additional considerations

Multiple Identity

33. 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).

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

Part 4

Screening decision

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

This policy has been revised in light of significant developments in the Public Prosecution Service and the implementation of the Victim and Witness Care Unit and legislative developments including the Victim Charter. It is intended that the policy will help to provide information on the support and services available to victims and witnesses. It is believed that this will only have positive impacts on any section 75 category as it will help them engage in a positive manner with the PPS and the criminal justice system as a whole.

36. If the decision is not to conduct an equality impact assessment, consider if the policy should be mitigated or an alternative policy be introduced.

N/A

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

N/A

38. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

39. 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.
40. Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?
41. If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

N/A

Timetabling and prioritising

42. Factors to be considered in timetabling and prioritising policies for equality impact assessment.
43. 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.
44. 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	

45. 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.
46. Is the policy affected by timetables established by other relevant public authorities?
47. If yes, please provide details.

Part 5

Monitoring

48. Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).
49. 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).
50. 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.

Part 6

Approval and authorisation

Screened by:	Position/Job Title	Date
	Public Prosecutor, Legal Guidance and Advice	31/5/16
Approved by:(Branch Grade 7)		
I am satisfied that this policy has been properly screened for both equality impact and human rights infringement, and I agree with the screening decision made. Authorised by: (Head of Division)		
	Assistant Director, Appeals and International Section	31/5/16

Note: A copy of the Screening Template should be made easily accessible on the public authority's website as soon as possible following completion. This will be undertaken by the Equality Officer on receipt as per below. Hard copies should also be made available on request.

The screening exercise is now complete.

When you have completed the form please retain a record in your branch and send a signed copy for information to:

Equality and Corporate Governance Officer
Central Management Unit
10th Floor
Linum Chambers
2 Bedford Square
Bedford Street
BT2 7BS
☎ 44870

and e-mail an electronic version to anna.scott@ppsni.gsi.gov.uk

If any EQIA **is** required, the Equality Officer should be contacted for further advice if necessary.

Further information on equality, including a copy of the PPS Equality Scheme, yearly progress reports on equality to the Equality Commission for Northern Ireland, information on data sources and other useful links may be found on the PPS Intranet under the Equality Scheme section.

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
Men and Women generally	Men (including boys); women (including girls); trans-gender and trans-sexual people
Marital/Civil Partnership status	Married people; unmarried people; divorced or separated people; widowed people; civil partnerships
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
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.
Sexual orientation	Heterosexuals; bisexual people; gay men; lesbians