



PUBLIC PROSECUTION SERVICE

Section 75

EQUALITY SCREENING FORM

Revised June 2011

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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).

The structure established for Section 75 implementation within the PPS is set out at Annex B. If you have any questions regarding the screening exercise or S75 in general please contact the Equality Officer in Human Resources at the address given below, or your Divisional Equality Driver (a list of contact names is attached at Annex B).

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
Information Security Vetting Policy
Is this an existing, revised or a new policy?
This policy is a new policy, drawing together existing policy and procedures from a number of sources. A new screening has been carried out as PPS has taken over full responsibility for vetting following the devolution of policing and justice.
What is it trying to achieve? (intended aims/outcomes)
<p>National Security Vetting (NSV) Policy is determined centrally by the Cabinet Office and is set out in mandatory requirements 13-15 of the Cabinet Office Security Policy Framework. The aim of National Security Vetting (NSV) is to determine an individual's suitability to hold posts with long-term, frequent and unrestricted access to protectively marked assets, or for posts involving access to individuals, establishments or information assessed to be at risk from, or of value to, terrorists.</p> <p>The PPS Vetting Policy summarises how PPS implements the National Security Vetting Policy, setting out the responsibilities for vetting, the level of vetting required for each post and the criteria used to make decisions.</p> <p>Note that as National Security has not been devolved to the NI Assembly, decisions on whether to grant clearance on National Security grounds are not taken by the PPS but by the Northern Ireland Office (this is noted in the policy).</p> <p>It is part of a suite of policies which define how the Department handles various aspects of information security.</p>
Are there any Section 75 categories which might be expected to benefit from the intended policy? If so, explain how.
No. Not the intention of the policy.
Who initiated or wrote the policy?
Overall NSV Policy is determined by the Cabinet Office. The PPS policy was written by the Deputy Departmental Security Officer, part of Business Assurance.
Who owns and who implements the policy?
Overall NSV Policy is owned by the Cabinet Office.

The actual research is carried out for the PPS by the Defence Vetting Agency.

The PPS policy is implemented by Business Assurance with assistance from Human Resources. PPS controls two key decisions: the level of vetting required for each post, and the decision to grant clearance based on the evidence collected by DVA. As above any decision to refuse clearance on National Security grounds is taken by the Northern Ireland Office.

Implementation factors

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

No.

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 3rd party contractors and partners

Other policies with a bearing on this policy

- HMG Security Policy Framework
- Cabinet Office SPF Guidance Document: Personnel Security v4.0 (May 2010)
- PPS Security Guidance
 - PPS Data Protection Policy Statement
 - Employment Practices Data Protection Code – Part 3
 - Regulation of Investigatory Powers Act 2000
 - Lawful Business Practice Regulations 2000
 - Data Protection Act 1998
 - NICS Staff Handbook

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
Religious belief	N/A
Political opinion	N/A
Racial group	Experience of practitioners in PPS and history of security clearances carried out in PPS
Age	N/A
Marital status	N/A

Sexual orientation	N/A
Men and Women generally	N/A
Disability	N/A
Dependants	N/A

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	N/A
Political opinion	N/A
Racial group	As CTC clearance normally requires a minimum of 3 years UK residency, it is more difficult for foreign nationals to obtain employment in PPS particularly until the 3 years is completed. In addition the requirement for some posts to be vetted at the top level (DV) effectively bars non-UK nationals from those posts (these require residency of 10 years).
Age	N/A
Marital status	N/A
Sexual orientation	N/A

Men and Women generally	N/A
Disability	N/A
Dependants	N/A

Part 2

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		√		
Article 3		√		
Article 5		√		
Article 6		√		
Article 8	√		High	Persons who undergo DV
Article 9	√		High	The explicit purpose

				of the policy is to reduce the potential for those of extreme political opinions who may undermine national security to gain employment with PPS.
Article 10		√	High	As above
Article 11		√		
Article 12		√		
Article 14*	√		High	Application of policy makes it more difficult for foreign nationals, particularly those who have been resident in the UK less than three years, to gain employment with PPS.
Article 1 of Protocol 1		√		
Article 2 of Protocol 1		√		

19. Outline any justification for any infringements identified:

The Department is required under the Security Policy Framework to implement the Government's protective marking scheme and its National Security Vetting policy. The Department has determined that all case files will be classified as a minimum "Protect-Prosecution" under the protective marking scheme due to the sensitive personal data contained. Although the majority of data is Protect-Prosecution, staff have access to all case files on the Case Management System as this is required to carry out their functions. The Departmental Board has determined that CTC is the minimum level of clearance required. The Board has also identified a number of other posts that require higher clearance. The Security Services have also insisted that certain staff obtain DV clearance before being allowed access to certain material.

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

No

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

In theory a relaxation of the policy may allow a wider pool of individuals to apply for posts within PPS.

However, the purpose of the vetting policy is to screen out certain individuals because:

- they are considered a current threat to PPS assets
- they are susceptible to pressure due to lifestyle issues that make them a potential risk to PPS assets

It would therefore be asserted that the criteria which underpin the selection process are fair, reasonable and proportionate to the policy aim.

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

The Department ensures that the vetting required for specific posts is the lowest possible. For example only around 20 posts require DV (such as senior management and operational heads of branch), about 60 require SC (such as Senior Prosecutors with access to sensitive material), and the rest require CTC (such as administrative staff). This reduces, for example, the number of posts not open to foreign nationals to a minimum. The Department regularly reviews the requirement for security clearance. To date no one has been refused employment within the PPS as a result of issues with security clearance – though obviously persons may not seek employment with PPS if they felt that they would be rejected under the security clearance policy

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

No

Please specify:

Part 3

SCREENING QUESTIONS

Introduction

23. 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.
24. 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.
25. 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.
26. 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

27. (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

28. (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

29. (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.
30. 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

<p>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</p>		
Section 75 category	Details of policy impact	Level of impact? Minor/Major/None
Religious belief	Due to the correlation of certain religious beliefs with political opinion, there may be an impact.	Minor
Political opinion	The purpose of the policy is to exclude from employment with PPS those with political views which may threaten national security.	Major
Racial group	In order to receive security clearance (and consequently employment with the PPS) applicants will need to have lived in the UK for at least three years (5 years and 10 years for some posts). Although this applies to everyone, it is more likely to affect foreign nationals.	Major
Age		None
Marital status		None
Sexual orientation	Although the vetting process does not actively discriminate against particular sexual orientations, the nature of the vetting process,	Minor

	particularly at the higher level, may deter some people of a particular sexual orientation from applying for posts.	
Men and Women generally	Although the vetting process does not actively discriminate against particular genders, the nature of the vetting process, particularly at the higher level, may deter some transgender people from applying for posts.	Minor
Disability		None
Dependants		None

Note that whilst there might be a major impact for individuals who fail the security vetting process, the number of these within the UK as a whole in any one year is extremely low. As noted above, the PPS has not to date refused security clearance on any individual.

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		The Policy applies equally to all categories
Political opinion		No. The purpose of the policy is to exclude certain groups.
Racial group	As noted above, PPS keeps the requirement for higher levels of security clearance to a minimum.	
Age		The Policy applies equally to all categories
Marital status		The Policy applies equally to all categories
Sexual orientation	As noted above, PPS keeps the requirement for higher levels of security clearance to a minimum.	
Men and Women generally	As noted above, PPS keeps the requirement for higher levels of security clearance to a minimum.	
Disability		The Policy applies equally

		to all categories
Dependants		The Policy applies equally to all categories

<p>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</p>		
Good relations category	Details of policy impact	Level of impact Minor/Major/None
Religious belief		None/ Minor
Political opinion		None /Minor
Racial group		None /Minor

<p>4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?</p>		
Good relations category	If Yes, provide details	If No, provide reasons
Religious belief		Not intention of policy
Political opinion		Not intention of policy
Racial group		Not intention of policy

Additional considerations

Multiple Identity

31. 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?

None

32. 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

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

PPS staff are recruited through the Northern Ireland Civil Service recruitment process, which seeks to encourage applications from all sections of the community. Due to the nature of its business, all staff seeking employment in the PPS must undergo security clearance at one of three levels. This policy requires that posts in PPS are allocated the lowest level of security clearance where this is possible in order to encourage diversity within the service.

The 2 main areas of equality impact are on political opinion and race. These are deliberate outcomes from the process of security vetting and in line with central HMG policy. The PPS has determined that an equality impact assessment is not appropriate providing we comply with PPS policy and hence adhere to the central government policy.

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

As previously stated, the PPS reduces impact where possible on affected groups by ensuring the Department keeps its requirements for higher levels of security clearance to a minimum.

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

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

Mitigation

37. 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.
38. Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?
39. If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

In theory a relaxation of the policy may allow a wider pool of individuals to apply for posts within PPS.

However, the purpose of the vetting policy **is** to screen out certain individuals because:

- they are considered a current threat to PPS assets
 - they are susceptible to pressure due to lifestyle issues that make them a

potential risk to PPS assets

It would therefore be asserted that the criteria which underpin the selection process are fair, reasonable and proportionate to the policy aim.

Timetabling and prioritising

40. Factors to be considered in timetabling and prioritising policies for equality impact assessment.
41. 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.
42. 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	

43. 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.

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

Part 5

Monitoring

46. Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).
47. 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).
48. 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
Seth Speirs	DDSO	02 November 2011
Approved by: (Branch Grade 7)		
	Head of Business Assurance	02 November 2011
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)		
Ian Hearst	Senior Assistant Director, Finance and Resources	03 January 2012

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 Officer
Human Resources
12th Floor
Linum Chambers
2 Bedford Square
Bedford Street
BT2 7BS
 44722

and e-mail an electronic version to moira.anderson@ppsni.gsi.gov.uk or marion.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