



Northern
Ireland
Office

SECTION 75

EQUALITY IMPACT ASSESSMENT

**A legal framework for a Troubles-related
incident Victims Payment Scheme**

**Implementation of the legal duty under
section 10 of the Northern Ireland
(Executive Formation etc.) Act 2019**

SECTION 75 – THE LEGAL BACKGROUND

1. Under section 75 of the Northern Ireland Act 1998, the NIO is required to have due regard to the need to promote equality of opportunity between:

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

2. In addition, and without prejudice to the obligations above, in carrying out our functions in relation to Northern Ireland, the NIO is required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. The NIO is also required to meet our legislative obligations under the Disability Discrimination Order.

3. A list of the main groups identified as being relevant to each of the Section 75 categories is at **Annex A** of this document.

INTRODUCTION

4. This form should be read in conjunction with the Equality Commission's Section 75 guidance "A Guide for Public Authorities" April 2010, available on the Equality Commission's website (www.equalityni.org). **Staff should complete a form for each new or revised policy for which they are responsible (see page 4 for a definition of a policy in respect of Section 75).**

5. 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.

6. 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 areas of work; and
- key stakeholders.

7. A flowchart which outlines the screening process is attached at **Annex B**.

8. 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 EQIA or 'screened out'.

9. 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.

10. 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.

11. The Equality Commission has developed a series of four questions, included in Part 2 of this screening form with supporting sub-questions, which should be applied to all policies as part of the screening process. They identify those policies that are likely to have an impact on equality of opportunity and/or good relations.

SCREENING DECISIONS

12. Completion of screening should lead to one of the following three outcomes. The policy has been:

- 'screened in' for equality impact assessment;
- 'screened out' with mitigation or an alternative policy proposed to be adopted; or
- 'screened out' without mitigation or an alternative policy proposed to be adopted.

SCREENING AND GOOD RELATIONS DUTY

13. The Equality Commission recommends that a policy is 'screened in' for EQIA 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 EQIAs are inappropriate in this context.

FURTHER INFORMATION

14. Further information on equality, including a copy of the NIO Equality Scheme, yearly progress reports on equality to the Equality Commission for Northern Ireland, information on data sources and the Cabinet Office code of practice on consultation may be found on the NIO Intranet under About the NIO > Equality.

15. If you have any questions regarding the screening exercise or Section 75 in general please contact the Corporate Governance Team on 028 9076 5497; or nio.equalityscheme@nio.gov.uk.

16. When you have completed the form please retain on file in the branch for record purposes, and send a copy to the s75 equality advisor.

PART 1 – POLICY SCOPING

DEFINITION OF POLICY

1.1. 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 a further EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

OVERVIEW OF POLICY PROPOSALS

1.2. 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.

SCOPING THE POLICY

1.3. 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.

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

INFORMATION ABOUT THE POLICY

Name of the policy	Establishment of a payment scheme in respect of persons who suffered serious disablement caused by injuries sustained in Troubles-related incidents
Is this an existing, revised or new policy?	New
What is it trying to achieve (intended aims/outcomes)?	<p>The primary intended effect of this scheme, as detailed in the associated policy consultation documentation to this EQIA, is to provide those living with disablement caused by an injury sustained in a Troubles-related incident with an acknowledgement of the harm which they have suffered and a measure of financial support, which may help to improve their quality of life and provide greater security around their financial futures.</p> <p>Arrangements for the payments to continue for ten years following the death of the injured person, to a nominated spouse, civil partner, cohabiting partner or registered carer, are intended to recognise significant personal sacrifices by those who have cared for those living with serious injuries, and who would benefit from additional financial support on account of this.</p>

Are there any s75 categories which might be expected to benefit from the intended policy? If so, explain how.

We expect that the proposed model for a Victims Payment Scheme will benefit a number of s75 categories, as follows:

Political Opinion: Providing acknowledgement of harm caused by the Troubles has been highlighted across the spectrum of political opinion in Northern Ireland as a critical aspect of helping the people of Northern Ireland and the United Kingdom address the legacy of the Troubles. This is manifested in the Stormont House Agreement that commits to “further work” to “be undertaken to seek an acceptable way forward on the proposal for a pension for severely physically injured victims in Northern Ireland”, as one measure to help promote reconciliation and address the legacy of the past. We therefore expect this policy to be beneficial across the political spectrum in Northern Ireland.

Age: Many of those victims and survivors of the Troubles who stand to benefit from the proposed approach to Victims’ Payments fall within the older age bracket. Under the proposed scheme eligible applicants to the scheme who suffered disablement caused by injuries in a Troubles-related incident dating back to 1966 will receive payments in acknowledgment of the harm they have suffered. It is also proposed that those who are over 60 and those who reach that age while

receiving payments will have the option of receiving their payment as a lump sum.

Gender: Based on VSS experience, there may be more women who apply to the proposed payment scheme than men; this is partly an outworking of how men and women were differentially affected by Troubles-related incidents, and partly reflects trends when it comes to seeking support.

Dependants: We understand that in many cases victims who were injured in Troubles-related incidents suffered from a range of financial implications including a reduced ability to accrue an occupational pension to support them, and in many cases their families, in old age. We expect that greater security around the financial future of victims, and the option to transfer payments for a 10 year period on death to a partner or carer will have a positive impact upon the families and therefore dependants of those eligible under the scheme.

Marital Status: In many cases victims who were injured in Troubles-related incidents suffered from a range of financial implications including a reduced ability to accrue an occupational pension to support them, and in many cases their families, in old age. We also understand that the spouses of many victims sacrificed

career opportunities to care for their partners. We expect that the greater security around the financial future of victims, and the option to transfer payments on death to a spouse/partner, will have a positive impact upon the families and dependants of those eligible under the scheme.

Disability: It is estimated that 40,000 individuals were physically injured in Troubles incidents, ranging across bombs exploding, riots, shootings, armed robberies and 'punishment' attacks. Many more individuals are estimated to have suffered from psychological injuries. The proposed model will primarily benefit the most seriously disabled survivors of Troubles-related incidents who have suffered from either physical and psychological injury, or both.

Multiple Identities: Those who stand to benefit from the proposed payment scheme model will often fall within multiple section 75 categories and will benefit each category within the context described above. Ultimately the payment scheme proposal has been developed to help the most seriously injured victims of Troubles-related injury, across all age groups, genders, ethnicities, sexual orientations, marital status, disability or not, with children or not and irrespective of political or religious belief.

<p>Who initiated or wrote the policy?</p>	<p>The Northern Ireland Office is drafting the policy, and The Executive Office will have implementation responsibilities.</p> <p>Under s.10 of the Northern Ireland (Executive Formation etc.) Act 2019 (“the EF Act”) the UK Government is required to bring forward regulations on or before 31 January 2020 establishing a scheme of payments to victims injured in the Troubles, unless an Executive is formed by 21 October 2019.</p>
<p>Who owns and who implements the policy?</p>	<p>Under the provisions of the EF Act, the UK Government is required to bring forward legislation providing for a scheme of payments to, or in respect of, persons who have sustained injuries as a result of Troubles-related incidents by 31 January 2020, if an Executive is not formed by 21 October; and for that legislation to have effect on or by 31 May 2020.</p>

IMPLEMENTATION FACTORS

<p>Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?</p>	
<p>If yes, are they:</p> <ul style="list-style-type: none"> - financial - legislative - other (please specify) 	<p>The legislation referenced above sets out the timescales under which this scheme must be delivered.</p>

	<p>According to the legislation the funding of the scheme will be through the Consolidated Fund of Northern Ireland.</p> <p>Cost implications will depend upon the final architecture of the scheme but will include a long term payment commitment to eligible victims of Troubles-related incidents on the basis of the severity of the injuries they have suffered.</p>
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MAIN STAKEHOLDERS AFFECTED

<p>Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?</p> <ul style="list-style-type: none"> - staff - service users - other public sector organisations - voluntary/community/trade unions - other (please specify) 	<p>External:</p> <ul style="list-style-type: none"> □ Individuals living with permanent, serious disablement caused by injury in a Troubles-related incident, their spouses, civil partners or carers, and families. □ Advocacy and support groups supporting individuals applying to the scheme. □ Wider NI & UK Society who regard the acknowledgment provided by the payment scheme as a positive step towards addressing the legacy of the NI Troubles. <p>Internal</p> <ul style="list-style-type: none"> □ NI Government/ Administrators responsible for planning the scheme’s implementation and directing
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	<p>resources towards its effective operation.</p> <ul style="list-style-type: none"> □ Those organisations whose collaboration will be required in order to satisfy evidential requirements to progress through the scheme's consideration process, including the PSNI and the Health Service.
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OTHER POLICIES WITH A BEARING ON THIS POLICY

<p>What are they?</p>	<ul style="list-style-type: none"> □ Victims and Survivors Service support services (delivered in and outside Northern Ireland) □ Welfare/benefit support systems and other injury-related awards/schemes □ Criminal Injuries Compensation schemes □ Other public sector employers' injury schemes including the War Pension Scheme, Injury on Duty Awards etc.
<p>Who owns them?</p>	<ul style="list-style-type: none"> □ The Executive Office (TEO) and Victims and Survivors Service (VSS)

	<ul style="list-style-type: none">□ Department for Communities (DfC)□ Criminal injuries compensation agency (CICA)□ The Department of Justice, Ministry of Justice and Ministry of Defence
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AVAILABLE EVIDENCE

1.5. Evidence to help inform the screening process may take many forms. Please ensure that your screening decision is informed by relevant data.

What evidence / information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the s75 categories.

Key evidence sources include: VSS client base data, advice from the Commission for Victims and Survivors, NI Omnibus Survey 2017 statistics, and academic research including Dr Marie Breen-Smyth (2012) 'The needs of individuals and their families injured as a result of the Troubles in Northern Ireland' and The Cost of the Troubles Survey.

Section category	75 Details of evidence/information
Religious belief	<p>We know that our stakeholders predominantly fall within Northern Ireland's two traditional religious backgrounds - i.e. Protestant and Catholic. The research by Dr Marie Breen-Smyth 'The needs of individuals and their families injured as a result of the Troubles in Northern Ireland' provides further information on this:</p> <p>"The Cost of the Troubles Survey (Fay et al, 1999) found that percentage of Catholics reporting a lot (8.9%) and quite a lot (22.8%) of experience of the Troubles was much higher than that of Protestants (5.25% and 13.80/0 respectively) whilst only 5% of Catholics compared to 38.9% of Protestants reported very little experience of the Troubles. The survey concluded that Catholic experience of the Troubles is disproportionately high; of those reporting a complete change in their lives due to the Troubles, 90.9% were Catholic compared to 8.1% Protestant. Catholics overall, report having experienced more extreme effects of the Troubles, whereas Protestants report less overall change on a</p>

	<p>smaller scale; in spite of this, proportionately more Protestants than Catholics reported long-standing illnesses. Catholics also reported more painful memories, dreams, and nightmares about the Troubles, intrusive thoughts, losing interest in normal activities and feelings of insecurity and jumpiness than Protestants.”</p>
Political opinion	<p>The Stormont House Agreement (December 2014) followed 11 weeks of intensive talks between the UK Government, the five political parties of the Northern Ireland Executive and Irish Government. The Agreement addresses some of the most difficult challenges facing Northern Ireland and specifically frames the provision of a victims pension scheme as a means of moving towards community reconciliation, by providing acknowledgement and additional support.</p> <p>There are well documented differing political opinions on the provisions of the scheme, particularly in relation to the issue of who should be excluded from eligibility for the scheme.</p>
Racial group	<p>The NI Council for Racial Equality has noted the lack of acknowledgement for those who suffered during the Troubles from minority backgrounds. Those seriously injured from minority backgrounds would benefit from this pension and so would help meet that need.</p>
Age	<p>Many of those victims and survivors of the Troubles who stand to benefit from the proposed approach to Victim’s Payments are older people (60+). VSS client base data, NI Omnibus Survey 2017 statistics and academic research including Breen-Smyth, M. (2012) suggest that people over 60 will particularly benefit from this policy.</p>

Marital status	<p>Representatives of the sector, in particular the WAVE Injured Group, have noted that many spouses/ civil partners and cohabiting partners gave up careers (or could not pursue careers) in order to give care to partners who had been seriously injured in the Troubles.</p> <p>Applicants with a spouse, civil partner or cohabiting partner will have the facility to transfer a continuing payment for a period of up to ten years to come into force following their death.</p> <p>During evaluation of the policy's implementation, if any additional needs or priorities were identified, consideration would be given to how these could best be met.</p>
Sexual orientation	<p>It is not expected that this section 75 group will be affected in a major way, although evidence is invited from stakeholder groups.</p>
Men and women generally	<p>Based on VSS experience, there may be more women who apply to the proposed payment scheme than men; this is partly an outworking of how men and women were differentially affected by Troubles-related incidents, and partly reflects trends when it comes to seeking support.</p>
Disability	<p>Victims and Survivors Service data, the Victim's Commissioner's advice, the testimonies of victims and survivors, and the WAVE injured group's campaign for a Victims Pension demonstrate the justification and positive benefits that some form of victim's payment will have on those eligible applicants who suffer from serious disability.</p>
Dependants	<p>We know from WAVE's campaign and a range of victim testimonies that in many cases victims who were injured in Troubles-related incidents suffered from a range of financial implications including damaged career opportunities and a reduced ability to accrue an occupational pension to support them, and in many cases their families, in old age. We</p>

	expect that the greater security around the financial future of victims, and the option to transfer payments on death to a spouse or carer. will have a positive impact upon the families and dependants of those eligible under the scheme
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NEEDS, EXPERIENCES AND PRIORITIES

1.6. 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 s75 categories.

Section category	75 Details of needs/experiences/priorities
Religious belief	<p>There is a clear desire for acknowledgement among victims and survivors living with the effects of serious injury in the form of continuing disablement. This has been evidenced by research into victims needs by VSS, CVS and academics. Similarly, those groups have demonstrated that those seriously injured in the Troubles would benefit from additional financial support in recognition of additional needs caused by that Troubles-related injury. That appetite and those needs cut across individuals with a range of section 75 characteristics.</p> <p>We have not identified that there are particular needs, experiences and priorities based on religious belief. During evaluation of the policy's implementation, if any additional needs or priorities were identified, consideration would be given to how these could best be met.</p>
Political opinion	<p>It is acknowledged that the Northern Ireland political parties have clearly defined and divergent views in relation to the approach to the establishment of a Victims Payment Scheme, and some people's view of the scheme may be influenced by their political opinion. However, the scheme is designed to be administered according to need based on injury and political opinion will not be a consideration in terms of eligibility.</p>

	<p>During evaluation of the policy's implementation, if any additional needs or priorities were identified, consideration would be given to how these could best be met.</p>
Racial group	<p>The NI Council for Racial Equality has noted the lack of acknowledgement for those who suffered during the Troubles from minority backgrounds. Those seriously injured from minority backgrounds would benefit from this scheme and so would help meet that need.</p> <p>During evaluation of the policy's implementation, if any additional needs or priorities were identified, consideration would be given to how these could best be met.</p>
Age	<p>The sector has demonstrated that older victims of the Troubles are struggling to make ends meet. The scheme would not have any age-based exclusions and so should help to meet those needs.</p> <p>We are proposing to include a lump sum option for people over the age of 60 to enable them to access the payment in this way if it better suits their circumstances.</p> <p>It is possible that as older victims will tend to have been injured a longer time ago, they may have particular needs in terms of evidencing the application, getting access to records, etc.</p> <p>During evaluation of the policy's implementation, if any additional needs or priorities were identified, consideration would be given to how these could best be met.</p>
Marital status	<p>Representatives of the sector, in particular the WAVE Injured Group, have noted that many spouses/ civil partners and cohabiting partners gave up careers (or could not pursue careers) in order to</p>

	<p>give care to partners who had been seriously injured in the Troubles.</p> <p>Applicants with a spouse, civil partner or cohabiting partner will have the facility to transfer a continuing payment for a period of up to ten years to come into force following their death.</p> <p>During evaluation of the policy's implementation, if any additional needs or priorities were identified, consideration would be given to how these could best be met.</p>
Sexual orientation	<p>There is limited information about the particular needs in relation to sexual orientation, but the payment scheme would be administered according to need based on criteria related to injury.</p> <p>During evaluation of the policy's implementation, if any additional needs or priorities were identified, consideration would be given to how these could best be met.</p>
Men and women generally	<p>Based on VSS experience, there may be more women who apply to the proposed payment scheme than men; this is partly an outworking of how men and women were differentially affected by Troubles-related incidents, and partly reflects trends when it comes to seeking support.</p> <p>During evaluation of the policy's implementation, if any additional needs or priorities were identified, consideration would be given to how these could best be met.</p>
Disability	<p>Certain people living with disability are likely to benefit from the policy where that disability is directly linked to a serious Troubles-related injury. This scheme is particularly targeted at Troubles-related disablement in order to promote</p>

	<p>peace and reconciliation, which acknowledgement is an essential part of.</p> <p>During evaluation of the policy's implementation, if any additional needs or priorities were identified, consideration would be given to how these could best be met.</p>
Dependants	<p>One consideration in the context of payments being passed on is the possible impact on dependents.</p> <p>We know from WAVE's campaign and a range of victim testimonies that in many cases victims who were injured in Troubles-related incidents suffered from a range of financial implications including damaged career opportunities and a reduced ability to accrue an occupational pension to support them, and in many cases their families, in old age. We expect that the greater security around the financial future of victims, and the option to transfer payments on death to a spouse or carer, will have a positive impact upon the needs of families and dependants of those eligible under the scheme</p> <p>During evaluation of the policy's implementation, if any additional needs or priorities were identified, consideration would be given to how these could best be met.</p>

PART 2 – SCREENING QUESTIONS

INTRODUCTION

2.1. In making a decision as to whether or not there is a need to carry out an EQIA, please give consideration to your answers to the questions 1-4 which are given on pages 66-68 of the Equality Commission’s “A Guide for Public Authorities”.

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

2.3. If your 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.

2.4. If your 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:

- take measures to mitigate the adverse impact; or
- introduce 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.

2.5. 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	Although there are limited data about those seriously injured in the Troubles, the scheme is designed to help anyone living with serious disablement injury in a Troubles-related incident through no fault of their own. We do not anticipate a differential impact on equality of opportunity based on religious belief. The pension is designed to meet specific need and to fulfill a narrow purpose.	None
Political opinion	We do not anticipate a differential impact on equality of opportunity based on political opinion. The pension is designed to meet specific need and to fulfill a narrow purpose.	None
Racial group	We do not anticipate a differential impact on equality of opportunity based on racial group. The pension is designed to meet specific need and to fulfill a narrow purpose.	None
Age	We expect that this policy will have a positive impact on those older people living with disablement caused by a serious Troubles-related injury as they will receive a form of additional acknowledgement, and additional monies, given that the scheme is making payments in respect of	Minor Impact

	injuries sustained in the Troubles period.	
Marital status	We expect the scheme will have a positive impact on the spouses, civil partners and cohabiting partners of eligible victims who will have suffered both from the loss of career opportunities suffered by their partners, and may have experienced themselves. They could be able to benefit from the additional financial security payments will bring and will have the possibility to benefit from the potential of the proposed transfer of death mechanism.	Minor Impact
Sexual orientation	We do not anticipate a differential impact on equality of opportunity based on sexual orientation. The scheme is designed to meet specific need and to fulfill a narrow purpose.	None
Men and women generally	Based on VSS experience, there may be more women who apply to the proposed payment scheme than men; this is partly an outworking of how men and women were differentially affected by Troubles-related incidents, and partly reflects trends when it comes to seeking support. The overarching aim of the scheme will help both men and women by acknowledging the harm that certain people have suffered and a measure of financial support, which may help to improve their quality of life and provide greater security around their financial futures.	Minor
Disability	The primary aim of this policy is to have a positive impact on those living with disablement caused by a	Major Impact

	<p>serious Troubles-related injury as they will receive a form of additional acknowledgement, and additional monies to provide acknowledgement and which will help to meet their particular needs.</p> <p>We believe this differentiation in treatment from others with a disability is justifiable given the harm caused to those by the Troubles and recognition of their needs.</p>	
Dependants	<p>We do not anticipate a differential impact on equality of opportunity based on persons with dependants and those without: one of the aims of the scheme is to provide a measure of financial support, which may help to improve eligible victims' quality of life and provide greater security around their financial futures. It is expected that this will be beneficial for any dependants that applicants have .</p> <p>There would be a positive benefit for dependants of those seriously injured in the Troubles if they received a contribution from the pension (eg passed on at death to dependants).</p>	Minor Impact

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	Yes - it is the policy intention that all groups, including those with different religious beliefs, will have equitable access to the payment scheme, on the basis of the extent of injuries they have suffered.	
Political opinion	Yes - the victims payment scheme is seen by many as a key political mechanism for providing acknowledgment to victims of the Troubles of the serious harm that they have suffered and more widely as part of overall efforts to address the legacy of the Troubles.	
Racial group		None identified. We will keep this under review.
Age	The sector has demonstrated that older victims of the Troubles are struggling to make ends meet. The pension would not have any age-based parameters and so should help to meet those needs.	
Marital status	Spouses, civil partners and cohabiting partners of eligible victims will benefit from the enhanced financial security/	

	<p>quality of life provided through the payment scheme and additionally could benefit from additional equality of opportunity provided through the transfer on death mechanism proposed as part of the scheme.</p>	
Sexual orientation		None identified. We will keep this under review.
Men and women generally	<p>Based on VSS experience, there may be more women who apply to the proposed payment scheme than men; this is partly an outworking of how men and women were differentially affected by Troubles-related incidents, and partly reflects trends when it comes to seeking support.</p>	
Disability	<p>Yes - the scheme is primarily designed to provide acknowledgment, and an effect will be to offer financial security and an increased quality of life for those who have suffered serious injury and permanent disablement as a result of a Troubles-related incident.</p>	
Dependants	<p>Yes - the scheme will provide opportunity for dependants of eligible victims to benefit more widely from the acknowledgement, financial security and quality of life improvements that the</p>	

	payments are intended to bring to its recipients.	
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3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? (minor/major/none)

Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	The proposed payment scheme is framed within the Stormont House Agreement as a key mechanism to progressing reconciliation and addressing the legacy of the past in Northern Ireland.	Minor
Political opinion	<p>The proposed payment scheme is framed within the Stormont House Agreement as a key mechanism to progressing reconciliation and addressing the legacy of the past in Northern Ireland.</p> <p>Although there are differing political views on how the scheme should be implemented, the proposed approach is intended to strike an appropriate path between differing views and to overcome stalled progress delivering such a scheme. We will listen carefully to feedback received on all aspects of the scheme.</p>	Minor
Racial group	None identified	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	The proposed payment scheme is framed within the Stormont House Agreement as a key mechanism to progressing reconciliation and addressing the legacy of the past in Northern Ireland.	
Political opinion	The proposed payment scheme is framed within the Stormont House Agreement as a key mechanism to progressing reconciliation and addressing the legacy of the past in Northern Ireland.	
Racial group	None identified	NA

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*).

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

The proposals will have a direct impact on those who have been most seriously and permanently injured in a troubles related incident, their families and those who care for them

We acknowledge that a number of stakeholders are likely to fall within a combination of section 75 categories, termed as 'multiple identities' categories. For example, there are many women (victims or partners of victims) in the older category, who also have dependants - some of whom may experience health issues: 'gender', 'age', 'dependents' and 'disability'.

Part 3 – Screening decision

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

N/A

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

N/A

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

This document constitutes the Department’s initial equality impact assessment of the policy proposals on the establishment of a payment scheme for those living with disablement caused by serious Troubles-related injuries. We welcome comments from all those with expertise and interest in this policy to inform our final thinking.

A commitment was made in the Stormont House Agreement that “further work” would “be undertaken to seek an acceptable way forward on the proposal for a pension for severely physically injured victims in Northern Ireland”, as a measure to promote reconciliation in Northern Ireland. The Government is aware of differing opinions in relation to the eligibility of certain potential recipients of the proposed payment scheme.

The proposals are intended to contribute to the transition towards social cohesion and reconciliation in NI and long term peace and stability of the region. It has been assessed that the impact of the proposals would be

major, in terms of making a positive difference to the lives of people who will fall within the scope of the scheme.

While there is limited direct section 75 data on the demographic breakdown of those who were seriously injured in troubles related incidents, from our qualitative and quantitative examination of the equality impact of proposals outlined in the consultation document, people falling within section 75 categories: 'political opinion', 'gender', 'age', 'marital status', 'disability' and 'dependents', are likely to be impacted by the policy proposals where they fall within the scope of the scheme. In line with the policy aim, people with disabilities who fall within the scope of the scheme will be positively impacted: the scheme is specifically intended to promote equality of opportunity by addressing the disadvantages they have experienced. This major positive impact is likely to have consequential minor impacts across the 'gender,' 'age', 'marital status' and 'dependants' categories, which are justified by the overall policy aim of the scheme.

This document, published alongside our policy consultation paper, is a time-limited consultation and a final version will be developed reflecting comments received as a result of the consultation.

3.1. All public authorities' equality schemes must state the 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 Equality Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in the Equality Commission publication: "Practical Guidance on Equality Impact Assessment".

MITIGATION

3.2. If you have concluded 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.

N/A

TIMETABLING AND PRIORITISING

3.3. 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	Rating (1-3)
Effect on equality of opportunity and good relations	1
Social need	2

Effect on people's daily lives	2
Relevance to the NIO's functions	3
Total rating score (total of 12)	8

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 you in timetabling. Details of the NIO'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?

Yes

If yes, please provide details.

Under the provisions of the Northern Ireland (Executive Formation etc) Act 2019, the UK Government is required to bring forward legislation providing for a scheme of payments to those living with disablement caused by injuries sustained in Troubles-related incidents by 31 January 2020; and for that legislation to have effect by 31 May 2020, if an Executive is not formed by 21 October.

Part 4 – Monitoring

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

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

4.3. Effective monitoring will help you identify any future adverse impact arising from the policy which may lead you to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5 - Approval and authorisation

Screened by:	Chris Atkinson and Ross Cameron
Grade/Branch/Group :	Legacy Group
Date:	October 2019
Approved by Deputy Director:	Ruth Sloan
Date:	October 2019

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 and made available on request.

Any screening forms completed within the Department will be published on a six monthly basis in line with our Departmental Equality Policy monitoring arrangements. Such information will be collated and published by the Corporate Governance Team.

ANNEX A – MAIN GROUPS IDENTIFIED AS RELEVANT TO THE SECTION 75 CATEGORIES

Category	Example Groups
Religious Belief	<p>Buddhist; Catholic; Hindu; Jewish; Muslims; people of no religious belief; Protestants; Sikh; other faiths.</p> <p>For the purposes of Section 75, the term “religious belief” is the same definition as that used in the <i>Fair Employment & Treatment (NI) Order</i>. Therefore, “religious belief” also includes any <i>perceived</i> religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “<i>similar philosophical belief</i>”.</p>
Political Opinion	<p>Nationalists generally; Unionists generally; members/supporters of other political parties.</p>
Racial Group	<p>Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; Travellers; White people.</p>
Men and women generally	<p>Men (including boys); Trans-gendered people; Transsexual people; Women (including girls).</p>
Marital Status	<p>Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.</p>
Age	<p>Children and young people; older people.</p>
Persons with a	<p>Persons with disabilities as defined by the</p>

disability

Disability Discrimination Act 1995.

Persons with dependants

Persons with personal responsibility for the care of a child; care of a person with disability; or the care of a dependant older person.

Sexual orientation

Bisexual people; heterosexual people; gay or lesbian people.

ANNEX B – SCREENING FLOWCHART

