



Department for

**Communities**

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# Section 75 Screening Form

## **Part 1. Policy scoping**

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

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

## **Information about the policy**

The Social Security (Coronavirus) (Miscellaneous Amendments) Regulations (Northern Ireland) 2021 (incorporating the Social Security (Coronavirus) (Further Measures (Amendment) and Miscellaneous Regulations (Northern Ireland) 2020)

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## **Is this an existing, revised or a new policy?**

Revised

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

The Social Security (Coronavirus) (Further Measures) (Amendment) and Miscellaneous Amendment Regulations (Northern Ireland) 2020 which amended the Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 53) and, in particular, the expiry date of regulation 2 which now expires on 30 April 2021 and regulations 8 and 9 which now expire on 12 May 2021. These changes were designed to ensure financial support continues for certain claimants during the pandemic i.e. claimants receiving Jobseeker's Allowance (JSA), Universal Credit (UC) and Carer's Allowance (CA) so that they are not penalised for following Government advice.

The Social Security (Coronavirus) (Miscellaneous Amendments) Regulations (Northern Ireland) 2021 amend the Employment and Support Allowance and Universal Credit (Coronavirus) Regulations (Northern Ireland) 2020, the Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020 (“the Further Measures Regulations”) and the Social Security (Coronavirus) (Prisoners) Regulations (Northern Ireland) 2020 in response to the continuing outbreak of Coronavirus disease in Northern Ireland.

Regulation 2 of the Employment and Support Allowance and Universal Credit (Coronavirus) Regulations (Northern Ireland) 2020 gives the Department discretion to dis-apply the seven waiting days that would otherwise apply to a person who has made a claim for an Employment and Support Allowance. Regulation 3 of those Regulations gives the Department discretion to decide that a person who makes a claim for, or is entitled to, an Employment and Support Allowance may be treated as a person having limited capability for work. Both provisions apply where a person is infected or contaminated with Coronavirus disease, is isolating to prevent the spread of Coronavirus disease, or is caring for a child (or qualifying young person) who falls into either of those categories. Both provisions no longer have effect in relation to Universal Credit by virtue of the Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020).

Following a review by the Department of the operation of the Employment and Support Allowance and Universal Credit (Coronavirus) Regulations (Northern Ireland) 2020, regulation 2 amends the provision by which those Regulations expire after 14 months so that they now expire after 20 months beginning on 13th March 2020, namely 12th November 2021.

Regulation 8 of the Further Measures Regulations enabled any period during which a person is infected or contaminated with Coronavirus disease, in isolation or caring for a child or qualifying young person in their household who is so infected or contaminated or is in isolation, to not be counted towards a period of sickness under regulation 55 or 55ZA of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (S.R. 1996 No. 198) or regulation 45 or 46 of the Jobseeker’s Allowance Regulations (Northern Ireland) 2016 (S.R. 2016 No. 218). This means that a person will not lose entitlement to Jobseeker’s Allowance because of Coronavirus disease. Regulation 9 of the Further Measures Regulations allows carers to retain their entitlement to Carer’s Allowance if they have a temporary break in caring as a result of isolation due to, or infection or contamination with, Coronavirus disease of either the carer or the person cared for.

Following a review by the Department of the operation of the Further Measures Regulations, regulation 3 amends the provision by which the Further Measures Regulations expire on 12th May 2021 so that regulations 8 and 9 now expire on 31st August 2021.

The Social Security (Coronavirus) (Prisoners) Regulations (Northern Ireland) 2020 made provision to enable individuals on temporary release from prison to access means tested benefits during the period of that release.

Following a review by the Department of the operation of the Social Security (Coronavirus) (Prisoners) Regulations (Northern Ireland) 2020, regulation 4 amends the provision by which those Regulations expire after 14 months so that they now expire on 31st August 2021. Regulation 4 also requires the Department to now determine whether the easements for a prisoner on temporary release should be applied in any individual case. As the need to manage the potential impacts of coronavirus within the prison estate will hopefully reduce in the coming months prisoners may be temporarily released for non-coronavirus related reasons, but the easement was never intended to enable such prisoners to access means-tested benefits since their living costs are already met.

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**Are there any Section 75 categories which might be expected to benefit from the intended policy?**

Yes

**If Yes, explain how.**

These Regulations will have a beneficial impact across all section 75 groups as they ensure that coronavirus easements for certain social security benefits are extended.

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**Who initiated or wrote the policy?**

The Department for Work and Pensions.

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**Who owns and who implements the policy?**

The Department for Work and Pensions in Great Britain.  
The Department for Communities in Northern Ireland.

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### **Implementation factors**

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

If yes, are they

- financial
- legislative
- other, please specify \_\_\_\_\_

### **Main stakeholders affected**

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

- staff
- service users

Other policies with a bearing on this policy

**What are they and who owns them?**

None.

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Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

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

<b>Section 75 category</b>	<b>Details of evidence/information</b>
<b>All Groups</b>	<p>The following measures relating to Employment and Support Allowance (ESA) and Universal Credit (UC) have been introduced here with effect from 13 March 2020 with the intention of financially assisting those who need to self-isolate for medical reasons and to inhibit the spread of the virus, thereby protecting others -</p> <p>the removal of the 7 waiting days for people who make a new claim for ESA due to public health emergency restrictions arising from the Covid-19 outbreak.</p> <p>for ESA and UC, treating those affected as having limited capability for work from the outset without a fit note, an assessment or some form of statutory public health notice. The effect of this will be that any work related requirements will be switched off. For self-employed claimants, this will include the 'Minimum Income Floor'. Some claimants will also gain access to a work allowance, and, if they have a partner who is working, access to help with childcare costs.</p> <p>From 6 April 2020, the standard allowance for a single Universal Credit claimant (aged 25 and over) has increased from £317.82 to £409.89 per month.</p> <p>Additionally, anyone who finds themselves in a crisis situation can apply to the Discretionary Support Scheme for assistance with short-term living expenses. Discretionary Support is available to people in</p>

Section 75 category	Details of evidence/information
	<p>employment as long as their income does not exceed £16,286 per year. On 21 April 2020, a change to legislation raised the Annual Income Threshold to £20,405. If your income is less than £20,405 you may be able to claim this support.</p> <p>There are a number of measures in place to mitigate the impact of the 5 week wait for payment of UC. Any person experiencing financial difficulties can apply for an Advance Payment (an interest free payment) where advances, worth up to 100 per cent of a person's indicative award, are available, if there is a need. Advance payments are deducted over a period of 12 months and from October 2021, the payback period for these advances will be extended further, up to sixteen months.</p> <p>These Regulations also extend provision for those individuals on temporary release from prison due to the outbreak of COVID-19 in Northern Ireland to access means tested benefits during the period of that release. The benefits affected are Universal Credit, State Pension Credit, Income Support, income based Jobseeker's Allowance, Employment and Support Allowance, and Housing Benefit.</p> <p>This ensures the same financial support is available to these prisoners, while on temporary release, as other comparable claimants to these benefits, which helps both individuals and the wider economy weather the financial impacts arising from the Covid-19 outbreak.</p> <p>These Regulations also extend provision to treat a person who is in receipt of Carer's Allowance and has only temporarily ceased providing care for the severely disabled person because either they or the cared for person are infected with Covid-19 or self-isolating, as</p>

Section 75 category	Details of evidence/information
	continuing to meet the conditions. Where an alternative carer claims benefit for providing the necessary care and meets the qualifying conditions, they will receive the carer benefit instead and the original carer will be advised to claim another benefit, such as UC.

**Note to reader** - If you are aware of and would like the Department to take into account any further evidence or information relevant to this policy, please send this to:

**Social Security Policy & Legislation Division**  
**Department for Communities**  
**Causeway Exchange**  
**Level 8**  
**1-7 Bedford Street**  
**Belfast**  
**BT2 7EG**  
**E-mail: [SSPLD@communities-ni.gov.uk](mailto:SSPLD@communities-ni.gov.uk)**

Needs, experiences and priorities

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

Specify details for **each** of the Section 75 categories

<b>Section 75 category</b>	<b>Details of needs/experiences/priorities</b>
Religious belief	There is no evidence to suggest that people of different religious belief have different needs, experience and priorities in relation to the policy.
Political opinion	There is no evidence to suggest that people of different political opinion have different needs, experience and priorities in relation to the policy.
Racial group	There is no evidence to suggest that people of different racial or ethnic groups have different needs, experience and priorities in relation to the policy.
Age	There is no evidence to suggest that people of different ages have different needs, experience and priorities in relation to the policy.
Marital status	There is no evidence to suggest that people of different marital status have different needs, experience and priorities in relation to the policy.
Sexual orientation	There is no evidence to suggest that people of different sexual orientation have different needs, experience and priorities in relation to the policy.
Men and	There is no evidence to suggest that men and women



<b>Section 75 category</b>	<b>Details of needs/experiences/priorities</b>
women generally	have different needs, experience, and priorities in relation to the policy.
Disability	There is no evidence to suggest that people with disabilities have different needs, experience and priorities in relation to the policy.
Dependants	There is no evidence to suggest that people with dependants have different needs, experience and priorities in relation to the policy.

## **Part 2. Screening questions**

### **Introduction**

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

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

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

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

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

### **In favour of a 'major' impact**

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are

concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

### **In favour of 'minor' impact**

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

### **In favour of none**

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

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

Screening questions

**1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none**

Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	We do not expect there to be any adverse impact on people of different religious belief.	None.
Political opinion	We do not expect there to be any adverse impact on people of different political opinion.	None.
Racial group	We do not expect there to be any adverse impact on people of different racial groups.	None.
Age	We do not expect there to be any adverse impact on people of different ages.	None.
Marital status	We do not expect there to be any adverse impact on people with different marital status.	None.
Sexual orientation	We do not expect there to be any adverse impact on people of different sexual orientation.	None.

Section 75 category	Details of policy impact	Level of impact? minor/major/none
Men and women generally	We do not expect there to be any adverse impact on men and women generally.	None.
Disability	We do not expect there to be any adverse impact on people with disabilities.	None.
Dependants	We do not expect there to be any adverse impact on people with dependants.	None.

**2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?**

Section 75 category	If <b>Yes</b> , provide details	If <b>No</b> , provide reasons
Religious belief		This policy does not offer any opportunity to better promote equality of opportunity for people within any of the Section 75 categories.
Political opinion		As above.
Racial group		As above.

Section 75 category	If <b>Yes</b> , provide details	If <b>No</b> , provide reasons
Age		As above.
Marital status		As above.
Sexual orientation		As above.
Men and women generally		As above.
Disability		As above.
Dependants		As above.

**3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none**

Good relations category	Details of policy impact	Level of impact minor/major/none?
Religious belief	The legislation is likely to have no impact on good relations between people of different religious belief.	None.
Political	The legislation is likely to have no impact on good relations between	None.

Good relations category	Details of policy impact	Level of impact minor/major/none
opinion	people of different political opinion.	
Racial group	The legislation is likely to have no impact on good relations between people of different racial groups.	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 <b>Yes</b> , provide details	If <b>No</b> , provide reasons
Religious belief		This policy does not offer any opportunity to better promote good relations between people of different religious belief.
Political opinion		This policy does not offer any opportunity to better promote good relations between people of different political opinions.
Racial group		This policy does not offer any opportunity to better promote good relations between people of different racial groups.

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.

These Regulations provide a positive impact across all section 75 categories including those groups with multiple identities by extending the expiry date for those social security benefits which are subject to a number of easements in order to protect those on low incomes during the coronavirus pandemic.



### **Part 3. Screening decision**

In light of your answers to the previous questions, do you feel that the policy should: (please underline one)

1. **Not be subject to an EQIA**
2. **Not be subject to an EQIA (with mitigating measures /alternative policies)**
3. **Be subject to an EQIA**

**If 1 or 2 (i.e. not be subject to an EQIA), please provide details of the reasons why:**

These Regulations are a positive response to the ongoing coronavirus pandemic. No mitigating measures are required as a result.

**If 3. (i.e. to conduct an EQIA), please provide details of the reasons:**

## Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

These Regulations are a positive response to the ongoing coronavirus pandemic. No mitigating measures are required as a result.

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#### **Part 4. Monitoring**

**Effective monitoring will help identify any future adverse impacts arising from the policy which may lead you to conduct an EQIA, as well as help with future planning and policy development.**

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

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

**Please detail proposed monitoring arrangements below:**

The Department will keep these Regulations under review as part of its ongoing response to the coronavirus pandemic.

#### **Part 5 - Approval and authorisation**

<b>Screened by:</b>	<b>Position/Job Title</b>	<b>Date</b>
Philip Cairns	Staff Officer	2 April 2021
<b>Approved by: Anne McCleary</b>	Director	29.4.2021

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