



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

Name of the policy

The Housing Benefit and Universal Credit (Sanctuary Schemes) (Amendment) Regulations (Northern Ireland) 2021

Is this an existing, revised or a new policy?

Revised

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

The Housing Benefit and Universal Credit (Sanctuary Schemes) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021 No. 248) introduce an exception for domestic abuse victims whose home has been adapted under a sanctuary scheme, so that the social sector size criteria restriction is not applied to their

claim. As a result those who qualify for the exception will not have a deduction applied to their housing support if they are under-occupying their home.

A Sanctuary Scheme helps victims of domestic and sexual violence and abuse remain in their own home after it has been made safe.

Since 2017 the maximum amount of housing support available to those of working age living in the social rented sector has been reduced where the household is deemed to under-occupy the property. Based on the number of bedrooms in a property and details of the number of people resident, size criteria are used to assess whether a claimant is under-occupying their accommodation. Where a claimant is deemed to be under-occupying, a reduction of 14% if there is one spare bedroom and 25% if there are two or more is applied to the eligible rent.

The policy was introduced as part of the welfare reforms in order to contain rising benefit expenditure, encourage mobility within the social rented sector by incentivising claimants to downsize, strengthen work incentives and make the best use of available social housing.

The Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006 No. 405) and Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216) each detail the circumstances in which housing support is reduced for those people living in the social rented sector who are under-occupying their homes. Those who experience a shortfall between their housing support and their housing costs can apply for extra financial support from the Discretionary Housing Payment Scheme which is administered by the Northern Ireland Housing Executive.

However, in the European Court of Human Rights (ECtHR) judgment in the case of *JD & A v UK* the Court found that the availability of Discretionary Housing Payments did not remove the conflict between the housing support reduction which incentivises claimants to move and sanctuary schemes which support victims to remain safely in their own home. This Rule amends both sets of regulations to remove the conflict between the policies

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 however it is anticipated it will benefit women mostly (as domestic violence

occurs most commonly against women¹) however the change to the Housing Benefit and Universal Credit Regulations applies equally to both men and women.

Who initiated or wrote the policy?

The Department for Work and Pensions.

Who owns and who implements the policy?

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

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?

- staff

¹ During 2019/20, 69 per cent of all domestic abuse crime victims were female and 30 per cent were male, compared with 75 per cent female and 25 per cent male in 2004/05 – Source Police Service of Northern Ireland Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2019/20 - Annual Bulletin published 20 November 2020

service users

Other policies with a bearing on this policy

What are they and who owns them?

None

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.

Section 75 category	Details of evidence/information
Religious belief	None
Political opinion	None
Racial group	None
Age	None
Marital status	None
Sexual orientation	None
Men and women generally	The Northern Ireland Housing Executive does not collect data relating to Religious Belief, Political Opinion, Racial Group and Sexual Orientation as it has no bearing on the eligibility for claiming Housing Benefit /Universal Credit and as such this information is not stored within the administrative systems. While we have no specific information on the overall number of persons affected by sanctuary schemes and the lifting of this restriction NIHE can confirm that during the 2020/21 financial year

Section 75 category	Details of evidence/information
	27 homes in N. Ireland were adapted under a Sanctuary Scheme with a further 17 adapted during the period 1 April 2021-14 September 2021. These Regulations will have a beneficial impact across all section 75 groups however it is anticipated it will benefit women mostly (as domestic violence occurs most commonly against women ²) however the change to the Housing Benefit and Universal Credit Regulations applies equally to both men and women.
Disability	None
Dependants	None

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

² During 2019/20, 69 per cent of all domestic abuse crime victims were female and 30 per cent were male, compared with 75 per cent female and 25 per cent male in 2004/05 – Source Police Service of Northern Ireland Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2019/20 - Annual Bulletin published 20 November 2020

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

Section 75 category	Details of needs/experiences/priorities
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.

Section 75 category	Details of needs/experiences/priorities
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 women generally	It is anticipated this would be mostly benefit women (as domestic violence occurs most commonly against women) however the change to the Housing Benefit and Universal Credit Regulations applies equally to both men and women. <i>(Source Police Service of Northern Ireland Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2019/20)</i>
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
Men and women generally	We do not expect there to be any adverse impact on men and women generally as the measure is beneficial	None
Disability	We do not expect there to be any adverse impact on people with disabilities.	None

Section 75 category	Details of policy impact	Level of impact? minor/major/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 Yes , provide details	If No , provide reasons
Religious belief		As above.
Political opinion		As above.
Racial group		As above.
Age		As above.
Marital status		As above.
Sexual orientation		As above.
Men and women generally		As above.
Disability		As above.

Section 75 category	If Yes , provide details	If No , provide reasons
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 opinion	The legislation is likely to have no impact on good relations between people of different political opinion.	None.
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 Yes , provide details	If No , provide reasons
Religious belief		This policy does not offer any opportunity to better promote good relations

Good relations category	If Yes , provide details	If No , provide reasons
		between people of different religious belief.
Political opinion		This policy does not offer any opportunity to better promote good relations between people of different religious belief.
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.

Without available statistics the actual impacts on multiple identify groups cannot be qualified. These Regulations do, however, provide a positive and beneficial impact across all section 75 categories in cases where a person who has been subject to domestic abuse and whose home has been adapted under a sanctuary scheme, as the social sector size criteria restriction will NOT be applied to their claim and they will therefore be able to remain in their home.

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 JD & A v UK the European Court of Human Rights which found that the availability of Discretionary Housing Payments did not remove the conflict between the housing support reduction which incentivises claimants to move and sanctuary schemes which support victims to remain safely in their own home.

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.

Not applicable as this is a beneficial measure.

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:

Part 5 - Approval and authorisation

Screened by:	Position/Job Title	Date
John Kirk	Staff Officer	16/11/21
Approved by:	Director	16/11/21

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.