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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

Name of the policy

The Social Security (Income and Capital Disregards) (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 purpose of this instrument is to amend regulations to ensure that payments made by schemes which provide compensation for historical institutional child abuse in the United Kingdom do not affect recipients' entitlements to means-tested social security benefits.

These amendments provide for the full and indefinite disregard of certain compensation payments made in respect of historical institutional child abuse. The payments were prompted by the establishment of four schemes making or due to be making payments made under:

• The Historical Institutional Abuse (Northern Ireland) Act 2019;

• The Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021;

• The London Borough of Lambeth Redress Scheme; and

• The London Borough of Islington's proposed support payment scheme.

The instrument also makes amendments to ensure payments made under the Home Office's Windrush Compensation Scheme do not affect recipients' entitlements to means-tested benefits.

Entitlement to means tested benefits will be impacted in various ways if a recipient has capital between £6,000 and £15,999 resulting in a reduction in the actual payment of benefit. If the capital is £16,000 or more entitlement to the means tested benefit will terminate and the recipient will no longer be entitled to that benefit.

Depending on the scheme involved, it is envisaged that the compensation payments could be between £10,000 and £125,000. The aim of these regulations is to ensure that those payments will be disregarded as either income or capital in full and indefinitely when calculating entitlement to the particular means tested benefit. Consequently, if a compensation payment results in a recipient having capital between £6,000 and £15,999 they will not see a reduction in their benefit and if the capital is £16,000 or more the recipient will retain entitlement to their means tested benefit.

Neither the Department nor Professional Services Unit hold information on the number of people who would have a claim under these schemes and therefore is impossible to establish how many recipients of means tested benefits will benefit from these schemes.

However, these regulations will have a beneficial impact on all Section 75 categories where recipients of means tested benefits are entitled to a compensation payment under any of the five schemes listed.

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 categories in cases where compensation has been received for historical child abuse or Windrush Compensation schemes and the recipients are in receipt of a social security means-tested benefit. The payment will be disregarded and will therefore have no impact on benefits.

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?

No.

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

☒ service users

☐ other public sector organisations

☐ voluntary/community/trade unions

☐ other, please specify

<u>Other policies with a bearing on this policy</u>

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	The Department for Communities does not hold specific data in relation to a person's religious beliefs. Consequently there is limited information relating to social security benefit claimants who fall within this particular Section 75 category.
Political opinion	The Department for Communities does not hold specific data in relation to a person's political opinions. Consequently there is limited information relating to social security benefit claimants who fall within this particular Section 75 category.
Racial group	The Department for Communities does not hold specific data in relation to a person's racial group. Consequently there is limited information relating to social security benefit claimants who fall within this particular Section 75 category.
Age	While the Department for Communities holds information in relation to a person's date of birth, it is not envisaged that claimants of differing ages will be impacted differently by these regulations. The determining factor relevant to these regulations will be whether the recipient of a means tested benefit is a person entitled to a compensation payment under any of the five schemes listed. This includes the survivor of abuse or the abused person's spouse, civil partner, cohabiting partner or a child in such cases where the person who suffered the abuse is deceased.
Marital status	While the Department for Communities holds limited information in relation to a person's marital status, it is not envisaged that claimants of differing marital status will be impacted differently by these regulations. The determining factor relevant to these regulations will be whether the recipient of a means tested benefit is a person entitled to a compensation payment under any of the five schemes listed. This includes the survivor of abuse or the abused person's spouse, civil partner, cohabiting partner or a child in such cases where the person who suffered the abuse is deceased.
Sexual	The Department for Communities does not hold specific data in relation to a person's sexual orientation. Consequently there is limited information relating to social security benefit claimants who

Section 75 category	Details of evidence/information
orientation	fall within this particular Section 75 category.
Men and women generally	While the Department for Communities holds information in relation to a person's gender, it is not envisaged that claimants of differing gender will be impacted differently by these regulations. The determining factor relevant to these regulations will be whether the recipient of a means tested benefit is a person entitled to a compensation payment under any of the five schemes listed. This includes the survivor of abuse or the abused person's spouse, civil partner, cohabiting partner or a child in such cases where the person who suffered the abuse is deceased.
Disability	While the Department for Communities may hold specific data regarding persons with a disability in relation to limited capability for work (LCW), it is not envisaged that claimants determined to have LCW will be impacted differently by these regulations. The determining factor relevant to these regulations will be whether the recipient of a means tested benefit is a person entitled to a compensation payment under any of the five schemes listed. This includes the survivor of abuse or the abused person's spouse, civil partner, cohabiting partner or a child in such cases where the person who suffered the abuse is deceased.
Dependants	The Department for Communities does not hold specific data in relation to persons with dependants. Consequently there is limited information relating to social security benefit claimants who fall within this particular Section 75 category.

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

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.
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 group 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	There is no evidence to suggest that men and women have different needs, experience and priorities in relation to the policy.

Section 75 category	Details of needs/experiences/priorities
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.	None.
Disability	We do not expect there to be any adverse impact on people with a disability.	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		This policy does not offer any opportunity to better promote equality of opportunity for people of different religious beliefs.
Political opinion		This policy does not offer any opportunity to better promote equality of opportunity for people of different political opinion.
Racial group		This policy does not offer any opportunity to better promote equality of opportunity for people of different racial groups.
Age		This policy does not offer any opportunity to better promote equality of opportunity for people of a different age.
Marital status		This policy does not offer any opportunity to better promote equality of opportunity for people of different marital status.
Sexual orientation		This policy does not offer any opportunity to better promote equality of opportunity for people of different sexual orientation.
Men and women generally		This policy does not offer any opportunity to better promote equality of opportunity for men and women generally.
Disability		This policy does not offer any opportunity to better promote equality of opportunity for people with disabilities.
		This policy does not offer any opportunity to better promote equality of opportunity for

Section 75 category	If **Yes**, provide details	If **No**, provide reasons
Dependants		people with dependants.

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 legislation is likely to have no impact on good relations between people of different religious belief.	None.
Political opinion	The proposed legislation is likely to have no impact on good relations between people of different political opinion.	None.
Racial group	The proposed 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 between

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

With the limited statistics available it is not possible to qualify or quantify people with multiple identities across all section 75 categories.

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

Without the relevant statistics the actual impacts on categories with multiple identities cannot be qualified. However, these Regulations do provide a positive impact across all section 75 categories in cases where compensation has been received due to the historical child abuse or Windrush schemes as the payments will be fully and indefinitely disregarded when calculating entitlement to social security means-tested benefits.

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:

The purpose of these regulations is to amend regulations to ensure that payments made by schemes which provide compensation for historical institutional child abuse in the United Kingdom do not affect recipients' entitlements to social security means-tested benefits.

These amendments provide for the full and indefinite disregard of certain compensation payments made in respect of historical institutional child abuse. The payments were prompted by the establishment of four schemes making or due to be making payments made under:

• The Historical Institutional Abuse (Northern Ireland) Act 2019;

• The Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021;

• The London Borough of Lambeth Redress Scheme; and

• The London Borough of Islington's proposed support payment scheme.

The instrument also makes amendments to ensure payments made under the Home Office's Windrush Compensation Scheme do not affect recipients' entitlements to social security means-tested benefits.

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.

N/A

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:

These changes are expected to have a beneficial impact on all Section 75 categories and therefore no monitoring will be required.

Part 5 - Approval and authorisation

Screened by:	**Position/Job Title**	**Date**
Jennifer Gibb	DP	13th January 2022
Approved by:		
Anne McCleary	G5	14th January 2022

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.