

DoF Screening template

Screening is the first of two methods by which the necessary level of “regard” is demonstrated as being paid to the statutory equality goal, as set out in Section 75 of the Northern Ireland Act 1998. The DoF Equality Scheme commits us to screening our policies. This includes our strategies and plans, policies, legislative developments; and new ways of working such as – the introduction, change or end of an existing service, procedure, policy etc.

This screening template is designed to help business areas consider the likely equality and human rights impacts of their proposed decisions on different groups of customers, service users, staff and visitors.

Detailed information about the Section 75 equality duties and what they mean in practice is available on the Equality Commission’s website:
<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75GuideforPublicAuthoritiesApril2010.pdf>

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 accessible on the DoF website as soon as possible following completion and made available in alternative formats on request.

All Section 75 consultees should be advised of the screening exercise once the final policy decision has been taken.

The screening template has 4 sections to complete. These are:

Section A - details about the policy / decision that is being screened.

Section B - 4 key questions that require you to outline the likely impacts on equality groups, and all supporting evidence.

Section C - 4 key questions in relation to obligations under the Disability Discrimination Order and the Human Rights Act.

Section D - the formal record of the screening decision.

SECTION A

Information about the policy

This 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 on a step-by-step basis.

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

Is this a new or revised policy?

New

a) Name of the policy

NICS Trans Equality Policy and Transitioning at Work Guide.

b) Brief Description of the policy

The NICS, as set out in its agreed People Strategy, recognises the importance of equality, diversity and inclusion in the workplace; we value and welcome the contribution made by all staff, including trans colleagues, and in doing so we provide inclusive policies and practical support to enable all staff to fulfil their potential.

The policy statement sets out that we will not discriminate against people on the grounds of their gender or gender identity, including their trans identity and trans history.

The guide deals specifically with supporting trans colleagues and transitioning in the workplace. The guide provides a structured approach with practical guidance for managers to fully support staff through their transition.

c) Aims of the policy/ rationale behind the changes

The NICS Equality, Diversity and Inclusion Policy, Chapter 6.05 of the HR Handbook outlines the Northern Ireland Civil Service's commitment to providing an inclusive working environment; where individuals are valued for the contribution they make to the organisation and where line managers, senior managers and all colleagues have a duty and personal responsibility for the implementation and promotion of equality, diversity and inclusion.

The NICS, like all employers, is subject to employment legislation and will ensure that all HR policies comply with, and meet the spirit of, relevant legislation. Examples of legislation that inform this policy include: Sex Discrimination (Northern Ireland) Order 1976; Sex Discrimination (Gender Reassignment Regulations) (Northern Ireland) 1999; Sex Discrimination (Amendment of Legislation) Regulations 2008; Gender Recognition Act 2004; and Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016 (not an exhaustive list).

As part of its agreed People Strategy, the NICS has set out its commitment to being a well led, high performing, outcomes focused organisation where diversity is truly valued. As a large public sector organisation we strive to be representative of the people we serve, and to have an inclusive workplace where everyone can reach their full potential and be treated as an individual.

This includes providing assistance and support to colleagues who are transitioning while working in the NICS. The guide provides a structured approach with practical guidance for managers to fully support staff through their transition.

The main principles are:

- Transitioning or being a trans person is irrelevant to how well a person can do their job.
- Like everyone else, trans colleagues have the right to privacy in all aspects of their lives. The dignity and privacy of trans colleagues should be respected at all times and the individual should determine with their manager what and when information will be communicated to colleagues, as well as to any other stakeholders who need to be informed.
- It is important that all colleagues respect everyone's gender identity. Managers and staff should treat trans colleagues how they want to be treated and respect their affirmed gender.
- As an employer, the Northern Ireland Civil Service has a legislative duty to individuals who are transitioning and the manager's role is crucial in this responsibility.

d) Who will the policy affect?

- Individuals identifying with the Trans community
- Individuals considering undergoing gender reassignment
- Individuals who have undergone gender reassignment
- Individuals who are gender fluid
- Individuals whose gender identity does not reflect their gender at birth
- Individuals who identify as someone with a different sex than which they were born, but who may have decided not to undergo/not undergo medical treatment
- Men and women generally

e) Is this a NICS wide policy?

Yes.

f) Who will implement the policy?

Like all HR policy, it is being developed and implemented by NICS HR. Practical application as necessary will be by managers, with support and guidance from the relevant HR officials as appropriate.

g) Will this policy or revision address an existing inequality? Yes/No
If yes, please give details.

In response to a Rainbow Project/NICS LGBT Employment Survey in 2017, a total of 42 members of staff stated that they identified as transgender (0.75% of the 5592 people who completed the survey). There may of course be other people who did not complete the survey who may also be transgender.

In developing the Policy and Guide, a range of individuals and groups were consulted. These included:

- Trade Union Side
- NICS Diversity Champions
- The NICS LGBT Staff Network
- Individual Colleagues
- Stonewall
- Focus: The Identity Trust
- GenderJam
- SAIL NI, and
- TransgenderNI

h) Will this policy or revision benefit any Section 75 categories? Yes/No
If yes, please give details.

Yes. Although transgender is not a specific S75 category, it is considered as a group within the S75 Gender category, therefore a positive response to this question is applied as it will impact the following:

- Individuals identifying with the Trans community
- Individuals considering undergoing gender reassignment
- Individuals who have undergone gender reassignment
- Individuals who are gender fluid
- Individuals whose gender identity does not reflect their gender at birth
- Individuals who identify as someone with a different sex that in which they were born but who may have decided not to undergo/not undergo medical treatment
- Men and women generally

i) Will this policy or revision have an adverse differential impact upon any of the Section 75 groupings? Yes/No. If yes, please give details.

No

Section B

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? Set out all evidence below along with details of the different Section 75 groups you have met and / or consulted with to help inform your screening assessment. Please also provide details of priorities and needs identified for each Section 75 group.

- **Religious belief**

There is no data recorded for the religious beliefs of transgender people in NI.

- **Political opinion**

There is no data recorded for the political opinion of transgender people in NI.

- **Racial group**

There is no data recorded for the racial group of transgender people living in NI.

- **Age**

There is no data recorded for the age of transgender people living in NI.

- **Marital status**

There is no data recorded for the marital status of transgender people living in NI.

- **Sexual orientation**

There is no data recorded for the sexual orientation of transgender people living in NI.

Ongoing engagement with The Rainbow Project and Stonewall alongside consultation with stakeholders during development of the policy indicates that there should be a positive impact on equality of opportunity for staff identifying with the LGBT+ community and prospective applicants for employment.

- **Men & women generally**

The Rainbow Project/NICS 2017 LGBT Employment Survey indicated that less than 50% of trans staff felt that the organisation would be supportive of someone undergoing gender reassignment. This would indicate that a Policy outlining the support available for trans staff or those questioning their gender would have a positive impact.

Consultation with Properties Division and other stakeholders helped to inform our thinking on the use of male/female toilets and facilities

- **Disability**

There is no data recorded for disability and transgender people living in NI.

If you have no evidence held, outline how you will obtain it:

In response to a Rainbow Project/NICS LGBT Employment Survey in 2017, a total of 42 members of staff stated that they identified as transgender (0.75% of the 5592 people who completed the survey). There may of course be other people who did not complete the survey who may also be transgender.

We will engage on an ongoing basis with a range of individuals and groups. These include:

- Trade Union Side
- NICS Diversity Champions
- The NICS LGBT Staff Network
- Individual Colleagues
- Stonewall
- Focus: The Identity Trust
- GenderJam
- SAIL NI, and
- TransgenderNI

Screening questions

There are 4 essential screening questions:

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the nine Section 75 categories? (minor/major/none)
2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories? (yes/no)
3. To what extent is the policy likely to impact upon good relations between people of different religious belief, political opinion or racial group? (minor/major/none)
4. Are there opportunities to better promote good relations between these three groups? (Yes/No)

Are there likely impacts on Section 75 Categories?

- **Religious belief:**

We are conscious that people within each of the Section 75 groups may hold different views on the question of the rights of transgender people. The policy may prove challenging for some people within these groups while supported by others in the groups.

The policy and guide are developed to support a small group of NICS employees considering, or undergoing/who have undergone gender re-assignment and these employees' line managers. Given the policy statement and availability of guidance will help to demonstrate the NICS' commitment to promoting and providing an inclusive workplace for everyone including transgender people, this will have a positive impact on those affected by the Policy and who fall within the Section75 groups.

We therefore do not consider that the policy will have an adverse impact on the promotion of equality of opportunity across the section 75 groups.

We have ensured information has been placed online explaining the rationale for the policy and guidance, explaining the legal position and protection of rights for people considering, or undergoing/who have undergone gender re-assignment

What is the level of impact? None

- **Political opinion:**

We are conscious that people within each of the Section 75 groups may hold different views on the question of the rights of transgender people. The policy may prove challenging for some people within these groups while supported by others in the groups.

The policy and guide are developed to support a small group of NICS employees considering, or undergoing/who have undergone gender re-assignment and these employees' line managers. Given the policy statement and availability of guidance will help to demonstrate the NICS' commitment to promoting and providing an inclusive workplace for everyone including transgender people, this will have a positive impact on those affected by the Policy and who fall within the Section75 groups.

We therefore do not consider that the policy will have an adverse impact on the promotion of equality of opportunity across the section 75 groups.

We have ensured information has been placed online explaining the rationale for the policy and guidance, explaining the legal position and protection of rights for people considering, or undergoing/who have undergone gender re-assignment

What is the level of impact? None.

- **Racial group:**

We are conscious that people within each of the Section 75 groups may hold different views on the question of the rights of transgender people. The policy may prove challenging for some people within these groups while supported by others in the groups.

The policy and guide are developed to support a small group of NICS employees considering, or undergoing/who have undergone gender re-assignment and these employees' line managers. Given the policy statement and availability of guidance will help to demonstrate the NICS' commitment to promoting and providing an inclusive workplace for everyone including transgender people, this will have a positive impact on those affected by the Policy and who fall within the Section75 groups.

We therefore do not consider that the policy will have an adverse impact on the promotion of equality of opportunity across the section 75 groups.

We have ensured information has been placed online explaining the rationale for the policy and guidance, explaining the legal position and protection of rights for people considering, or undergoing/who have undergone gender re-assignment

What is the level of impact? None.

- **Age:**

We are conscious that people within each of the Section 75 groups may hold different views on the question of the rights of transgender people. The policy may prove challenging for some people within these groups while supported by others in the groups.

The policy and guide are developed to support a small group of NICS employees considering, or undergoing/who have undergone gender re-assignment and these employees' line managers. Given the policy statement and availability of guidance will help to demonstrate the NICS' commitment to promoting and providing an inclusive workplace for everyone including transgender people, this will have a positive impact on those affected by the Policy and who fall within the Section75 groups.

We therefore do not consider that the policy will have an adverse impact on the promotion of equality of opportunity across the section 75 groups.

We have ensured information has been placed online explaining the rationale for the policy and guidance, explaining the legal position and protection of rights for people considering, or undergoing/who have undergone gender re-assignment

What is the level of impact? None.

- **Marital status:**

We are conscious that people within each of the Section 75 groups may hold different views on the question of the rights of transgender people. The policy may prove challenging for some people within these groups while supported by others in the groups.

The policy and guide are developed to support a small group of NICS employees considering, or undergoing/who have undergone gender re-assignment and these employees' line managers. Given the policy statement and availability of guidance will help to demonstrate the NICS' commitment to promoting and providing an inclusive workplace for everyone including transgender people, this will have a positive impact on those affected by the Policy and who fall within the Section75 groups.

We therefore do not consider that the policy will have an adverse impact on the promotion of equality of opportunity across the section 75 groups.

We have ensured information has been placed online explaining the rationale for the policy and guidance, explaining the legal position and protection of rights for people considering, or undergoing/who have undergone gender re-assignment

What is the level of impact? None.

- **Sexual orientation:**

We are conscious that people within each of the Section 75 groups may hold different views on the question of the rights of transgender people. The policy may prove challenging for some people within these groups while supported by others in the groups.

The policy and guide are developed to support a small group of NICS employees considering, or undergoing/who have undergone gender re-assignment and these employees' line managers. Given the policy statement and availability of guidance will help to demonstrate the NICS' commitment to promoting and providing an inclusive workplace for everyone including transgender people, this will have a positive impact on those affected by the Policy and who fall within the Section75 groups.

We therefore do not consider that the policy will have an adverse impact on the promotion of equality of opportunity across the section 75 groups.

We have ensured information has been placed online explaining the rationale for the policy and guidance, explaining the legal position and protection of rights for people considering, or undergoing/who have undergone gender re-assignment

What is the level of impact?

Major positive impact achieved through implementation of the policy and guide.

- **Men and women generally:**

We are conscious that people within each of the Section 75 groups may hold different views on the question of the rights of transgender people. The policy may prove challenging for some people within these groups while supported by others in the groups.

The policy and guide are developed to support a small group of NICS employees considering, or undergoing/who have undergone gender re-assignment and these employees' line managers. Given the policy statement and availability of guidance will help to demonstrate the NICS' commitment to promoting and providing an inclusive workplace for everyone including transgender people, this will have a positive impact on those affected by the Policy and who fall within the Section75 groups.

We therefore do not consider that the policy will have an adverse impact on the promotion of equality of opportunity across the section 75 groups.

We have ensured information has been placed online explaining the rationale for the policy and guidance, explaining the legal position and protection of rights for people considering, or undergoing/who have undergone gender re-assignment

What is the level of impact?

Major positive impact achieved through implementation of the policy and guide

- **Disability:**

We are conscious that people within each of the Section 75 groups may hold different views on the question of the rights of transgender people. The policy may prove challenging for some people within these groups while supported by others in the groups.

The policy and guide are developed to support a small group of NICS employees considering, or undergoing/who have undergone gender re-assignment and these employees' line managers. Given the policy statement and availability of guidance will help to demonstrate the NICS' commitment to promoting and providing an inclusive workplace for everyone including transgender people, this will have a positive impact on those affected by the Policy and who fall within the Section75 groups.

We therefore do not consider that the policy will have an adverse impact on the promotion of equality of opportunity across the section 75 groups.

We have ensured information has been placed online explaining the rationale for the policy and guidance, explaining the legal position and protection of rights for people considering, or undergoing/who have undergone gender re-assignment

What is the level of impact? None

- **Dependants:**

We are conscious that people within each of the Section 75 groups may hold different views on the question of the rights of transgender people. The policy may prove challenging for some people within these groups while supported by others in the groups.

The policy and guide are developed to support a small group of NICS employees considering, or undergoing/who have undergone gender re-assignment and these employees' line managers. Given the policy statement and availability of guidance will help to demonstrate the NICS' commitment to promoting and providing an inclusive workplace for everyone including transgender people, this will have a positive impact on those affected by the Policy and who fall within the Section75 groups.

We therefore do not consider that the policy will have an adverse impact on the promotion of equality of opportunity across the section 75 groups.

We have ensured information has been placed online explaining the rationale for the policy and guidance, explaining the legal position and protection of rights for people considering, or undergoing/who have undergone gender re-assignment

What is the level of impact? None

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).

In general terms it is likely that the publication of this policy and guidance further demonstrates to other under-represented groups currently employed within the NICS, and also to potential applicants that the NICS is a diverse and inclusive employer.

This may be particularly true for Lesbian, Gay and Bisexual (LGB) people as LGBT representative groups and charities often support T, transgender, alongside LGB people.

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

N/A

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.

Alternatively there may already be policies in place which would mitigate any adverse impact identified.

Mitigation measures proposed:

N/A

Section C

DoF also has legislative obligations to meet under the [Disability Discrimination Order](#) and the [Human Rights Act](#) . The following questions relate to these two areas.

Consideration of Disability Duties

Does the proposed policy / decision provide an opportunity for DoF to better **promote positive attitudes** towards disabled people?

Explain your assessment in full

N/A. The policy supports all NICS staff who are transitioning.

Does the proposed policy / decision provide an opportunity to actively **increase the participation** by disabled people in public life?

Explain your assessment in full

N/A. The policy supports all NICS staff who are transitioning.

Consideration of Human Rights

The Human Rights Act (HRA) 1998 brings the European Convention on Human Rights (ECHR) into UK law and it applies in N Ireland. Articles 3 and 4 are classified as “absolute” rights ie the State can never withhold or take away these rights. All others are either “qualified” or “limited”. Further information is available via the following link

<http://www.nicshumanrightsguide.com/>

Indicate any potential *adverse impacts* that the policy / decision may have in relation to human rights issues.

	<u>Adverse Impact</u>	
	(delete as appropriate)	
Right to Life	Article 2	No
Prohibition of torture, inhuman or degrading treatment	Article 3	No
Prohibition of slavery and forced labour	Article 4	No
Right to liberty and security	Article 5	No
Right to a fair and public trial	Article 6	No
Right to no punishment without law	Article 7	No
Right to respect for private and family life, home and correspondence	Article 8	No
Right to freedom of thought, conscience and religion	Article 9	No
Right to freedom of expression	Article 10	No
Right to freedom of peaceful assembly and association	Article 11	No

Right to marry and to found a family	Article 12	No
The prohibition of discrimination	Article 14	No
Protection of property and enjoyment of possessions	Protocol 1 Article 1	No
Right to education	Protocol 1 Article 2	No
Right to free and secret elections	Protocol 1 Article 3	No

Please indicate any ways which you consider the policy positively promotes human rights.

The policy promotes Human Rights for transgender people in the NICS by introducing a transgender equality policy and guide to support them through their transition while they are working in the NICS.

Please explain any adverse impacts on human rights that you have identified.

None

If you have identified any adverse impacts on human rights through this screening you must complete a Human Rights Impact Assessment:
<https://www.executiveoffice-ni.gov.uk/publications/human-rights-impact-assessment-proforma>.

Monitoring Arrangements

Public authorities should consider the guidance contained in the Commission's [Monitoring Guidance for Use by Public Authorities \(July 2007\)](#):

<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75MonitoringGuidance2007.pdf>

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

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

Please detail proposed monitoring arrangements below:

Equality

The NICS currently monitors community background, age, disability, ethnic origin, and gender and has recently extended monitoring to cover the remaining equality groups identified in Section 75 of the NI Act 1998.

At present the NICS does not monitor trans identity or trans history but plans to do so in the future.

Good Relations

The NICS currently monitors community background, age, disability, ethnic origin, and gender and has recently extended monitoring to cover the remaining equality groups identified in Section 75 of the NI Act 1998.

At present the NICS does not monitor trans identity or trans history but plans to do so in the future.

Disability Duties

The NICS currently monitors community background, age, disability, ethnic origin, and gender and has recently extended monitoring to cover the remaining equality groups identified in Section 75 of the NI Act 1998.

At present the NICS does not monitor trans identity or trans history but plans to do so in the future.

Section D - Formal Record of Screening Decision

Title of Proposed Policy / Decision being screened:

NICS Trans Equality Policy and Transitioning at Work Guide

I can confirm that the proposed policy / decision has been screened for (i) equality of opportunity, (ii) good relations disabilities duties and (iii) human rights issues

On the basis of the answers to the screening questions, I recommend that this policy / decision is –

Screened Out – No EQIA necessary (no adverse impacts)

Provide a brief note to explain how this decision was reached:

The policy and guide are developed to support a small group of current staff, and potential new employees who are transitioning while working in the NICS. Only current and future staff going through a transition will be impacted by this policy.

Screening assessment completed by –

Name Joe Richardson
Grade DP
Date Undertaken in October 2018 and finalised 18 December 2020

And approved by –

Name Jill Minne
Grade (Grade 3)
Date Undertaken in October 2018 and finalised 18 December 2020.

Central Support Team Notified (21.12.20 – finalised screening document)

Equality Contacts advised (insert date)

Screening uploaded to DoF website (insert date)