

# **EQUALITY AND HUMAN RIGHTS SCREENING TEMPLATE**

## SCREENING TEMPLATE

See the Screening Template Guidance Notes for further information on the 'why' 'what' 'when', and 'who' in relation screening, for background information on the relevant legislation and for help in answering the questions on this template (follow the links).

### (1) INFORMATION ABOUT THE POLICY/DECISION

#### 1.1 Title of policy/decision

Recruitment, Redeployment and Voluntary Severance (RRVS) Strategy for the creation of ESA Senior Management (Director and Assistant Director)

#### 1.2 Description of policy/decision

- **what is it trying to achieve? (aims/objectives)**
- **how will this be achieved? (key elements)**
- **what are the key constraints? (e.g. financial, legislative)**

This policy is designed to assist in meeting the strategic aims of the Outline Business Case for ESA which include delivering the Programme for Government, the promotion of Equality and the improvement of educational standards and outcomes in education. This policy further requires the reform of administrative structures and the release of resources to frontline services. The RRVS Strategy will provide a fair and transparent method of recruitment to the Education and Skills Authority, a new public body, arising out of the Review of Public Administration in Northern Ireland.

It will also serve to provide the basis for redeployment of staff from participating organisations into the new ESA and the approach to voluntary severance for staff in the 'at risk' group, that is staff at risk of compulsory redundancy as a result of the RPA exercise.

In achieving these aims the policy must take account of the relevant recommendations from the Public Service Commission and adhere to industrial and fair employment legislation. The policy therefore seeks to acknowledge the rights of existing staff within affected organisations. It aims to define posts within broadly equivalent grades, to identify posts 'at risk' and to identify relevant pools for the purposes of recruitment exercises.

The policy also outlines the opportunity for staff to express an interest in voluntary severance, in line with contractual arrangements, and to do so within the duration of the RRVS Strategy.

As outlined above, the key constraints are the agreed time frame for the creation of ESA, the need to reduce posts in line with the Outline Business Case and the need to retain key skills and knowledge of senior staff for the successful establishment of ESA.

### **1.3 Main stakeholders affected**

**(e.g. staff, actual or potential service users, other public sector organisations, voluntary and community groups, trade unions/professional organisations or private sector organisations)**

The most immediate stakeholders affected are the senior staff themselves of the participating organisations, together with their trade unions and staff representatives. However given the significance of this exercise in the formation of ESA and the central role that body will have in determining a wide range of educational and back office services to the schools and youth clubs of Northern Ireland, there is potential for a substantial number of people and organisations to be affected directly or indirectly as a result of the implementation of this policy.

### **1.4 Who is responsible for (a) devising and (b) delivering the policy ie is it DE, a Whitehall department, EU etc**

- **What is the relationship?**
- **Have they considered this issue any equality Issues?**

This policy is drafted by the Education and Skills Authority Implementation Team which comprises the Chief Executive Designate of ESA and a team seconded from participating organisations and operating under the auspices of the Department of Education. The ESAIT is responsible to the Department of Education for a number of key projects including Human Resources from which this strategy is prepared. The policy will be delivered by the ESAIT under the direction of DE and in cooperation with the participating organisations.

### **1.5 Other policies/decisions with a bearing on this policy/decision**

- **what are they?**
- **who owns them?**
- **Are there any linkages to other NI departments/NDPBs**

This Strategy, while designed to take forward the creation of ESA, has regard to similar exercises within the new Northern Ireland Library Authority under the control of the Department of Culture, Arts and Leisure and an earlier phase in the overall RPA programme in relation to the establishment of new administrative bodies within health. The policy has also been prepared with due regard to the policy for RPA of the NI Executive and the Guidance and Recommendations from the Public Service Commission.

## 2) SCREENING THE POLICY/DECISION

### 2.1 In terms of groupings under Section 75, what is the make up of those affected by the policy/decision?

<b>Group</b>	<b>Please provide details</b>
Gender	The data from participating organisations shows the policy impacts a total of 51 males and 25 females
Age	From the data provided approximately 4% of the staff were over 65 years of age at 31 March 2009, 14% were aged between 60 and 65, 38% of staff aged between 55 and 60, 24% between 50 and 55 years of age and 10% aged under 50 years.
Religion	The policy impacts on 39 Protestants and 36 Roman Catholics with 1 other not determined.
Political Opinion	No indication of higher or lower participation by this group
Marital Status	The data provided shows that 65 staff are married, 5 are single and 1 divorced.
Dependent Status	No indication of higher or lower participation by this group
Disability	No indication of higher or lower participation by this group
Ethnicity	In some cases this was not collected. Where collected all were identified as white.
Sexual Orientation	This was not recorded by any organisation.

## 2.2 Is there any indication or evidence of higher or lower participation or uptake by different groups?

<b>Group</b>	<b>Yes/No/ Don't Know</b>	<b>Please provide details</b>
Gender	Yes	The evidence shows that males outnumber females by 2:1
Age	Yes	The data shows that the majority of staff within the scope of this policy are over 50 years of age
Religion	No	The evidence shows a balance between staff on the grounds of religion
Political Opinion	No	No indication of higher or lower participation by this group
Marital Status	Yes	The majority of staff are married
Dependent Status	No	No indication of higher or lower participation by this group
Disability	No	No indication of higher or lower participation by this group
Ethnicity	Yes	From the data provided all staff are white
Sexual Orientation	Don't know	No data is forthcoming in relation to this area

**2.3 Is there any indication or evidence that different groups have different needs, experiences, issues and priorities in relation to the policy/decision?**

<b>Group</b>	<b>Yes/No/ Don't Know</b>	<b>Please provide details</b>
		There is no evidence that the policy will impact adversely on anyone in this group
Gender	No	No indication of higher or lower participation by this group
Age	No	No indication of higher or lower participation by this group
Religion	No	No indication of higher or lower participation by this group
Political Opinion	No	No indication of higher or lower participation by this group
Marital Status	No	No indication of higher or lower participation by this group
Dependent Status	No	No indication of higher or lower participation by this group
Disability	No	No indication of higher or lower participation by this group
Ethnicity	No	No indication of higher or lower participation by this group
Sexual Orientation	No	No indication of higher or lower participation by this group

**2.4 Is it likely that the policy/decision will meet those needs?**

<b>Group</b>	<b>Yes/No/ Don't Know</b>	<b>Please briefly give details</b>
	Yes	The policy ensures equality of treatment for all staff.
<i>N.B. continue as appropriate</i>		

**2.5 What other feedback, complaints, statistics, surveys, research reports, previous consultations or additional information is available to assess and screen the impact of this policy/function.**

Information has been obtained from HR branches within participating organisations and the policy has been discussed in detail with the HR Managers and TUS.

**2.6 Is there an opportunity to better promote equality of opportunity or good relations by altering the policy/decision or working with others in government or in the larger community?**

<b>Group</b>	<b>Suggestions</b>
	No, there is no opportunity to better promote equality of opportunity. This policy is consistent with PSC Guidance and statutory obligations.
<i>N.B. continue as appropriate</i>	

**2.7 What changes to the policy/decision – if any – or what additional measures would you suggest to ensure that it promotes good relations?**

<b>Group</b>	<b>Suggestions</b>
Religion	No, there is no opportunity to better promote equality of opportunity. This policy is consistent with PSC Guidance and statutory obligations.
Political Opinion	
Ethnicity	

**2.8 Is there any evidence or have previous consultations with relevant groups, organisations or individuals indicated that particular policies create problems that are specific to them?**

Previous discussions in relation to this policy have not indicated any issues for any Section 75 group.

**2.9 Please detail what data you will collect in the future in order to monitor the effect of the policy/decision on any of the groups under Section 75?**

Data will be collected each year in accordance with Article 55 Monitoring Requirements.

**(3) SHOULD THE POLICY/DECISION BE SUBJECT TO EQUALITY IMPACT ASSESSMENT?**

Equality impact assessment procedures are confined to those policies/decisions considered likely to have significant/major implications for equality of opportunity.

**If your screening has indicated that a policy/decision is likely to have an adverse differential impact, how would you categorise it?**

**Please tick.**

Significant/major impact	<input type="checkbox"/>
Low impact	<input type="checkbox"/>

**Do you consider that this policy/decision needs to be subjected to a full equality impact assessment?**

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Please give reasons for your decision.

There have been no indications of differential or adverse impact on any Section 75 groups.

#### **(4) DISABILITY DISCRIMINATION**

**4.1 Does the policy/decision in any way discourage disabled people from participating in public life or does it fail to promote positive attitudes towards disabled people?**

No, this policy is drafted giving due regard for PSC Guidance and statutory obligations.

**4.2 Is there an opportunity to better promote positive attitudes towards disabled people or encourage their participation in public life by making changes to the policy/decision or introducing additional measures?**

No there is no such opportunity.

**4.3 Please detail what data you will collect in the future in order to monitor the effect of the policy/decision with reference to the disability duties?**

ESA will collect relevant data in line with statutory obligations.

## (5) CONSIDERATION OF HUMAN RIGHTS

### 5.1 Does the policy/decision affect anyone's Human Rights? [PLEASE COMPLETE THE TABLE BELOW]

ARTICLE	POSITIVE IMPACT	NEGATIVE IMPACT = human right interfered with or restricted	NEUTRAL IMPACT
Article 2 – Right to life			√
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment			√
Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour			√
Article 5 – Right to liberty & security of person			√
Article 6 – Right to a fair & public trial within a reasonable time			√
Article 7 – Right to freedom from retrospective criminal law & no punishment without law.			√
Article 8 – Right to respect for private & family life, home and correspondence.			√
Article 9 – Right to freedom of thought, conscience & religion			√
Article 10 – Right to freedom of expression			√
Article 11 – Right to freedom of assembly & association			√
Article 12 – Right to marry & found a family			√
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights			√

1 <sup>st</sup> protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property			√
1 <sup>st</sup> protocol Article 2 – Right of access to education			√

*If the effect you have identified is positive or neutral please move on to **Question 5.3.***

**5.2 If you have identified a likely negative impact who is affected and how?**

*At this stage we would recommend that you consult with your line manager to determine whether to seek legal advice and to refer to Equality Guidance and Co-ordination Unit to consider:*

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction in order to comply with the Human Rights Act (1998).*

**5.3 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.**

There are no actions which can be taken to promote or raise these issues.

**Policy/Decision Screened by\*:** Dr Mark Browne  
(Head of Branch)

**Date:** 2 March 2009

**FOR COMPLETION BY EQUALITY GUIDANCE AND CO-ORDINATION UNIT**

Quality Assured by: Richard Magowan Date: 2 March 2009

Screening Out Agreed / Screening Out Not Agreed

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Division/Branch Informed: 2 March 2009

**If Screened Out:**

Start of Consultation: 3 March 2009 End of Consultation:\* 30 April 2009

Placed on Internet by: \_\_\_\_\_ Date: \_\_\_\_\_

**If Screened In:**

Date EQIA issued: \_\_\_\_\_

**The consultation period must be a minimum of 8/12 weeks.**

<b>Main Groups Relevant to the Section 75 Categories</b>	
<b><u>Category</u></b>	<b><u>Main Groups</u></b>
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group
“Men and women generally”	Men (including boys); women (including girls); trans-gendered people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration
“Persons with a disability”	Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
“Persons with dependants”	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexuals; bi-sexuals; gays; lesbians

**Please forward a copy of the completed Screening Form to:-**

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