



Department of  
**Justice**

An Roinn Dí agus Cirt

Máinnystrie o tha Laa

**DOJ Section 75**

# EQUALITY SCREENING FORM

**Title of Policy:**

Consultation on. Miscarriage of Justice Statutory Maximum Compensation Limits.

**The Legal Background** – Under section 75 of the Northern Ireland Act 1998, the Department is required **to have due regard to the need to promote equality of opportunity:**

- between person of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and,
- between persons with dependants and persons without.

Without prejudice to the obligations set out above, the Department is also required to:

- **have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group; and**
- **meet legislative obligations under the Disability Discrimination Order.**

## **Introduction**

**Part 1. Policy scoping** – asks public authorities to provide details about the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

**Part 2. Screening questions** – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues.

**Part 3. Screening decision** – guides the public authority to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the

likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

**Part 4. Monitoring** – provides guidance to public authorities on monitoring for adverse impact and broader monitoring.

**Part 5. Approval and authorisation** – verifies the public authority's approval of a screening decision by a senior manager responsible for the policy.

## **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:**

Consultation on statutory compensation limits for miscarriages of justice.

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

This is a new policy proposal in the form of a public consultation on potential changes to existing statutory limits.

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

The policy aims to seek views on whether the statutory overall compensation limits for miscarriages of justice in Northern Ireland should be amended. Specifically, it seeks views on:

- retaining the current Northern Ireland limits;
- aligning the limits with those now in force in England & Wales (30% uplift);
- considering, in principle, the introduction of a separate higher limit for cases involving more than 20 years in custody (which would require primary legislation); and
- considering, in principle, the removal of statutory overall caps (which would also require primary legislation).

The consultation also asks whether any limits should be subject to periodic review or index-linking. The consultation itself does not change eligibility criteria or how cases are assessed; it only seeks views on the value and future structure of the caps.

**Are there any Section 75 categories which might be expected to benefit from the intended policy?  
If so, explain how.**

No specific Section 75 category is expected to benefit disproportionately. Any future change to the compensation limits would apply equally to all individuals who meet the statutory eligibility criteria, regardless of their Section 75 characteristics.

**Who initiated or wrote the policy?**

The policy was initiated by the Department of Justice. It has been developed by officials within the Department's Legacy Litigation and Projects team with input from legal advisers and colleagues responsible for miscarriages of justice compensation.

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

The Department of Justice owns the policy. Any subsequent changes arising from the consultation would be implemented by the Department through secondary legislation (amending the numerical values of the caps) and, where relevant, by primary legislation if taken forward in future.

## **Implementation factors**

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

If yes, are they (please delete as appropriate)

Financial – Yes.

Changes to compensation limits could have budgetary implications depending on future case volumes and levels of awards.

Legislative – Yes.

The Department's powers are limited to altering the numerical value of the existing caps by secondary legislation. Any structural changes (e.g. a third cap or removing caps) would require primary legislation.

other, please specify:

Reputational: How the consultation is framed and communicated may influence stakeholder and public confidence in the Department's handling of miscarriages of justice.

## **Main stakeholders affected**

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

Staff - Yes

service users - Yes

other public sector organisations - Yes

voluntary/community/trade unions - Yes

other, please specify: legal representatives, human rights and victims' organisations.

## Other policies with a bearing on this policy

- what are they?

Existing statutory compensation scheme for miscarriages of justice under section 133 of the Criminal Justice Act 1988 and section 133A (compensation limits).

- who owns them?

Department of Justice (for NI-specific practice and guidance).

UK Government / Ministry of Justice (for the primary legislative framework and the England & Wales limits).

## 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. The Commission has produced this guide to [signpost to S75 data](#).

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

The policy concerns financial limits within a statutory compensation scheme that applies to all eligible individuals meeting the statutory test. Eligibility criteria and decision-making processes are unchanged. The number of individuals potentially affected is very small.

For all categories below, available evidence does not indicate differential impact:

- the statutory framework applies equally to all;
- the change under consideration is to maximum compensation limits only;
- no evidence has been identified of differential access or treatment by Section 75 category.

**Religious belief:** No evidence of differential outcomes The scheme applies irrespective of religious belief.

**Political Opinion:** No evidence of differential outcomes. Compensation is determined on statutory criteria, not on political opinion.

**Racial Group:** No evidence of differential outcomes by racial group. The scheme is open to all eligible individuals.

**Age:** No evidence that age affects eligibility or treatment outcomes. Applicants can be of any age, the proposal concerns maximum financial limits only.

**Marital status:** No evidence of differential outcomes. Marital status is not a criterion in determining eligibility or compensation level.

**Sexual orientation:** No evidence of differential outcomes. Sexual orientation has no bearing on eligibility or compensation.

**Men and Women Generally:** No evidence of differential outcomes between men and women. The statutory test and caps apply equally.

**Disability:** No evidence of differential outcomes. Reasonable accommodations in communication (e.g. alternative formats) will be available on request to support participation in the consultation.

**Dependants:** No evidence of differential outcomes based on having or not having dependants. The proposals relate only to overall compensation caps.

## 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 of the needs, experiences and priorities for each of the Section 75 categories below:

No distinct needs, experiences or priorities have been identified for any Section 75 category in relation to this policy, beyond ensuring that the consultation is accessible (e.g. alternative formats) and that information is clearly communicated.

**Religious belief:** No specific differential needs identified. The policy outcome is unchanged regardless of religious belief.

**Political Opinion:** No specific differential needs identified. The policy outcome is unchanged regardless of political opinion.

**Racial Group:** No specific differential needs identified. Clear communication and accessibility measures will support participation by all racial groups. The policy outcome is unchanged regardless of religious belief.

**Age:** No specific differential needs identified. The policy outcome impacts the maximum compensation caps. Accessible formats and clear explanations will support participation by older and younger respondents.

**Marital status:** No specific differential need identified. The policy outcome is unchanged regardless of marital status

**Sexual orientation:** No specific differential need identified. The policy outcome is unchanged regardless of sexual orientation.

**Men and Women Generally:** No specific differential needs identified. The policy outcome is unchanged regardless of gender.

**Disability:** Some individuals with disabilities may require information in alternative formats or support to respond. The consultation arrangements include provision for alternative formats on request. The policy outcome is unchanged regardless of disability.

**Dependants:** No specific differential needs identified. The policy outcome is

unchanged regardless of dependants.

## **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 detailed below.

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?

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: (insert text here)  
What is the level of impact? Minor / Major / None  
(Underline as appropriate)

Details of the likely policy impacts on **Political Opinion**: (insert text here)  
What is the level of impact? Minor / Major / None  
(Underline as appropriate)

Details of the likely policy impacts on **Racial Group**: (insert text here)  
What is the level of impact? Minor / Major / None  
(Underline as appropriate)

Details of the likely policy impacts on **Age**: (insert text here)  
What is the level of impact? Minor / Major / None  
(Underline as appropriate)

Details of the likely policy impacts on **Marital Status**: (insert text here)  
What is the level of impact? Minor / Major / None  
(Underline as appropriate)

Details of the likely policy impacts on **Sexual Orientation**:  
What is the level of impact? Minor / Major / None  
(Underline as appropriate)

Details of the likely policy impacts on **Men and Women**: (insert text here)  
What is the level of impact? Minor / Major / None  
(Underline as appropriate)

Details of the likely policy impacts on **Disability**: (insert text here)  
What is the level of impact? Minor / Major / None  
(Underline as appropriate)

Details of the likely policy impacts on **Dependants**:

What is the level of impact? Minor / Major / None (Underline as appropriate)

2. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?** Yes/No

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

**Religious Belief** - If Yes, provide details:

If No, provide reasons:

No. The policy concerns financial limits within a statutory scheme that already applies equally irrespective of religious belief.

**Political Opinion** - If Yes, provide details:

If No, provide reasons:

No. The policy is neutral in respect of political opinion and applies equally to all eligible individuals.

**Racial Group** - If Yes, provide details:

If No, provide reasons:

No. The policy applies equally to all racial groups and does not provide an opportunity to specifically promote equality across racial groups beyond general accessibility measures.

**Age** - If Yes, provide details:

If No, provide reasons:

No. The policy does not distinguish by age. Ensuring the consultation is accessible to all ages is addressed through standard accessibility measures.

**Marital Status** - If Yes, provide details:

If No, provide reasons:

No. Marital status is not relevant to the operation of the compensation scheme or the proposed changes.

**Sexual Orientation** - If Yes, provide details:

If No, provide reasons:

No. The policy is neutral as to sexual orientation and does not lend itself to specific equality-promoting measures in this context.

**Men and Women generally** - If Yes, provide details:

If No, provide reasons:

No. The policy affects men and women equally and does not provide a distinct opportunity to promote equality of opportunity between them.

**Disability** - If Yes, provide details:

If No, provide reasons:

No. No specific additional measures beyond ensuring accessible formats and communication. Those measures are part of standard good practice and will be provided but do not arise uniquely from this policy.

**Dependants** - If Yes, provide details:

If No, provide reasons:

No. The policy does not differentiate between those with and without 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?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: No impact identified. The consultation is neutral regarding religious belief. What is the level of impact? Minor / Major / None

Details of the likely policy impacts on **Political Opinion**: No impact identified. The issue is not framed in political or constitutional terms. What is the level of impact? Minor / Major / None

Details of the likely policy impacts on **Racial Group**: No impact identified. The proposals apply equally across racial groups. What is the level of impact? Minor / Major / None

**4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

**Religious Belief** - If Yes, provide details: If No, provide reasons:

No. The subject matter is technical and neutral and does not provide a meaningful opportunity to promote good relations specifically.

**Political Opinion** - If Yes, provide details: If No, provide reasons:

No. The policy does not engage political identity issues and therefore presents no specific opportunity to promote good relations.

**Racial Group** - If Yes, provide details: If No, provide reasons:

No. There is no identified differential or contentious impact that would support a targeted good-relations intervention.

## 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).*

No specific impacts on people with multiple identities have been identified. The consultation concerns statutory compensation caps only and does not alter eligibility or access to services.

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

No data has been identified indicating that people with multiple identities would be differentially affected by the proposed consultation or any of the options considered.

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

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The screening has identified no evidence of adverse or differential impact on any of the Section 75 categories. The proposals relate solely to maximum compensation limits within an existing statutory scheme, without altering eligibility criteria or decision-making processes. The number of individuals potentially affected is very small and any future changes would apply equally to all eligible applicants. The policy is technical in nature and does not raise issues that warrant a full Equality Impact Assessment.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

No mitigation or alternative policy is required as no adverse equality impacts have been identified at screening stage. Standard accessibility measures (e.g. alternative formats on request) will be in place to ensure all interested parties can engage with the consultation.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

Not applicable – the policy has been screened out.

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

## 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.

No amendments are considered necessary for equality or good-relations purposes. The consultation is open to all, and standard accessibility provisions will be available. No further changes are required to better promote equality of opportunity or good relations.

## Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

**Priority criterion** [Author pick 1, 2 or 3 if a full EQIA is to take place]

Effect on equality of opportunity and good relations

Social need

Effect on people's daily lives

Relevance to a public authority's functions

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

If yes, please provide details.

## **Part 4. Monitoring**

Public authorities 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, 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.

Further advice on monitoring can be found at: [ECNI Monitoring Guidance for Public Authorities](#)

The Department will monitor responses to the consultation, including any equality-related issues raised by respondents. If, during or after the consultation, new information suggests a potential adverse impact on any Section 75 category, the Department will review this screening decision and consider whether further assessment is required.

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

Screened by: Aidan Lynch  
Position/Job Title: Staff Officer  
Date: 26/11/2025

Approved by: Claire Robinson  
Position/Job Title: Grade 7  
Date: 26/11/2025