



DOJ Section 75

EQUALITY SCREENING FORM

Title of Policy: Review of the law on child sexual exploitation (CSE) and sexual offences against children

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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 without¹.

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

1. This form should be read in conjunction with the Equality Commission's revised Section 75 guidance, "Effective Section 75 Equality Assessments: Screening and Equality Assessments" which is available on the Equality Commission's website.

<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/S75Advice-ScreeningEQIA.pdf>

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

2. The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations and so determine whether an Equality Impact Assessment (EQIA) is necessary. Screening should be introduced at an early stage when developing or reviewing a policy.

¹A list of the main groups identified as being relevant to each of the section 75 categories is at Annex B of the document.

3. The lead role in the screening of a policy should be taken by the policy decision-maker who has the authority to make changes to that policy and should involve, in the screening process:

- other relevant team members;
- those who implement the policy;
- staff members from other relevant work areas; and
- key stakeholders.

A flowchart which outlines the screening process is provided at Annex A.

4. The first step in the screening exercise is to gather evidence to inform the screening decisions. Relevant data may be either quantitative or qualitative or both (this helps to indicate whether or not there are likely equality of opportunity and/or good relations impacts associated with a policy). Relevant information will help to clearly demonstrate the reasons for a policy being either 'screened in' for an equality impact assessment or 'screened out' from an equality impact assessment.

5. The absence of evidence does not indicate that there is no likely impact but if none is available, it may be appropriate to consider subjecting the policy to an EQIA.

6. Where data/evidence gaps exist consider engaging with the main representative groups directly, for example Disability Action, Rainbow, and NICCY to find out what you need to know. Bring stakeholders together to discuss policy or link up with other UK bodies who may have similar policies.

7. Screening provides an assessment of the likely impact, whether 'minor' or 'major', of its policy on equality of opportunity and/or good relations for the relevant categories. In some instances, screening may identify the likely impact is none.

8. Contact EqualityandStaffSupportServices@justice-ni.x.gsi.gov.uk at any stage of the process for support or guidance.

Screening decisions

8. Completion of screening should lead to one of the following three outcomes. The policy has been:

- i. 'screened in' for equality impact assessment;
- ii. 'screened out' with mitigation or an alternative policy proposed to be adopted; or
- iii. 'screened out' without mitigation or an alternative policy proposed to be adopted.

Screening and good relations duty

9. The Commission recommends that a policy is 'screened in' for equality impact assessment if the likely impact on **good relations** is 'major'. While there is no legislative requirement to engage in an equality impact assessment in respect of good relations, this does not necessarily mean that equality impact assessments are inappropriate in this context.

Part 1

Definition of Policy

There have been some difficulties in defining what constitutes a policy in the context of section 75. To be on the safe side it is recommended that you consider any new initiatives, proposals, schemes or programmes as policies or changes to those already in existence. It is important to remember that even if a full EQIA has been carried out in an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if further screening or an EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

Overview of Policy Proposals

The aims and objectives of the policy must be clear and terms of reference well defined. You must take into account any available data that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the s75 categories.

Policy Scoping

10. 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.

Part 1: Policy Scoping

11. Information about the policy

Name of the Policy/ decision to be screened

Review of the law on child sexual exploitation (CSE) and sexual offences against children

Is this an existing, revised or a new policy / decision?

This policy proposes amendments to strengthen and clarify the existing criminal law in relation to child sexual exploitation and sexual offences against children.

The criminal law already provides for a number of offences relating to child sexual exploitation and sexual offences against children. The main provisions are contained in the Sexual Offences (Northern Ireland) Order 2008.

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

The purpose of the review is to assess the adequacy and effectiveness of the current law, and to consider if there are any changes that could be made to strengthen the law to protect children from this type of abuse. The review has resulted in a number of proposals for legislative change which are now subject to public consultation.

The review came about in response to the Report of the Independent Inquiry into Child Sexual Abuse and Exploitation in Northern Ireland ('the Marshall Report') and the Justice Committee's Report on Justice in the 21st Century ('the Justice Committee Report'). The review also looks at the law on CSE and sexual offences against children in neighbouring jurisdictions to see if there are any initiatives which could be adopted here to maximise our efforts to protect children. The review considers a number of other emerging issues relating to CSE which could require changes to the criminal law.

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

It is expected that the policy will benefit children at risk of sexual exploitation and abuse, by strengthening the existing criminal law and providing police with additional tools to stop and prevent CSE and abuse, and to target and bring perpetrators to justice.

Who initiated or wrote the policy?

The review and the resulting policy proposals have been developed by the Department of Justice. Some of the proposals are in response to recommendations in the Marshall Report and the Justice Committee report.

Who owns and who implements the policy?

The Department of Justice owns the policy. It will be implemented by the PSNI, the PPS and the Judiciary.

12. Implementation factors

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

If yes, are they

Tick Box

- financial
- legislative
- other, please specify _____

13. Main stakeholders affected

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

Tick Box

- staff
 - service users
 - other public sector organisations
 - voluntary/community/trade unions
 - other, please specify: the Judiciary
-

14. Other policies with a bearing on this policy

what are they?

Stopping Domestic and Sexual Violence and Abuse: A seven year strategy
<https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/stopping-domestic-sexual-violence-ni.pdf>

who owns them?

Department of Justice
Department of Health

15. Available Evidence

Evidence to help inform the screening process may take many forms. Set out all evidence /data (both *qualitative and quantitative) below along with details of the different groups you have met and / or consulted with to help inform your screening assessment. Specify details for each of the Section 75 categories.

Section 75 Category	Details of evidence/information
Religious belief	<ul style="list-style-type: none"> • The Report of the Independent Inquiry on Child Sexual Exploitation in Northern Ireland (2014) ('the Marshall Report') https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/cser_eport181114_0.pdf • Safeguarding Board Northern Ireland (2014) Professional Information: Child Sexual Exploitation Definition and Guidance • 'Not a world away' The sexual exploitation of children and young people, Barnardo's NI (2011)
Political opinion	<ul style="list-style-type: none"> • The Marshall report, as above • Safeguarding Board Northern Ireland (2014) Professional Information: Child Sexual Exploitation Definition and Guidance • 'Not a world away' The sexual exploitation of children and young people, Barnardo's NI (2011)
Racial group	<ul style="list-style-type: none"> • The Marshall report, as above • Safeguarding Board Northern Ireland (2014) Professional Information: Child Sexual Exploitation Definition and Guidance • 'Not a world away' The sexual exploitation of children and young people, Barnardo's NI (2011)
Age	<ul style="list-style-type: none"> • The Marshall report, as above • Police Recorded Crime Statistics • Safeguarding Board Northern Ireland (2014) Professional Information: Child Sexual Exploitation Definition and Guidance • 'Not a world away' The sexual exploitation of children and young people, Barnardo's NI (2011)
Marital status	N/A
Sexual orientation	<ul style="list-style-type: none"> • The Marshall report, as above • Safeguarding Board Northern Ireland (2014) Professional Information: Child Sexual Exploitation Definition and Guidance • 'Not a world away' The sexual exploitation of children and young people, Barnardo's NI (2011)

Men and Women generally	<ul style="list-style-type: none"> • The Marshall report, as above • Police Recorded Crime Statistics • Safeguarding Board Northern Ireland (2014) Professional Information: Child Sexual Exploitation Definition and Guidance • 'Not a world away' The sexual exploitation of children and young people, Barnardo's NI (2011)
Disability	<ul style="list-style-type: none"> • The Marshall report, as above • Safeguarding Board Northern Ireland (2014) Professional Information: Child Sexual Exploitation Definition and Guidance • 'Not a world away' The sexual exploitation of children and young people, Barnardo's NI (2011)
Dependants	N/A

***Qualitative data** – refers to the experience of individuals related in their own terms, and based on their own experience and attitudes. Qualitative data is often used to complement quantitative data to determine why policies are successful or unsuccessful and the reasons for this.

Quantitative data – refers to numbers (that is quantities), typically derived from either a population in general or samples of that population. This information is often analysed either using descriptive statistics (which summarise patterns), or inferential statistics (which are used to infer from a sample about a wider population).

16. 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 evidence/information
Religious belief	<p>There is no evidence of particular need in relation to religious belief.</p> <p>Some research suggests that paramilitary involvement may be in a factor in some cases of CSE within some communities.</p>
Political opinion	<p>There is no evidence of particular need in relation to political opinion.</p> <p>Some research suggests that paramilitary involvement may be in a factor in some cases of CSE within some communities.</p>
Racial group	<p>There is little evidence relating to the particular needs of children from minority ethnic communities in NI in relation to protection from CSE and sexual abuse.</p> <p>However, research suggests that there have been some cases where different cultural standards amongst some existing and immigrant communities (such as tolerance for early marriage, relationships between young girls and older men, and tolerance of violence more generally) have played a factor.</p> <p>These communities may also experience more general barriers to accessing services and engagement which may make them more vulnerable to such abuse, such as language difficulties and reluctance to engage with statutory services.</p>
Age	<p>This policy is aimed at protecting children from sexual exploitation and abuse.</p> <p>Any child can be the victim of such abuse, but there is evidence that CSE primarily affects young people at post-primary age (where concerns are first reported around 12-15 years old). Older children (aged 16 and 17), although legally able to consent to sexual activity, can also be sexually exploited.</p> <p>Children of all ages are victims of sexual abuse.</p> <p>While most perpetrators are adults, there is also evidence of peer on peer abuse by young people themselves.</p>
Marital status	<p>There is no evidence of particular need in relation to marital status.</p>

Sexual orientation	There is little specific evidence relating to sexual orientation, however, general difficulties faced by children and young people who are LGBT may make them more vulnerable to CSE.
Men and Women generally	<p>Most cases of CSE relate to young females but young males are also abused. Young males may have particular difficulty and reluctance to identify their situation as abusive and to tell anyone about the abuse.</p> <p>While most perpetrators are believed to be adult males, abuse can also be perpetrated by adult females.</p>
Disability	There is little specific evidence relating to disability, but it is accepted that both learning and physical disabilities are factors which may increase a child's vulnerability to exploitation and abuse.
Dependants	There is no evidence of particular need in relation to those with or without dependants.

Part 2

SCREENING DECISIONS

17. **Decision - In favour of none**

If the conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the decision may be to screen the policy out. If a policy is '**screened out**' as having no relevance to equality of opportunity or good relations, give details of the reasons for the decision taken.

➤ **Considerations –**

- The policy has no relevance to equality of opportunity or good relations.
- 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.

18. **Decision - In favour of a 'major' impact**

If the 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 (EQIA).

➤ **Considerations-**

- Is the policy significant in terms of its strategic importance?
- The 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;
- The 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;
- 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;
- The policy is likely to be challenged by way of judicial review;
- The policy is significant in terms of expenditure.

19. **Decision - In favour of 'minor' impact**

If the 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.

➤ **Considerations –**

- The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- 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;

- 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;
- By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

Part 2 Screening questions

2.1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?		
Section 75 category	Details of policy impact	Level of impact? Minor/Major/None
Religious belief	No adverse impact identified The policy proposes changes to the criminal law which apply to everyone, regardless of religious belief. Some research suggests that paramilitary involvement may be in a factor in some cases of CSE within some communities.	None
Political opinion	No adverse impact identified The policy proposes changes to the criminal law which apply to everyone, regardless of political opinion. Some research suggests that paramilitary involvement may be in a factor in some cases of CSE within some communities.	None
Racial group	There could be a positive impact as the policy proposes changes to the criminal law which apply to everyone, regardless of racial group, and children in some racial groups may be more vulnerable to CSE due to language difficulties and different cultural standards.	None
Age	A positive impact is identified for young people as this policy is intended to provide further protection for all children from sexual exploitation and abuse. Although the current criminal law on sexual offences impacts adults more than children because adults are more likely to be perpetrators of such abuse (although children can also be perpetrators), the relatively minor changes to the criminal law which are proposed are unlikely to have an adverse impact in relation to age.	None
Marital status	No adverse impact identified	None
Sexual orientation	No adverse impact identified The policy proposes changes to the criminal law which apply to everyone, regardless of sexual orientation. General difficulties faced by children and young people who are LGBT may make them more vulnerable to CSE.	None
Men and Women generally	No adverse impact identified , in fact a positive impact can be seen for women as females are more likely to be victims of	None

	sexual exploitation and abuse. However, ales also experience this type of abuse and the policy is designed to protect all children regardless of gender.	
Disability	No adverse impact identified The policy proposes changes to the criminal law which apply to everyone, regardless of disability. Disability is a factor which may increase a child's vulnerability to exploitation and abuse.	None
Dependants	No adverse impact identified	None

2.2 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		The policy proposes amendments to the criminal law which applies equally regardless of S75 categories. No further opportunities identified.
Political opinion		As above
Racial group		As above
Age	The policy provides a positive impact on young people as it is designed to strengthen protection against sexual exploitation and abuse and thereby promote better equality of opportunity.	
Marital status		As above
Sexual orientation		As above
Men and Women generally	It will provide a positive impact on young females who are most likely to suffer exploitation and so increase equality of opportunity.	
Disability		As above
Dependants		As above

2.3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?

Good relations category	Details of policy impact	Level of impact Minor/Major/None
Religious belief	No impact anticipated	None
Political opinion	No impact anticipated	None
Racial group	No impact anticipated	None

2.4. 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		There are no opportunities to better promote good relations with regard to the policy.
Political opinion		As above
Racial group		As above

Additional Considerations

Multiple Identity

20. 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).

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

This policy is primarily aimed at strengthening and clarifying the law to help protect children and young people under 18 from sexual exploitation and abuse. Children who fall into additional Section 75 categories (e.g. children with a disability, or who are LGBT) may be particularly vulnerable to this type of abuse, as identified above.

However, this policy proposes changes to the criminal law which applies to everyone equally regardless of Section 75 category, both perpetrators and victims.

Part 3 Screening Decision

3.1. Screened In - If the decision is to conduct an equality impact assessment, please provide details of the rationale and relevant evidence to support this decision.

3.2. Screened Out – No EQAI necessary (no impact)
If the decision is not to conduct an equality impact assessment, please provide details of the rationale and relevant evidence to support this decision.

The Department has concluded that an Equality Impact Assessment is not necessary. Positive impacts have been identified for s.75 groups, by strengthening protection against exploitation of young people, particularly young females, the proposals may increase equality of opportunity. Conversely, no adverse impact on any Section 75 groups has been identified.

3.3. Screened Out – Mitigating Actions (minor impacts)
When the decision is that the likely impact is 'minor' and an equality impact assessment is not to be conducted, you 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. Explain how these actions will address the inequalities.

Timetabling and Prioritising

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

23. 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.

24. 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	Rating (1-3)
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 in timetabling. Details of the Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

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

➤ If yes, please provide details.

Part 4 Monitoring

26. Section 75 places a requirement on the Department to have equality monitoring arrangements in place in order to assess the impact of policies and services etc. and to help identify barriers to fair participation and to better promote equal opportunity.
27. Effective monitoring will help 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.
28. Outline what data you will collect in the future in order to monitor the impact of this policy/ decision on equality, good relation and disability duties.

Equality	The impact of the policy will be monitored through PSNI reported crime and PPS prosecution/case outcome statistics, as well as engagement with the relevant agencies to see how any new offences or changes to existing offences are working in practice. It is likely that any changes would take time to 'bed in' and that it may therefore be 2-3 years before any quantitative assessment of the impact can be made.
Good relations	N/A
Disability Duties	N/A

Part 5 Formal Record of Screening Decision

Title of Proposed Policy / Decision being screened

Review of the law on child sexual exploitation and sexual offences against children

I can confirm that the proposed policy/decision has been screened for –

<input checked="" type="checkbox"/>	Equality of opportunity
<input checked="" type="checkbox"/>	Good Relations
<input checked="" type="checkbox"/>	Disability duties

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

<input type="checkbox"/>	Screened in – necessary to conduct a full EQIA
<input checked="" type="checkbox"/>	Screened Out – no EQIA necessary (no impacts)
<input type="checkbox"/>	Screened Out – mitigating actions (mirror impacts)

Part 6 Approval and Authorisation

(Have you sent this document to the Equality Unit prior to obtaining signature?)

Screened/completed by:	Grade	Date
Name Jenny Laverick	DP	23/08/2018
Approved by (Grade 7 or above):		
Name Amanda Patterson	Grade 7	15/01/2019

Quality Assurance

Prior to final approval the Screening Form should be forwarded to EqualityandStaffSupportServices@justice-ni.x.gsi.gov.uk for comment/quality assurance. Contact the branch should you require advice or have any queries prior to this stage.

Any NIPS forms should be forwarded to Peter.Grant@justice-ni.x.gsi.gov.uk

When you receive a response and there are no further considerations required, the form should be 'signed off' and approved by a senior manager responsible for the policy, this would normally be at least grade 7.

The completed Screening Form should be placed on the DOJ Website where it will be made easily accessible to the public and be available on request. In addition, it will be included in a quarterly listing of all screenings completed during each 3 month period and issued to consultees.

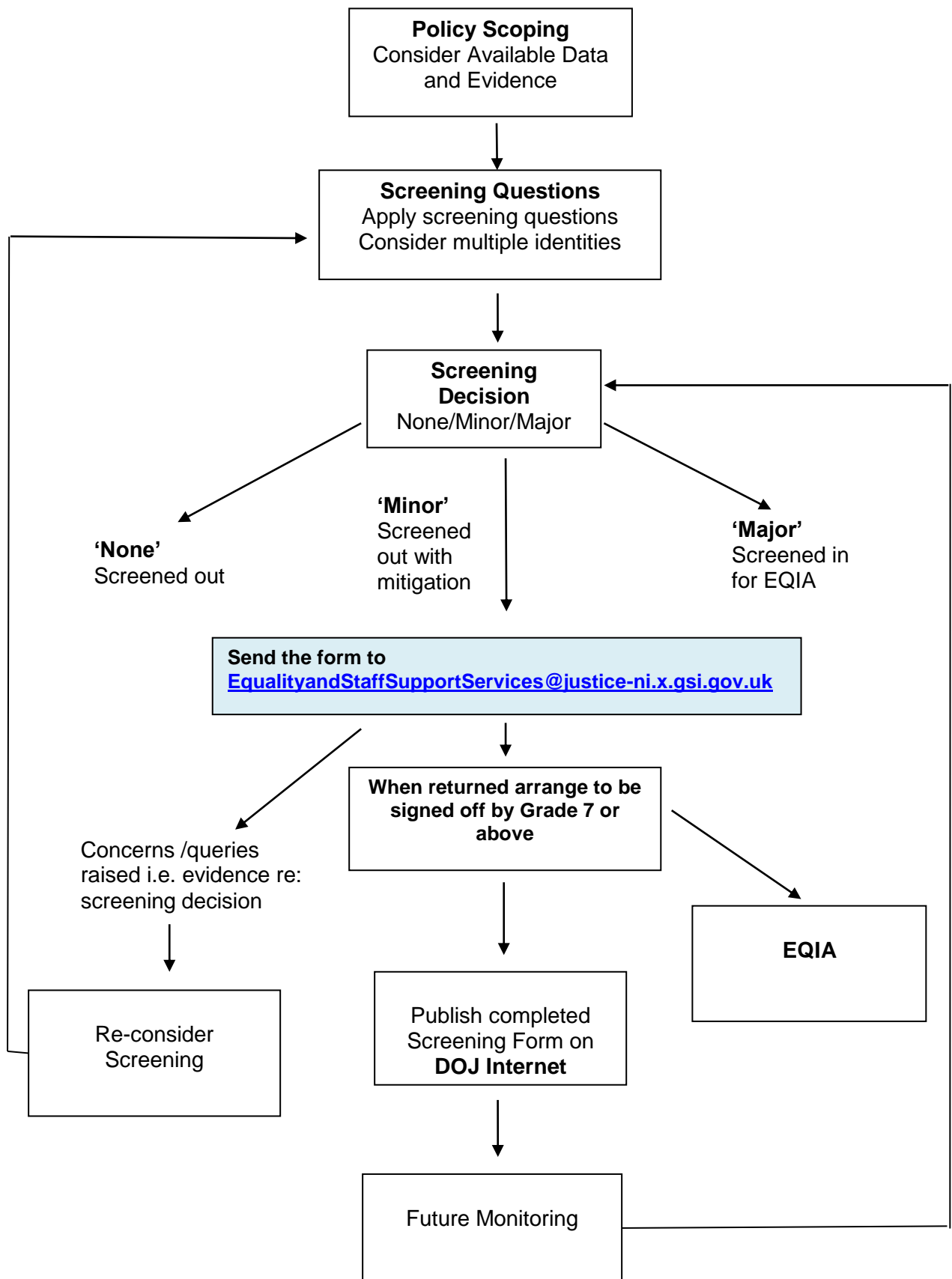
The Screening exercise is now complete.

Please retain a record in your branch and send a copy for information to:-

Equality and Staff Support Services (ESSS)
Room 3.4, Castle Buildings
Stormont Estate
BELFAST
BT4 3SG
Tel: 02890 522611

or e-mail to EqualityandStaffSupportServices@justice-ni.x.gsi.gov.uk

**ANNEX A
SCREENING FLOWCHART**



ANNEX B

MAIN GROUPS IDENTIFIED AS RELEVANT TO THE SECTION 75 CATEGORIES

Category	Main Groups
Religious Belief	Protestants; Catholics; people of other religious belief; 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; Afro Caribbean people; people of mixed ethnic group, other groups
Age	For most purposes, the main categories are: children under 18; people aged between 18 and 65. However the definition of age groups will need to be sensitive to the policy under consideration. For example, for some employment policies, children under 16 could be distinguished from people of working age
Marital/Civil Partnership Status	Married people; unmarried people; divorced or separated people; widowed people; civil partnerships
Sexual Orientation	Heterosexuals; bisexual people; gay men; lesbians
Men and Women generally	Men (including boys); women (including girls); trans-gender and trans-sexual people
Persons with a disability and persons without	Persons with a physical, sensory or learning disability as defined in Schedules 1 and 2 of the Disability Discrimination Act 1995.
Persons with dependants and persons without	Persons with primary responsibility for the care of a child; persons with personal responsibility for the care of a person with a disability; persons with primary responsibility for a dependent elderly person.