



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

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DOJ Section 75

EQUALITY SCREENING FORM

Title of Policy: Family Fees project (Phase 1)

[DoJ EQIA Template Revised Feb 2020]

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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](#).

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

Family Fees Project

A project to set standard fees in family law has been ongoing since 2012 following recommendations made in the 2011 Access to Justice Review. Further reports by the Northern Ireland Audit Office (NIAO) in June 2016 and the Public Accounts Committee (PAC) in January 2017 reiterated the need to introduce standard fees.

The project encountered significant difficulties, mostly because of over-scope and weaknesses in the available evidence base. The Legal Aid Strategy Group (LASG) agreed on 11 October 2019 to re-scope the project to focus on the most common case types, which will deliver the majority of the anticipated benefits in a realistic timeframe with greatly reduced risk.

The scope of the project has now been revised to include development of policy and legislation **ONLY** in relation to Article 8 (private law) and Article 50 (public law) of The Children (Northern Ireland) Order 1995 at the Family Proceedings Court (FPC). Owing to the project complexity, the Department has taken a phased approach to delivery and will deliver the policy and legislation in respect of solicitor legal aid fees for Article 8 and Article 50 of the Children (Northern Ireland) Order 1995 in the Family Proceedings Court in Phase 1; with standard fees for solicitor and counsel for those proceedings heard in the High Court, plus standard fees for counsel in the FPC, delivered in Phase 2.

For the avoidance of doubt, this Equality Screening Form relates to Phase 1 of the Project only – i.e. the standardisation of legal aid fees for solicitors engaged in proceedings under Article 8 and/or Article 50 of the Children (Northern Ireland) Order 1995 at the Family Proceedings Court.

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

The policy will introduce standard fee remuneration for solicitors in respect of cases heard under Article 8 and Article 50 of the Children (Northern Ireland) Order 1995 at the Family Proceedings Court (FPC). It is a new policy.

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

In their report of June 2016, the NIAO recognised the administrative burden of the existing arrangements, along with the need for predictability in fees which represent value for money. They also noted that schemes have not been subject to rigorous financial control.

In their report on 'Managing Legal Aid' (January 2017) the PAC recommended the Department reform non-criminal legal aid remuneration rates and introduce standard fees as a priority (recommendation 2, point 1).

The project goal is therefore to address the outstanding PAC recommendation. As noted, this will be achieved in two phases. The objective for phase 1 (i.e. the phase to which this document relates) is:

- To introduce, in a cost-neutral manner, standard fees rates, and appropriate

Name of the Policy/ decision to be screened

escape mechanisms for cases in which fees exceed a costs threshold, for solicitors engaged in publicly funded proceedings under Article 8 and/or Article 50 of the Children (NI) Order 1995 in the Family Proceedings Court (FPC).

The standard fee will be paid in the percentage of cases which the research shows provide fair and equitable remuneration for the work undertaken based on a swings and roundabouts approach. The standardisation of fees aims to support predictability regarding Legal Services Agency (LSA) forecasting costs through the improvement of baseline assumptions.

While the project will develop policy and introduce legislation to effect the changes, the LSA will be responsible for implementation of the policy.

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

The proposals relate to the remuneration arrangements for solicitors engaged in proceedings at the Family Proceedings Court under Article 8 and/or Article 50 of the Children (Northern Ireland) Order 1995 and will apply equally to all irrespective of their Section 75 category.

The 2015 Access to Justice Report noted that standard fees will have the potential to incentivise a less adversarial approach to contact disputes by rewarding supplier efficiency and early resolution (ref para 11- Executive summary of [Access to Justice II – Final Report 2015](#); & paras 4.22; 4.30; 18.31). Whilst this would be of benefit across the section 75 categories, it would particular benefit the children to whom the proceedings relate and their parents.

Who initiated or wrote the policy?

Enabling Access to Justice Division, The Department of Justice wrote the policy to address recommendations from the Public Accounts Committee, Northern Ireland Audit Office and Access to Justice Reviews.

Who owns and who implements the policy?

Enabling Access to Justice Division, The Department of Justice will retain ownership of the policy. The Legal Services Agency NI (LSANI) will, however, be responsible for the implementation of the policy.

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:

Successful implementation of the policy will be impacted by the levels of support the policy enjoys from impacted stakeholders. The support from the legal profession is of particular significance to ensure the levels and standards of service and access to justice is not adversely impacted under a reformed fee structure.

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:

Parties to legally aided proceedings at the FPC under Article 8 or Article 50 of the Children (NI) Order 1995.

14. Other policies with a bearing on this policy

what are they?

- The Civil Legal Services (Remuneration) Order (Northern Ireland) 2015 – statutory review
- Taxation Reform

who owns them?

Enabling Access to Justice Division, The Department of Justice

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	<p><u>Parties to the proceedings (children):</u> The Department has sought information from NIGALA in respect of children represented in completed proceedings over the past 5 financial years (2016-21). Whilst it is recognised that the information is in respect of all proceedings, across all court tiers, and it is not possible to discern to what extent legal aid funding was involved, the Department considers this evidence has indicative value. This data evidences that children of a Roman Catholic faith are slightly more likely to be party to proceedings with 43.52% of represented children coming from this faith. 40.25% were of a Protestant faith; 5.93% were of a mixed religious background; 3.51% had none; and 1.42% were of other faiths (remaining 5.36% unknown/not specified). Further information is available in respect of the religious background of children in need (and therefore more likely to be parties to Article 50 public law proceedings) from the Children's Social Care Statistics Report 2018/2019 with 32% reported to be from a Roman Catholic background; 7% from a Church of Ireland background; 8% from a Presbyterian background; 12% from other Christian background; 8% from other religious faiths and 3% with no religious beliefs (the remainder is unknown). Similarly, in terms of children in care, 52% were of a Roman Catholic faith, with just over a quarter (27%) from the main Protestant churches. 16% were from other Christian and non-Christian denominations and 3% had either no religious faith or it was unknown. No further data is available to the Department in relation to the religious beliefs of parties (children) to Article 8 and/or Article 50 proceedings at the FPC. Whilst there is some evidence to suggest that Catholic children are more likely to be party to the proceedings to which the reform proposals apply, there is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p> <p><u>Parties to the proceedings (parents/guardians):</u> The Department have referred to the data in the University of Ulster report: The impact of COVID-19 on Family Courts in Northern Ireland in which some 48% of litigants were of a Roman Catholic background and 33% of a Protestant background (the remaining 19% were Neither or Other or Prefer Not to Say). It is, however, recognised that the data sample was limited</p>

Section 75 Category	Details of evidence/information
	<p>in numbers in this survey.</p> <p>In relation to litigants in person, data taken from the University of Ulster report: ‘Litigants in person in Northern Ireland: barriers to legal participation’ (using information extracted from the NICTS management information system) in Children Order proceedings in the High Court over the 5 year period from 2012-2016 inclusive, some 19.19% of litigants were unrepresented. In Family Proceedings, 10.03% were unrepresented. Of the 123 litigants in person surveyed, 30.89% were of a Roman Catholic background; 34.15% were of a Protestant background and 33.33% were of another or no faith background. No further data is available to the Department in relation to the religious beliefs of parties (children) to Article 8 and/or Article 50 proceedings at the FPC. There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p> <p><u>Legal representatives:</u></p> <p>In 2011, NICTS conducted a customer exit survey which profiled 373 members of the legal profession across all court locations. This sample found that 55.8% of representatives were of a Roman Catholic background; 12.9% from a Presbyterian background; 8.3% from a Church of Ireland background; 6.7% from other Protestant backgrounds; 0.8% from other Christian faiths; and 0.3% from other religions. 11.5% had no religious beliefs; and the remainder is unknown. It is, however, recognised that the data was not specific to the subject proceedings and does not distinguish between solicitors and barristers.</p> <p>It is also noted that in the 2019 Equality Monitoring Report the Northern Ireland Judicial Appointments Commission noted that 57.1% of the legal profession were of a Catholic background, although again it is recognised that the data was not specific to the subject proceedings and does not distinguish between solicitors and barristers.</p> <p>The Department have referred to the data in the University of Ulster report: The impact of COVID-19 on Family Courts in Northern Ireland in which some 62% of practitioners were of a Roman Catholic background and 21% of a Protestant background (the remaining 17% were Neither or Other or Prefer Not to Say). It is, however, recognised that the data sample was limited in numbers in this survey and does not distinguish between solicitors and barristers.</p> <p>No further data is available to the Department on the religious background of the legal representatives engaged in representation in Article 8 and/or Article 50 proceedings at the FPC.</p> <p>Whilst there is some limited data to suggest that the</p>

Section 75 Category	Details of evidence/information
	<p>reforms are more likely to impact upon those of a Catholic background as legal representatives in the subject proceedings, there is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p>
Political opinion	<p><u>Parties to the proceedings (children):</u> There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p> <p><u>Parties to the proceedings (parents/guardians):</u> The NI Legal Needs Survey from 2006 reported that of those identifying as Nationalist, 31% had 1+ legal problem, and 31% of those from a Unionist background. In the 'Neither/refused/unknown' category 41% reported 1+ problem. Some limited evidence is available from the data collected in respect of litigants in person which reported that of the 123 personal litigants surveyed, 18.7% identified as Nationalist and 16.26% identified as Unionist. The remainder were other or of no political opinion. The Department have also noted the data collected in the Impact of Covid-19 on Family Courts in Northern Ireland report which reported that 22% of litigants identified as Nationalist; 12% as Unionist; 45% as Neither/Other; and the remaining 20% preferred not to say. No other data is available to the Department in relation to the political opinions of parties (parents/guardians) to Article 8 or Article 50 proceedings at the FPC. There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p> <p><u>Legal representatives:</u> The data collected in the Impact of COVID-19 on Family Courts in Northern Ireland Report shows that 39% of practitioners identified as Nationalist; 9% as Unionist; 31% as Neither/Other; and the remaining 21% preferred not to say. It is, however, recognised that the data sample was limited in numbers in this survey and does not distinguish between solicitors and barristers. No further data is available to the Department on the political opinion of the legal representatives engaged in representation in Article 8 and/or Article 50 proceedings at the FPC. There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p>
Racial group	<p><u>Parties to the proceedings (parents/guardians):</u> The Department considers that in the absence of any evidence to the contrary, information available in respect of children may be used as a proxy for the</p>

Section 75 Category	Details of evidence/information
	<p>racial group of parents/guardians.</p> <p>Some limited evidence may be taken from the UU report in respect of Litigants in Person, which confirms that of the 123 personal litigants surveyed, 96.75% were from a White background; 1.63% from a Black African background; and 0.81% from a Roma background. It is, however, recognised that the data sample was limited in numbers in this survey and does not distinguish between solicitors and barristers. This is further supported by the data collected in the Impact of COVID-19 on Family Courts in Northern Ireland report (again, cognisant of the relatively small sample size) in which 88% of litigants were of White ethnicity; 8% other ethnicities and 3% preferred not to say. Again, it is however recognised that the data sample was limited in numbers in this survey and was not specific to the subject proceedings.</p> <p>No further data is available to the Department in relation to the racial groups of parties (parents/guardians) to Article 8 and/or Article 50 proceedings at the FPC.</p> <p>There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p> <p><u>Legal representatives:</u></p> <p>From the 2011 NICTS customer exit survey of 373 legal practitioners, 98.1% were of White ethnic background. It is, however, recognised that the data was not specific to the subject proceedings and does not distinguish between solicitors and barristers. This is supported by the data collected in the Impact of COVID-19 on Family Courts in Northern Ireland report (again, cognisant of the relatively small sample size) in which 95% of practitioners were of White British/Irish ethnicity; and the remaining 5% were of White (Other) ethnicity or preferred not to say. It is, again, recognised that the data was not specific to the subject proceedings and does not distinguish between solicitors and barristers.</p> <p>No further data is available to the Department on the racial group or ethnicity of legal representatives engaged in representation in Article 8 and/or Article 50 proceedings at the FPC.</p> <p>There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p>
Age	<p><u>Parties to the proceedings (children):</u></p> <p>The NISRA 2018 Mid-Year Population Estimate reports that 20.9% of people in Northern Ireland were children. Of the NI child population, 5% were under 1 year; 22% were aged 1-4 years; 41% were aged 5-11 years; 21% were aged 12-15 years; and 10% were over 18 years.</p>

Section 75 Category	Details of evidence/information
	<p>The age profile of Children in Need as recorded in the Children's Social Care Statistics Report 2018-2019 broadly reflects the 2018 Mid-Year Population Estimate with 4% under 1 year; 20% aged 1-4 years; 43% aged 5-11 years; 23% aged 12-15 years; and 10% over 18 years.</p> <p>Data from the NI Children Order Bulletin shows that over the past 3 financial years of the children involved in proceedings under the Children (Northern Ireland) Order 1995, 34.93% were aged 0-4 years; 30.93% were aged 5-8 years; 22.54% were aged 9-12 years; and 11.59% were aged 13-16 years.</p> <p>The Department has also noted from the information obtained from NIGALA in respect of represented children in complete proceedings over the past 5 financial years. In respect of Article 8 proceedings 0.28% were under 1; 25.07% were under 5; 42.17% were under 10; 30.77% under 16; and 1.71% aged 16-17 years. In Article 50 proceedings, the Department noted 17.41% of represented children were under 1; 24.19% under 5; 26.11% were under 10; 27.72% were under 16; and the remaining 4.56% were aged 16-17 years.</p> <p>The Department has also had reference to the qualitative evidence of parties to Article 8 and Article 50 proceedings as described in 'The Children Behind The Statistics' report by The Detail (2016) and to A child's story from the same source.</p> <p>The Department has also noted the findings of the Early Intervention Foundation's report: Adverse childhood experiences – What we know, what we don't know, and what should happen next.</p> <p>No further data is available to the Department in relation to the age of parties (children) to Article 8 and/or Article 50 proceedings at the FPC.</p> <p>It is recognised that, by the nature of the subject proceedings of the reform proposals, there will be an engagement with young people. There is however no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p> <p><u>Parties to the proceedings (parents/guardians):</u></p> <p>Data taken from the Northern Ireland Legal Needs Survey of 2006 shows that those aged 25-34 & 35-44 are most likely to have a legal problem with 45% of those surveyed reporting 1+ problem. Thereafter 39% of 18-24 year olds and 36% of those aged 45-59 years reported 1+ problem with 18% of those over 60 years. 25-34 year olds were found most likely to report a problem in relation to Family law, with 4% of those reporting a problem having a problem in this area. It may be noted there were no reported problems in the family area for the over 60's.</p>

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	<p>Given that proceedings under Article 8 of the Children Order (NI) 1995 determine contact arrangements for children following the breakdown of a relationship, data taken from the ‘Estimates of the separated family population statistics: April 2014 to March 2018’ reports that, in resident parents of separated families, 8% were under 25 years; 13% were 25-29 years; 16% were 30-34 years; 19% were 35-39 years; 18% were 40-44 years; 15% were 45-49 years; 8% were 50-54; and 3% were 55+. Whilst these figures relate to England, Wales & Scotland in the absence of any equivalent data specific to Northern Ireland, it is assumed in correlation the majority of resident parents in separated families in this jurisdiction will be working aged adults.</p> <p>Data in respect of litigants in person supports this assumption with 3.25% aged 17-25 years; 16.26% aged 26-35 years; 39.02% aged 36-45 years; 28.46% aged 46-55 years; 11.38% aged 56-65 years; and 1.63% aged 66+ years.</p> <p>Further supporting evidence may be drawn from the data collected on litigants in the Impact of COVID-19 on Family Courts in Northern Ireland Report with 4% aged 18-25 years; 35% aged 26-35 years; 26% aged 36-45 years; 32% aged 46-55 years; 2% aged 56-65 years; and 0% aged 66+ years (remaining 2% preferred not to say).</p> <p>No further data is available to the Department in relation to the age of parties (parents/guardians) to Article 8 and/or Article 50 proceedings at the FPC. There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p> <p><u>Legal representatives:</u></p> <p>The 2011 NICTS Customer Exit Survey of 373 legal practitioners found that 12.9% were aged 17-25 years; 37.3% were aged 26-35 years; 19.8% were aged 36-45 years; 6.7% were aged 56-65 years; and 1.1% was over 65 years. (No data is available in respect of the remainder - question was refused/missing). It is, however, recognised that the data was not specific to the subject proceedings and does not distinguish between solicitors and barristers.</p> <p>This is supported by information obtained from the Northern Ireland Judicial Appointments Commission Equality Monitoring Report in which it is noted 25.8% of the legal profession are aged 50 or over. It is again recognised however that the data was not specific to the subject proceedings and does not distinguish between solicitors and barristers.</p> <p>Data supplied to the Department by the Law Society in 2013 in respect of its membership shows that 16.08% were aged 20-30 years; 31.69% were aged 31-40</p>

Section 75 Category	Details of evidence/information
	<p>years; 24.55% were aged 41-50 years; 19.09% were aged 51-60 years; and 8.58% were 61+ years. Again, it is recognised that this data is not specific to the subject proceedings.</p> <p>Further supporting evidence may be drawn from the data collected on practitioners in the Impact of COVID-19 on Family Courts in Northern Ireland Report with 0% aged 18-25 years; 26% aged 26-35 years; 33% aged 36-45 years; 29% aged 46-55 years; 11% aged 56-65 years; and 0% aged 66+ years (remaining 1% preferred not to say). It is, again, recognised that the data was not specific to the subject proceedings and does not distinguish between solicitors and barristers. No further data is available to the Department on the age of the legal representatives engaged in representation in Article 8 and/or Article 50 proceedings at the FPC.</p> <p>There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p>
Marital status	<p><u>Parties to the proceedings (children):</u> Not applicable.</p> <p><u>Parties to the proceedings (parents/guardians):</u> The NI Legal Needs Survey 2006 reported that those who were divorced were most likely to have a legal problem with 58% of divorced responders reporting 1+ problem. Those who were separated followed with 45% of that category reporting 1+ problem; and those who are single (never married) with 38%. 35% of married responders reported 1+ problem.</p> <p>Similarly divorcees were found mostly likely to report a problem in the family category with 11% of those reporting a problem reporting an issue in relation to family matters, followed by those who are separated (10%) and those who are single (2%). No family type problems were reported by those who were married or widowed.</p> <p>In respect of unassisted litigants in person, 26.02% of the personal litigants surveyed were single; 29.27% were married/civil partnership/ co-habiting; 28.46% were separated; 15.45% were divorced; and 0.81% was widowed.</p> <p>No further data is available to the Department in relation to the marital status of parties to Article 8 or Article 50 proceedings at the FPC.</p> <p>There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p> <p><u>Legal representatives:</u> The 2011 NICTS Customer Exit Survey of 373 legal practitioners found that 53.1% of practitioners were married; 41.6% were single (never married); 0.5% were separated; 0.3% were widowed; and 0.3% were</p>

Section 75 Category	Details of evidence/information
	<p>formerly a civil partner (civil partnership now legally dissolved). No information is available on the remaining 2.4%. It is, however, recognised that the data was not specific to the subject proceedings and does not distinguish between solicitors and barristers. The data collected in the Impact of COVID-19 on Family Courts in Northern Ireland Report in relation to practitioners reports that 70% were married; 24% not married/civil partnership and 6% preferred not to say. Again, it is recognised, however, that the data is not specific to the subject proceedings and does not distinguish between solicitors and barristers. No further data is available to the Department in relation to the marital status of the legal representatives engaged in representation in Article 8 and/or Article 50 proceedings at the FPC. There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p>
Sexual orientation	<p><u>Parties to the proceedings (children):</u> No evidence is available to the Department on the sexual orientation of children subject to proceedings under Article 8 or Article 50 of the Children (NI) Order 1995.</p> <p><u>Parties to the proceedings (parents/guardians):</u>LSANI do not hold any relevant statistical data in relation to the sexual orientation of assisted parties. According to data taken from the Sexual Orientation Report, UK: 2017, 0.5% of families in the UK were same-sex cohabiting couple families in 2017. It may be noted that data taken from the same report confirms that Northern Ireland had the lowest percentage of all UK countries with 1.2% of the household population identifying as lesbian, gay or bisexual. Data taken from the Litigants in Person survey reported that of the personal litigants surveyed 92.68% identified as heterosexual/straight; and 2.44% identified as gay/lesbian (remainder other/prefer not to answer). No other relevant information is available to the Department in relation to the sexual orientation of parties to proceedings under Article 8 and/or Article 50 of the Children (NI) Order 1995 at the FPC. There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p> <p><u>Legal representatives:</u> As noted above, the Sexual Orientation Report, UK: 2017 notes that Northern Ireland has the lowest percentage of household populations in all UK countries reporting as lesbian, gay or bisexual with 1.2%. The Integrated Household Survey Report (Office of</p>

Section 75 Category	Details of evidence/information
	<p>National Statistics) from 2014, confirmed that in Northern Ireland, 1.9% of all persons aged 16 or over identifying as lesbian, gay or bisexual were employed in managerial and professional roles; 1.0% were in intermediate roles; and 2.5% were in routine and manual roles.</p> <p>Given that the data available to the Department suggests that those legal representatives engaged in proceedings under Article 8 and/or Article 50 of the Children Order (NI) 1995 are more likely to be female, the Department referred to the Subnational Sexual Identity Estimates, UK: 2013 to 2015, where it is reported that the proportion of males in Northern Ireland identifying as gay or bisexual was 1.6% whereas the percentage of females identifying as lesbian, gay or bisexual was 0.3%.</p> <p>No further relevant data is available to the Department in relation to the sexual orientation of the legal representatives engaged in representation in Article 8 and/or Article 50 proceedings at the FPC.</p> <p>There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p>
Men and Women generally	<p><u>Parties to the proceedings (children):</u></p> <p>The 2018 Mid-Year Population Estimate (NISRA 2019) estimates that the gender split in the child population of Northern Ireland is 51% male and 49% female.</p> <p>The Children Order Bulletins show that, over the past 3 financial years, of the children involved in proceedings under the Children (NI) Order 1995, the gender split has broadly reflect that of the wider child population, with 50.31% male and 49.34% female (remainder unknown).</p> <p>Of the children in need at 31 March 2019, a higher proportion were male than female (55% and 45% respectively).</p> <p>This is supported by the data provided to the Department from NIGALA in respect of represented children in completed proceedings over the past 5 financial years. This demonstrates that, in proceedings under Article 8, 52.71% of represented children were male and 47.29% female. Similarly, in proceedings under Article 50, 52.09% were male and 47.91% were female.</p> <p>The Department have been unable to identify any information in relation to cis/trans-gender identities. No further data is available to the Department in relation to the gender of parties (children) to Article 8 or Article 50 proceedings at the FPC.</p> <p>Whilst there is some evidence to suggest that male children are more likely to be party to the proceedings to which the reform proposals apply, there is no evidence available to the Department to indicate that</p>

Section 75 Category	Details of evidence/information
	<p>this S.75 group will be adversely impacted by the proposals.</p> <p><u>Parties to the proceedings (parents/guardians):</u> The NI Legal Needs Survey 2006 found that men were slightly more likely to have a legal problem with 37% of male respondees reporting 1+ problem compared with 34% of female respondees. Both groups were equally likely to report a problem in relation to family issues, with 2% of those with 1+ problem reporting a problem in relation to this area.</p> <p>The Department has referred to the University of Ulster report: ‘Litigants in person in Northern Ireland: barriers to legal participation’. In particular, the Department notes the data extracted from NICTS management information system in respect of all litigants in Children Order Family Proceedings. This shows that for Children Order proceedings in the Family Proceedings Court in the 5 year period from 2012-2016 (inclusive), 52.83% of litigants were female and 46.59% were male (remainder unknown).</p> <p>The Department has also referred to the information in relation to litigant gender collected by the Impact of COVID-19 on Family Courts in Northern Ireland Report in which 52% of litigants were male; and 45% female (remainder unknown).</p> <p>Information taken from the ‘Estimates of the separated family population statistics: April 2014 to March 2018’ reports that approximately 90% of resident parents in separated families were female. Whilst these figures relate to England, Wales & Scotland in the absence of any equivalent data specific to Northern Ireland, it is assumed in correlation the majority of resident parents in separated families in this jurisdiction will be female. Monitoring information in relation to those accessing relationship counselling through Relate reports that 59% of those with whom Relate worked with were female; 40% male; and 1% transsexual.</p> <p>The Department have been unable to identify any further information in relation to cis/trans-gender identities.</p> <p>No further data is available to the Department in relation to the gender of parties (parents/guardians) to Article 8 or Article 50 proceedings at the FPC.</p> <p>There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p> <p><u>Legal representatives:</u> The 2011 NICTS Customer Exit Survey of 373 legal practitioners found 50.4% of those surveyed were male and 48.5% female. No information is available in relation to the remaining 1.1%.</p> <p>Information supplied by the Law Society in 2013 showed that of its membership reported 52.56% of</p>

Section 75 Category	Details of evidence/information
	<p>members were male and 47.44% female. The Department has also referred to academic research in respect of gender in the Northern Irish legal profession where there is a recurrent theme in the literature of the diversion of woman into family law specialisms (Leith <i>et al.</i>, 2013; Morison, 2015; Treanor, 2020).</p> <p>This is supported by the breakdown of practitioners surveyed for the Impact of COVID-19 on Family Courts in Northern Ireland Report in which 86% were female and 13% male (remainder unknown).</p> <p>In the absence of any further detailed statistical data relating to gender of family law solicitors within this jurisdiction, the Department have sought information from England and Wales. It is noted that the Solicitor's Regulation Authority in March 2020 reported a broadly similar gender breakdown to NI wherein 49% of solicitors in firms regulated were female. The Resolution Family Law Diversity Survey 2019, however, reported 73% of its members were female and 27% male reflecting the received position that female practitioners are over-represented in family law practice.</p> <p>The Department have been unable to identify any information in relation to cis/trans-gender identities. No further data is available to the Department in relation to the gender of the legal representatives engaged in representation in Article 8 and/or Article 50 proceedings at the FPC.</p> <p>Whilst the evidence available to the Department suggests that the proposals will impact greater upon women as family law practitioners engaged in proceedings under Article 8 and/or Article 50 of the Children (NI) Order 1995 at the FPC, there is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p>
Disability	<p><u>Parties to the proceedings (children):</u></p> <p>The Delegated Statutory Functions Statistical Report [31/03/19] reports that of the 24,289 Children in Need and known to Social Services a total of 4,390 children had a disability (18.07%). The children with a Disability figure represents 1% of the overall population of children aged 0-17 years in N. Ireland. Most children had a learning disability (44.8%) followed by children in the autism category (35.9%).</p> <p>Table S5.1 of the Family Resources Survey 2017/2018 reports that 21% of all individuals and 6% of children in Northern Ireland has a disability.</p> <p>No further data is available to the Department in relation to the disability status of parties (children) to Article 8 or Article 50 proceedings at the FPC. There is no evidence available to the Department to</p>

Section 75 Category	Details of evidence/information
	<p>indicate that this S.75 group will be adversely impacted by the proposals.</p> <p><u>Parties to the proceedings (parents/guardians):</u> Table S5.1 of the Family Resources Survey 2017/2018 reports that 21% of all individuals and 6% of children in Northern Ireland has a disability. This is supported by the information in respect of litigant disability recorded in the Impact of COVID-19 on Family Courts in Northern Ireland Report, in which 11% of those surveyed considered themselves to have a disability and 87% reporting no disability (remainder preferred not to say). No further data is available to the Department in relation to the disability status of parties (children) to Article 8 or Article 50 proceedings at the FPC. There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p> <p><u>Legal representatives:</u> The 2011 NICtS Customer Exit Survey of 373 legal practitioners found 3.2% considered themselves to have a disability. 94.9% of those surveyed did not consider they had a disability. No information is available in relation to the remaining 1.9%. In respect of those practitioners surveyed for the Impact of COVID-19 on the Family Courts in Northern Ireland Report, 96% did not consider themselves to have a disability; with the remaining 4% reporting a disability or preferred not say. It is, however, recognised that the data sample was limited in numbers in this survey and does not distinguish between solicitors and barristers. No further data is available to the Department in relation to any disability of the legal representatives engaged in representation in Article 8 and/or Article 50 proceedings at the FPC. There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p>
Dependants	<p><u>Parties to the proceedings (children):</u> No evidence is available to the Department on the dependents/caring responsibilities of children subject to proceedings under Article 8 or Article 50 of the Children (NI) Order 1995.</p> <p><u>Parties to the proceedings (parents/guardians):</u> Given that the policy sets out remuneration arrangements for legal representation at proceedings brought under Article 8 and/or Article 50 of the Children (Northern Ireland) Order 1995, it is reasonable to assume those with dependants will necessarily be party to those proceedings. This is supported by the information collated in respect of litigants in the Impact of COVID-19 on Family Courts</p>

Section 75 Category	Details of evidence/information
	<p>in Northern Ireland in which 79% of litigants had dependants/carer responsibilities.</p> <p>The 2006 Legal Needs Survey NI further suggests those with dependents are more likely to have a legal problem in general than those without (46% of respondents of working age with 1 or more dependents reporting a problem – vs- 35% without; & 25% of respondents of retirement age with 1 or more –vs- 17% without).</p> <p>The Department has also had reference to the qualitative evidence in A father's story (Report from The Detail, 2016).</p> <p>No further data is available to the Department in relation to the breakdown of parties to Article 8 or Article 50 proceedings at the FPC in relation to dependants.</p> <p>There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p> <p><u>Legal representatives:</u></p> <p>In the Impact of COVID-19 on Family Courts in Northern Ireland Report it is noted that 66% of practitioners surveyed had dependant/care responsibilities and 32% had no such responsibilities.</p> <p>No further relevant data is available to the Department in relation to the breakdown of legal representatives engaged in representation in Article 8 and/or Article 50 proceedings at the FPC with or without dependants.</p> <p>There is no evidence available to the Department to indicate that this S.75 group will be adversely impacted by the proposals.</p>

***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><u>Parties to the proceedings (children):</u> Whilst the evidence above suggests that Article 50 proceedings are more likely to involve those of the Roman Catholic faith, it is not considered that the proposed policy reform will have a differential effect on the needs, experiences and priorities of this category.</p> <p><u>Parties to the proceedings (parents/guardians):</u> Whilst the evidence above suggests that Article 50 proceedings are more likely to involve those of the Roman Catholic faith, it is not considered that the proposed policy reform will have a differential effect on the needs, experiences and priorities of this category.</p> <p><u>Legal representatives:</u> Whilst the evidence above suggests that the subject proceedings are more likely to involve representatives of the Roman Catholic faith, it is not considered that the proposed policy reform will have a differential effect on the needs, experiences and priorities of this category.</p>
Political opinion	<p><u>Parties to the proceedings (children):</u> It is not considered from the evidence available to the Department that the proposed policy reform will have an effect on the needs, experiences and priorities of this category.</p> <p><u>Parties to the proceedings (parents/guardians):</u> It is not considered from the evidence available to the Department that the proposed policy reform will have an effect on the needs, experiences and priorities of this category.</p> <p><u>Legal representatives:</u> It is not considered from the evidence available to the Department that the proposed policy reform will have an effect on the needs, experiences and priorities of this category.</p>
Racial group	<p><u>Parties to the proceedings (children):</u> It is not considered from the evidence available to the Department that the proposed policy reform will have an effect on the needs, experiences and priorities of this category.</p> <p><u>Parties to the proceedings (parents/guardians):</u> It is not considered from the evidence available to the Department that the proposed policy reform will have an effect on the needs, experiences and priorities of this category.</p> <p><u>Legal representatives:</u> It is not considered from the evidence available to the Department that the proposed policy reform will have</p>

Section 75 Category	Details of evidence/information
Age	<p>an effect on the needs, experiences and priorities of this category.</p> <p><u>Parties to the proceedings (children):</u> As demonstrated by the evidence above, and by the intrinsic nature of the proceedings to which the remuneration reforms relate, the proposals will impact on children as parties to the proceedings. The principle of prioritising the welfare of the child is already well established in family law - Article 3 of the Children Order (NI) 1995 places a statutory obligation on the court to place the child's welfare as the paramount consideration. In consideration of the evidence, the Department considers that the avoidance of delay in proceedings is a priority need for this Section 75 category. The 2015 Access to Justice Review noted that standard fees will have the potential to incentivise a less adversarial approach to contact disputes by rewarding supplier efficiency and early resolution (ref para 11- Executive summary of A2J II 2015; & paras 4.22; 4.30; 18.31).</p> <p>The Department recognises that access to effective representation is a key priority of this Section 75 category and has sought to mitigate the risk of the potential withdrawal of service by the legal profession in response to the proposals by consistently seeking engagement with this stakeholder group throughout policy development.</p> <p><u>Parties to the proceedings (parents/guardians):</u> It is not considered from the evidence available to the Department that the proposed policy reform will have an effect on the needs, experiences and priorities of this category.</p> <p><u>Parties to the proceedings (parents/guardians):</u> It is not considered from the evidence available to the Department that the proposed policy reform will have an effect on the needs, experiences and priorities of this category.</p>
Marital status	<p><u>Parties to the proceedings (children):</u> N/A</p> <p><u>Parties to the proceedings (parents/guardians):</u> Whilst the evidence above suggests that subject proceedings are more likely to involve those who are separated and/or divorced, it is not considered that the proposed policy reform will have a differential effect on the needs, experiences and priorities of this category.</p> <p><u>Legal representatives:</u> It is not considered from the evidence available to the Department that the proposed policy reform would have a significant effect on the needs, experiences and priorities of this category.</p>
Sexual orientation	<p><u>Parties to the proceedings (children):</u> It is not considered from the evidence available to the</p>

Section 75 Category	Details of evidence/information
	<p>Department that the proposed policy reform will have an effect on the needs, experiences and priorities of this category.</p> <p><u>Parties to the proceedings (parents/guardians):</u> It is not considered from the evidence available to the Department that the proposed policy reform will have an effect on the needs, experiences and priorities of this category.</p> <p><u>Legal representatives:</u> It is not considered from the evidence available to the Department that the proposed policy reform would have an effect on the needs, experiences and priorities of this category.</p>
Men and Women generally	<p><u>Parties to the proceedings (children):</u> It is not considered from the evidence available to the Department that the proposed policy reform will have an effect on the needs, experiences and priorities of this category.</p> <p><u>Parties to the proceedings (parents/guardians):</u> It is not considered from the evidence available to the Department that the proposed policy reform will have an effect on the needs, experiences and priorities of this category.</p> <p><u>Legal representatives:</u> The evidence currently available to the Department indicates that female legal professionals are more likely to be engaged in representation in family law proceedings such as those to which the proposals relate. However, there is no specific evidence that females will be disproportionately impacted by these remuneration reforms. The proposals will apply equally to all legal professionals engaged under the legal aid scheme to provide representation at proceedings under Article 8 and/or Article 50 of the Children (NI) Order 1995.</p>
Disability	<p><u>Parties to the proceedings (children):</u> It is not considered from the evidence available to the Department that the proposed policy reform will have an effect on the needs, experiences and priorities of this category.</p> <p><u>Parties to the proceedings (parents/guardians):</u> It is not considered from the evidence available to the Department that the proposed policy reform will have an effect on the needs, experiences and priorities of this category.</p> <p><u>Legal representatives:</u> It is not considered from the evidence available to the Department that the proposed policy reform will have an effect on the needs, experiences and priorities of this category.</p>
Dependants	<p><u>Parties to the proceedings (children):</u> It is not considered from the evidence available to the Department that the proposed policy reform will have</p>

Section 75 Category	Details of evidence/information
	<p>an effect on the needs, experiences and priorities of this category.</p> <p><u>Parties to the proceedings (parents/guardians):</u> As demonstrated by the evidence above, and by the intrinsic nature of the proceedings to which the remuneration reforms relate, the proposals will impact on those with dependants as parties to the proceedings.</p> <p>In consideration of the evidence, the Department considers that the avoidance of delay in proceedings is a priority need for this Section 75 category. The 2015 Access to Justice Review noted that standard fees will have the potential to incentivise a less adversarial approach to contact disputes by rewarding supplier efficiency and early resolution (ref para 11- Executive summary of A2J II 2015; & paras 4.22; 4.30; 18.31). The Department recognises that access to effective representation is a key priority of this Section 75 category and has sought to mitigate the risk of any potential withdrawal of service by the legal profession in response to the proposals by consistently seeking engagement with this stakeholder group throughout policy development.</p> <p><u>Legal representatives:</u> It is not considered from the evidence available to the Department that the proposed policy reform will have an effect on the needs, experiences and priorities of this category.</p>

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 impacts currently identified.	None
Political opinion	No impacts currently identified.	None
Racial group	No impacts currently identified.	None
Age	Given the subject proceedings necessarily involve children as parties to the proceedings, and supported by the evidenced above, the Department considers that this section 75 category are indirectly engaged by the proposals. As the policy sets out the remuneration arrangements for the legal representatives engaged in the proceedings on a publically funded basis, the impact on this category is, however, dependant on the response from the profession. Any withdrawal of publically funded services and/or dilution of the levels and standards of service will impact on the access to justice for children. The policy intent is to regularise payments and does not represent a reduction in the level of remuneration available. The policy is further supported by evidence-based research to ensure compliance with section 47 of the Access to Justice (Northern Ireland) Order 2003 which sets out that fees must have regard for the time and skill required for a particular type of case.	Minor
Marital status	No impacts currently identified.	None
Sexual orientation	No impacts currently identified.	None
Men and Women generally	From the evidence available to the Department, female legal representatives are more likely to be engaged in proceedings under Article 8 and/or Article 50 of the Children (NI) Order 1995. The policy introduces a standard fee regime for the remuneration of the majority of those proceedings for which legal aid has been granted. The policy is supported by evidence-based research to ensure compliance with section 47 of the Access to Justice	Minor

Section 75 category	Details of policy impact	Level of impact? Minor/Major/None
	<p>(Northern Ireland) Order 2003 which sets out that fees must have regard for the time and skill required for a particular type of case.</p> <p>Scope for mitigation within the policy is, however, limited.</p>	
Disability	No impacts currently identified	None
Dependants	<p>Given the subject proceedings necessarily involve children, and supported by the evidenced above, the Department considers that this section 75 category are indirectly engaged by the proposals. As the policy sets out the remuneration arrangements for the legal representatives engaged in the proceedings on a publically funded basis, the impact on this category is, however, dependant on the response from the profession. Any withdrawal of publically funded services and/or dilution of the levels and standards of service will impact on the access to justice for dependants. Steps have been taken by the Department to mitigate the risk of any such impact by consistently seeking engagement with representatives of the professional bodies throughout the development of the policy. The policy is further supported through evidence-based research to ensure compliance with section 47 of the Access to Justice (Northern Ireland) Order 2003 which sets out that fees must have regard for the time and skill required for a particular type of case.</p>	Minor

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		None currently identified
Political opinion		None currently identified,
Racial group		None currently identified
Age		None currently identified
Marital status		None currently identified
Sexual orientation		None currently identified
Men and Women generally		None currently identified
Disability		None currently identified
Dependants		None currently identified

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	N/A – no impact	None
Political opinion	N/A – no impact	None
Racial group	N/A – no impact	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		No, the policy reforms fees for publically funded remuneration of the legal profession in proceedings under Article 8 and/or Article 50 of the Children (NI) Order 1995 at the FPC.
Political opinion		No, the policy reforms fees for publically funded remuneration of the legal

Good relations category	If Yes, provide details	If No, provide reasons
		profession in proceedings under Article 8 and/or Article 50 of the Children (NI) Order 1995 at the FPC.
Racial group		No, the policy reforms fees for publically funded remuneration of the legal profession in proceedings under Article 8 and/or Article 50 of the Children (NI) Order 1995 at the FPC.

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.

The evidence available to the Department suggests that young Roman Catholics are more likely to be taken into care and are therefore more likely to be subject to public law proceedings under Article 50 of the Children (NI) Order 1995. As the proposals, however, relate to the remuneration arrangements for the legal representatives engaged in those proceedings under the legal aid scheme it is not considered that there will be a differential impact on this multiple identity group.

Similarly, there is evidence that female Catholic solicitors are more likely to be engaged as representatives in proceedings under Article 8 and Article 50 of the Children (NI) Order 1995 at the Family Proceedings Court. The proposals will, however, apply equally to all representatives engaged in the subject proceedings under the legal aid scheme and will not have a differential impact on this multiple identity group.

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.

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.

On the basis of the screening exercise there is considered to be no adverse impact on any s.75 group which would warrant an equality impact assessment. It has been decided not to conduct an equality impact assessment.

The policy seeks to introduce standard fees for solicitors engaged in proceedings under Article 8 and Article 50 of the Children (NI) Order 1995 at the Family Proceedings Court for which civil legal aid is granted.

Although the evidence suggests that female legal representatives are more likely to be engaged in the subject proceedings, there is no specific evidence to suggest there will be an adverse and/or disproportionate impact. Whilst the scope for mitigation with the policy is limited in this regard, the proposals have been designed in compliance with section 47 of the Access to Justice (Northern Ireland) Order 2003 which sets out that fees must have regard for the time and skill required for a particular type of case; and are considered to represent fair remuneration for a standard case under Article 8 and Article 50 of the Children (NI) Order 1995. The proposals are designed to standardise remuneration and to be cost-neutral, thereby attenuating the overall impact upon legal representatives. Further, the policy will apply equally to all representatives engaged irrespective of their section 75 category status.

Screening has further suggested that there may be an indirect minor impact on other section 75 categories, namely children and those with dependants. Any such impact is largely dependent on the levels of support the policy receives from those directly impacted – i.e. the legal profession engaged in Article 8 and Article 50 proceedings for which legal aid has been granted. The Department has sought to mitigate the risk of any adverse impact on the level and standards of legal representation available under the legal aid scheme through development of a standard fee regime which is designed to be cost-neutral; and through robust evidence based research to inform and support policy proposals.

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	N/A
Social need	N/A
Effect on people’s daily lives	N/A
Relevance to a public authority’s functions	N/A

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.

Enabling Access to Justice Division has liaised with the Legal Services Agency Northern Ireland as services transition between providers to ensure implementation of the policy is not affected.

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	No new monitoring arrangements will be introduced as part of the policy. The data relied upon for this screening exercise will continue to be collected in order to monitor the impact of any changes. However as part of the reform programme and specifically related to the forthcoming introduction of the new Statutory Registration Scheme, consideration is being given to how S75 data and other statistics can be collected in the future.
Good relations	As above
Disability Duties	As above

Part 5 Formal Record of Screening Decision

Title of Proposed Policy / Decision being screened

Family Fees Project – Standard fees for proceedings under Article 8 and Article 50 of the Children (Northern Ireland) Order 1995 at the Family Proceedings Court and High Court.

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 type="checkbox"/>	Screened Out – no EQIA necessary (no impacts)
<input checked="" type="checkbox"/>	Screened Out – mitigating actions (minor 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 Julie Toner	SO	29 March 2021
Approved by (Grade 7 or above):	Grade	Date
Name Ciaran McGrath	G7	21 April 2021

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.

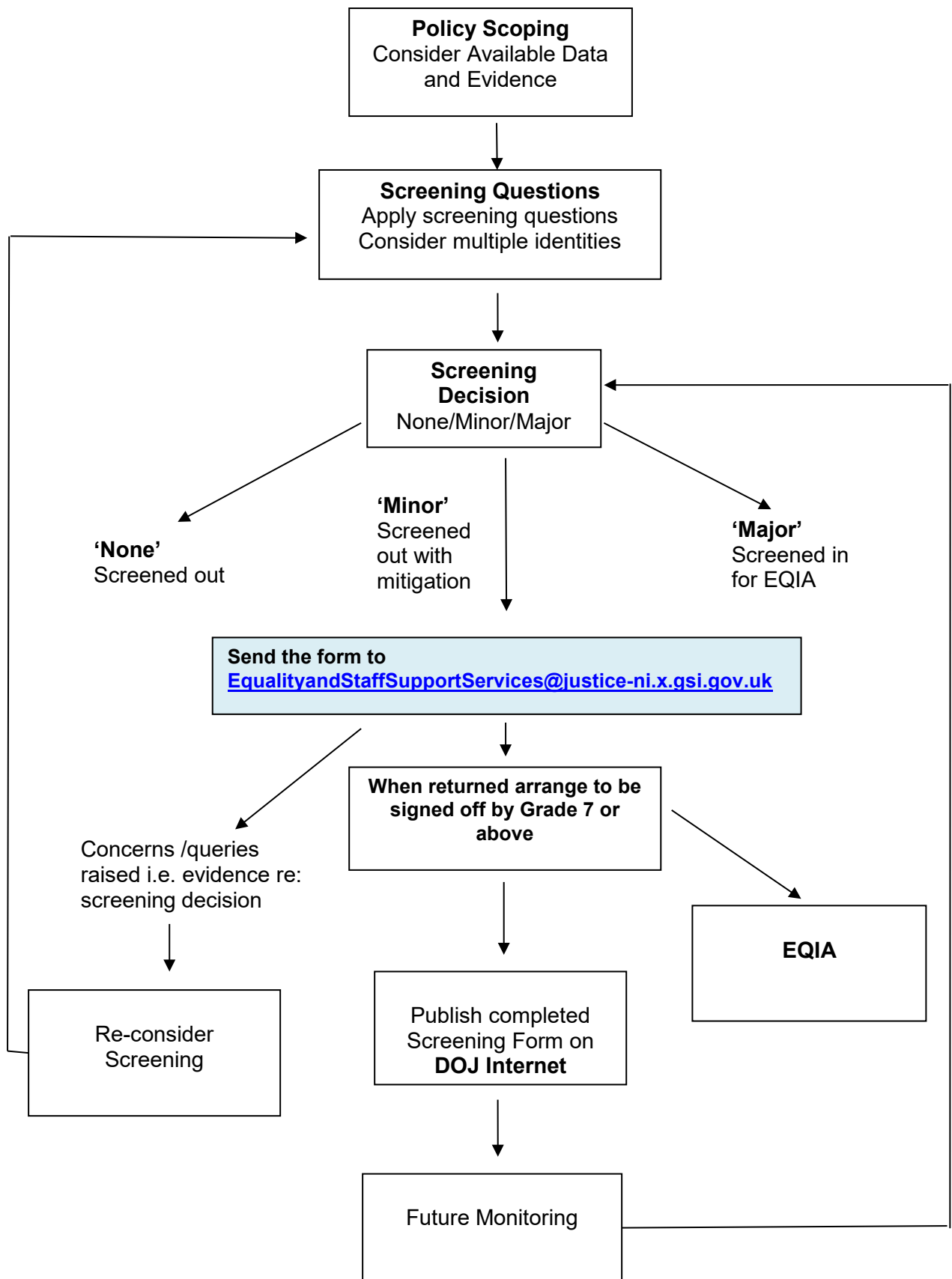
The Screening exercise is now complete.

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.

ANNEX C

Index of sources used to inform Equality Screening of Family Fees policy

No	Detail (Author; Title; Date; any available link)
1.	Dr Kirsten Asmussen, Dr Freyja Fischer, Elaine Drayton & Tom McBride; Early Intervention Foundation: Adverse childhood experiences – What we know, what we don't know, and what should happen next ; February 2020
2.	Department of Health: Children's Social Care Statistics Report 2018/2019 ; 10 October 2019
3.	Department of Health: Children's Social Care Statistics Report 2019/2020 ; 7 January 2021
4.	Department of Work and Pensions: Estimates of the separated family population statistics: April 2014 to March 2018 ; Published 26 March 2020 -
5.	Lindsay Fergus: The Children behind the statistics ; 14 April 2016, thedetail.tv -
6.	Lindsay Fergus: A child's story ; 14 April 2016, thedetail.tv -
7.	Lindsay Fergus: A father's story ; 14 April 2016, thedetail.tv -
8.	Health and Social Care Board: Delegated Statutory Functions (Annual Corporate Parenting Report) Statistical Report – 1 April 2018 – 31 March 2019; Directorate of Social Care and Children;
9.	Law Society of NI; Letter from Mr Alan Hunter, Chief Executive, to Public Legal Services Division; 16 October 2013 re: Equality Screening
10.	Leith, P., Dickson, B., Morison, J., Wheeler, S. & Lynch, M. (2013) Rewarding Merit in Judicial Appointments? A Research Project Undertaken by the School of Law, Queen's University Belfast for the Northern Ireland Judicial Appointments Commission.
11.	Gráinne McKeever, Lucy Royal-Dawson, Eleanor Kirk & John McCord: Litigants in personal in Northern Ireland: barriers to legal participation ; Ulster University: Belfast, 2018 -
12.	G. McKeever, J. McCord, L. Royal-Dawson and P. Yarnell: The Impact of COVID-19 on Family Court in Northern Ireland ; Ulster University: Belfast December 2020 -
13.	Morison, J. (2015) Finding “merit” in judicial appointments: the Northern Ireland judicial appointments Commission (NIJAC) and the search for a new judiciary for Northern Ireland, in: A.McAlinden & C.Dwyer (Eds) <i>Criminal Justice in Transition: The Northern Ireland Context</i> (Oxford, Hart Publishing), pp. 131–156.
14.	NICTS Customer Exit Survey 2011 – Members of the legal profession who participated in 2011 Customer Exit Survey – section 75 data; NICTS, 2011
15.	NICTS: NI Children Order Bulletin
16.	NILSC: Northern Ireland Legal Needs Study: 2006 ; July 2006
17.	NISRA: Table KS201NI - 2011 Census Results; Key Statistics Northern Ireland Report , 11 December 2012
18.	NISRA: Family Resources Survey 2017 – 2018: Carers and Disability ;
19.	NISRA: The Judiciary in Northern Ireland 2019 Equality Monitoring Report – 1 April 2019
20.	NISRA: The 2018 Mid-Year Population Estimates for Northern Ireland ; 26 June 2019
21.	Office of National Statistics: Sexual Identity lesbian, gay and bisexual population by Occupation by Country ; 1 October 2015
22.	Office of National Statistics: Subnational Sexual Identity Estimates, UK: 2013 to 2015 ; 19 April 2017
23.	Office of National Statistics: Sexual orientation, UK: 2017. Experimental statistics on sexual orientation in the UK in 2017 by region, sex, age, marital status, ethnicity and socio-economic classification
24.	Relate 2018/2019 Annual Report

No	Detail (Author; Title; Date; any available link)
25.	Resolution Diversity Survey 2019
26.	Solicitors Regulation Authority: How diverse is the legal profession? 20 March 2020 -
27.	Leah Treanor (2020) Problems in the pathways to judicial success: women in the legal profession in Northern Ireland, International Journal of the Legal Profession, 27:2, 203-216, DOI: 10.1080/09695958.2020.1742719