



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie o tha Laa

DOJ Section 75

EQUALITY SCREENING FORM

Title of Policy: Court fee increases 2023-2024

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

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

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

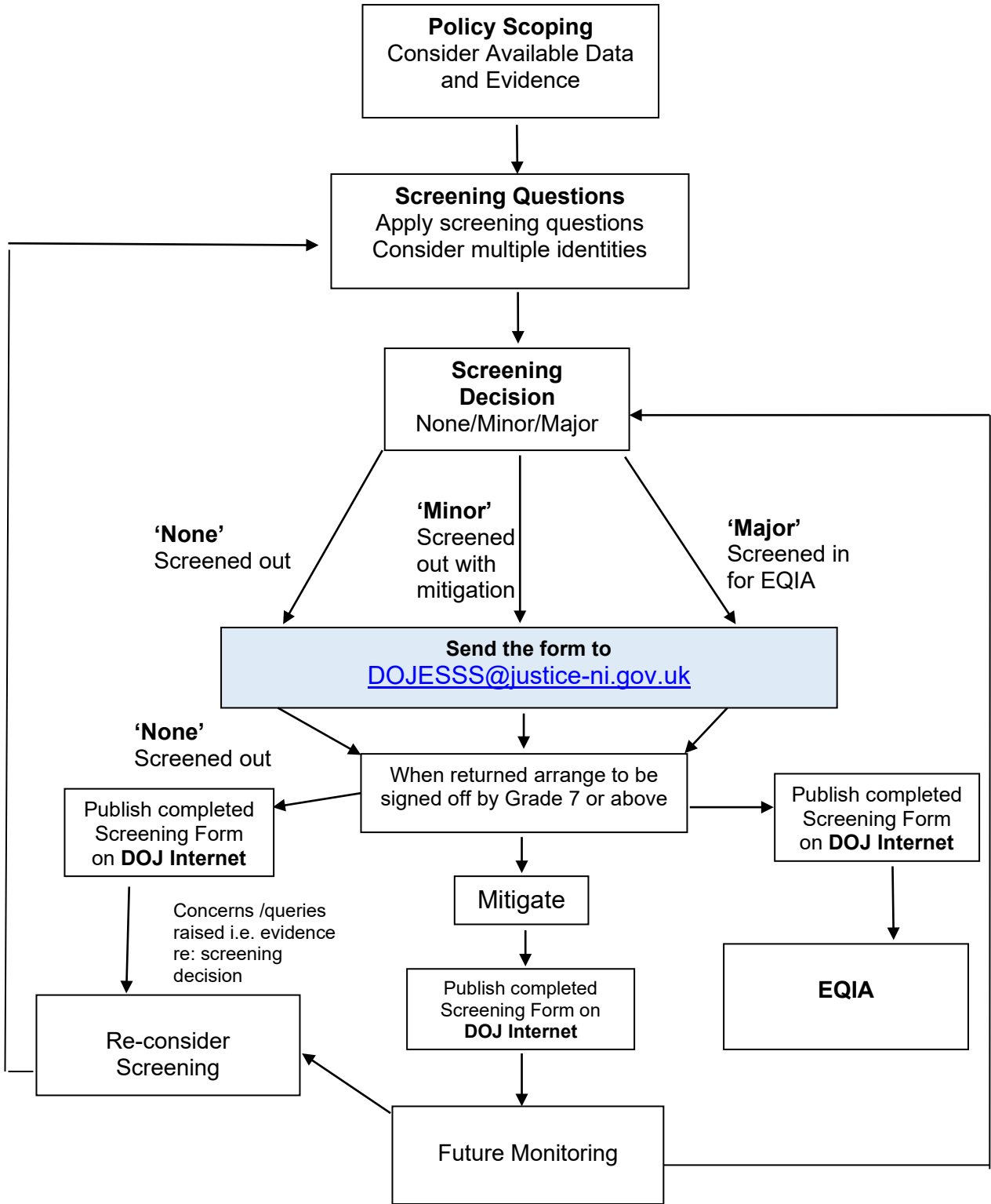
Part 3. Screening decision – guides the public authority to reach a screening decision as to whether or not there is a need to carry out an

equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

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

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

A screening flowchart is provided overleaf.



Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

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

Information about the policy

Name of the policy

Court fee increases 2023-2024

Is this an existing, revised or a new policy?

Existing policy

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

The Northern Ireland Courts and Tribunals service (NICTS) intends to implement an increase to the majority of fees charged for processing civil and family court business. Increases will take effect during each of the next two years, with a 9% increase to be implemented on 1 November 2023 and a further 9% increase to be implemented on 1 October 2024. In addition, NICTS also intends to make some minor changes to court fees in the areas of licensing and probate, as follows:

- Licensing - fees are being prescribed for new licensing applications, e.g. an application for further additional permitted hours, which can be brought to court as a consequence of recent Department for Communities (DfC) led licensing reforms; and
- Probate - to correct a previous drafting oversight in the Non-Contentious Probate Fees Order relating to the fee charged for a certified/sealed copy of a probate grant.

The primary purpose of the proposed changes is to enable NICTS to move towards a position of full cost recovery in the provision of civil and family court business, which is a requirement under Managing Public Money (Northern Ireland) (MPMNI). The fees charged in the civil and family courts currently do not reflect the full costs associated with providing the services with NICTS currently recovering around 80% of these costs. The additional revenue generated by the fee policy proposed will help to alleviate financial pressures within the Agency and provide a long-term sustainable funding source for civil and family courts. The proposals should also reduce the financial burden on DoJ, and ultimately the taxpayer, as they are required to make up the shortfall in funding.

Court fees were previously increased in 2017 and 2019 with public consultations undertaken, seeking views from a range of stakeholders. Responses were received on a range of issues related to the proposals but there was no evidence to suggest that a general court fee uplift would have a disproportionate and adverse consequence on any particular S75 category of court users. A targeted consultation with key stakeholders was undertaken in May 2023 in relation to the proposed 2023-24 fee increases, and there is no suggestion that a general court fee uplift would have any impact on equality of opportunity.

In addition to moving towards a position of full cost recovery, NICTS also has a responsibility to ensure that the level at which fees are set does not prevent access to justice. There are a number of existing measures in place to help protect access to justice for individuals who cannot afford to pay court fees, and so mitigate the impact of the fee increases proposed;

- Court users may be eligible for assistance via the Civil Legal Aid Scheme;
- The NICTS Exemption and Remission policy remains in place, which is designed to support individuals on specified benefits or with limited resources.
- NICTS has a policy of subsidising domestic and family court fees, with the aim to keeping the cost affordable for this group of court users. Under this policy, the majority of domestic and family court fees are subsidized at 50%, while applications related to domestic violence are fully subsidized.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

No – the proposals will apply to all civil and family court users, independent of the Section 75 categories to which they belong. In considering the impact of court fee increases on court users, NICTS recognises affordability to be a key issue across all section 75 categories with measures to address this already in place.

Who initiated or wrote the policy?

The proposed changes to the policy have been written by NICTS.

Who owns and who implements the policy?

NICTS will own and implement the policy.

Implementation factors

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

If yes, are they (please delete as appropriate)

Financial – civil and family court business is a demand led service and as such the revenue, costs and cost recovery performance may differ from projections; this is unlikely to be significant and will continue to be closely monitored.

Legislative – changes to court fees require Statutory Rules to be made.

Other, please specify – n/a

Main stakeholders affected

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

Staff – responsible for implementing the policy

Service users – civil and family court users, including the legal profession

Other public sector organisations – in particular, the Legal Services Agency NI

~~Voluntary/Community/Trade Unions~~

Other, please specify – n/a

Other policies with a bearing on this policy

What are they?

1. Court Fee Exemption and Remission Policy
2. Managing Public Money (Northern Ireland) - Chapter Six “Fees, Charges & Levies”
3. Civil Legal Aid Scheme

Who owns them?

1. NICTS, Department of Justice (DOJ), Northern Ireland Civil Service (NICS)
2. Department of Finance, NICS
3. Enabling Access to Justice Division, DOJ, NICS

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to [signpost to S75 data](#).

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

In 2018, NICTS, with the assistance of Kantar Milward Brown, carried out a survey of court users with the aim of collecting data which would be used to conduct the necessary impact assessments associated with consultation proposals. We are of the opinion that the data collected in 2018 is still reflective of the current composition of court users and, therefore, remains relevant today.

In addition, we have considered the results of the recent 2021 Northern Ireland Census, where relevant, as this represents the wider population of Northern Ireland and therefore includes information on potential future court users.

Religious belief evidence / information:

The 2018 court user survey showed that, of the civil and family court users interviewed, 40.3% were Catholic, 39.4% were Protestant, 4.5% were other religion and 14.3% were of no religion. The remaining respondents did not know or refused to answer.

The 2021 NI Census showed that, of the overall population, 42.3% were Catholic, 37.4% were Protestant or other Christian, 1.3% were other religion and 19% were of no religion or refused to answer. These population wide statistics are similar to the breakdown of users as found in the 2018 court user survey.

The proposed changes to fees will apply to all civil and family court users, independent of their religious beliefs. We are not aware of any evidence that this policy will have any impact on equality of opportunity based on religious beliefs.

Political Opinion evidence / information:

Political opinion was not canvassed in the 2018 court user survey or the 2021 NI Census.

The proposed changes to fees will apply to all civil and family court users, independent of their political opinion. We are not aware of any evidence that this policy will have any impact on equality of opportunity based on political opinion.

Racial Group evidence / information:

The 2018 court user survey showed that, of the civil and family court users interviewed, 97.7% were White. The remainder comprised of Chinese (0.3%), Romani Traveller (0.2%), Indian (0.2%), Pakistani (0.2%), Black – Caribbean (0.2%), Black – African (0.7%), Persian (0.2%), Lithuanian (0.2%) and North African (0.1%) respondents.

The 2021 NI Census showed that, of the overall population, 96.5% were White and 3.5% were described as non-white ethnicity. Findings in the 2021 NI Census on racial group are similar to that for court users as determined by the 2018 court user survey.

The proposed changes to fees will apply to all civil and family court users, independent of their racial group. We are not aware of any evidence that this policy will have any impact on equality of opportunity based on race.

Age evidence / information:

The 2018 court user survey showed that, of the civil and family court users interviewed, 10.3% were aged 16 to 25, 31.3% were aged 26 to 35, 29.1% were aged 36 to 45, 18.5% were aged 46 to 55 and the remaining 10.8% were over 55.

Results of the 2021 NI Census showed that, of the overall population, 10.6% were aged 16 to 24, 12.7% were aged 25 to 34, 13.1% were aged 35 to 44, 13.3% were aged 45 to 54 and 29.9% were over 55. The remaining 20.4% were aged 15 or under.

Court users primarily tend to be in the working age bracket while the 2021 NI Census relates to the general population so results from the two data sources are different, but expected.

The proposed changes to fees will apply to all civil and family court users, independent of their age. We are not aware of any evidence that this policy will have any impact on equality of opportunity based on an individual's age.

Marital Status evidence / information:

The 2018 court user survey showed that, of the civil and family court users interviewed, 40.3% were single, 26.3% were married and living with spouse, 19.9% were married and separated from spouse, 7.6% were divorced, 4.2% were in a civil partnership and 1.1% were widowed. The remaining were either separated from their civil partner/in a former civil partnership now legally dissolved or did not know/refused to answer.

The 2021 NI Census showed that, of the overall population, 30.3% were single, 36.3% were married, 0.1% were in a civil partnership, 3% were separated, 4.8% were divorced/formerly in a civil partnership which is now legally dissolved and 5.1% were widowed/surviving partner from a civil partnership. The remaining 20.4% were under the age of 16 and therefore no response was expected from this subset.

There does not appear to be a correlation between the two data sources on the issue of marital status.

The proposed changes to fees will apply to all civil and family court users, independent of their marital status. We are not aware of any evidence that this policy will have any impact on equality of opportunity based on marital status.

Sexual Orientation evidence / information:

The 2018 court user survey did not canvass on sexual orientation.

The 2021 NI Census showed that, of the overall population, 71.7% were straight/heterosexual, 1.7% comprised of gay, lesbian, bisexual or other sexual orientation and 6.3% preferred not to say/refuse to answer. The remaining 20.4% were under the age of 16 and therefore no response was collected from this subset.

The proposed changes to fees will apply to all civil and family court users, independent of their sexual orientation. We are not aware of any evidence that

this policy will have any impact on equality of opportunity based on sexual orientation.

Men & Women generally evidence / information:

The 2018 court user survey showed that, of the civil and family court users interviewed, 50.3% were men and 49.7% were women.

The 2021 NI Census showed that, of the overall population, 49.2% were male and 50.8% were female. These results are similar to findings from the 2018 court user survey noting that the courts are used equally by men and women.

The proposed changes to fees will apply to all civil and family court users, independent of their sex. We are not aware of any evidence that this policy will have any impact on equality of opportunity based on sex.

Disability evidence / information:

The 2018 court user survey showed that, of the civil and family court users interviewed, 11.7% met the definition of a disabled person.

The 2021 NI Census did not canvass specifically for those who met the definition of a disabled person and as such no comparable data could be drawn from this.

The proposed changes to fees will apply to all civil and family court users, independent of disability status. We are not aware of any evidence that this policy will have any impact on equality of opportunity based on disability status.

Dependants evidence / information:

The 2018 court user survey showed that, of the civil and family court users interviewed, 69.5% had a dependant child/children. In addition, 10.5% of respondents had an adult dependant on them.

The 2021 NI Census showed that, of the overall population, 47.8% of households had a dependant child/children. They did not specifically record data on households with adult dependants.

Given the availability of family courts services it is to be expected that a higher proportion of users have dependant child/children or have an adult dependant on them than the general population.

The proposed changes to fees will apply to all civil and family court users, independent of whether or not they have dependants. We are not aware of any evidence that this policy will have any impact on equality of opportunity based on whether or not an individual has dependants. However, this category of user may be more likely to benefit from subsidised fees in the family court if they are accessing these services.

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?

The proposed fee increases will apply to all civil and family court users, independent of the section 75 categories to which they belong. It may be the case that the individual in a particular S75 category is eligible for assistance with fees as detailed in Part 1.

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

Religious belief

We are not aware of any evidence that would suggest that there would be any differential impact of this policy on the needs, experiences or priorities of court users based on their religious beliefs.

Political Opinion

We are not aware of any evidence that would suggest that there would be any differential impact of this policy on the needs, experiences or priorities of court users based on their political opinion.

Racial Group

We are not aware of any evidence that would suggest that there would be any differential impact of this policy on the needs, experiences or priorities of court users based on their racial group.

Age

We are not aware of any evidence that would suggest that there would be any differential impact of this policy on the needs, experiences or priorities of court users based on their age.

Marital status

We are not aware of any evidence that would suggest that there would be any differential impact of this policy on the needs, experiences or priorities of court users based on their marital status.

Sexual orientation

We are not aware of any evidence that would suggest that there would be any differential impact of this policy on the needs, experiences or priorities of court users based on their sexual orientation.

Men and Women Generally

We are not aware of any evidence that would suggest that there would be any differential impact of this policy on the needs, experiences or priorities of court users based on their sex.

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

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

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are

concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?

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

The proposed changes to court fees will apply to all court users, independent of the Section 75 categories to which they belong. The impact of court fee increases is largely financial as court users will have to pay more to avail of services; this comes at a time when many households are experiencing financial pressures due to the economic climate. It is, however, important to note that the proposed fee increase is below inflation incurred since NICTS fees were last increased in 2019.

Where eligible, assistance from legal aid, subsidised fees and the availability of NICTS Exemption and Remission Policy should ensure that court users who may have affordability issues which are exacerbated by the fee policy proposed, would continue be protected. For individuals who are not eligible for help with their legal costs or court fees, if they are a successful party in civil litigation they will be entitled to have court fees and other outlays reimbursed to them by the losing party.

Details of the likely policy impacts on **Religious belief**:

NICTS is not aware of any evidence to suggest that the proposed changes will have a disproportionate impact on the equality of opportunity for those of different religious beliefs.

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

Details of the likely policy impacts on **Political Opinion**:

NICTS is not aware of any evidence to suggest that the proposed changes will have a disproportionate impact on the equality of opportunity for those of different political opinions.

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

Details of the likely policy impacts on **Racial Group**:

NICTS is not aware of any evidence to suggest that the proposed changes will have a disproportionate impact on the equality of opportunity for those of different racial groups.

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

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

NICTS is not aware of any evidence to suggest that the proposed changes will have a disproportionate impact on the equality of opportunity based on an individual's age.

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

Details of the likely policy impacts on **Marital Status**:

NICTS is not aware of any evidence to suggest that the proposed changes will have a disproportionate impact on the equality of opportunity based on an individual's marital status.

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

Details of the likely policy impacts on **Sexual Orientation**:

NICTS is not aware of any evidence to suggest that the proposed changes will have a disproportionate impact on the equality of opportunity based on an individual's sexual orientation.

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

Details of the likely policy impacts on **Men and Women**:

NICTS is not aware of any evidence to suggest that the proposed changes will have a disproportionate impact on the equality of opportunity for men or women generally.

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

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

NICTS tries to ensure that Courthouses and their facilities are accessible to all court users and income generated from civil and family court fees is used, in part, to maintain the Court's estate. It is possible that if the policy to increase court fees was not pursued at this time, then diminishing financial resources could, over time, result in NICTS being unable to maintain the estate to its current standards and could in turn impact on accessibility for disabled court users.

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

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

NICTS has a policy of subsidising domestic and family court fees, with the aim of keeping the cost affordable for individuals or families who need to come to court regarding their dependants. Under this policy, the majority of domestic and family court fees are subsidised at 50%. This policy will remain in place and will continue to benefit those with dependent children who have to make an application to the court in connection with their child(ren) and ensure that access to justice is maintained for this S75 group.

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

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

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

Religious Belief - If Yes, provide details:

If No, provide reasons: NICTS does not consider that the proposed changes to this policy provide any opportunity to better promote equality of opportunity for people of different religious beliefs.

Political Opinion - If Yes, provide details:

If No, provide reasons: NICTS does not consider that the proposed changes to this policy provide any opportunity to better promote equality of opportunity for people of differing political opinions.

Racial Group - If Yes, provide details:

If No, provide reasons: NICTS does not consider that the proposed changes to this policy provide any opportunity to better promote equality of opportunity for people from different racial groups.

Age - If Yes, provide details:

If No, provide reasons: NICTS does not consider that the proposed changes to this policy provide any opportunity to better promote equality of opportunity for people of different ages.

Marital Status - If Yes, provide details:

If No, provide reasons: NICTS does not consider that the proposed changes to this policy provide any opportunity to better promote equality of opportunity for people based on marital status.

Sexual Orientation - If Yes, provide details:

If No, provide reasons: NICTS does not consider that the proposed changes to this policy provide any opportunity to better promote equality of opportunity for people based on sexual orientation.

Men and Women generally - If Yes, provide details:

If No, provide reasons: NICTS does not consider that the proposed changes to this policy provide any opportunity to better promote equality of opportunity for men or women generally.

Disability - If Yes, provide details: Additional funding for NICTS has the potential to allow improvements to be made to the court's estate, ensuring that this remains accessible for all, as well as to continue to promote staff training on disability awareness, for example staff undertaking JAM card training.

If No, provide reasons:

Dependants - If Yes, provide details: Domestic and family court fees are subsidized by NICTS to help ensure that access to justice is maintained for this Section 75 category. This policy will remain in place and will continue to benefit those with dependent children who have to make an application to the court in connection with their child(ren).

If No, provide reasons: As above.

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

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

Details of the likely policy impacts on **Religious belief**:

NICTS is not aware of any evidence to suggest that the proposed changes will impact on good relations between people of different religious beliefs.

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

Details of the likely policy impacts on **Political Opinion**:

NICTS is not aware of any evidence to suggest that the proposed changes will impact on good relations between people with different political opinions.

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

Details of the likely policy impacts on **Racial Group**:

NICTS is not aware of any evidence to suggest that the proposed changes will impact on good relations between people of different racial groups.

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

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

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

Religious Belief - If Yes, provide details:

If No, provide reasons: NICTS is not aware of any evidence that the proposed changes to this policy provide any opportunity to better promote good relations between people of different religious beliefs.

Political Opinion - If Yes, provide details:

If No, provide reasons: NICTS is not aware of any evidence that the proposed changes to this policy provide any opportunity to better promote good relations between people with different political opinions.

Racial Group - If Yes, provide details:

If No, provide reasons: NICTS is not aware of any evidence that the proposed changes to this policy provide any opportunity to better promote good relations between people from different racial groups.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

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

This policy applies to all those who avail of the civil and family court services, independent of the Section 75 categories under which they fall. As such, NICTS is not aware of any differential impact on the grounds of multiple identities.

Part 3. Screening decision

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

An EQIA is not deemed to be necessary as NICTS is not aware of any evidence to suggest that the proposed changes to this policy will have any significant disproportionate impact on any of the Section 75 categories.

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

The proposed court fee increases are necessary to enable the NICTS to move towards a position of full cost recovery in the provision of civil and family court business, which is a requirement under MPMNI.

However, NICTS has taken action to mitigate the impact of this fee policy on court users by proposing a lower fee increase over two years rather than a single, more significant, increase to the existing fee structure at one time.

Court users from any of the Section 75 categories may be eligible for assistance from the legal aid scheme, subsidised fees and the NICTS Exemption and Remission policy. These arrangements are already in place and will continue to be available to court users; and will mitigate any negative impact of the fee increases while helping to protect access to justice.

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

N/A

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

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

Government intervention is considered necessary to fund the current shortfall in revenue generated by NICTS which is met by the DoJ and ultimately the taxpayer. Full cost recovery in the provision of civil and family court business is a requirement under MPMNI which states that the fees set by the department should cover the full cost associated with providing the service. Mitigations are already in place and are deemed at a satisfactory level to minimise the impact of the fee increases on court users who may have affordability issues.

NICTS are aware that increasing fees by a level that would achieve full cost recovery, or even keep pace with inflation, would require a significant increase to civil fees. As such, the proposal has been amended to implement the fee increases on a phased basis (with an initial increase of 9% in 2023/24, followed by a further 9% in 2024-25), with a view to smoothing out the financial impact on civil and family court users, particularly in light of the current economic climate.

NICTS consider the following policies to be mitigations to the proposed court fee increase.

- Court users may be eligible for assistance with court fees and legal advice via the Civil Legal Aid Scheme.
- The NICTS Exemption and Remission policy will also remain in place and will be unaffected by the implementation of this policy, to help ensure that access to justice is maintained for those with limited resources. This policy allows NICTS staff to waive court fees for those on certain benefits, or if payment of the court fee would result in financial hardship for the individual.

- The NICTS policy of subsidising domestic and family court fees, with the aim of keeping the cost affordable for this group of court users, will remain available will not change as a result of the court fee increase. Under this policy, the majority of domestic and family court fees are charged at 50% of the full cost, while applications related to domestic violence are fully subsidized.

Timetabling and prioritising

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

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

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

Priority criterion	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 the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

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

If yes, please provide details.

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

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

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

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

Court fees will increase in NICTS as a result of this policy and as such, may impact on affordability/access to justice. The key mitigations in place are measured and will continue to be monitored as this fee policy is implemented, as follows:

- NICTS will continue to monitor the utilisation of the NICTS Exemption and Remission policy, with fees of approx. £83k exempted or remitted in 2022-23.
- The total amount of fees within the family and children's arenas which have been subsidised was £486k in 2022-23 and this will continue to be monitored on an annual basis.

Part 5 - Approval and authorisation

Screened by: Ciara Connolly
Position/Job Title: Staff Officer
Date: 22 September 2023

Approved by: Joanne Hendry
Position/Job Title: Grade 7
Date: 28 September 2023

Prior to final approval the Screening Form should be forwarded to DOJESSS@justice-ni.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 also be forwarded to Peter.Grant@justice-ni.gov.uk

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the DoJ website as soon as possible following completion and made available on request.