



Department of
Health

An Roinn Sláinte

Mánnystrie O Poustie

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Equality Screening, Disability Duties and Human Rights Assessment for Proposed Legislative Amendments to the Independent Guardian Service (IGS)

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Part 1. Policy scoping

1.1 Information about the policy

Name of the policy:

Subordinate legislation amendments: The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Independent Guardian) Regulations (Northern Ireland) 2016 (“the 2016 Regulations”).

Is this an existing, revised or a new policy?

The Independent Guardian Service (IGS) came into operation on 1st April 2018. It was set up under the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (the 2015 Act) with provisions determined under the 2016 Regulations.

The role of the IGS is to make provision to “assist, represent and support” a child, if that child is the victim of human trafficking, may have been trafficked or is at risk of being trafficked, within 24 hours of their arrival in NI. The same provision applies to a child that arrives in Northern Ireland unaccompanied or separated from care-givers and are at risk of harm due to that separation.

This is a **revised policy decision** to amend subordinate legislation. It will give effect to certain recommendations for change resulting from a 2021 independent evaluation of the IGS. It is intended to create more flexibility in recruitment decisions to the IGS workforce and in turn ease pressures on the Service.

The change would be effected by changing the current wording of 3(b) of the 2016 Regulations from “have a minimum of five years’ post qualifying social work experience with children and families, including direct work with children, court related experience and inter-agency working” to “have completed their post-qualification assessed year in employment.”

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

Following the outcome of the independent evaluation of the IGS undertaken in 2021, the Department’s overall aim is to introduce greater flexibility for the IGS provider when recruiting IGs. The hope is to attract a wider pool of potential eligible applicants, which should in turn ensure the sustainability of service provision for some of the most vulnerable young people in society.

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

The amendments are not designed to benefit any one particular S75 group. However, as IGS service users are migrant children and young people, those of ethnic minorities, diverse religions and a young age may benefit through improved sustainability of the service.

Who initiated or wrote the policy?

The 2016 Regulations were made and laid by the Department of Health.

Who owns and who implements the policy?

The Department of Health (DoH) owns the 2016 Regulations and commissions the Independent Guardian Service. The service is delivered under contract with the Department of Health by a voluntary sector organisation, currently Barnardo's.

1.2 Implementation factors

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

Yes:

Legislative

Must ensure intended aim is reflected accurately in legislation and implement final policy decision.

1.3 Main stakeholders affected

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

- Service users
- IGS staff
- The recruitment pool of social workers
- The service provider

- Agencies with regular engagement with the IGS, e.g. statutory social services, education providers, related voluntary/community sector organisations such as the Children’s Law Centre

1.4 Other policies with a bearing on this policy

- what are they?
 - Co-Operating to Safeguard Children and Young People in Northern Ireland
 - Working Arrangements for the Welfare and Safeguarding of Child Victims of Human Trafficking and Modern Slavery; and
 - Working Arrangements for the Welfare and Safeguarding of Unaccompanied and Separated Children and Young People
- who owns them?
 - DoH

1.5 Available evidence

What evidence/information (both qualitative and quantitative¹) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

¹ Qualitative data – refers to the experiences of individuals related in their own terms, and based on their own experiences 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

See: [Human Trafficking Independent Guardian Regulations 2015 \(health-ni.gov.uk\)](https://www.health-ni.gov.uk/human-trafficking-independent-guardian-regulations-2015)

Religious belief evidence / information:

No specific evidence has been identified in relation to religious belief.

Political Opinion evidence / information:

No evidence has been identified in relation to political opinion.

Racial Group evidence / information:

In terms of the ethnicity of individuals using the service since it began, most have been Black African (41%, n=46), while Arabs constitute the second largest ethnic grouping (19%, n=21). In 2020, the largest ethnic group was Black African 11 (50%, n=14), and white eastern Europeans represented the second largest ethnic grouping (21%, n=6) in that year. In terms of nationality, the largest groups of young people using the service since it began have been from African countries such as Eritrea (18%, n=20); Somalia (10%, n=11) and Sudan (5%, n=6), as well as Iran (5%, n=6) and Albania (5%, n=6).

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 the wider population).

Ethnicity Profile of Service Users – September 2022

Ethnic Origin	Total
Any other Asian Background	5
Any other Black Background	<5
Any other Mixed/Multiple Background	<5
Asian - Pakistani	<5
Asian-Chinese	<5
Arab	31
Black African	92
Other Ethnic Groups	8
White - Any Other Background	<5
White - Eastern European	7
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Age Profile evidence / information:

The IGS has statutory responsibility for safeguarding and looking after the welfare of unaccompanied and separated children and young people, including victims or potential victims of human trafficking. Under Article 21 of the 2015 Act, it has a statutory remit to provide services to anyone under 18 who arrives in NI in such circumstances. This legislation further provides that services can be provided up to the age of 21 if required.

As such, any change to its functions has the potential to impact on children and young people. However, any impact is likely to be positive.

The age profile of service users has changed over time. In 2018, most young people availing of the service were 18 years of age or older (87%, n=47), whereas in 2020 most (75%, n=21) were in the age range of 11 to 17 years.

Age Profile of Service Users – September 2022

Age	Total
11	<5
15	<5
16	22
17	36
18	37
19	18
20	21
21	<5
22	5
23	<5
24	<5
25	<5

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Marital Status evidence / information:

Not applicable / No evidence has been identified in relation to marital status.

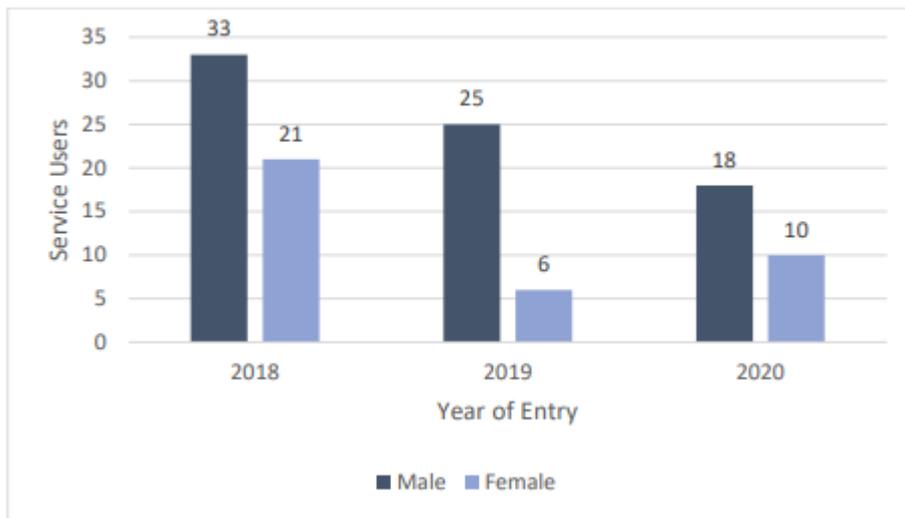
Sexual Orientation evidence / information:

No specific evidence has been identified as to sexual orientation.

Men & Women generally evidence / information:

The majority of young people using the service were male (67%, n=76) with females accounting for 33% (n=37).

Figure 8: Gender of new entrants to the service by year (count), n=113



Disability evidence / information:

No specific evidence has been identified as to disability.

Dependants evidence / information:

No evidence has been identified in relation to dependants.

1.6 Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

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

Religious belief

Nothing specific identified or evidenced.

Political Opinion

Nothing specific identified or evidenced.

Racial Group

Information in relation to the ethnicity of service users has been provided above. Individuals from various ethnic backgrounds and countries of origin arriving in NI without a care-giver may struggle with language, laws, benefits, the complex HSC system and other needs specific to their status as separated and/or trafficked asylum-seeking children/young people. As such, a sustainable, robust IGS is essential to catering to their needs. Amendments to the 2016 Regulations are intended to lead to even more effective arrangements to safeguard and promote the welfare of vulnerable young people thus supporting the needs, experiences and priorities of this group.

Age

The IGS specifically caters to people under 18 or, in some cases, under 21. The most common ages as at September 2022 were 17 & 18. People in this age group, particularly in the context of separation and trafficking and the complex asylum and legal system, are particularly vulnerable. They will need assistance in navigating the many challenges arriving in a foreign country with minimal, if any, support brings. As such, a sustainable, robust IGS is essential to catering to their needs. Amendments to the 2016 Regulations are intended to lead to even more effective arrangements to safeguard and promote the welfare of

vulnerable young people thus supporting the needs, experiences and priorities of this group.

Marital status

Nothing specific identified or evidenced.

Sexual orientation

Nothing specific identified or evidenced.

Men and Women Generally

Given the higher number of males using the IGS – which is reflective of the higher number of males than females arriving as separated asylum-seeking children – it may be perceived that this group have a higher need. However, any impact of amending the 2016 Regulations is likely to be positive for any gender using the service.

Disability

Nothing specific identified or evidenced.

Dependants

Nothing specific identified or evidenced.

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? minor/major/none

Details of the likely policy impacts on Religious belief: The policy may impact upon various religious beliefs, given the disparate backgrounds of IGS service users. However, any such impact is likely to be positive.

What is the level of impact? Minor / Major / None

Details of the likely policy impacts on Political Opinion: No differential impact in respect of equality of opportunity for differing political opinions has been identified.

What is the level of impact? Minor / Major / None

Details of the likely policy impacts on Racial Group: The policy may result in a positive impact on children from Black, Asian and other minority ethnic groups, given the disparate backgrounds of IGS service users.

What is the level of impact? Minor / Major / None

Details of the likely policy impacts on Age: The IGS has statutory responsibility for assisting, supporting and representing separated and/or trafficked children and young people. As such, the policy may impact on those under 18 or under 21. However, any such impact is likely to be positive.

What is the level of impact? Minor / Major / None

Details of the likely policy impacts on Marital Status: No differential impact in respect of equality of opportunity for people with different marital status has been identified.

What is the level of impact? Minor / Major / **None**

Details of the likely policy impacts on Sexual Orientation: No specific differential impact in respect of equality of opportunity for people with different marital status has been identified. However, they will be supported in their asylum claims by IGs. As such, the policy may result in a positive impact on any children and young people who identify as lesbian, gay, bisexual or other sexual orientations who have faced persecution because of their orientation in their country of origin.

What is the level of impact? **Minor** / Major / None

Details of the likely policy impacts on Men and Women: Given that IGS service users are more likely to be males, the policy may impact more on males than females. However, any impact is likely to be positive for all genders.

What is the level of impact? **Minor** / Major / None

Details of the likely policy impacts on Disability: No differential impact in respect of equality of opportunity for people with a disability has been identified. However, any impact that may occur is likely to be positive.

What is the level of impact? Minor / Major / **None**

Details of the likely policy impacts on Dependants: No differential impact in respect of impacts on those with dependants has been identified.

What is the level of impact? Minor / Major / **None**

2.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories? Yes (minor)

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

Religious Belief – No specific opportunities have been identified.

Political Opinion – No specific opportunities identified.

Racial Group – Yes. The IGS principal objective is to make provision to assist, support and represent an asylum-seeking child or young person where there are reasonable grounds to believe that the child is or has been the victim of human trafficking or is at risk of being trafficked, or is separated or unaccompanied. As such, improving the Service is likely to benefit individuals from various countries and racial groups.

Age – Yes. The IGS principal objective is to make provision to assist, support and represent vulnerable children and young people the policy helps promote equality of opportunity among vulnerable people in this age group.

Marital Status – No specific opportunities identified.

Sexual Orientation – No specific opportunities have been identified

Men and Women generally – No specific opportunities identified.

Disability – No specific opportunities identified.

Dependants – No specific opportunities 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?

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: The policy is unlikely to have any differential impact in respect of relations between people of differing religious beliefs.

What is the level of impact? Minor / Major / **None**

Details of the likely policy impacts on Political Opinion: The policy is unlikely to have any differential impact in respect of relations between people of differing political opinions.

What is the level of impact? Minor / Major / **None**

Details of the likely policy impacts on Racial Group: The policy is unlikely to have any differential impact in respect of relations between people from different racial groups.

What is the level of impact? Minor / Major / **None**

2.4 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 - No. The purpose of the policy is to make amendments to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Independent Guardian) Regulations (Northern Ireland) 2016, following recommendations from an independent review / evaluation and DoH consultation of the IGS. The amendments will reduce bureaucracy and introduce greater flexibility in respect of facilitating the possibility of attracting a wider and diverse pool of applicants for employment as an Independent Guardian, easing and alleviating pressures on current service provision thereby improving quality and efficiency of service.

At this time no opportunities to better promote good relations have been identified.

Political Opinion – No. As above.

Racial Group – No. As above.

2.5 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).

There is potential for an impact upon young ethnic people – however, as per above information, any such impact is likely to be minor and positive. There is no further specific data to identify individuals with multiple identities who may be affected.

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

There is no specific data available to identify children and young people with multiple identities who may be impacted by these proposals, but we are aware that they exist.

2.6 Was the original policy / decision changed in any way to address any adverse impacts identified either through the screening process or from consultation feedback. If so please provide details.

No. A new and public consultation on the proposed changes has yet to be undertaken and any relevant and appropriate comments received will be reviewed and considered.

Part 3. Screening decision

3.1 Would you summarise the impact of the policy as; No Impact/ Minor Impact/ Major Impact?

Minor impact (positive).

3.2 Do you consider that this policy/ decision needs to be subjected to a full equality impact assessment (EQIA)?

No.

3.3 Please explain your reason.

There is no evidence of any negative impact to any demographic as a result of the policy. Any potential impacts identified are likely to be minor but positive. A full EQIA is not, therefore, considered necessary. This decision will be kept under review as work progresses.

3.4 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?

No

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

The impacts identified at this time are positive; however, there is an opportunity for the policy to be amended if issues not yet identified arise as part of the consultation process.

Part 4. Monitoring

Monitoring is an important part of policy development and implementation. Through monitoring it is possible to assess the impacts of the policy / decision both beneficial and adverse.

4.1 Please detail how you will monitor the effect of the policy / decision?

It is proposed the Department will monitor the progress of the implementation of the recommendations and points of note from the independent evaluation of the IGS and proposed DoH consultation exercise.

4.2 What data will you collect in the future in order to monitor the effect of the policy / decision?

The Department will monitor the progress of the implementation of the recommendations and points of note from the evaluation and proposed consultation exercise. This will be done through consideration of IGS service use numbers and applicants for IG roles.

Part 5. Disability Duties

5.1 Does the policy/decision in any way promote positive attitudes towards disabled people and/or encourage their participation in public life?

Any improvements to the role of IG and the sustainability of the IGS, through this amendment to the legislation, should improve and strengthen protection and safeguarding of asylum-seeking children and young people. The IGS can support its service users to integrate into NI society and thus engage in public life.

Although there is no specific focus on children/young people with a disability, any separated and/or trafficked children and young people with a disability would benefit in the same ways as those without.

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

None have been identified at this time.

Part 6. Human Rights

6.1 Does the policy / decision affects anyone's Human Rights?

Details of the likely policy impacts on Article 2 – Right to life:

What is the impact? Positive / Negative (human right interfered with or restricted) / **Neutral**

Details of the likely policy impacts on Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment:

What is the impact? Positive / Negative / **Neutral**

Details of the likely policy impacts on Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour:

What is the impact? Positive / Negative / **Neutral**

Details of the likely policy impacts on Article 5 – Right to liberty & security of person:

What is the impact? Positive / Negative / **Neutral**

Details of the likely policy impacts on Article 6 – Right to a fair & public trial within a reasonable time:

What is the impact? Positive / Negative / **Neutral**

Details of the likely policy impacts on Article 7 – Right to freedom from retrospective criminal law & no punishment without law:

What is the impact? Positive / Negative / **Neutral**

Details of the likely policy impacts on Article 8 – Right to respect for private & family life, home and correspondence:

What is the impact? Positive / Negative / **Neutral**

Details of the likely policy impacts on Article 9 – Right to freedom of thought, conscience & religion:

What is the impact? Positive / Negative / **Neutral**

Details of the likely policy impacts on Article 10 – Right to freedom of expression:

What is the impact? Positive / Negative / **Neutral**

Details of the likely policy impacts on Article 11 – Right to freedom of assembly & association:

What is the impact? Positive / Negative / **Neutral**

Details of the likely policy impacts on Article 12 – Right to marry & found a family:

What is the impact? Positive / Negative / **Neutral**

Details of the likely policy impacts on Article 14 – Prohibition of discrimination in the enjoyment of the convention rights:

What is the impact? Positive / Negative / **Neutral**

Details of the likely policy impacts on 1st protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property:

What is the impact? Positive / Negative / **Neutral**

Details of the likely policy impacts on 1st protocol Article 2 – Right of access to education:

What is the impact? Positive / Negative / **Neutral**

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

N/A

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

N/A.

Part 7 – Approval and authorisation

Screened by:	Position/Job Title	Date
Jim McCourt	Staff Officer	16/09/22
Approved by:		
Astrid Hamilton	Principal / Grade 7	21/10/22
Copied to EHRU:		

The Screening Template is 'signed off' and approved by a senior manager responsible for the policy (at least Grade 7), made easily accessible on the public authority's website as soon as possible following completion and made available on request.