

Equality Screening, Disability Duties and Human Rights Assessment For Proposed Legislative Amendments to enable the Safeguarding Board for Northern Ireland to function more efficiently

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Part 1. Policy scoping

1.1 Information about the policy

Name of the policy:

Subordinate legislation amendments: The Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012 (the SBNI 2012 Regulations).

Is this an existing, revised or a new policy?

This is a revised policy decision to amend subordinate legislation to give effect to recommendations for change contained in the Independent Review of the Safeguarding Board for Northern Ireland (SBNI) report which published in August 2016. The Independent Review Report offered recommendations and points of note for potential enactment in the short term through subordinate legislation. In the longer term, amendments may be required to the primary legislation, the Safeguarding Board Act (Northern Ireland) 2011. This consultation sets out the proposed amendments to the 2012 Regulations which will give effect to some of the recommendations/points of note contained in the Review report.

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

The SBNI is a partnership of key organisations from the statutory, community and voluntary sectors with statutory responsibility for coordinating and ensuring the effectiveness of work undertaken by those represented on the

SBNI for the purposes of safeguarding and promoting the welfare of children. Its functions include developing policies and procedures, promoting communications and awareness of the need to safeguard children and young people and undertaking Case Management Reviews (CMRs).

Following the outcome of the review of the SBNI, the department's overall aim is to reduce bureaucracy and to introduce greater flexibility around issues such as corporate hosting, staffing and business processes thereby ensuring that these functions are performed as effectively as possible.

In addition to seeking views on proposed legislative amendments arising from the recommendations and points of note contained in the SBNI Review, the Department is also seeking views on other proposed amendments which it considers will improve the operational and procedural arrangements of the SBNI.

In summary, the Department is proposing to:

- remove existing requirements in Regulations relating to the meetings and proceedings of the SBNI, Safeguarding Panels and Case Management Review Panel and to instead provide that this should be by way of standing orders. This will enable the SBNI to establish its business processes and adjust them with ease if required;
- change the criteria for Case Management Reviews (CMRs) to clarify which cases should be notified to the SBNI. The amendments will also emphasise that the purpose of a CMR is not to apportion blame but to focus on learning to improve future practice;
- replace majority voting in respect of decisions taken by the CMR Panel with consensual decision making by revoking Schedule 5;

- include in the functions of the CMR Panel, lead responsibility for disseminating regional learning and monitoring implementation. This will be done in conjunction with the Safeguarding Panels;
- remove the requirement for the PHA to appoint staff to the SBNI and to provide accommodation, thus enabling such arrangements to be dealt with administratively;
- reduce the number of representatives of District Councils on the SBNI Board from 2 to 1, reflecting the fact that the number of District Councils has been reduced from 26 to 11 council areas (see replacement Schedule 2 table).

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

It is the statutory objective of the SBNI to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children. It is intended that the introduction of amendments to the 2012 Regulations to improve the operational and procedural arrangements of the SBNI will enable the SBNI to undertake its work more effectively and efficiently, which in turn should lead to more effective arrangements in place to safeguard and promote the welfare of children.

Who initiated or wrote the policy?

During the passage through the Assembly of the Safeguarding Board Act (Northern Ireland) 2011, the Department gave a commitment to the Health Committee that a review of the SBNI would be undertaken after a period of 12 months. The review was subsequently delayed as the then Health Minister directed the SBNI to undertake a Thematic Review into 22 cases of Child Sexual Exploitation in Northern Ireland. The Thematic review concluded in 2013 and

the SBNI review subsequently commenced. The then Minister of Health published the [review report](#) on 8 August 2016. All of the recommendations and points to note have been accepted.

Who owns and who implements the policy?

The Department of Health has responsibility for the policy in relation to the SBNI and is the sponsor department for the Safeguarding Board Act (NI) 2011 and subsequent regulations made under that Act. Amendments to the 2012 Regulations will be implemented by the SBNI, supported by guidance issued to the SBNI by the Department.

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?

- staff
- service users
- member bodies of the SBNI, such as:
 - public sector organisations eg. HSC Trusts, the Police Service of Northern Ireland, Education Authority
 - voluntary/community organisations eg. Children's Law Centre, NSPCC, faith organisations

1.4 Other policies with a bearing on this policy

- what are they?
 - The Safeguarding Board Act (Northern Ireland) 2011
 - SBNI guidance 2012
 - Department of Health (DoH), PHA and SBNI Memorandum of Understanding 2012
 - Co-Operating to Safeguard Children and Young People in Northern Ireland

- 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.

See: [Publication of 'Children's Social Care Statistics for Northern Ireland 2019/20' | Northern Ireland Executive](#)

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 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).

This data has been considered in the context of the SBNI Review, with the proposed policy changes aimed at ensuring that the SBNI can fulfil its statutory functions as effectively as possible.

Among other things, the proposed amendments to the SBNI regulations include enabling the SBNI to establish its business processes, removing the requirement for the PHA to appoint staff and providing the SBNI with accommodation, and adapting the CMR criteria. The overall aim of the proposed changes is to strengthen CMR arrangements, while at the same time, providing the SBNI with scope to establish its own business procedures – all of which will promote effective safeguarding of all children and young people in Northern Ireland.

Religious belief evidence / information:

In 2019/20 just over a third of children in need (35%) had their religion recorded as Roman Catholic; 27% were other Christian faiths (Presbyterian, Church of Ireland and Other Christian); and 10% had other religious faiths. Some 4% had no religious beliefs and religious affiliation was not recorded, not known or refused to be disclosed for almost a quarter of all children in need (24%).

Political Opinion evidence / information:

No evidence has been identified in relation to political opinion.

Racial Group evidence / information:

Children in Need figures for 2019/20 indicate that over three quarters (78%) of the children in need were recorded as White, with 6% from Ethnic Minorities

(including Irish Travellers, Roma Travellers, Asian, Black and those of mixed Ethnicity). Ethnic background was not recorded for 16% of children in need.

Age evidence / information:

The SBNI has statutory responsibility for safeguarding and promoting the welfare of children. As such any change to its functions has the potential to impact on children. However, any impact is likely to be positive.

Table 1 a: Age distribution of Children in Need and the Northern Ireland Child Population

	Age group				
	Under 1	1-4	5-11	12-15	16 & over
Children in Need	4%	20%	43%	23%	10%
Northern Ireland child population	5%	22%	41%	21%	10%

Children in Need had a similar age profile to the general child population in Northern Ireland.

Source: Delegated Statutory Functions Return 10.1.1
2019 Mid-Year Population Estimate (NISRA 2020)

Source: Children’s Social Care Statistics for NI, 2019/20

Marital Status evidence / information:

No evidence has been identified in relation to marital status.

Sexual Orientation evidence / information:

No specific evidence has been identified as to sexual orientation although any impact on children and young people in this group is likely to be positive.

Men & Women generally evidence / information:

Of the children in need at 31 March 2020, a higher proportion were male than female (56% and 44% respectively). This gap was slightly larger than the gender split in the child population in general, with 51% male and 49% female under 18 years of age. The age profile of the children in need population was similar to that observed in the general Northern Ireland population.

Disability evidence / information:

Of the 22,414 children in need in Northern Ireland on 2019/20, 20% were recorded as having a disability. There is no statutory requirement for a child with a disability to be registered with the Social Services; such issues may be dealt with by a GP only and Social Services may never be involved. Having a disability was more prevalent amongst male children in need, with 25% of males being recorded as having a disability compared with 14% of female children in need. Furthermore, each of the disability categories had more males than females. This was most evident amongst those recorded as having Autism, where 76% were males. These findings were consistent with those published in [*The Prevalence of Autism \(including Asperger's syndrome\) in School Age Children in Northern Ireland*](#), published on the Department's website.

Dependants evidence / information:

No evidence has been identified as regards dependants or lack thereof.

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

Nothing specific identified or evidenced.

Age

It is intended that the introduction of amendments to the 2012 Regulations will enable the SBNI to undertake its work more effectively and efficiently, which in turn should lead to more effective arrangements in place to safeguard

and promote the welfare of children thus supporting the needs, experiences and priorities of this group.

Marital status

Nothing specific identified or evidenced.

Sexual orientation

Nothing specific identified or evidenced although it is intended that the introduction of amendments to the 2012 Regulations will enable the SBNI to undertake its work more effectively and efficiently, which in turn should lead to more effective arrangements in place to safeguard and promote the welfare of all children, including those in this group.

Men and Women Generally

Nothing specific identified or evidenced although given the higher number of males in care it may be perceived that this group have a higher need. However, any impact is likely to be positive and the proposed amendments should lead to more effective arrangements in place to safeguard and promote the welfare of all children and young people regardless of gender.

Disability

Nothing specific identified or evidenced, although it is intended that the introduction of amendments to the 2012 Regulations will enable the SBNI to undertake its work more effectively and efficiently, which in turn should lead

to more effective arrangements in place to safeguard and promote the welfare of children, including those with a disability.

Dependants

Nothing specific identified or evidenced. However, the introduction of amendments to the 2012 Regulations will enable the SBNI to undertake its work more effectively and efficiently, which in turn should lead to more effective arrangements in place to safeguard and promote the welfare of children.

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 will have no differential impact in respect of equality of opportunity for people of different religious beliefs.

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

Details of the likely policy impacts on Political Opinion: The policy will have no differential impact in respect of equality of opportunity for people of different political opinion.

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

Details of the likely policy impacts on Racial Group: The policy will have no differential impact in respect of equality of opportunity for people from different racial groups although the proposal may result in a more positive impact on children from Black, Asian and other minority ethnic groups.

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

Details of the likely policy impacts on Age: SBNI has statutory responsibility for safeguarding and promoting the welfare of children. The proposed changes are likely to impact positively on all children in need.

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

Details of the likely policy impacts on Marital Status: The policy will have no differential impact in respect of equality of opportunity for people with different marital status.

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

Details of the likely policy impacts on Sexual Orientation: The policy will have no differential impact in respect of equality of opportunity for people with different sexual orientation although the proposal may result in a more positive impact on any children and young people who identify as lesbian, gay, bisexual or other sexual orientations.

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

Details of the likely policy impacts on Men and Women: The policy will have no differential impact in respect of equality of opportunity for people of different genders.

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

Details of the likely policy impacts on Disability: Of the 3,383 Children in Need in the 2019/20 financial year, 12% were recorded as having a disability. 46% of these children had a diagnosis of autism and/or attention hyperactive deficit disorder (ADHD), with 37% recorded as having a learning disability. As the proposed amendments are intended to help the SBNI exercise its functions more efficiently, any impact on individuals with a disability is likely to be positive.

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

Details of the likely policy impacts on Dependants: The policy will have minor differential impact in respect of equality of opportunity for people with dependants. However, the introduction of amendments to the 2012 Regulations will enable the SBNI to undertake its work more effectively and efficiently, which in turn should lead to more effective arrangements in place to safeguard and promote the welfare of children.

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. The purpose of the policy is to make amendments to the 2012 Regulations, arising from recommendations from a Review of the SBNI. The amendments will reduce bureaucracy and introduce greater flexibility around issues such as corporate hosting, staffing and business processes. The SBNI's principal objective is to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the SBNI to safeguard and promote the welfare of children. Members of the SBNI come from a wide range of statutory and voluntary organisations. Membership of the SBNI is set out in Regulations and includes those persons who hold relevant positions within member bodies/organisations.

At this time no opportunities to better promote equality of opportunity have been identified.

Political Opinion – No. As above.

Racial Group – Yes. The SBNI’s principal objective to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the SBNI to safeguard and promote the welfare of children has the potential to better promote equality of opportunity for children affected from BME backgrounds

Age – Yes. The SBNI’s principal objective to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the SBNI to safeguard and promote the welfare of children has the potential to better promote equality of opportunity for children affected.

Marital Status – No. As per ‘religious belief’ above.

Sexual Orientation – Yes. The SBNI’s principal objective to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the SBNI to safeguard and promote the welfare of children has the potential to better promote equality of opportunity for children and young people in this group.

Men and Women generally – No. As per ‘religious belief’ above.

Disability – Yes. The SBNI’s principal objective to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the SBNI to safeguard and promote the welfare of children has the potential to better promote equality of opportunity for children and young people in this group.

Dependants – No. As per ‘religious belief’ above.

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

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 will have no 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 will have no 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 will have no 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 Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (NI) 2012, following recommendations from a Review of the SBNI. These amendments will reduce bureaucracy and introduce greater flexibility around issues such as corporate hosting, staffing and business processes.

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 people with multiple identities – 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 public consultation on the proposed changes has yet to be undertaken and any relevant comments received will be 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.

No evidence of any differential impacts has been identified at this stage, however, it is anticipated that the proposals will impact positively on those involved. 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?

Yes.

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 all of the recommendations and points of note from the SBNI Review Report.

The SBNI reports to the Department on the discharge of its statutory functions. The Chair of the SBNI reports directly to the Minister of Health.

The SBNI will produce an annual report setting out their work, a copy of which will be laid before the NI Assembly.

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

No additional data will be collected; however, the Department will monitor the progress of the implementation of the recommendations and points of note from the SBNI Review Report. As 4.1 above.

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?

12% of children in need are recorded as having a disability. The role of SBNI is to safeguard all children and young people in NI. Any improvements to this role, through this amendment to the legislation, should strengthen protection and safeguarding of children, including those with a disability and improve their opportunities for the future, including participation in public life.

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?

No.

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
Approved by:		
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.