

Equality and Human Rights Screening Template

The BSO is required to address the 4 questions below in relation to all its policies.

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)

Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group? (minor/major/none)

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

As part of the audit trail documentation needs to be made available for all policies and decisions examined for equality and human rights implications. The screening template is a pro forma to document consideration of each screening question.

For information (evidence, data, research etc.) on the Section 75 equality groups see the Equality Portal - [Screening Resources & Evidence](#).

SCREENING TEMPLATE

See [Guidance Notes](#) for further information on the 'why' 'what' 'when', and 'who' in relation to screening, for background information on the relevant legislation and for help in answering the questions on this template.

(1) INFORMATION ABOUT THE POLICY OR DECISION

1.1 Title of policy or decision

Retire & Return Policy for Business Services Organisation (BSO) and Guidelines for Application

1.2 Description of policy or decision

- **what is it trying to achieve? (aims and objectives)**

To provide guidelines and define process for applying the BSO Retire and Return Policy; to identify eligibility for application; and to indicate contractual arrangements applicable following retirement, as a result of a successful application where so doing meets the identified and agreed business need of the BSO and does not unreasonably impede the recruitment of substantive posts.

- **how will this be achieved? (key elements)**

The BSO recognises that there may be areas within the business, where the skills required in carrying out certain posts are specialised and in short supply within the labour market. This may be a critical period such as a pandemic situation in which specialised skills are needed and are in short supply. In circumstances such as this, it may be necessary to retain the service of former employees, for a limited period after their retirement, through a 'Retire and Return' scheme, without the need for a recruitment exercise. Retire and return will be based on case by case basis and those wishing to avail must past eligibility criteria.

- **what are the key constraints? (for example financial, legislative or other)**

Financial restrictions due to employees being in receipt of pension payments and returning to the workplace, Disability Discrimination Act 1995.

1.3 Main stakeholders affected (internal and external)

For example staff, actual or potential service users, other public sector organisations, voluntary and community groups, trade unions or professional organisations or private sector organisations or others

Those primarily affected by the policy are:

- staff who are given the opportunity to retire and return and those who are not
- Colleagues/other team members who would apply for the post involved given the opportunity
- Members of the public who would apply for the post involved given the opportunity

External

- Trade union representatives.
- Statutory Enforcement bodies such as the Equality Commission for NI, Commission for Racial Equality, Fair Employment and Industrial Tribunal

NB: The above list is not exhaustive

1.4 Other policies or decisions with a bearing on this policy or decision

- **what are they? (This list is not exhaustive)**

Grievance Policy

Disciplinary Procedure

Capability Procedure

Equality, Diversity and Inclusion Policy

Equality Scheme

Code of Conduct for Staff

Partial Retirement Policy

Legislative changes

Work life Balance

Pension Guidelines

Pension Factsheets

- **who owns them?**

BSO, HSC, DoH, NI Assembly

(2) CONSIDERATION OF EQUALITY AND GOOD RELATIONS ISSUES AND EVIDENCE USED

2.1 Data gathering

What information did you use to inform this equality screening? For example previous consultations, statistics, research, Equality Impact Assessments (EQIAs), complaints. Provide details of how you involved stakeholders, views of colleagues, service users, staff side or other stakeholders.

- Organisation wide staff equality data
- Census data (2011)
- Engagement with Trade Union colleagues conducted via Joint Negotiating forums (JNF)
- **Research Reports**
- <https://www.theguardian.com/money/2018/oct/11/womens-retirement-age-rising-faster-than-mens-in-uk>
- <https://www.gov.uk/government/statistics/economic-labour-market-status-of-individuals-aged-50-and-over-trends-over-time-october-2018>
- Northern Ireland Life and Times, 2018
- Northern Ireland Pooled Household Survey (NIPHS) tables, published 2017.
- Office For National Statistics (ONS) 2019. Employment and Labour Market statistics. Available at <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/articles/thecommutinggapwomenaremorelikelythanmentoleavetheirjoboveralongcommute/2019-09-04>

2.2 Quantitative Data

Who is affected by the policy or decision? Please provide a statistical profile. Note if policy affects both staff and service users, please provide profile for both. Also give consideration to multiple identities.

Category	What is the makeup of the affected group? (%) Are there any issues or problems? For example, a lower uptake that needs to be addressed or greater involvement of a particular group?																							
Gender	<p>BSO staff profile:</p> <table border="1" data-bbox="331 378 901 461"> <tr> <td>Female</td> <td>55.55%</td> </tr> <tr> <td>Male</td> <td>44.45%</td> </tr> </table> <p>Gender profile of BSO staff 55+ years old</p> <table border="1" data-bbox="331 539 956 669"> <thead> <tr> <th></th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Female</td> <td>60.07%</td> </tr> <tr> <td>Male</td> <td>39.93%</td> </tr> </tbody> </table> <p>Gender profile of BSO staff 55+ in senior posts band 7 and above</p> <table border="1" data-bbox="331 750 1145 880"> <thead> <tr> <th></th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Female</td> <td>56.59%</td> </tr> <tr> <td>Male</td> <td>43.41%</td> </tr> </tbody> </table> <p>Evidence suggests that women are more likely to retire earlier than men despite having a longer life expectancy, though this has changed in recent years. BSO employees are 55% female. Whilst their share amongst staff 55+ years old is even higher, at 60%, their percentage amongst 55+ years old who are in senior posts band 7 and above, as those most likely eligible for Retire and Return, is at the same level, at 57%. The BSO may therefore have a higher proportion of females availing of retiring and returning than men. When an employee avails of retire and return, employees in junior roles to the position retiring and returning may not have the immediate opportunity to apply for the post. This may have an indirect impact on gender.</p>		Female	55.55%	Male	44.45%		Percentage	Female	60.07%	Male	39.93%		Percentage	Female	56.59%	Male	43.41%						
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Age	<table border="1" data-bbox="331 1570 901 2022"> <tr> <td>0-15</td> <td>0.00%</td> </tr> <tr> <td>16-24</td> <td>3.51%</td> </tr> <tr> <td>25-29</td> <td>8.27%</td> </tr> <tr> <td>30-34</td> <td>12.82%</td> </tr> <tr> <td>35-39</td> <td>13.30%</td> </tr> <tr> <td>40-44</td> <td>14.89%</td> </tr> <tr> <td>45-49</td> <td>13.58%</td> </tr> <tr> <td>50-54</td> <td>14.47%</td> </tr> <tr> <td>55-59</td> <td>13.09%</td> </tr> <tr> <td>60-64</td> <td>4.89%</td> </tr> <tr> <td>>=65</td> <td>1.17%</td> </tr> </table>		0-15	0.00%	16-24	3.51%	25-29	8.27%	30-34	12.82%	35-39	13.30%	40-44	14.89%	45-49	13.58%	50-54	14.47%	55-59	13.09%	60-64	4.89%	>=65	1.17%
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Staff in both the 55-59, 60-64 and ≥ 65 are the only staff that are able to avail of the retire and return policy/process.

Only those employees 55 years old and above are able to avail of retire and return. This is due to anyone under the age of 55 not being able to legally access retirement benefits. A further consideration is which HSC pension scheme an employee avails of. The 1995 scheme allows employees to fully retire at 60, and other schemes (2008, 2015 etc.) are in line with normal retirement age for example 68 years old. 1995 scheme employees eligible for this policy generally have longer service and are generally in the 1995 pension scheme. Younger employees (under the age of 55) are unable avail of this policy due to legislation and dependent on which HSC Pension scheme they avail of. Whilst employees in the older 3 age brackets can only avail of this policy, employees in junior roles to the position retiring and returning may not have the immediate opportunity to apply for the post.

Community Background

Perceived Protestant	2.34%
Protestant	30.46%
Perceived Roman Catholic	2.76%
Roman Catholic	42.59%
Neither	5.72%
Perceived Neither	0.00%
Not assigned	16.13%

Given the high level of missing staff data, the following figures from the last census have been used also:

- 45.14% of the population were either Catholic or **brought up** as Catholic.
- 48.36% stated that they were Protestant or **brought up** as Protestant.
- 0.92% of the population belonged to or had been **brought up** in other religions and Philosophies.

5.59% neither belonged to, nor had been brought up in a religion. (Census 2011)

Profile of BSO staff 55+ years old broken down further by religion

Religion	Percentage
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Neither	3.07%
Not assigned	10.92%
Perceived Protestant	3.41%
Perceived Roman Catholic	3.75%
Protestant	36.52%
Roman Catholic	42.32%

Below are those staff 55+ in senior posts band 7 and above, broken down further by religion

	Percentage
Neither	3.62%
Not assigned	19.38%
Perceived Protestant	3.88%
Perceived Roman Catholic	3.36%
Protestant	28.94%
Roman Catholic	40.83%

The data suggests that the profile of those most likely eligible for Retire and Return (those 55+ years old who are in senior posts band 7 and above) by religion/community background broadly reflects that of BSO staff as a whole.

Political Opinion

Broadly Nationalist	2.89%
Other	3.79%
Broadly Unionist	3.65%
Not assigned	84.91%
Do not wish to answer	4.76%

Population level data suggest that:

26% see themselves as Unionist; 21% see themselves as Nationalist; 50% see themselves as Neither 50%; 1% see themselves as Other; and 2% Don't know. (Northern Ireland Life and Times, 2018)

Marital Status

Divorced	2.69%
Mar/CP	45.62%
Other	0.76%
Separat	0.83%
Single	17.30%

	Unknwn	31.70%	
	Widw/R	0.90%	
	Not assigned	0.21%	
Dependent Status	Yes	10.54%	
	Not assigned	82.43%	
	No	7.03%	
	<p>Although only 10.5% of BSO staff indicated they had dependents, in reality this figure is likely to be higher.</p> <p>Carers NI suggests that 1 in 8 people in NI are providing unpaid care. Similarly, Census data show that 11.81% of the usually resident population provide unpaid care to family members, friends, neighbours or others because of long-term physical or mental ill – health/disabilities or problems related to old age.</p> <p>Census data also shows that 3.11% provided 50 hours care or more. Almost 2 in 5 households (40.29%) contained a least one person with a long – term health problem or a disability.</p> <p>In the last Census, 33.86% of households contained dependent children.</p>		
Disability	No	52.10%	
	Not assigned	46.45%	
	Yes	1.45%	
	<p>The NI Health Survey found that 43% of the NI population had a longstanding illness, with 32% describing this as limiting and 11% non-limiting illness. Also, the prevalence of disability increases with age. Limiting longstanding illness increases from 17% among young adults aged 25 -34 years to 56% among those who are 75 plus years.</p>		
Ethnicity	Not assigned	72.71%	
	White	27.08%	
	Other	0.14%	

	Black African	0.00%
	Indian	0.07%
	Chinese	0.00%
Data from the pooled household surveys in NI show that approximately 2% of the population belong to a minority ethnic group.		
Sexual Orientation	Do not wish to answer	1.65%
	Not assigned	83.32%
	Opposite sex	13.99%
	same sex	96.00%
	Both sexes	0.07%
Although there are no reliable estimates for the numbers of Lesbian Gay or Bisexual (LGB) individuals in NI, it is estimated that around 1 in 10 of the population are LGB.		

2.3 Qualitative Data

What are the different needs, experiences and priorities of each of the categories in relation to this policy or decision and what equality issues emerge from this? Note if policy affects both staff and service users, please discuss issues for both. Also give consideration to multiple identities (such as single parents for example).

Category	Needs and Experiences
Gender	There is no data to suggest that there are specific needs or experiences arising within this category.
Age	There is no data to suggest that there are specific needs or experiences arising within this category.
Religion	There is no data to suggest that there are specific needs or experiences arising within this category.
Political Opinion	There is no data to suggest that there are specific needs or experiences arising within this category.
Marital Status	There is no data to suggest that there are specific needs or experiences arising within this category.
Dependent Status	There is no data to suggest that there are specific needs or experiences arising within this category.

Disability	Individuals with sensory problems will have specific requirements with regards to communication of the policy. Also, those with learning difficulties may require additional support in order to get an understanding of how the policy works and the processes involved.
Ethnicity	There is no data to suggest that there are specific needs or experiences arising within this category.
Sexual Orientation	There is no data to suggest that there are specific needs or experiences arising within this category.

2.4 Making Changes

Based on the equality issues you identified in 2.2 and 2.3, what changes did you make or do you intend to make in relation to the policy or decision in order to promote equality of opportunity?

<i>In developing the policy or decision what did you do or change to address the equality issues you identified?</i>	<i>What do you intend to do in future to address the equality issues you identified?</i>
<p>Disability: In line with BSO's Accessible Formats Policy, BSO will provide alternative formats on request to meet the needs of people with a disability who may need information in an accessible format.</p> <p>Age: Retire and return policy is bound by legislation and is difficult for BSO to mitigate. To mitigate this recruitment for the post should commence at the earliest convenience.</p> <p>Gender: The policy specifies that "The Director should also demonstrate that they have considered alternative methods of covering the vacant role e.g. offering current employees the chance to increase hours." (p.14) This would provide opportunities for part-time staff, who tend to be predominately female, many of whom have caring responsibilities. However</p>	<p>The Business Services Organisation (BSO) is committed to providing equality of opportunity, and strives to promote a good and harmonious working environment where every employee is treated with respect and dignity and in which no one is disadvantaged based on their age, disability, marital or civil partnership status, political opinion, race, religious belief, sex (including gender reassignment), sexual orientation, with dependants or without dependants</p>

to mitigate this recruitment for the post should commence at the earliest convenience.	
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2.5 Good Relations

What changes to the policy or decision – if any – or what additional measures would you suggest to ensure that it promotes good relations? (refer to guidance notes for guidance on impact)

<i>Group</i>	<i>Impact</i>	<i>Suggestions</i>
Religion	None	
Political opinion	As above	As above
Ethnicity	As above	As above

(3) SHOULD THE POLICY OR DECISION BE SUBJECT TO A FULL EQUALITY IMPACT ASSESSMENT?

A full equality impact assessment (EQIA) is usually confined to those policies or decisions considered to have major implications for equality of opportunity

How would you categorise the impacts of this decision or policy? (refer to guidance notes for guidance on impact)

Please tick:

Major impact	
Minor impact	X
No further impact	

Do you consider that this policy or decision needs to be subjected to a full equality impact assessment?

Please tick:

Yes	
No	x

Please give reasons for your decisions.

Issues for any of the Section 75 groups highlighted in this screening have been mitigated against however the organisation is bound by legislation in relation to retirement ages. Implementation of this policy will support the organisation in maintaining business continuity in areas which are highly specialised may not have a large applicant pool.

The BSO will monitor its implementation and employees wishing to avail of Retire and Return will be considered on a case by case basis.

(4) CONSIDERATION OF DISABILITY DUTIES

4.1 In what ways does the policy or decision encourage disabled people to participate in public life and what else could you do to do so?

<i>How does the policy or decision currently encourage disabled people to participate in public life?</i>	<i>What else could you do to encourage disabled people to participate in public life?</i>
	BSO plan to liaise and explore policy development with the Tapestry, Disability Staff Network to help encourage disabled people to participate in public life

4.2 In what ways does the policy or decision promote positive attitudes towards disabled people and what else could you do to do so?

<i>How does the policy or decision currently promote positive attitudes towards disabled people?</i>	<i>What else could you do to promote positive attitudes towards disabled people?</i>
This policy may provide employees, 55 and over, with a disability the opportunity to avail of pension benefits and allows a reduction in hours. The employee in this basis will not suffer a financial detriment.	Further engagement via the Tapestry Network in order to identify specific needs and shape policy and procedure to encourage disabled people to engage.

(5) CONSIDERATION OF HUMAN RIGHTS

5.1 Does the policy or decision affect anyone's Human Rights? Complete for each of the articles

ARTICLE	Yes/No
Article 2 – Right to life	N
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment	N
Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour	N
Article 5 – Right to liberty & security of person	N
Article 6 – Right to a fair & public trial within a reasonable time	N
Article 7 – Right to freedom from retrospective criminal law & no punishment without law	N
Article 8 – Right to respect for private & family life, home and correspondence.	N
Article 9 – Right to freedom of thought, conscience & religion	N
Article 10 – Right to freedom of expression	N
Article 11 – Right to freedom of assembly & association	N
Article 12 – Right to marry & found a family	N
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights	N
1 st protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property	N
1 st protocol Article 2 – Right of access to education	N

*If you have answered no to all of the above please move on to **Question 6** on monitoring*

5.2 If you have answered yes to any of the Articles in 5.1, does the policy or decision interfere with any of these rights? If so, what is the interference and who does it impact upon?

List the Article Number	Interfered with? Yes/No	What is the interference and who does it impact upon?	Does this raise legal issues?*
			Yes/No

** It is important to speak to your line manager on this and if necessary seek legal opinion to clarify this*

5.3 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 or decision.

(6) MONITORING

6.1 What data will you collect in the future in order to monitor the effect of the policy or decision on any of the categories (for equality of opportunity and good relations, disability duties and human rights)?

Equality & Good Relations	Disability Duties	Human Rights
This will be monitored via government guidance, pension guidelines, advice and consideration given to those employees from any of the Section 75 groups BSO will also monitor the equality profile of those applying for retire and return and the outcome of the application process.	Regular staff surveys and online forums.	Regular staff surveys and online forums.

Approved Lead Officer: Peter Lavery

Position: Senior HR Manager

Date: 12/2/21

Policy/Decision Screened by: Richard McGoldrick

Please note that having completed the screening you are required by statute to publish the completed screening template, as per your organisation's equality scheme. If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, you will need to review the screening decision.

Please forward completed template to:

Equality.Unit@hscni.net

For advice and support on screening contact:

Equality Unit/ BSO /James House/ 2-4 Cromac Avenue/ Belfast/ BT7 2JA

Tel: 028 9536 3961 Any request for the document in another format or language will be considered. Please contact the Equality Unit: