



## **NIFRS Conflicts of Interest and Confidentiality Procedure**

**Section 75 & Schedule 9 of the Northern Ireland Act 1998  
EQUALITY SCREENING REPORT**

**September 2016**

**Protecting Our Community**

# Equality screening under Section 75 of the Northern Ireland Act 1998

## Background

Under Section 75 of the Northern Ireland Act 1998 (Section 75) NIFRS has a specific statutory obligation as a public authority to have regard to the need to promote equality of opportunity between the following groups:

Section 75	Categories
<ul style="list-style-type: none"><li>• persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;</li><li>• men and women generally;</li><li>• persons with a disability and persons without; and</li><li>• persons with dependants and persons without.</li></ul>	

Under Schedule 9 of the Act, NIFRS must also have regard to the promotion of good relations between those of different religious belief, political opinion or racial group. Our Equality Scheme explains how we implement our Section 75 obligations. A copy of the most recent Scheme, approved by the Equality Commission, is available on our website at [www.nifrs.org/equality](http://www.nifrs.org/equality)

We are required under Section 75 to screen and, where necessary, conduct Equality Impact Assessments (EQIA) on strategies, policies, plans and key decisions. The primary function of screening is to assess whether policy proposals would have a differential impact and in particular, an adverse differential impact on the categories of persons listed in Section 75, and any sub-groups within those categories.<sup>1</sup> If a policy shows a possible 'adverse impact' on any group, we must consider how this might be reduced. This would include how an alternative policy or approach might lessen this effect and serve to promote equality of opportunity and good relations.

The Section 75 statutory duties apply to internal policies e.g. relating to our employees and to external policies relating to the community we serve.

Equality screening involves gathering evidence on the potential impacts of the proposal, focusing on the nine Section 75 equality groups. This information is used to help inform the 'screening decision', i.e. whether a full EQIA is required where a potential for *significant* impact on equality of opportunity has been identified.

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<sup>1</sup> Equality Commission for Northern Ireland 'Practical Guidance on Equality Impact Assessment' April 2001 (revised 2005)

Section 75 equality screening outcomes are defined in terms of impact e.g. **‘major’**, **‘minor’** or **‘none’**. Possible screening decision outcomes are as follows:

<b>Section 75</b>	<b>Equality Screening Outcomes</b>
<p>If the conclusion is that there is a <b>‘major’</b> impact for one or more of the Section 75 categories, then consideration should be given to carrying out a full EQIA (<i>described as ‘screened in for EQIA’</i>).</p> <p>If the conclusion is <b>‘minor’</b> for one or more of the Section 75 categories, then consideration should still be given to proceeding with an EQIA, <b>or</b> to measures/ amendments to mitigate the adverse impact; or to consider an alternative policy (<i>described as ‘screened out for EQIA – with mitigation’</i>).</p> <p>Where the conclusion is <b>‘none’</b> in that no significant impact has been identified on all of the Section 75 categories, then decision can be taken to not proceed with a full EQIA (<i>described as ‘screened out for EQIA – no mitigation’</i>).</p>	
<b>Section 75</b>	<b>A conclusion in favour of a ‘major’ impact would arise when:-</b>
<p>a) The policy shows actual or potential for unlawful discrimination.</p>	
<b>Section 75</b>	<b>A conclusion in favour of a ‘minor’ impact would arise when:-</b>
<p>b) The policy is not unlawfully discriminatory and any potential impacts on people are judged to be negligible;</p> <p>c) 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;</p> <p>d) Any equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people; and</p> <p>e) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.</p>	
<b>Section 75</b>	<b>A conclusion in favour of ‘none’ e.g. no impact, would arise when:-</b>
<p>a) The policy has no relevance to equality of opportunity or good relations; and</p> <p>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 Section 75 equality and good relations categories.</p>	

The NIFRS Screening Report on Conflicts of Interest and Confidentiality Procedure has indicated no significant adverse impact for any of the Section 75 groups and decision has been taken ‘screen out’. A copy of the Screening Report for the Procedure is attached overleaf.

# NIFRS Section 75 Screening Report on Proposed Change to Northern Ireland Fire & Rescue Service Crewing Arrangements

## Part 1: Policy Scoping

The first stage of the screening process involves scoping the policy, proposal or decision. Policy scoping helps prepare the background and context and set out the aims and objectives for the policy area being screened. At this stage, scoping 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.

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

## Information about the proposal

### Name of the proposal:

NIFRS Conflicts of Interest and Confidentiality Procedure

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

Existing	Revised	New
	X	

### Brief Description

NIFRS Conflicts of Interest & Confidentiality Procedure is designed to support NIFRS in the delivery of a high quality effective service.

Conflicts of Interest refers to situations in which personal interests (which can be financial or non-financial) may compromise, or have the appearance of, or potential for, compromising professional judgement and integrity and, in doing so, the best interests of NIFRS.

The community has a right to expect that all NIFRS Officials will:

- Perform their duties in a fair and unbiased way, and that the decisions they make are not affected by self-interest, private affiliations, or the likelihood of personal gain or loss; and
- Maintain confidentiality to ensure that contracts are allocated in a fair, equitable and unbiased manner

For this reason it is crucial that NIFRS, its Board and its employees protect the public interest by ensuring private interests that conflict with its work, are identified and managed effectively.

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

The Conflicts of Interest and Confidentiality Procedure will ensure that the private interests activities of employees and NIFRS Board that may conflict with NIFRS are identified and managed effectively.

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

YES	NO	N/A
	X	

### If YES, explain how:

Not applicable.

## Who initiated or wrote the proposal?

The Procedure was written by the NIFRS Business Assurance Manager.

## Who owns and who implements each element of the proposal?

The Procedure is owned and managed by the Planning, Performance and Governance Directorate. The central Conflict of Interest Register will be held securely by the Business Assurance Manager, the process will be overseen by the Director of Planning, Performance and Governance as the Senior Information Risk Officer (SIRO for NIFRS).

## Implementation factors

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

YES	NO	N/A
X		

### If YES, are they

#### Financial? YES/NO (If YES, please detail)

##### Financial factors that would contribute to successful implementation of the Conflicts of Interest and Confidentiality Procedure

- Financial – Available Business Case approval and budget allocation (for resourcing the maintenance of the Conflicts of Interest Register).

##### Financial factors that would detract from successful implementation of the Conflicts of Interest and Confidentiality Procedure

- Potential for unforeseen significant in-year cuts that negatively impact on resources available to manage process

**Legislative?: YES/NO (If YES, please detail)**

**Legislative factors that would contribute to successful implementation of the Conflicts of Interest and Confidentiality Procedure**

Not applicable

**Legislative factors that would detract from successful implementation of the Conflicts of Interest and Confidentiality Procedure**

Not applicable

**Other, please specify:**

**Other factors that would contribute to successful implementation of the Conflicts of Interest and Confidentiality Procedure**

- Clear procedures and guidelines for declaring conflict of interest.
- Staff buy-in, understanding of and compliance with responsibilities and expectations

**Other factors that would detract from successful implementation of the Conflicts of Interest and Confidentiality Procedure**

- Failure to communicate the Procedure to Board Members and employees
- Failure to maintain up to date Conflict of Interest Register

**Governance**

In addition to its statutory obligations, NIFRS must also comply with corporate governance requirements set by the sponsoring body, the Department of Health.

- |                                |   |
|--------------------------------|---|
| • Managing Public Money NI     | • Management Statement and Financial Memorandum       |
| • Financial Reporting Manual   | • Code of Accountability for NIFRS Board Members 2013 |
| • Controls Assurance Standards |   |

**Main stakeholders affected**

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

**Employees:**

- All Board Members and NIFRS employees/agency workers. Also their spouses or relatives working for a contractor engaged by NIFRS.

**Service users:**

Those service users who have an actual or potential contractual/supplier business relationship with NIFRS

**Other public sector organisations:**

- Department of Health (NIFRS sponsoring body)

**Voluntary/community/trade unions:**

- Fire Brigades Union, NIPSA, UNITE the Union, Retained Firefighters Union

**Other, please specify:**

Not applicable

**Other policies with a bearing on this proposal****What are they and who owns them?**

The Conflicts of Interest and Confidentiality Procedure is linked to

- Code of Conduct & Accountability for Board Member (February 2013)
- NIFRS Code of Conduct
- NIFRS Discipline Policy & Procedure
- NIFRS Procurement Policy & Procedure
- NIFRS Gifts & Hospitality Policy

The Procedure is also linked to the following external documents:

- Financial Reporting Manual 2015-16
- DFP Guidance on Codes of Conduct for Board Members of Public Bodies NI April 2014

## 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.

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

Section 75 Category	Details of Evidence/Information
All 9 categories	<p>The Conflicts of Interest and Confidentiality Procedure is an internal document for NIFRS Board Members and employees/workers.</p> <p>Desktop screening indicates that minority ethnic groups and people with disabilities are under-represented in NIFRS workforce. In relation to community background 55% of employees are Protestant; 40% are Roman Catholic and 5% are from an 'other' background.</p> <p>Women remain significantly represented in the NIFRS workforce at only 10% of total employees and, in particular, amongst the uniformed (Firefighter) category.</p> <p>The Section 75 profile of the workforce has little or no bearing in relation to this Procedure.</p>

## Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 Category	Details of Needs/Experiences/Priorities
All 9 categories	<p>The Procedure states that Board Members/employees should consider any financial interests including</p> <ul style="list-style-type: none"> <li>▪ Directorships;</li> <li>▪ Sole Trader/Partnerships/Limited Company Relationships;</li> <li>▪ Remuneration from employment, self-employment &amp; public appointments;</li> <li>▪ Share Holdings;</li> <li>▪ Options and Bonds; and</li> <li>▪ Other Financial Investments (e.g. Trusts, Collective Schemes etc.).</li> </ul> <p>Board Members/employees must consider their own financial interests, those of their immediate family and those of any person they advise/exert influence over. Where Board Members/employees feel they have a conflict of interest they must:</p> <ul style="list-style-type: none"> <li>▪ Declare this immediately to their line manager (irrespective of this conflict already having been declared within the central Conflicts of Interest Register);</li> <li>▪ Ensure that they excuse themselves from the proceedings; and</li> <li>▪ Update the central Conflicts of Interest Register with details of any new</li> </ul>



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### Non-Financial Interests

A conflict of interest and bias may occur in relation to matters which are non-financial. Non-financial interests come from personal associations (e.g. former employers, second jobs (paid or voluntary); memberships of political parties or trade union officials; or through personal relationships (e.g. spouse or relative working for a contractor)). Declarations made regarding second jobs do not replace the Grey Book (2009) requirement (Part B paragraph 8) for Wholetime personnel to seek the express permission of the Chief Fire & Rescue Officer regarding any other office or employment, trade or business for gain or reward.

If the outcome of a task could have real consequences on someone who has a personal association or relationship with a Board Member/employee, then that Board Member/employee should normally be excluded from the decision-making process.

No equality impacts are evident in relation to the above requirements and no specific needs are envisaged for any of the Section 75 groups. NIFRS acknowledges the requirement to provide accessible formats where reasonable and upon request and this extends to the Conflicts of Interest and Confidentiality Procedure.

## Part 2: Screening Questions

### Introduction

1. If the conclusion is **none** in respect of all of the Section 75 categories, then you may decide to screen the policy out. If a policy is 'screened out', you should give details of the reasons for the decision taken.
2. If the conclusion is **major** in respect of one or more of the Section 75 categories, then consideration should be given to subjecting the policy to an EQIA.
3. If the conclusion is **minor** in respect of one or more of the Section 75 categories, then consideration should still be given to proceeding with an EQIA, or to measures to mitigate the adverse impact; or an alternative policy.

Taking into account the earlier evidence, consider and comment on the likely impact on equality of opportunity / good relations for those affected by this policy, by applying the following screening questions and the 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 grounds? Minor/Major/None		
Section 75 Category	Details of Impact of Conflicts of Interest and Confidentiality Procedure	Level of Impact? Minor/Major/None
Religious belief	None	None
Political opinion	None	None
Racial / ethnic group	None	None
Age	None	None
Marital status	None	None
Sexual orientation	None	None
Men and women generally	None	None
Disability	None. It is acknowledged that accessible formats are to be considered in relation to the Procedure document, where reasonable and upon request	None
Dependants	None	None

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

Section 75 Category	If <b>Yes</b> , provide details	If <b>No</b> , provide reasons
		<p>No. The Conflicts of Interest and Confidentiality Procedure has no significant adverse impact on equality of opportunity. The premise of the Procedure is to protect the public interest by ensuring the private interests of Board members and employees are identified and managed effectively</p>

**3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? **Minor/Major/None****

Good Relations Category	Details of policy impact	Level of impact Minor/Major/None
Religious belief	None	None
Political opinion	None	None
Racial group	None	None

4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If <b>Yes</b> , provide details	If <b>No</b> , provide reasons
Racial group		No. The Conflicts of Interest and Confidentiality Procedure has no significant adverse impact on equality of opportunity.  The premise of the Procedure is to protect the public interest by ensuring the private interests of Board members and employees are identified and managed effectively

### 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).

Not applicable.

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

Not applicable.

### Part 3: Screening Decision

In light of your answers to the previous questions, do you feel that the policy should: (please underline one):

1. Not be subject to an EQIA (with no mitigating measures required)
2. Not be subject to an EQIA (with mitigating measures /alternative policies)
3. Be subject to an EQIA

If 1. or 2. (i.e. not be subject to an EQIA), please provide details of the reasons why:

The Conflicts of Interest and Confidentiality Procedure is not to be subject to an EQIA and no mitigation is required.

If 2. (i.e. not be subject to an EQIA), in what ways can identified adverse impacts attaching to the policy be mitigated or an alternative policy be introduced?

Not applicable

**In light of these revisions, is there a need to re-screen the revised/alternative policy at a future date? YES/ NO**

**If YES, when & why?**

Not applicable.

**If 3. (i.e. to conduct an EQIA), please provide details of the reasons:**

Not applicable.

### Timetabling and Prioritising EQIA

**If 3, is the policy affected by timetables established by other relevant public authorities? YES/ NO**

**If YES, please provide details:**

Not applicable.

**Please answer the following questions to determine priority for timetabling the EQIA. 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 EQIA.**

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	Not applicable
Social need	Not applicable

Effect on people's daily lives	Not applicable
Relevance to a public authority's functions	Not applicable

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for EQIA. This list of priorities will assist you in timetabling the EQIA. Details of your EQIA timetable should be included in the quarterly Section 75 report.

Proposed date for commencing EQIA: [Not applicable](#)

**Any further comments on the screening process and any subsequent actions?**

Not applicable

**Part 4: Monitoring**

Effective monitoring will help identify any future adverse impacts arising from the policy which may lead you to conduct an EQIA, as well as help with future planning and policy development. You should consider the guidance contained in the Equality 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, then you should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

**Please detail proposed monitoring arrangements below:**

The Conflicts of Interest and Confidentiality Procedure will be reviewed in accordance with the NIFRS Policy Development Framework – normally every 3 years, or sooner should it be deemed necessary.

**Part 5: Approval and Authorisation**

Screened by:	Position/Job Title	Date
Hazel Kelly Adèle Davidson	Corporate Services Manager HR Manager (Equality, Inclusion & Legal)	July 2016
Approved by:		
Liz Cuddy	Director Planning, Performance & Governance	August 2016

**Note:** A copy of the Screening Report for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy. The Policy Lead Officer will have involved the HR Manager (Equality, Inclusion & Legal) from the outset and will make the Report accessible on the NIFRS website following completion. This is in compliance with Equality Commission for Northern Ireland requirements.