



# Screening Report

Section 75 & Schedule 9 of the Northern Ireland Act 1998

## NIFRS Finance Policies (5) – Contract Management Policy

Lead Officers: Josephine Kelly (Director of Finance)

August 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 eg **‘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’ eg 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 the NIFRS Contract Management Policy 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 is attached overleaf. The Screening Report will be reviewed and updated following this consultation exercise.

# Section 75 Screening Report on NIFRS Contract Management Policy

## Part 1: Policy Scoping

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

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 policy

Name of the policy or policy area:

**Contract management policy**

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

Existing	Revised	New
		X

## Brief Description

The key aim of the policy is to promote and sustain effective Contract Management within Northern Ireland Fire & Rescue Service (NIFRS).

Contract management is the phase of the procurement cycle in which a contractor delivers the required goods, services or works in accordance with an NIFRS specification and Terms and Conditions of Contract.

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

NIFRS and the contractor's approach to managing their relationship is critically important to ensuring successful contract delivery and best value for money for the taxpayer.

The policy contains a protocol for dealing with poor contractor performance and affords contractors two opportunities to address serious delivery failure.

The policy aims to ensure that value for money is achieved for the taxpayer and that NIFRS receives the goods/services it is paying for on time and within budget.

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

YES	NO	N/A
		X

If YES, explain how:

Who initiated or wrote the policy?

Finance Department

Who owns and who implements each element of the policy?

- **Contract Managers** – to ensure compliance with the contract by both parties – NIFRS and contractor. It is the Contract Manager’s responsibility to ensure that any failure is dealt with promptly and in accordance with the conditions of the contract. Required to formally monitor against the key performance indicators and provide feedback to the contractor through regular review meetings.
  - **Project Manager** fulfils the role of Contract Manager on construction contracts.
  - **NIFRS Procurement Department** – dealing with unsatisfactory performance
  - In relation to the management of supplies and services contracts a CoPE may be responsible for all aspects of contract management on behalf of NIFRS. However, in other cases it will be NIFRS which will be responsible for day-to-day management and supervision. In these cases the CoPE will still offer support and advice post contract award.

## Implementation factors

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

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 policy

- Good communication and awareness of policy and protocols
- Consistent application of policy throughout the service
- Good documented evidence of good performance or poor/unsatisfactory performance is provided

### Financial factors that would detract from successful implementation of the policy

- Lack of awareness amongst managers and staff of responsibilities in relation to contractor management
- Inconsistent controls and application of policy in local areas
- Poor documented evidence to support claims of unsatisfactory performance by contractors in line with the Public Contracts Regulations

Legislative/best practice guidance: Y / N (If YES, please detail)

### Legislative factors that would contribute to successful implementation of the policy

- Article 57 4(c) 2014/24/EU and Regulation 57 (8) (c) of the Public Contracts Regulations 2015 provide that NIFRS may treat an economic operator as ineligible – or decide not to select him/her on the grounds of grave misconduct committed in the course of his business or profession. NIFRS must be able to clearly demonstrate misconduct.
- Regulation 17 of the Public Contracts Regulations 2015 sets out the circumstances when contracts and framework agreements may be modified without a new procurement procedure being necessary.

**Other, please specify:**

Contributory factors

- Good communication and awareness of policy and protocols
- Robust controls for contracts management
- Consistent record keeping across Service
- Consistent application of policy across Service

Detracting factors

- Lack of awareness amongst managers and staff of responsibilities in relation to the contract management
- Inconsistent controls and application of policy in local areas
- Lack of appropriate response to incidents of poor contract management and or loss
- Lack of appropriate response to incidents of fraud with intent

## Main stakeholders affected

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

### Employees:

- The principles and procedures of the policy apply to NIFRS Directors, Managers and staff members that are involved in Contract Management.
- All contracts should have a nominated contract manager (a project manager fulfils this role in the case of construction contracts), whose responsibility it is to ensure full compliance with the contract. It is the contract manager's responsibility to ensure that any failure is dealt with promptly and in accordance with the conditions of contract.
- NIFRS Finance Directorate with particular responsibilities by the Director of Finance and the Procurement Department.

### Service users:

### Other public sector organisations:

- Business Services Organisation – Centres of Procurement Expertise (CoPEs)
- Department of Health – Sponsoring branch
- Department of Finance – reporting on Contract Management
- Northern Ireland Audit Office
- Accounting Officer

### Voluntary/community/trade unions:

**Other, please specify:**

- Contractors
- Suppliers of goods and services
- Software Provider
- Members of the public (taxpayers)

**Other policies with a bearing on this policy**

**What are they and who owns them?**

**Finance Department**

- Procurement Strategy and Policy
- Creditors Policy
- Fraud Policy
- Contract Management – A user's guide

**Planning, Performance & Governance Department**

- Conflict of Interest Policy
- Gifts and Hospitality Policy

## 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
	<p>The Contract Management Policy takes its guidance from these main sources:-</p> <ul style="list-style-type: none"> <li>• The Financial Reporting Manual (FreM);</li> <li>• The Financial Memorandum;</li> <li>• The Fire and Rescue Services (Northern Ireland) Order 2006;</li> <li>• Managing Public Money Northern Ireland (MPMNI);</li> <li>• Prompt Payment of Invoices Circular;</li> <li>• Guidance issued directly from the Department of Health; and</li> <li>• HMRC.</li> </ul> <p>In addition the policy has been developed based on the Procurement Guidance Note PGN 01/12 approved by the NI Procurement Board for use by those bodies covered by the Northern Ireland Public Procurement Policy.</p> <p>The Policy also refers to ensuring actions under the policy meet the requirements of legislation such as the Public Contracts Regulation 2015 and Regulation 17 of The Utilities Regulations 2006.</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

<b>Section 75 Category</b>	<b>Details of Needs/Experiences/Priorities</b>
All categories	In line with guidance such as the Financial Reporting Manual, the Financial Memorandum and Managing Public Money Northern Ireland NIFRS aim to sustain effective management of Contracts and Contractors by having adequate controls in place.

## 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	Level of Impact? Minor/Major/None
All categories	Policies are governed by best practice in accounting and governed by both legislation and protocols under the Financial Memorandum; the Financial Reporting Manual (FreM); Managing Public Money Northern Ireland (MPMNI) and Public Contracts Regulations 2015.	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
All categories		No Principles of policy are based on financial and accounting best practice.

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? <b>Minor/Major/None</b>		
Good Relations Category	Details of policy impact	Level of impact <b>Minor/Major/None</b>
Religious belief		None
Political opinion		Principles of policy are based on financial and accounting best practice.
Racial group		

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
Religious belief		None Policy is based on accountancy best practice and adherence to guidance such as Financial Reporting Manual and the Financial Memorandum
Political opinion		
Racial group		

### 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:

1. Not subject to EQIA.

The policy will apply a uniformed approach as it has been developed using guidance from documentation such as the Financial Reporting Manual; the Financial Memorandum; Managing Public Money Northern Ireland and Prompt Payment of Invoices Circular.

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?

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?**

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

## 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:

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?

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## 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:

This Policy will be reviewed as deemed appropriate (and when impacted by legislative and accounting best practice).

A review is planned in three years.

## Part 5: Approval and Authorisation

Screened by:	Position/Job Title	Date
Caroline Smyth	HR Advisor – Equality, Inclusion & Legal	10 August 2016
Josephine Kelly	Director of Finance	10 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.