



The Commission for Victims & Survivors

Anti-Bribery Guidance

1. INTRODUCTION

- 1.1. This guidance has been developed to provide practical guidance to officers involved in equality screening in relation to Section 75 of the Northern Ireland Act 1998. It outlines the key stages of the screening process and contains the equality screening template. This guidance is supported by training and is an integral part of the overarching Policy Development guidance and training package.

2. EQUALITY DUTIES

- 2.1. Section 75 of the Northern Ireland Act 1998 (the Act) requires the Commission for Victims and Survivors to comply with two statutory duties.
- 2.2. The first duty is the **Equality of Opportunity** duty, which requires the Commission for Victims and Survivors, in carrying out its functions, to have **due regard** to the **need** to promote equality of opportunity between the nine equality categories, i.e. persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; men and women generally; persons with a disability and persons without; and persons with dependants and persons without.
- 2.3. The second duty, the **Good Relations** duty, requires that the Commission for Victims and Survivors, in carrying out its functions has **regard** to the **desirability** of promoting good relations between persons of different religious belief, political opinion and racial group.
- 2.4. This means that the Commission for Victims and Survivors must make all reasonable efforts to accommodate the differences that each of the section

75 groups have and to address any relative inequalities experienced by members of these groups in relation to our functions.

- 2.5. In addition, we must make all reasonable efforts to challenge sectarianism, racism and by implication (although not specified in the Act) other forms of alienation, negative attitudes, exclusion, etc (e.g. homophobia and disablism), by promoting better relationships where we can influence them.

3. OTHER DUTIES

Disability Duties

- 3.1. Under Section 49a of the Disability Discrimination Act 1995 (DDA) the Commission for Victims and Survivors is required when carrying out its functions, to have due regard to the need to;
 - Promote positive attitudes towards disabled people; and
 - Encourage the participation of disabled people in public life.
- 3.2. This means that we must make all reasonable efforts to challenge negative attitudes towards disabled people (including staff), and to positively accommodate disabled people in all aspects of public life where we have influence.

Human Rights

- 3.3. Under Section 6(10) OF THE Human Rights Act 1998, *“It is unlawful for a public authority to act in a way which is incompatible with a Convention Right”*.
- 3.4. This means that we must be sure that our policies, strategies and functions are compliant with the range of articles in the Human Rights Act 1998 and in addition, that we have paid regard to associated international conventions such as the UN Convention on the Rights of the Child and the UN Convention on the Rights of Disabled people.
- 3.5. The next section deals with how **Policy Writers** can ensure that they take the above considerations into account when developing policy and how they can provide assurance to the Board or Chief Executive that Equality, Disability and Human Rights risks have been appropriately managed.

4. WHY SCREEN POLICIES

- 4.1. Screening allows us to consider the above duties and to accommodate them where appropriate into our policy development, implementation, monitoring and review. The screening procedures create an audit trail of policy decisions, evidence considered and principles adopted. The process identifies those policies that have the potential to have an impact on equality of opportunity and to further the reduction of inequalities. It also acts as a filter, to identify those policies that need a more detailed scrutiny that can be conducted through equality impact assessment (EQIA).

5. POLICY SCREENING PROCESS

- 5.1. There are three important questions.

- (i) What do we screen?
- (ii) When do we screen?
- (iii) How do we screen?

(i) What do we Screen?

- 5.2. Policy screening must be conducted for all newly introduced policies or amended policies that require a decision made by the Board or Senior Management. This includes;

- Any policy, strategy or course of action proposed
- Any decision required e.g.: how services are provided
- Any guidelines/procedures/principles/protocols/codes of practice/systems/strategies

- 5.3. This does not include operational papers e.g. scheme approvals, tenders, final accounts, land acquisition or sale, individual funding approvals, training courses, conferences, purchases and contracts.

- 5.4. This **will** include policies that impact on (for example);

- *staff*, e.g. employment practices, workplace policies
- *Customers*
- *Other Stakeholders*
- *Corporate Strategy*, Organisational reviews

(ii) When do we screen?

- 5.5. The screening report should be completed prior to submission of the policy paper to the Board or Senior Management and should accompany this paper.
- 5.6. However, it is recommended that the equality screening process is initiated as the earliest opportunity in the policy development process. There is no definitive timescale to this as policies can be developed;
- **Proactively**; where equality screening can be integrated into the process and engagement with stakeholders can begin at an early stage.
 - **Reactively**; where external pressures require a policy response quickly and the policy making process is time limited.
- 5.7. In general screening is more profitable the earlier on in the process it is introduced. This allows sufficient time to sort out any potential problems and to engage effectively, allowing stakeholders to participate in an open and transparent process. Screening late in the day or after decisions have been made can be inefficient as further changes (or an equality impact assessment) may be required and may carry risks that are not fully understood or adequately managed.

(iii) How do we screen?

- 5.8. To ensure a consistent approach is adopted we use a Policy Screening Template which must be used for all screening exercises. This template is founded on the approach recommended by the Equality Commission but has been adapted to suit the Commission for Victims and Survivors processes and expanded to cover the wider duties set out above i.e. Disability Duties and Human Rights. The completed template will be made available for consultation and placed on the Commission for Victims and Survivors website for information. It is recommended that screening exercises are conducted by and signed off by the Human Resources Director or his/her nominee and a senior member of staff representing the policy owner (**Screening Team**). All staff involved in completing the screening template should have completed a Policy Development training course.



The Commission for Victims & Survivors

Equality Screening

Part 1. Policy scoping

1. The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help 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 writer** work through the screening process on a step by step basis.

Information about the policy

Name of the policy: Anti-Bribery Policy

Is this an existing, revised or a new policy? Revised

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

The policy aims ensure all staff are aware that the prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Commission, and provides guidance on dealing with bribery.

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

If so, explain how.

Yes, the policy covers all S75 groupings

Who initiated or wrote the policy? CVSNI

Who owns and who implements the policy?

Chief Executive Officer

Implementation factors

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

If yes, are they

Financial

Legislative

Other, please specify

Main stakeholders affected

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

Staff

Service users, customers

Other public sector organisations

Voluntary/community/trade unions

Other, please specify _____

Other policies with a bearing on this policy

What are they?

- Grievance Policy and Procedure
- Whistleblowing Policy
- Code of Conduct Policy
- Anti-Fraud Policy
- Gifts & Hospitality Guidance

• Who owns them?

Chief Executive Officer

Available evidence

Evidence to help inform the screening process may take many forms. Policy Writers 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 each of the Section 75 categories that evidence is required for.

Section 75 category	Details of evidence/information
Religious belief	No specific equality data has been captured to inform the development of this policy it has been implemented to ensure good standards of behaviour, propriety, transparency and that legal obligations are adhered to.
Racial group	
Marital status	
Men and women	
Disability	
Dependants	
Political opinion	
Age	
Sexual orientation	

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 that are affected.

Section 75 category	Details of needs/experiences/priorities
Religious belief	<p>There is no evidence of specific needs or priorities in relation to this policy. However, where a member of staff encounters a barrier associated with any of the 9 Section 75 categories eg. Language or sensory difficulties CVSNI will evoke the necessary adjustments to ensure effective communications with the employee under this policy.</p>
Political opinion	
Racial group	
Age	
Marital status	
Sexual orientation	<p>The policy has been developed through reference to good practice models recommended by the Northern Ireland Civil Service.</p>
Men and women	
Disability	<p>In preparing this policy we took cognisance of the range of differences within our workforce and this policy addresses specific requirements in terms of different formats for people with disabilities or from different racial groups</p>
Dependants	

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the **Policy Writer** should consider the answers to the questions 1-4.

If the **Screening Team's** conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then it is recommended that the policy is "screened out". This means no further action is required for this policy.

If the **Screening Team's** conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration must be given to subjecting the policy to the equality impact assessment procedure.

If the **Screening Team's** conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

The Screening team should consider the following issues as indicators of "major impact".

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are

concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) 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;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people, e.g. Traveller families, Older people, Disabled people.
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- 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 equality and good relations categories.
- c) Equality of opportunity and good relations have been fully accommodated within the policy development process and all risks are adequately managed. The **Screening Team** must take into account the evidence presented above and consider the questions set out below.

Screening questions

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		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief		None
Political opinion		None
Racial group		None
Age		None
Marital status		None
Sexual orientation		None
Men and women		None
Disability		None
Dependants		None

2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief	This policy is designed to ensure staff know that the prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Commission. All staff are required to avoid activity that breaches this policy.	All reasonable opportunities have been accommodated in the policy.
Political opinion		
Racial group		
Age		
Marital status		
Sexual orientation		
Men and		

women	to better promote equality of opportunity for people within the Section 75 equality categories. However, where a member of staff encounters a barrier associated with any of the 9 Section 75 categories eg. Language or sensory difficulties CVSNI will evoke the necessary adjustments to ensure effective communications with the employee under this policy.	
Disability		
Dependants		

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	N/A	
Political opinion		
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 Yes , provide details	If No , provide reasons
Religious belief	N/A	
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).

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

None

It is likely that people affected by this policy could fall into multiple S75 categories.

Disability Duties:

1. Does this policy affect (or have the potential to affect) disabled people.

No

2. If yes, how does this policy pay due regard to the promotion of positive attitudes towards disabled people?

No

3. If yes, does this policy provide any opportunity for the engagement of, or participation of any stakeholder representatives,

No

4. If yes, what efforts have been made to encourage the participation of disabled people?

Human Rights:

The **Screening Team** must consider the Human Rights "Convention Checklist" set out below. The **Screening Team** must be satisfied that the policy does not interfere (unless justified by a legitimate, necessary and/or proportionate aim) with any of the

rights listed. On occasion, the **Screening Team** may require legal advice to assure the Board or Senior Management of adequate consideration of Human Rights.

ARTICLE	Relevant Y/N	Comment
Article 2: Right to life	N	No Human Rights issues.
Article 3: Right to freedom from torture, inhuman or degrading treatment or punishment	N	
Article 4: 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 & 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 convention rights	N	
Article 1, 1 st protocol: Right to a peaceful enjoyment of possessions & protection of property	N	
Article 2, 1 st protocol: Right to	N	

access to education		
Article 3, 1 st protocol: Right to free elections	N	
Article 1, 6 th protocol: Abolition of the death penalty	N	

Additional Human Rights Conventions:

There are many international instruments that the UK Government have made commitments to progressively realise. Some of these impact on housing policy and it is important that when we make policy that we can assure the Board that cognisance of these instruments has been observed. This is particularly important where policies affect or have the potential to affect children and young people and disabled people. The Screening Team may wish to seek additional legal advice or views of representative groups.

Part 3. Screening Team decision

Does this policy require an equality impact assessment?

No

Reasons for the decision:

The policy aims to ensure all staff are aware they have a responsibility to aid the prevention, detection and reporting of instances of bribery, and provides appropriate mechanisms, taking account of their specific requirements and needs in order for them to do so.

Part 5 - Approval and authorisation

Screened by:	Position/Job Title	Date
Approved by:		

Note: A copy of the Screening Template for each policy should be placed on the website for public access.