# Department for the Economy

# Equality Screening Template – Section 75 of Northern Ireland Act 1998

**Please complete the coversheet details below:**

**Policy title:** The Insolvency (Amendment) (Northern Ireland) Bill

**Decision (delete as appropriate)**

Policy screened out **without** mitigation or an alternative policy adopted

**Contact:** Eileen Glenn

**Date of completion: 10 June 2022**

**For Equality Unit Completion:**

**Amendments requested? Yes / No**

**Date returned to Business Area:**

**Date final version received:**

## **Content**

**Part 1. Policy scoping** – asks public authorities to provide details about the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

**Part 2. Screening questions** – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues.

**Part 3. Screening decision** –guides the public authority to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or tointroducemeasures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

**Part 4. Monitoring** –provides guidance to public authorities on monitoring for adverse impact and broader monitoring.

**Part 5. Approval and authorisation** – verifies the public authority’s approval of a screening decision by a senior manager responsible for the policy.

 Flowchart for the equality screening process and decision.

Policy Scoping

* + Policy
	+ Available data

Screening Questions

* Apply screening questions
* Consider multiple identities

Screening Decision None/Minor/Major

Mitigate

 Publish

Template

Re-consider screening

Publish Template

for information

Publish Template

EQIA

Monitor

**‘None’**

Screened out

**‘Major’**

Screened in for EQIA

**‘Minor’**

Screened out with mitigation

Concerns raised with evidence

Concerns raised with evidence re: screening decision

## **Part 1. Policy scoping**

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 maker work through the screening process on a step by step basis.

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

### Information about the policy

**Name of the policy**

The Insolvency (Amendment) (Northern Ireland) Bill.

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

A new policy.

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

It is policy to maintain Northern Ireland legislation dealing with insolvency and director disqualification in parity with that applying in England and Wales.

Amendments have been made to insolvency legislation in England and Wales by the Enterprise and Regulatory Reform Act 2013, the Deregulation Act 2015 and the Small Business, Enterprise and Employment Act 2015 and in keeping with our policy of maintaining parity an Assembly Bill to make corresponding changes to Northern Ireland insolvency legislation is needed. The Bill will also replicate an amendment to company director disqualification legislation made by the Deregulation Act 2015 and make amendments to update a piece of subordinate legislation, the Insolvent Partnerships (Northern Ireland) Order 1995.

Salient amendments to insolvency legislation include,

* Provision aimed at ensuring continuity of supply of essential goods and services to businesses which are being kept open post-insolvency to facilitate rescue.
* Doing away with the requirement for a statement of affairs to be provided in all bankruptcies.
* Provision to enable administrators to take action for fraudulent or wrongful

trading.

* Removing the need for trustees and liquidators to obtain sanction from creditors or the Department to undertake certain actions.
* Doing away with physical meetings as a way of making decisions unless a specified percentage of creditors insist on a meeting.
* Enabling creditors to opt out of receiving correspondence.
* Allowing dividends to be paid in respect of debts under a certain figure without the creditor having to submit a claim.

The amendment to company director disqualification legislation will,

* Allow the Department for the Economy to obtain information about a person’s conduct as director of an insolvent company directly from anyone capable of providing the information, including the directors themselves, without having to go through the insolvency office-holder.

The amendments to the Insolvent Partnerships Order (Northern Ireland) 1995 will include providing for creditors to make decisions using procedures which do not involve having to attend a physical meeting.

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

**If so, explain how.**

The legislation to implement the policy will be of a technical nature and will apply equally to everyone using it or affected by it, irrespective of which of the section 75 categories they fall into. The emphasis on decision-taking by creditors, in ways which do not involve physical meetings, could potentially benefit any creditor who happens to be elderly (age), has a disability, or who has dependants.

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**Who initiated or wrote the policy?**

The Department for the Economy

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**Who owns and who implements the policy?**

The policy is owned and is being implemented by the Insolvency Service which is a branch of the Department for the Economy. However the policy is based on similar measures which have already been implemented by the Insolvency Service for England and Wales; it is policy to maintain parity of legislation with that applying in England and Wales.

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### Implementation factors

**Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?** No.

### Main stakeholders affected

**Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please delete as appropriate)**

**staff**- the proposals will affect the Official Receiver and his staff and other staff in the Insolvency Service, especially those in the Director Disqualification Unit.

**service users** – some of the proposals will have an impact on bankrupts and directors of companies which have been wound up by the High Court.

**other public sector organisations** – one of the proposals will make a slight alteration to the High Court’s jurisdiction to make bankruptcy orders.

**other, please specify**

The policy will impact on private sector insolvency practitioners by altering some of the procedures they are required to follow and by changing the way in which they interact with creditors and company shareholders in the course of insolvency proceedings. It will affect anyone owed money by individuals who, or companies which have, entered insolvency proceedings. It could potentially also affect electricity, gas, water, sewerage and electronic and IT service providers in that it obliges them to maintain supplies to businesses which are being kept open post-insolvency.

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### Other policies with a bearing on this policy

* **what are they**? None.
* **who owns them?** N/A

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. The Commission has produced this guide to [signpost to S75 data](https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/S75DataSignpostingGuide.pdf).

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

\*No evidence has been gathered and it would not be possible, or meaningful to attempt to gather any. The policy consists of a multiplicity of disparate changes to existing insolvency procedures, each of which is minor and technical in nature. The sole criterion determining their applicability is whether or not insolvency proceedings are to be taken or are in progress. Entry into insolvency proceedings is on the basis of insolvency, not membership of any section 75 category, Nearly half of the proposed changes will be to corporate insolvency procedures. The changes to individual insolvency procedures will not alter the make-up, in terms of section 75 characteristics, of those subject to such procedures.

Some of the changes are to the way in which meetings of creditors and company members take place during insolvency proceedings. The fact that virtual meetings will be the default position should benefit section 75 groups such as the elderly, those with a disability and those with dependants. However, there is no way of knowing who is going to be a creditor, or member of a company subject to insolvency proceedings in the future, so that it would not be possible to gather data on which section 75 groups they will fall into.

**Religious belief** evidence / information: N/A – See above \*
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**Political Opinion** evidence / information: N/A – See above \*
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**Racial Group** evidence / information: N/A – See above \*
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**Age** evidence / information: N/A – See above \*
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**Marital Status** evidence / information: N/A – See above \*
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**Sexual Orientation** evidence / information: N/A – See above \*
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**Men & Women generally** evidence / information: N/A – See above \*
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**Disability** evidence / information: N/A – See above \*
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**Dependants** evidence / information: N/A – See above \*
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### 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** The planned changes to insolvency and director disqualification legislation are not of a nature which could be expected to give rise to differing needs, experiences and priorities for this category.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Political Opinion** The planned changes to insolvency and director disqualification legislation are not of a nature which could be expected to give rise to differing needs, experiences and priorities for this category.

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**Racial Group** The planned changes to insolvency and director disqualification legislation are not of a nature which could be expected to give rise to differing needs, experiences and priorities for this category.

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**Age** The fact that meetings will now take place virtually will assist older people who may be less able to travel to a physical meeting. It will allow them to take part without having to incur the cost of travelling to a physical meeting. Older people, as a group, are less likely to have access to computers or similar devices. However, insolvency practitioners convening meetings will be expected to deal with this by providing alternative means of taking part, such as telephone conferencing.

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**Marital status** The planned changes to insolvency and director disqualification legislation are not of a nature which could be expected to give rise to differing needs, experiences and priorities for this category.

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**Sexual orientation** The planned changes to insolvency and director disqualification legislation are not of a nature which could be expected to give rise to differing needs, experiences and priorities for this category.

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**Men and Women Generally** The planned changes to insolvency and director disqualification legislation are not of a nature which could be expected to give rise to differing needs, experiences and priorities for men and women.

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**Disability** The fact that meetings will now take place virtually should assist people with disabilities who may be less able to travel to a physical meeting.
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**Dependants** The fact that meetings will now take place virtually should assist people with dependants who would need to make arrangements to have those dependants looked after if they were to attend a physical meeting.

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## **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 public authority should consider its answers to the Screening Questions 1-4, which follow.

If the public authority’s conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is ‘screened out’ as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

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

If the public authority’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.

#### In favour of a ‘major’ impact

1. The policy is significant in terms of its strategic importance;
2. 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;
3. 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;
4. 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;
5. The policy is likely to be challenged by way of judicial review;
6. The policy is significant in terms of expenditure.

#### In favour of ‘minor’ impact

1. The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
2. 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;
3. 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;
4. By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

#### In favour of none

1. The policy has no relevance to equality of opportunity or good relations.
2. 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.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of 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 equality categories?**

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**:

None.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**:

None.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**:

None.

What is the level of impact? None

Details of the likely policy impacts on **Age**:

Being able to participate in meetings, without having to travel to them, should benefit older people.

What is the level of impact? Minor positive.

Details of the likely policy impacts on **Marital Status**:

None.

What is the level of impact? None

Details of the likely policy impacts on **Sexual Orientation**:

None.

What is the level of impact? None

Details of the likely policy impacts on **Men and Women**:

None.

What is the level of impact? None

Details of the likely policy impacts on **Disability**:

No longer having to travel to attend meetings should make it easier for individuals with disabilities to participate in meetings.

What is the level of impact? Minor positive.

Details of the likely policy impacts on **Dependants**:

No longer having to travel to attend meetings should make it easier for individuals with caring responsibilities to participate in meetings.

What is the level of impact? Minor positive.

1. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?** No

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 policy is purely technical in nature and does not lend itself to promoting equality of opportunity for this category.

**Political Opinion –**

No, the policy is purely technical in nature and does not lend itself to promoting equality of opportunity for this category.

**Racial Group –**

No, the policy is purely technical in nature and does not lend itself to promoting equality of opportunity for this category.

**Age –**

No, the policy is purely technical in nature and does not lend itself to promoting equality of opportunity for this category.

**Marital Status –**

No, the policy is purely technical in nature and does not lend itself to promoting equality of opportunity for this category.

**Sexual Orientation –**

No, the policy is purely technical in nature and does not lend itself to promoting equality of opportunity for this category.

**Men and Women generally –**

No, the policy is purely technical in nature and does not lend itself to promoting equality of opportunity for this category.

**Disability –**

No, the policy is purely technical in nature and does not lend itself to promoting equality of opportunity for this category.

**Dependants –**

No, the policy is purely technical in nature and does not lend itself to promoting equality of opportunity for this category.

1. **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 is for companies which are, or individuals who are, insolvent. The policy will have no impact whatsoever on relations between people with different religious beliefs.

What is the level of impact? None.

Details of the likely policy impacts on **Political Opinion**:

The policy is for companies which are, or individuals who are, insolvent. The policy will have no impact whatsoever on relations between people with different political opinions.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**:

The policy is for companies which are, or individuals who are, insolvent. The policy will have no impact whatsoever on relations between different racial groups.

What is the level of impact? None

1. **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 policy relates solely to administration of corporate and individual insolvency. It is objective and impersonal, it does not involve any interaction between people with different religious beliefs and it would not lend itself to any adjustment to promote better relations between them.

**Political Opinion –**

No, the policy relates solely to administration of corporate and individual insolvency. It is objective and impersonal. It does not involve any interaction between people with different political opinions and it would not lend itself to any adjustment to promote better relations between them.

**Racial Group –**

No, the policy relates solely to administration of corporate and individual insolvency. It is objective and impersonal. It does not involve any interaction between different races and it would not lend itself to any adjustment to promote better relations between them.

### 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).*

No. The policy deals with proposals to make amendments to insolvency and director disqualification legislation. These amendments will be of a technical nature and will comprise laws which will apply equally and without bias to all those responsible for the conduct of insolvency proceedings or who are affected by such proceedings. The amendments will have a neutral effect on people with multiple identities.

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

No such data is available and the impact on such people will be neutral.

## **Part 3. Screening decision**

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The decision is not to carry out an equality impact assessment as the planned legislation will not have a negative impact on any of the section 75 groups.

The policy is purely technical in nature. By its nature it will apply impartially and without bias. Only one aspect of the policy will have any impact on people in terms of the equality and good relations categories. It is that enacting legislation obliging insolvency practitioners not to use physical meetings when complying with legislative requirements to seek decisions from creditors can be expected to benefit anyone who happens to be elderly (age), has a disability or who has dependants by saving them having to travel to a central venue. The impact is expected to be both positive, and minor in terms of the numbers involved.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

The policy does not adversely affect any of the section 75 groups so that mitigation is not necessary or appropriate.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

N/A

All public authorities’ equality schemes must state the authority’s arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

**This document will be made available for comment as part of a public policy consultation. Any feedback will be considered as part of the review of the consultation responses.**

**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? N/A.

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

**Timetabling and prioritising**

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been **‘screened in’** for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

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 equality impact assessment.

**Priority criterion – Rating (1-3)**

Effect on equality of opportunity and good relations -

Social need -

Effect on people’s daily lives -

Relevance to a public authority’s functions –

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority’s Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

No.

## **Part 4. Monitoring**

Public authorities should consider the guidance contained in the 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, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

This screening will be issued as part of a public consultation on the policy and any feedback will be taken into account.

The changes to legislation resulting from the policy will be in parity with changes already made to the legislation applying in England and Wales.

Given that the policy deals with a range of disparate measures, and that none of them will have a major impact, Post Project Appraisal would not be appropriate.

However if further changes are made to the legislation applying in England and Wales consideration will be given to making similar changes to that applying in Northern Ireland.

## **Part 5 - Approval and authorisation**

Screened by: Jack Reid

Position/Job Title: Deputy Principal

Business Area/ Branch: Management Services and Regulatory Group

Date: 22/3/2023

Approved by: Richard Monds

Position/Job Title: Director of Insolvency

Business Area/Branch: Insolvency Service

Date: 22/3/2023

Note: A copy of the Screening Template, for each policy screened should be ‘signed off’ and approved by a senior manager responsible for the policy, made easily accessible on the public authority’s website as soon as possible following completion and made available on request.