

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

### **Please complete the coversheet details below:**

**Policy title:** Proposals for the introduction of a new employment right to neonatal care leave & pay

**Decision (delete as appropriate)**

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

**Contact: Gareth Dillon/Ann-Marie Anderson**

**Date of completion: 25 June 2024**

### **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.

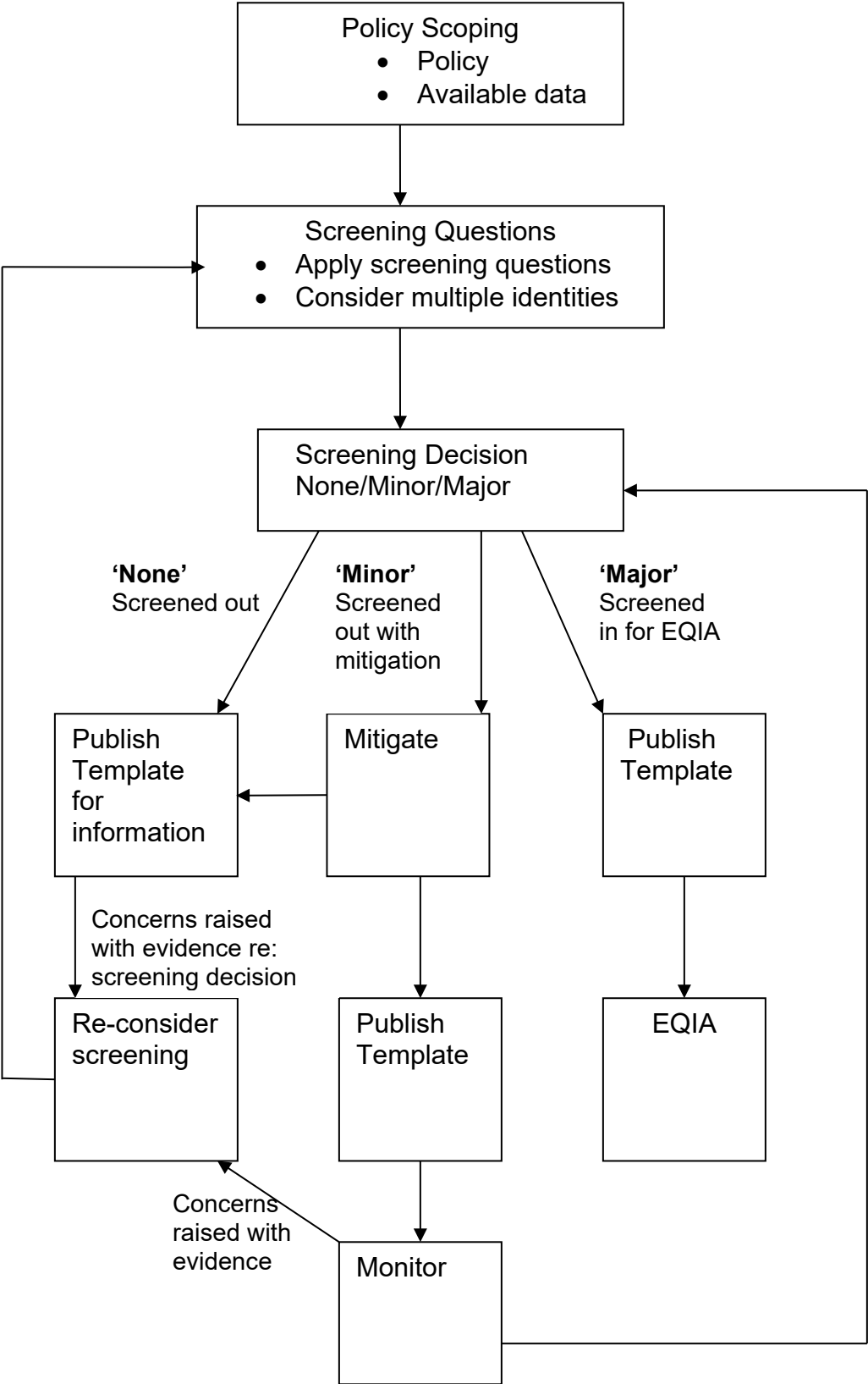
**Part 2. Screening questions** – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations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



## **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**

Proposals for the introduction of a new employment right to neonatal care leave & pay.

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

This is a new policy.

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

The objective of the new policy (and subsequent legislation) will be to enhance current employment rights and entitlements by providing better support to eligible working parents of babies who have spent a prescribed period in neonatal care. The policy aims to

- enable eligible parents to take time out of work to deal with the immediate challenges of having a baby in neonatal care/receiving inpatient care within the first 28 days following birth and to provide time to care for and bond with the child at home which will provide a sure foundation for the future;

- provide a benefit to wider society associated with a more engaged, productive and healthy workforce, allowing parents to maintain a continued attachment to the labour market.

It is intended that, subject to finalisation of the policy and introduction of associated legislation, working parents who are eligible will be entitled to a statutory right to leave and pay once their baby has been in neonatal care for a prescribed period. It is also the intention that the new policy and legislation will provide employment protections, for example, parents taking neonatal care leave will have the same employment protections as those associated with other forms of family related leave (i.e. maternity, paternity, adoption, parental bereavement and shared parental leave). This includes protection from dismissal or detriment as a result of having taken leave.

This screening document will be reviewed and updated as appropriate following analysis of the responses to the consultation on the proposals for Neonatal Care Leave and Pay. The consultation is due to open on 01 July 2024 for a thirteen-week period.

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Are there any Section 75 categories which might be expected to benefit from the intended policy?  
If so, explain how.

Any working parent (subject to qualification) whose baby has been in neonatal care for a prescribed period will be eligible to claim this new entitlement. Therefore any eligible employee in any of the s75 categories might potentially be expected to benefit from this new policy / entitlement.

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Who initiated or wrote the policy?

This policy was initiated by the Department for the Economy.

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Who owns and who implements the policy?

The Department for the Economy.

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## Implementation factors

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

If yes, are they (please delete as appropriate)

**Legislative:** This policy will eventually be implemented through primary and subordinate legislation which will be subject to the draft affirmative resolution procedure.

## Main stakeholders affected

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

The policy will impact upon:

Employees and their employers and representative organisations;

Trade Unions;

Babies requiring neonatal care;

Neonatal / family support organisations in the voluntary & community sector;  
and

Public sector organisations.

## Other policies with a bearing on this policy

- what are they? N/A
- 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](#).

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

### **Religious belief** evidence / information:

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit. A public consultation exercise will be launched in due course on a future employment Bill.

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**Political Opinion** evidence / information: The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit. A public consultation exercise will be launched in due course on a future employment Bill.

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### **Racial Group** evidence / information:

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. We haven't identified any evidence to suggest that people within different racial groups would be adversely affected by this, or the number of people who would potentially benefit. We do note however from the Equality Assessment (EA) <sup>1</sup>for implementation of neonatal care leave and pay in England, Scotland and Wales that exploration into the proxy population group (parents with a child under one) revealed that ethnic groups make up a larger share of parents with young children relative to their overall employee share. The EA asserts that this suggests that the proposal for the new entitlement will benefit ethnic minority groups and advised that analysis conducted by Bliss highlights that ethnic

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<sup>1</sup> <https://bills.parliament.uk/publications/49446/documents/2770>

minority groups are more likely to benefit from the entitlement as neonatal mortality rates in babies whose mothers are of white ethnicity have decreased between 2015-2017, whereas babies born to mothers of Asian/Asian British, Black/Black British ethnicity have increased during the same period. It is expected that similar circumstances would apply to the very small ethnic minority community here in the North<sup>2</sup> and that working parents in ethnic minority groups may therefore be more likely to benefit from the new entitlement. A public consultation exercise will be launched in due course on a future employment Bill.

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### **Age** evidence / information:

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period, those falling into this group are more likely to be between the ages of 20 and 44 based on 2022 demographics of new parents.<sup>3</sup> There is no age-related criterion for this policy therefore all eligible employees with a child in neonatal care for the prescribed period would be able to access the new entitlement. We don't anticipate that those outside of the 20 to 44 age group will be disproportionately, negatively impacted by the proposal. A public consultation exercise will be launched in due course on a future employment Bill.

### **Marital Status** evidence / information:

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. Married and unmarried couples and individuals would be equally entitled. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit. A public consultation exercise will be launched in due course on a future employment Bill.

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### **Sexual Orientation** evidence / information:

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit. A public

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<sup>2</sup> <https://www.nisra.gov.uk/system/files/statistics/census-2021-main-statistics-for-northern-ireland-phase-1-statistical-bulletin-ethnic-group.pdf>

<sup>3</sup> [Registrar General Annual Report 2022, Tables 3.6a and 3.6b](#)



consultation exercise will be launched in due course on a future employment Bill.

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**Men & Women generally** evidence / information:

The policy intention is that employees will be equally eligible, regardless of gender, and subject to meeting other eligibility criterion, enabling them to avail of benefits which were not previously in place. In addition to this, mothers already have access to leave (52 weeks of statutory maternity leave) while fathers / partners only have two weeks of paternity leave. We therefore anticipate that take-up will be higher among fathers / partners. A public consultation exercise will be launched in due course on a future employment Bill.

**Disability** evidence / information:

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. The policy is unlikely to create any barriers to equality in terms of an employee's disability. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit. A public consultation exercise will be launched in due course on a future employment Bill.

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**Dependants** evidence / information:

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. We haven't identified any evidence to suggest that people within this category would be adversely affected by this. A public consultation exercise will be launched in due course on a future employment Bill.

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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

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category.

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### Political Opinion

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category.

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### Racial Group

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category. The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. As mentioned previously, ethnic minority groups are more likely to benefit from the entitlement as neonatal mortality rates in babies whose mothers are of white ethnicity have decreased between 2015-2017, whereas babies born to mothers of Asian/Asian British, Black/Black British ethnicity have increased during the same period. It is expected that similar circumstances would apply to the very small ethnic minority community here in the North and that working parents in ethnic minority groups may therefore be more likely to benefit from the new entitlement.

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### Age

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category. The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period, those falling into this group are more likely to be between the ages of 20 and 44 based on 2022 demographics of new parents. There is no age-related criterion for this policy therefore all eligible employees with a child in neonatal care for the prescribed period would be able to access the new

entitlement. We don't anticipate that those outside of the 20 to 44 age group will be disproportionately negatively impacted by the proposal.

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### **Marital status**

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category.

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### **Sexual orientation**

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category.

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### **Men and Women Generally**

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category.

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### **Disability**

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category.

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### **Dependants**

There are no anticipated different needs, experiences and priorities as a result of this policy with regards to this category.

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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**

- 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;
- 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.

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**:

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

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

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

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

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit. However, as mentioned previously, ethnic minority groups in Britain are more likely to benefit from the entitlement as neonatal mortality rates in babies whose mothers are of white ethnicity have decreased between 2015-2017, whereas babies born to mothers of Asian/Asian British, Black/Black British ethnicity have increased during the same period. It is expected that similar circumstances would apply to the very small ethnic minority community here in the North and that working parents in ethnic minority groups may therefore be more likely to benefit from the new entitlement.

What is the level of impact? None

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

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period, those falling into this group are more likely to be between the ages of 20 and 44 based on 2022

demographics of new parents. We haven't identified any evidence to suggest that people within this category would be adversely affected by this policy, or the number of people who would potentially benefit. There is no age related criterion for this policy therefore we don't anticipate that those outside of the aforementioned age range will be disproportionately, negatively impacted by the proposal.

What is the level of impact? None

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

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

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

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

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

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

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

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. We haven't identified any evidence to suggest that people within this category would be adversely affected by this, or the number of people who would potentially benefit.

What is the level of impact? None

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

The proposal is designed to have a positive impact on eligible employees if their baby is in neonatal care for a prescribed period. continuous period of 7 days. We haven't identified any evidence to suggest that people within this category would be adversely affected by this.

What is the level of impact? None

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

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

**Religious Belief –**

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

**Political Opinion –**

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

**Racial Group –**

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

**Age –**

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

**Marital Status –**

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

**Sexual Orientation –**

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

**Men and Women generally –**

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

**Disability –**

If Yes, provide details:

If No, provide reasons: Not relevant to this policy proposal

**Dependants –**

If Yes, provide details:



If No, provide reasons: Not relevant to this policy proposal

**3. 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**:

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

**4. 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 –**

If Yes, provide details:

If No, provide reasons: Not applicable to this policy proposal

**Political Opinion –**

If Yes, provide details:

If No, provide reasons: Not applicable to this policy proposal

**Racial Group –**

If Yes, provide details:

If No, provide reasons: Not applicable to this policy proposal

## 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.

This policy is targeted at eligible employees if their baby is in neonatal care for a prescribed period. It benefits only those who fit within this category. The policy intention is to have a positive impact upon eligible employees who need support at a difficult time.

The policy will most likely be relevant to those eligible employees of a certain age demographic but in addition to this people affected by the policy could fall into any or most of the other categories.

As previously noted, in Britain, ethnic minority groups are more likely to benefit from the entitlement as neonatal mortality rates in babies whose mothers are of white ethnicity have decreased between 2015-2017, whereas babies born to mothers of Asian/Asian British, Black/Black British ethnicity have increased during the same period. It is expected that similar circumstances would apply to the very small ethnic minority community here in the North and that working parents in ethnic minority groups may therefore be more likely to benefit from the new entitlement.

Notwithstanding this the policy is not anticipated to have an adverse impact on the affected age demographic / any racial grouping or on those outside of these or on those in any of the other categories.

### Part 3. Screening decision

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

Policy screened out without mitigation or an alternative policy adopted.

The policy has no, discernible adverse impacts on any of the Section 75 categories as detailed above. The policy intent is to provide support in the form of a new statutory entitlement to leave and pay to those working parents who are eligible and whose baby is in neonatal care for a prescribed period.

The Department intends to hold a public consultation which will help to determine if the policy proposal is appropriate and how it should be implemented. In reaching a final policy decision, further equality impact insight gained through the consultation process will be taken into account. Any unanticipated equality impacts which may arise following the introduction of legislation resulting from this policy proposal will be assessed as they arise, and further addressed as the need arises.

**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.**

N/A

**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.**

## 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?

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

N/A

## Timetabling and prioritising N/A

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?

If yes, please provide details.

## **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.

The Department intends to hold a public consultation which will help to determine if the policy proposal is appropriate and how it should be implemented. In reaching a final policy decision, further equality impact insight gained through the consultation process will be taken into account. Any unanticipated equality impacts which may arise following the introduction of legislation resulting from this policy proposal will be assessed as they arise, and further addressed as the need arises.

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

Screened by: Ann-Marie Anderson

Position/Job Title: Deputy Principal

Business Area/ Branch: Employment Relations Policy & Legislation: Work-Life Balance & EU Exit

Date: 25/06/2024

Approved by: Gareth Dillon

Position/Job Title: Head of ERPL Work Life Balance & EU Exit Team

Date: 25/6/24

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.