

Northern Ireland

Social

Care

Council

Equality and Human Rights Screening Template

The Northern Ireland Social Care Council is required to address the 4 questions below in relation to all its policies. This template sets out a proforma to document consideration of each question.

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)

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

To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group? (minor/major/none)

Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?

For advice & support on screening contact:

Equality Unit
Business Services Organisation
2 Franklin Street
Belfast BT2 8DQ
028 90535564 / 90535577
email: equality.unit@hscni.net

SCREENING TEMPLATE

See Guidance Notes for further information on the 'why' 'what' 'when', and 'who' in relation to screening, for background information on the relevant legislation and for help in answering the questions on this template.

(1) INFORMATION ABOUT THE POLICY OR DECISION

1.1 Title of policy or decision

Northern Ireland Social Care Council Fitness to Practise Disclosure & Publication Policy

1.2 Description of policy or decision

- This policy sets out the approach of the Social Care Council to the routine disclosure and publication of fitness to practise information about social workers, social care workers and social work students on our Register.
- The aims of the policy are to outline our approach to: the routine publication of fitness to practise information; the routine disclosure of fitness to practise information to interested parties; and to individual requests for disclosure of fitness to practise information.
- When making decisions on what to disclose, we adhere to: **our legal obligations** – we will comply with our legal responsibilities in relation to the disclosure of information; **proportionality** – we are committed to ensuring that information which is disclosed is appropriate and proportionate. It is important to achieve the correct balance between the rights of the registrant and the need to consider what is in the public interest; and **transparency** - we will be transparent about our processes, and will publicise the fitness to practise decisions which are made.
- We do not publish any personal sensitive information relating to the health of a registrant. This information is treated as confidential regardless of whether a fitness to practise hearing is held in public or private.

1.3 Main stakeholders affected (internal and external)

Staff, actual or potential service users, registrants, employers, members of the public.

1.4 Other policies or decisions with a bearing on this policy or decision

This policy has been written in compliance with the following legal requirements and best practice guidance:

- Health and Personal Social Services Act (NI) 2001
- Public Interest Disclosure (Northern Ireland) Order 1998
- Data Protection Act 2018
- UK General Data Protection Regulation (UK GDPR)
- Freedom of Information Act 2000
- Human Rights Act 1998
- Department of Health (DoH) Code of Practice on Protecting the Confidentiality of Service User Information April 2019
- Common Law Duty of Confidentiality
- The Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022
- Information Commissioner's Office 'Anonymisation: Managing Data Protection Risk Code of Practice'
- Social Care Council Fitness to Practise Rules
- Social Care Council Standards of Conduct and Practice.

(2) CONSIDERATION OF EQUALITY AND GOOD RELATIONS ISSUES AND EVIDENCE USED

2.1 Data gathering

What information did you use to inform this equality screening? For example previous consultations, statistics, research, Equality Impact Assessments (EQIAs), complaints. Provide details of how you involved stakeholders, views of colleagues, service users, staff side or other stakeholders.

As outlined above, this policy has been written in line with best practice guidance and following legal requirements. It is also reflective of the policies of other UK regulators. The views of the Social Care Council's Participation Partnership have been sought, and both DLS and Information Governance

within BSO have been involved in drafting and reviewing the policy.

2.2 Quantitative Data

Who is affected by the policy or decision? Please provide a statistical profile. Note if policy affects both staff and service users, please provide profile for both.

Category	<i>What is the makeup of the affected group? (%) Are there any issues or problems? For example, a lower uptake that needs to be addressed or greater involvement of a particular group?</i>
Gender	Equal - no grouping is affected to a greater or lesser degree as a result of this policy.
Age	Equal - no grouping is affected to a greater or lesser degree as a result of this policy.
Religion	Equal - no grouping is affected to a greater or lesser degree as a result of this policy.
Political Opinion	Equal - no grouping is affected to a greater or lesser degree as a result of this policy.
Marital Status	Equal - no grouping is affected to a greater or lesser degree as a result of this policy.
Dependent Status	Equal - no grouping is affected to a greater or lesser degree as a result of this policy.
Disability	Equal – all health information is treated as confidential and is not published.
Ethnicity	Equal - no grouping is affected to a greater or lesser degree as a result of this policy.
Sexual Orientation	Equal - no grouping is affected to a greater or lesser degree as a result of this policy.

2.3 Qualitative Data

What are the different needs, experiences and priorities of each of the categories in relation to this policy or decision and what equality issues emerge from this? Note if policy affects both staff and service users, please discuss issues for both.

Category	Needs and Experiences
Gender	This policy is based on the publication of fitness to practise information in the interests of openness and transparency, and as part of the Social Care Council's public protection remit and in the public interest. All of the S75 groups are treated equally and none of the groupings are adversely affected as a result.
Age	
Religion	
Political Opinion	
Marital Status	
Dependent Status	
Disability	
Ethnicity	
Sexual Orientation	

2.4 Multiple Identities

Are there any potential impacts of the policy or 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.

2.5 Making Changes

Based on the equality issues you identified in 2.2 and 2.3, what changes did you make or do you intend to make in relation to the policy or decision in order to promote equality of opportunity?

<i>In developing the policy or decision what did you do or change to address the equality issues you identified?</i>	<i>What do you intend to do in future to address the equality issues you identified?</i>
The policy was drafted in accordance	No equality issues have been

<p>with legislative requirements and best practice guidance, including the Human Rights' Act, Public Interest Disclosure legislation and taking into account guidance from the Information Commissioner's Officer. No equality issues have been identified.</p>	<p>identified but the policy will be kept under regular review.</p>
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2.6 Good Relations

What changes to the policy or decision – if any – or what additional measures would you suggest to ensure that it promotes good relations? (refer to guidance notes for guidance on impact)

<i>Group</i>	<i>Impact</i>	<i>Suggestions</i>
Religion	-	
Political Opinion	-	
Ethnicity	-	

(3) SHOULD THE POLICY OR DECISION BE SUBJECT TO A FULL EQUALITY IMPACT ASSESSMENT?

A full equality impact assessment (EQIA) is usually confined to those policies or decisions considered to have major implications for equality of opportunity.

How would you categorise the impacts of this decision or policy? (refer to guidance notes for guidance on impact)

Please tick:

Major impact	<input type="checkbox"/>
Minor impact	<input type="checkbox"/>
No further impact	<input checked="" type="checkbox"/>

Do you consider that this policy or decision needs to be subjected to a full equality impact assessment?

Please tick:

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

(4) CONSIDERATION OF DISABILITY DUTIES

4.1 In what ways does the policy or decision encourage disabled people to participate in public life and what else could you do to do so?

<i>How does the policy or decision currently encourage disabled people to participate in public life?</i>	<i>What else could you do to encourage disabled people to participate in public life?</i>
This policy deals solely with the publication and disclosure of fitness to practise information.	

4.2 In what ways does the policy or decision promote positive attitudes towards disabled people and what else could you do to do so?

<i>How does the policy or decision currently promote positive attitudes towards disabled people?</i>	<i>What else could you do to promote positive attitudes towards disabled people?</i>
The policy outlines that confidential health information will not be published.	

(5) CONSIDERATION OF HUMAN RIGHTS

5.1 Does the policy or decision affect anyone's Human Rights? Complete for each of the articles

ARTICLE	Yes/No
Article 2 – Right to life	No
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment	No
Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour	No
Article 5 – Right to liberty & security of person	No
Article 6 – Right to a fair & public trial within a reasonable time	No
Article 7 – Right to freedom from retrospective criminal law & no punishment without law	No
Article 8 – Right to respect for private & family life, home and correspondence.	Yes
Article 9 – Right to freedom of thought, conscience & religion	No
Article 10 – Right to freedom of expression	No
Article 11 – Right to freedom of assembly & association	No
Article 12 – Right to marry & found a family	No
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights	No
1 st protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property	No
1 st protocol Article 2 – Right of access to education	No

If you have answered no to all of the above please move on to **Question 6** on monitoring

5.2 If you have answered yes to any of the Articles in 5.1, does the policy or decision interfere with any of these rights? If so, what is the interference and who does it impact upon?

List the Article Number	Interfered with? Yes/No	What is the interference and who does it impact upon?	Does this raise legal issues?*
			Yes/No
8	No	A public authority can only interfere with this right if it acts in accordance with the law and if it is necessary in the interests of public safety, for the protection of health, or for the protection of the rights and freedoms of others. We have balanced the public interest in publishing fitness to practise information with the privacy rights of our registrants, and have set out in this policy when we will publish information and for how long.	No - legal opinion has been received to this effect.

** It is important to speak to your line manager on this and if necessary seek legal opinion to clarify this*

5.3 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy or decision.

The policy will be published on our website and registrants are directed to the Policy during fitness to practise proceedings.

(6) MONITORING

6.1 What data will you collect in the future in order to monitor the effect of the policy or decision on any of the categories (for equality of opportunity and good relations, disability duties and human rights)?

Equality & Good Relations	Disability Duties	Human Rights
The Policy will be reviewed every three years to ensure that it does not negatively affect any of the categories.		

Approved Lead Officer: Caroline Cumberland
Position: Head of Hearings Services
Date: 07 May 2024
Policy/Decision Screened by: Caroline Cumberland

Please note that having completed the screening you are required by statute to publish the completed screening template, as per your organisation's equality scheme. If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, you will need to review the screening decision.

Please forward completed template to:
Equality.Unit@hscni.net

Any request for the document in another format or language will be considered. Please contact:

Sandra Stranaghan
Head of Business Services
Northern Ireland Social Care Council
7th Floor, Millennium House
25 Great Victoria Street
Belfast
BT2 7AQ

Email: sandra.stranaghan@niscc.hscni.net