

## Invest NI Section 75 Screening

### Summary of Policy Proforma Invest NI TITLE: Buying Time Loan and Restructuring Scheme

Invest NI is committed to achieving a successful economy in Northern Ireland which will provide equal opportunities for all. It is fully mindful of its responsibilities across the spectrum of Equality, Anti-Poverty and Social Inclusion Strategy and Human Rights.

Section 75 of the NI Act 1998 requires Invest NI, in carrying out all its functions, powers and duties, relating to Northern Ireland, to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without
  - to promote positive attitudes towards disabled people,
  - to encourage participation by disabled people in public life; and
- between persons with dependents and persons without.

What does this policy/programme aim to achieve for the customer? (who does it mainly affect)?

The Buying Time scheme aims to provide time for confirmation of Invest NI's view that there is an underlying core business that with restructuring will demonstrate viability.

The Restructuring scheme provides assistance for actions that restore the Company's long term viability.

These schemes are only applicable to SMEs in manufacturing & tradable services and affect Invest NI's client companies who are experiencing financial difficulties.

The previous guidelines in 1999 made a distinction between rescue aid and restructuring aid. These guidelines widen the concept of rescue aid in order to allow companies to take urgent measures even of a structural nature such as an immediate closure of a loss-making activity. This aid also clarifies the principle that there must be a substantial contribution from the beneficiary to the restructuring which must be real and

	free of aid.
What does this policy/programme aim to achieve for Invest NI? (provide the main objectives).	These schemes aim to assist client companies in financial difficulty to take whatever corrective action is necessary to continue trading and restore long term viability
Where did the policy/programme originate? (ie is this solely an Invest NI programme or are we working in partnership with any other department/ organisation ?)	This is an Invest NI programme operating under the EU Commission's "COMMUNITY GUIDELINES ON STATE AID FOR RESCUING AND RESTRUCTURING FIRMS IN DIFFICULTY (2004/C 244/02)" to support firms in difficulty.
How is this policy /programme delivered or implemented?(ie by delivery agents, client executives, senior management, other agencies?)	Within Invest NI there is a partnership approach between the client executive and the CFAAD restructuring executive. A joint casework is presented recommending a level of assistance which is subject to the Invest NI approval procedures. If approved, the assistance is monitored by the client executive in conjunction with CFAAD.
What are the constraints on this policy/programme? (budgetary, legislative, EU directives etc).	Core Business reviews must be carried out by CFAAD restructuring executives or outsourced to the approved list of restructuring consultants.  Under both schemes companies must be deemed viable with good probability of achieving a successful turnaround.  To be eligible, firms must be in financial difficulty, usually technically insolvent.
How does Invest NI monitor the delivery of this policy/programme?	CFAAD maintains a register showing each measure of support given under these schemes and it monitors each measure individually.
What other feedback, research, consultation or additional information is available to assess and screen the impact of this policy/programme? (ie consultative reports, evaluations, surveys, complaints ,monitoring etc).	Due to the very few instances of support given under these schemes, the individual monitoring of each measure of support by CFAAD is considered sufficient.
Are any groups specifically targeted through this policy/programme? If so please detail which groups (e.g. young men, older people or people from ethnic minority backgrounds etc).	The scheme is open to all SMEs in manufacturing and tradable services who are experiencing financial difficulties.

## Equality Evidence Matrix

### 1. Is there any evidence of higher or lower participation or uptake by different groups?

	Yes (please specify)	No	Not known
Religious belief		X	
Political opinion		X	
Racial group		X	
Age		X	
Marital status		X	
Sexual orientation		X	
Gender		X	
Disability		X	
Dependency		X	

**Please Comment:**

There is no evidence that there is higher or lower participation by any of the Section 75 groupings.

### 2. Is there evidence or indications that different groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes (please specify)	No	Not known
Religious belief		X	
Political opinion		X	
Racial group		X	
Age		X	
Marital status		X	
Sexual orientation		X	
Gender		X	
Disability		X	
Dependency		X	

**Please Comment:**

There is no evidence or indications that different groups have different needs, experiences, issues or priorities in relation to this policy.

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**3. Have consultations/research with relevant groups, organisations or individuals indicated that policies of this type create problems that are specific to them? (The user engagement guide and protocol provide useful support.)**

	Yes (please specify)	No
Religious belief		X
Political opinion		X
Racial group		X
Age		X
Marital status		X
Sexual orientation		X
Gender		X
Disability		X
Dependency		X

**Please Comment:**

There has been no indication that policies of this type create problems which are specific to them.

**a) List the organizations/groups/individuals both internal and external, that you contacted during the development of the policy**

This is an EU Commission scheme.

**b) Specify how comments were incorporated into the final draft policy**

Guidance from the EU Commission was incorporated into the policy.

c) If ideas from groups weren't included please indicate why not

Please see above

4. In relation to implementing this policy, is there an opportunity to better promote equality of opportunity or good relations by altering the policy or by working with others in Government or in the larger community?

Yes

No

If Yes, please comment:

5. Have you identified opportunities to:

a) promote positive attitudes towards disabled people;

b) encourage participation by disabled people in public life?

Please Specify:

6. Monitoring Information: What data will be required to ensure effective monitoring of the policy following implementation?

Each company intervention will be monitored by that company's Client Executive and a member of the CFAAD team.

**7. Have you any other comments on the policy and/or screening exercise?**

## Summary of Screening

Section 75 Category	Is there any evidence of potential under-representation of any Section 75 groups in this policy/programme?	Is there any evidence that people from any S75 groups have any issues / difficulties /problems with this policy/programme?	In your assessment is any further additional action required to address any under representation or problems associated with this policy/programme?	If yes, is an Equality Impact Assessment required to further assess the impact of the policy/programme on this group? Give reasons for your answer
Religion	NO	NO	NO	
Political Opinion	NO	NO	NO	
Age	NO	NO	NO	
Gender	NO	NO	NO	
Disability	NO	NO	NO	
Sexual Orientation	NO	NO	NO	
Dependants	NO	NO	NO	
Marital Status	NO	NO	NO	
Racial Group	NO	NO	NO	



## Human Rights Impact Assessment

### Articles as identified by European Convention of Human Rights.

- Article 2 - Right to life
- Article 3 - Prohibition of torture, inhuman or degrading treatment
- Article 4 - Prohibition of slavery and forced labour
- Article 5 - Right to liberty and security
- Article 6 - Right to fair and public trial
- Article 7 - Right to no punishment with law
- Article 8 - Right to respect for private and family life, home and correspondence
- Article 9 - Right to freedom of thought, conscience and religion
- Article 10 - Right to freedom of expression
- Article 11 - Rights to freedom of assembly and association
- Article 12 – Right to marry and to found a family
- Article 14 – The prohibition of discrimination
- Protocol 1 Article 1 – Protection of Property
- Protocol 1 Article 2 - Right to education

### Definitions of degree of risk of infringement of each article:

**High risk** – It is foreseeable that this policy is very likely to breach this Article.

**Medium risk** – This policy is likely, in certain circumstances, to breach this Article.

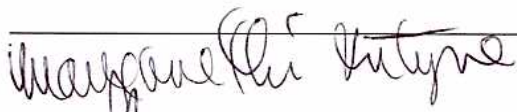
**Low risk** – It is possible, though very unlikely, that this policy will breach this Article.

**1. Indicate any potential Human Rights implications associated with this policy, the perceived degree of risk (see above) and who the victim may be.**

	Has this policy the potential to infringe the rights (Please Tick)		If yes indicate here the degree of risk – High, Medium or Low (See definitions above)	If yes indicate here who the potential victim(s) would be
	Yes	No		
Article 2		X		
Article 3		X		
Article 5		X		
Article 6		X		
Article 8		X		
Article 9		X		
Article 10		X		
Article 11		X		
Article 12		X		
Article 14*		X		
Article 1 of Protocol 1		X		
Article 2 of Protocol 1		X		

Finally are there any other ways in which Invest NI might be able to improve this policy/programme area in terms of improving the equality of opportunity? (ie conducting any further consultations, gathering monitoring data, liaising with other departments or organisations etc.)


**Summary of Decision**

<b>Name(s) of Screening Personnel:</b>	Margaret McIntyre
<b>Role:</b>	Staff Officer
<b>Decision to Conduct Equality Impact Assessment: <del>YES</del> (NO)</b>	NO
<b>Date:</b>	29/1/09
<b>Signed: (Screening Personnel):</b>	
<b>Approved: (Director):</b>	