

# DRD SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM 2005

## Section 1

### **Introduction**

This form is intended to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for consultation on the outcome of the screening exercise and will be referenced in the quarterly review of progress made to the Minister and in the Annual Report to the Equality Commission. Copies of completed forms should be retained on file within business areas and reference should be made to the outcome of the screening exercise and subsequent consultation in any submission made to the Minister.

### **Background**

#### **The Legal Background**

Under section 75 of the Northern Ireland Act 1998, the Department is required 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; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

### **Advice on Completion of the Screening Form**

It is important that the screening form is completed carefully and thoughtfully. Your Divisional or Agency Equality Officer and the Department's Equality Unit in room 413A will be happy to assist with all aspects of the screening process and will help with the completion of the form, if required.

Further advice on the screening process can be accessed at Section 4 of the Equality Commission's Guide to the Statutory Duties.

## **Policies included for EQIA**

If, after screening, it is decided that a policy will require a full EQIA, a decision will be required on the priority and timing of the assessment. The screening form should be noted accordingly, signed off and copied to the Equality Unit for inclusion in the EQIA programme.

## **Policies excluded for EQIA**

If a decision is taken to screen out the policy or where there is ambiguity about the equality implication of the proposal, the screening form should be signed off by a senior officer responsible for the policy and a copy sent to the Equality Unit to arrange for consultation. Copies of all screening out forms will be placed on the Department's consultation website.

## **Section 2 – Policy to be Screened**

### **Definition of Policy**

There have been some difficulties in defining what constitutes a policy in the context of Section 75. To be on the safe side it is recommended that you consider changes to or any new initiatives, proposals, schemes or programmes as policies. The policies covered in the Equality Scheme EQIA programme are a reasonable guide both to the nature of external departmental policies and the level at which they should be considered.

The revised Guidance from The Equality Commission emphasises that the Statutory duties apply to internal policies (relating to people who work for the organisation) as well as external policies (relating to those who are, or could be, served by the organisations).

It is important to remember that even if a full EQIA has been carried out in respect of an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if a further EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

OFMDFM Guidance on Legislative Procedures (Primary and Subordinate) sets out clearly the stages at which equality of opportunity considerations should be taken into consideration in the development of legislation.

### **Overview of Policy Proposals**

The aims and objectives of the policy must be clear and well defined. You must take into account any available data of evidence that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the S75 categories. Evidence may be qualitative and or quantitative and may include research or internal information and or experience in relation to service and customer monitoring exercises. Where appropriate, arrangements should be made to obtain any data necessary to assist screening.

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives

**Title** ROAD TRAFFIC AND VEHICLES - THE ROADS (SPEED LIMIT) 2008

**Aims** The aim of this subordinate legislation is to enable Roads Service to introduce a speed limit on roads across Northern Ireland that reflects the character of the road and its immediate surrounding area. Additionally, where a system of street lighting is installed, the legal speed limit is automatically reduced to 30mph. If this is not felt to be a realistic limit, an Order is then required to increase it. Speed limits in themselves are not effective in reducing vehicle speeds - setting it at an appropriate level is necessary to promote compliance.

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It is essential that all the aims/objectives of the policy be clearly and fully defined.

2.2 On whom will the policies / legislation impact? Please specify

All motorists and road users. The introduction of speed limits on a consistent basis is likely to ensure that they are understood by and acceptable to drivers, pedestrians, and cyclists, who are therefore more likely to adhere to them.

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2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DRD, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

(a) DRD – Roads Service

(b) DRD – Roads Service

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2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?

PSNI will be responsible for Enforcement

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**2.5 What data are available to facilitate the screening of this policy/ legislation?**

**Details of the proposed scheme/s.**

**Representations from local residents, local councillors, road safety groups, PSNI etc (see comment below in 3.3) – this data could be used as evidence of concern over the existing arrangements, leading to requests for change, such as a review of collision history, etc.**

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**2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.**

**No**

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**See Appendix 4 of the Equality Commission Practical Guidance on EQIA which provides a list of Sources of S75 data or speak to Central Statistics Research Branch, (Stephanie Harcourt, ext 40878) or Equality Unit (Liz Stewart, ext 40867, or Tim Lavery ext 40850).**

### Section 3 – Screening Analysis

In cases where there is no available quantitative evidence, you will need to take a pragmatic, common sense judgement as to whether the policy/legislation you are screening may have a particular/differential impact on any of the groups. Discussions with Equality Unit, Statistics Branch and organisations representing the Section 75 Groups will be important and helpful at this stage in obtaining qualitative evidence of impacts. Every effort should be made to ensure that assessments are evidence based.

The following criteria must be considered when screening.

#### **3.1 Is there any evidence of higher or lower participation or uptake by the following Section 75 groups?**

	Yes	No
Religious belief		✓ <input type="checkbox"/>
Political opinion		✓ <input type="checkbox"/>
Racial group		✓ <input type="checkbox"/>
Age		✓ <input type="checkbox"/>
Marital status		✓ <input type="checkbox"/>
Sexual orientation		✓ <input type="checkbox"/>
Men and Women generally		✓ <input type="checkbox"/>
Disability		✓ <input type="checkbox"/>
Dependency		✓ <input type="checkbox"/>

**Please give details**

**No evidence of higher or lower participation by any Section 75 groups.**

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#### **3.2 Is there evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?**

	Yes	No
Religious belief		✓ <input type="checkbox"/>
Political opinion		✓ <input type="checkbox"/>
Racial group		✓ <input type="checkbox"/>
Age	✓	<input type="checkbox"/>
Marital status		✓ <input type="checkbox"/>
Sexual orientation		✓ <input type="checkbox"/>
Men and Women generally		✓ <input type="checkbox"/>
Disability	✓	<input type="checkbox"/>
Dependency	✓	<input type="checkbox"/>

**Please give details**

**Children, older people, those with disabilities and those with dependants often have different needs and priorities regarding traffic speed. Consideration for these groups plays a role in determining appropriate speed limit levels.**

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**3.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?**

	<b>Yes</b>	<b>No</b>
Religious belief		✓ <input type="checkbox"/>
Political opinion		✓ <input type="checkbox"/>
Racial group		✓ <input type="checkbox"/>
Age		✓ <input type="checkbox"/>
Marital status		✓ <input type="checkbox"/>
Sexual orientation		✓ <input type="checkbox"/>
Men and Women generally		✓ <input type="checkbox"/>
Disability		✓ <input type="checkbox"/>
Dependants		✓ <input type="checkbox"/>

**Please give details of any consultations carried out, and any problems identified.**

**Targeted pre-consultations were carried out with some Section 75 groups, including Disability Action and IMTAC during July 2008. There were no negative implications highlighted and the consultees were supportive of the policy. However any interested party will have the opportunity to comment when the Road Speed Limit Order for each individual scheme is advertised as part of the statutory procedure. This notice of intention invites objections / representations. An Order cannot be made until the statutory procedure (including the resolution of any objection or representation) has been completed. If an order contains a number of proposals and one or more of the proposals attracts objections, these proposals can be removed from the order to allow the remaining proposals to proceed. Historically, representations received by the Department on speed limit proposals have not been about S75 issues but more about ‘can it be extended beyond what is being proposed’. All proposals to date have been supported by all groups in the community.**

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**This overarching screening document will also be included in the Department’s biannual consultation with S75 consultees.**

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**Roads Service is also developing a separate Section 75 screening analysis on the Review of Speed Management Policy. Section 75 groups will be party to this formal consultation process.**

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**3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?**

Yes                      No

**Please give details**

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**3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:**

N/A -

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**3.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.**

**Please give details**

N/A

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**3.7 In relation to departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.**

**Please give details**

**See above – speed limits that are understood are more likely to be accepted and adhered to. Speed limits that do not fit with the character of the road are not likely to be adhered to and may bring all speed limits into disrepute. The introduction of a reduced speed limit slows traffic considerably therefore making the particular area / road a safer place for disabled people.**

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## Section 4

### EQIA Recommendation

You should consider carefully in this section whether full EQIA is necessary, particularly where answers to any questions in Section 3 are affirmative.

- 4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

<b>Prioritisation Factors</b>	<b>Significant Impact</b>	<b>Moderate Impact</b>	<b>Low Impact</b>
Social Need.			✓
Effect on people's daily lives.			✓
Effect on economic, social and human rights.			✓
Strategic significance			✓
Financial significance			✓

**Please give details**

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See above

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- 4.2 **In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly. Yes/No/Unsure**

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**No. A full EQIA is not considered necessary as the screening process has not identified any adverse impact on any Section 75 groups. The introduction of speed limit orders is of positive benefit as they contribute to road safety for all road users.**

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**4.3 If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1.**

N/A

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**4.4 If an EQIA is considered necessary is any data required to carry it out/ensure effective monitoring?**

**Please give details**

N/A

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## **Section 5**

### **Endorsement**

I can confirm that the proposed policy has been screened for equality of opportunity and good relations implications and has been screened out for equality impact assessment/requires a full equality impact assessment.

**Signed:** Pip Crook

**Agency/Division:** RSHQ

**Date:** 7 October 2008

## **Section 6**

### **Consultation – For Completion by Equality Unit**

	<b>Date</b>
<b>Screening result recorded:</b>	<u>11 November 2008</u>
<b>Placed on website:</b>	<u>November 2008</u>
<b>Issued for consultation:</b>	<u>March 2009</u>
<b>Agency/Division notified date:</b>	_____

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**PLEASE FORWARD A COPY OF THE COMPLETED FORM TO:**

**DRD EQUALITY UNIT  
ROOM 413A  
CLARENCE COURT  
10-18 ADELAIDE STREET  
BELFAST  
BT2 8GB**

**QUERIES TO:** LIZ STEWART EXT 40867 [Liz.Stewart@drdni.gov.uk](mailto:Liz.Stewart@drdni.gov.uk)  
TIM LAVERTY EXT 40850 [Tim.Laverty@drdni.gov.uk](mailto:Tim.Laverty@drdni.gov.uk)

<b>Main Groups Relevant to the Section 75 Categories</b>	
<b><u>Category</u></b>	<b><u>Main Groups</u></b>
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group
“Men and women generally”	Men (including boys); women (including girls); trans-gendered people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration
“Persons with a disability”	Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
“Persons with dependants”	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexuals; bi-sexuals; gays; lesbians