

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	North West Gateway Initiative: Spatial Planning Framework
Aims	To provide a non-statutory and integrated spatial planning framework for the North West Region which will assist the process of achieving the strategic planning objectives of the Regional Development Strategy for Northern Ireland and the National Spatial Strategy for Ireland. It has three core objectives 1) Developing an integrated and cross border approach to planning and policy; 2) Working towards an effective cross border implementation mechanism; and, 3) Prioritisation of resources on a cross border basis

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

The North West Region comprises the local government districts of Derry, Strabane and Limavady and County Donegal. This Framework provides an Inter-Governmental view on the strategic direction for the North West. Implementation will be achieved through a partnership approach between Government Departments and Agencies, local authorities, the private sector and the community sector in ensuring that strategic priorities are implemented.

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) The Framework has been jointly prepared by the Department for Regional Development and the Department of Environment, Heritage and Local Government as the responsible Departments for the preparation of strategic spatial plans.
- (b) The Framework was commissioned by the North West Gateway Initiative (NWGI) which is comprised of key Departments north and south with specific responsibility for sectoral delivery. The Initiative works in partnership with key stakeholders as described above.

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

See 2.3 (b) above. The NWGI is jointly chaired by officials from the Office of First and Deputy First Minister and the Department of Foreign Affairs.

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

None

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

No

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 (Jackie Gregg, 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		X
Political opinion		X
Racial group		X
Age		X
Marital status		X
Sexual orientation		X
Men and Women generally		X
Disability		X
Dependency		X

Please give details

The document describes the Inter-Governmental partnership approach for a more strategic focus to improving public services in the North West and for continued joint cross border working in areas relevant to spatial planning.

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		X
Political opinion		X
Racial group		X
Age		X
Marital status		X
Sexual orientation		X
Men and Women generally		X
Disability		X
Dependency		X

Please give details

No evidence available.

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?

	Yes	No
Religious belief		X
Political opinion		X
Racial group		X
Age		X
Marital status		X
Sexual orientation		X
Men and Women generally		X
Disability		X
Dependants		X

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

The Framework builds on and promotes work already completed on the North west by a range of stakeholders. It is founded on the Regional Development Strategy which has been subject to separate equality impact assessment and public consultation. It also draws on work by the North West Region Cross Border Group, representing elected members from the constituent councils, which includes actions to promote Cohesion and Active Communities. This Framework will benefit from greater clarification on the Sect 75 implications following public consultation

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 X No

Please give details

The Framework includes 3 scenarios for the future development of the North West and concludes that scenario 3 is the preferred option. Scenario 1 represents a 'Do Nothing' option, scenario 2 suggests a focus mainly on the City of Derry, while scenario 3 recognises the needs of the wider region. Scenario 3 promotes the greater opportunity for involving the wider North West community and sharing of benefits.

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:

This framework is intended to address, at a strategic level, the perceived disadvantages of the whole North West community, including Section 75 groups.

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

The selection of scenario 3 recognises the need to promote better opportunity of equality throughout the North West region as a whole.

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

No

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.

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

Please give details

The framework is intended to promote better cross sectoral Inter-Governmental co-operation by its three core objectives of:

1. Developing an integrated cross border approach to planning and policy
2. Working towards an effective cross border implementation mechanism
3. Prioritisation of resources on a cross border basis.

The impact will arise at the point of delivery but it is likely that the impacts will be moderate and largely positive and beneficial to the whole community.

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

The impact on the community will be realised through the actions of third parties. These actions should be subject to equality impact assessment where the level of detail is better understood and capable of analysis.

It is not considered useful to carry out a full EQIA at this juncture.

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

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

Please give details

N/A

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: Jim Hetherington

Agency/Division: Regional Planning & Transportation Division

Date: 1 April 2009

Section 6

Consultation – For Completion by Equality Unit

Date

Screening result recorded: 2 April 2009

Placed on website: April 2009

Issued for consultation: October 2009

Outcome of consultation: _____

Screening out completed: _____

Screening to be reconsidered: _____

Give reasons:

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: JACKIE GREGG EXT 40867 Jackie.Gregg@drdni.gov.uk
TIM LAVERTY EXT 40850 Tim.Laverty@drdni.gov.uk

Main Groups Relevant to the Section 75 Categories	
<u>Category</u>	<u>Main Groups</u>
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); transgendered 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