

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.

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	The Roads (Miscellaneous Provisions) Bill – Power to close roads for sporting, social or entertainment events and for the purposes of location filming.
Aims	<p>To provide the Department and local councils with the legal powers to temporarily close a public road(s) for the above purposes. The Department will be responsible for the closure of ‘trunk’ and ‘special’ roads, as defined in the Roads (NI) Order 1993. Local councils will be responsible for the closure of all other roads;</p> <p>To introduce a standardised road closure process and to ensure that it is implemented consistently across NI;</p> <p>To provide all those organisations and individuals affected by a proposed road closure (residents, road users, local council(s), Roads Service, the PSNI and others) the opportunity to be consulted and have their opinion considered; and</p> <p>To ensure that road closures, and the road closure process, meet the Department’s legal responsibilities to protect human rights and promote equality of opportunity.</p>
Notes	<p>The Department currently has no statutory powers to close roads for events, other than for the purposes of holding a motor sport event under the Road Races (NI) Order 1986. In all other cases, the Police Service for Northern Ireland (PSNI) facilitates the holding of events (for example the Belfast marathon), by restricting traffic or temporarily closing roads, using powers available to them under Article 32 of the Road Traffic Regulation (NI) Order 1997. There are no requirements under this process in relation to periods of notice, consultation, rights of appeal, conditions to be satisfied or insurance and other matters. To address these issues and meet the aims outlined above, the Department intends to bring forward legislation. This legislation will not impinge upon the Department’s existing powers under the Road Races (NI) Order 1986, or the requirements of the Public Processions (Northern Ireland) Act 1998 in relation to parades.</p>

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

Road users generally; those living on or near roads likely to be the subject of closure; local councils; event organisers; and the television/film industry.

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 and local councils

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

DCAL. Has overall responsibility for sporting, social and entertainment events and for filming.

DETI. Has overall responsibility for international investment and promotion of the NI economy.

PSNI. Has overall responsibility for ensuring the lawful and peaceful use of public roads.

Northern Ireland Screen. Responsible for promoting the film and television industries in NI.

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

No data are available on the current number of road closures or their impact on the promotion of equality of opportunity.

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

Qualitative data from interested groups and members of the public will be sought as part of the policy consultation process, to be held in 2008. The views expressed in response to this consultation will be considered prior to the policy being finalised.

The relevant local council(s) will also be required to assess the the likely impact on equality of opportunity of each proposed

road closure. This will include collection and analysis of the necessary data from those likely to be affected. Local councils and/or the organisers of the event will be expected to mitigate against any difficulties raised by these assessments. This would include, for example, providing a suitable means of access for local residents some of whom may have disabilities.

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

Please give details

It is not possible to determine the level of participation or uptake by each of the S75 groups prior to the introduction of the policy. The local council(s) will be expected to consider this issue when assessing the potential impact on equality of opportunity of each proposed road closure.

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		√
Political opinion		√
Racial group		√
Age		√

	Yes	No
Marital status		√
Sexual orientation		√
Men and Women generally		√
Disability		√
Dependency		√

Please give details

As stated at 2.6 above, local councils will be required to ensure that each road closure is consistent with their statutory duties to protect human rights and promote equality of opportunity.

This could lead to the introduction of mitigating policies, in order to meet the needs of all those affected.

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		√
Political opinion		√
Racial group		√
Age		√
Marital status		√
Sexual orientation		√
Men and Women generally		√
Disability		√
Dependants		√

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

Public consultation on this proposal was carried out between 4 December 2008 and 6 March 2009.

This consultation provided an opportunity for interested parties to comment on this equality screening.

No comments on equality issues were received.

The screening decision will also be included in the Department's biannual consultation with S75 consultees.

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

The closure of a public road for an event or for filming will require the agreement of the Department, the local council and the PSNI. Public bodies will be required to assess the impact of each proposed road closure and identify alternative arrangements when necessary.

- 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:**

Please give details

Not applicable.

- 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

Not applicable.

- 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

Not applicable.

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.			√
Effect on people's daily lives.			√
Effect on economic, social and human rights.			√
Strategic significance			√
Financial significance			√

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

An EQIA is not considered necessary. The proposal seeks to formalise the procedure for authorising a road closure and will require the relevant public authorities (the Department, the local councils) to consider their statutory duties when assessing an application for a road closure from the event organiser. Each application will be assessed individually to determine if any differential impact would be created by the closure. If required, either mitigating policies will be introduced or the application will be rejected. This process will include the opportunity for appeal against the public body's decision.

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

Not applicable.

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

Please give details

Not applicable.

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: Clare Carey

Agency/Division: DRD, Roads Service, Primary Legislation Unit

Date: 10 March 2009

Section 6

Consultation – For Completion by Equality Unit

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

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); 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