

**RETURN TICKETS PURCHASED USING A HALF FARE
SMARTPASS
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.

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 PROCEDURES FOR THE PURCHASE OF RAIL TICKETS USING
A HALF FARE SMARTPASS

To allow half fare Smartpass holders to purchase rail tickets on a return basis before the commencement of their journey on the pricing basis of two single journeys.

Aims To change procedures to allow the purchase of rail tickets on a return basis, on the pricing basis of two single journeys, by half fare Smartpass holders. This will reduce the levels of inconvenience experienced by passengers with disabilities, while at the same time operate within the parameters of technical feasibility. (Rail passengers boarding at manned stations are expected to purchase tickets prior to boarding the train, and until recently this requirement applied equally to half-fare SmartPass holders.) The arrangements by which operators are reimbursed are predicated on to the need to operate the concessionary fares scheme in a manner which is auditable, resistant to fraud and which is consistent with the basis on which the scheme has been devised and financed. In this case the single fare is the journey type upon which reimbursement is based.

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

Persons in receipt of a Half Fare SmartPass. Persons in receipt of one of the free travel categories of SmartPass will still be required to purchase a single ticket each time a journey is made.

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 Ports & Public Transport Division.

(b) NI Railways, Ulsterbus, Metro and several smaller bus operators.

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

None.

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

Concessionary Fares Scheme membership database and usage reports
extracted from the Wayfarer journey ticketing and recording system.

**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

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 checked="" type="checkbox"/>
Political opinion		<input checked="" type="checkbox"/>
Racial group		<input checked="" type="checkbox"/>
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status		<input checked="" type="checkbox"/>
Sexual orientation		<input checked="" type="checkbox"/>
Men and Women generally		<input checked="" type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependency		<input checked="" type="checkbox"/>

Please give details

As the scheme is specifically designed to benefit people with disabilities; and eligibility ends at age 60 (at which point all people are eligible for full fare Smartpasses), “Age” and “Disability” will be the only pertinent s75 categories.

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 checked="" type="checkbox"/>
Political opinion		<input checked="" type="checkbox"/>
Racial group		<input checked="" type="checkbox"/>
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status		<input checked="" type="checkbox"/>
Sexual orientation		<input checked="" type="checkbox"/>
Men and Women generally		<input checked="" type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependency		<input checked="" type="checkbox"/>

Please give details

As the scheme is specifically designed to benefit people with disabilities; and eligibility ends at age 60, “Age” and “Disability” will be the only pertinent s75 categories.

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		<input checked="" type="checkbox"/>
Political opinion		<input checked="" type="checkbox"/>
Racial group		<input checked="" type="checkbox"/>
Age		<input checked="" type="checkbox"/>
Marital status		<input checked="" type="checkbox"/>
Sexual orientation		<input checked="" type="checkbox"/>
Men and Women generally		<input checked="" type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependants		<input checked="" type="checkbox"/>

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

The Department has received correspondence from members of the public and their elected representatives on this issue and the matter has been the subject of discussion with the Minister and the Regional Development Committee. The Department has discussed its plans with both IMTAC and the General Consumer Council on a number of occasions and it was not considered appropriate to carry out any wider consultation.

On the basis of the representations received the Department decided to change its procedures to allow the purchase of rail tickets on a return basis, on the pricing basis of two single journeys, by half fare Smartpass holders.

Due to administrative difficulties with regards to the audit process, resistance to fraud and reimbursement mechanism it is not possible to allow the purchase of a return ticket as opposed to two single tickets without the likelihood of additional costs to the Department. .

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?

No

Please give details

Change to the policy has been made to promote equality of opportunity for people with disabilities who qualify for the half fare SmartPass.

Further changes to the policy would result in a system that was less easily auditable and less resistant to fraud. It would also require a different reimbursement mechanism (with the likelihood of additional cost).

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:

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

The original policy (that is, that all SmartPass holders had to purchase single tickets on each journey) has already been changed to facilitate the purchase of return tickets on rail journeys. The half fare policy in itself is a substantial benefit to disabled people and a strong encouragement to participation in public life.

The revision of the policy will make rail travel easier for people with disabilities and help further to encourage participation in public life.

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			√

Please give details

- 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. No**

It is considered that the policy does not have an adverse impact on any of the s75 groups and in fact the revised procedure will improve the process for purchasing a ticket for passengers with a disability travelling by train. Consequently, a full EQIA is not required.

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: Alan Darrah

Agency/Division: Ports and Public Transport Division

Date: 2 September 2009

Section 6

Consultation – For Completion by Equality Unit

Date

Screening result recorded: 14 September 2009

Placed on website: September 2009

Issued for consultation: October 2009

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