

# 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**

<b>Title</b>	Review of Public Administration (RPA) in Roads Service
<b>Aims</b>	<p>To support the vision of a strong, dynamic local government creating communities with the needs of all citizens at their core</p> <p>To implement the Executive’s decision in relation to the local government reform programme and to facilitate the transfer of a number of public realm functions from central to local government under the Review of Public Administration (RPA).</p> <p>This transfer will include.</p> <ol style="list-style-type: none"><li>1. The transfer of public realm functions (alleygating, pedestrian permits, permitting local events on roads, off-street car parking and on-street parking enforcement) from DRD Roads Service to local government.</li><li>2. Development of a mechanism that would enable the new councils to have formal and direct input to local roads decision making.</li><li>3. Roads Service to implement structural changes to facilitate coterminosity with the new local council boundaries.</li></ol>

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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**

The policies will impact on all members of the public, councils and Roads Service. However, under RPA strand 1 the same services will continue to be delivered but by local government rather than Roads Service.

There are no changes to the services being delivered under RPA strands 2 and 3.

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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) The Executive has agreed the reform of local government as part of the RPA programme. This includes the transfer of a suite of public realm functions from DRD Roads Service to local government.
  - (b) DRD Roads Service and local councils
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**2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?**

The local government reform under RPA is being led by the Department of the Environment. DRD Roads Service is part of the RPA management structure and is tasked with implementing the three strands in section 2.1. Local government will deliver the public realm services in RPA strand 1.

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

A range of data is available on the public realm functions to be transferred. There is no evidence of negative impacts on any Section 75 groups. The policy will not change the services being delivered.

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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, (Frances Curran, ext 40877) or Equality Unit (Jackie Gregg, ext. 40867, or Tim Laverty 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?**

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

#### **Please give details**

The policy will not change the services being delivered. There is no evidence to suggest that impacts on Section 75 groups will change when the services are delivered by local councils.

#### **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?**

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

**Please give details**

No evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue.

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

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

The screening decision will be included in the consultation on the proposed Roads (Functions of District Councils) Bill.

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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

**Please give details**

The RPA policies have been agreed by the Executive, taking account of Section 75 obligations. Consultation with local government will ensure that all functions transfer effectively from the Department to local councils, ensuring the continued promotion of equality of opportunity. The development of a mechanism that would enable the new councils to have formal and direct input to local roads decision making and the implementation of structural changes to facilitate coterminosity with the new local council boundaries should help to promote cooperation and good relations at local level.

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The new councils will be subject to Section 75 equality of opportunity duties.

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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:**

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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**

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The RPA policies have been agreed by the Executive, taking account of Section 75 obligations. Consultation with local government will ensure that all functions transfer effectively from the Department to local councils, ensuring the continued promotion of equality of opportunity. The development of a mechanism that would enable the new councils to have formal and direct input to local roads decision making and the implementation of structural changes to facilitate coterminosity with the new local council boundaries should help to promote cooperation and good relations at local level.

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The new councils will be subject to Section 75 equality of opportunity and good relations duties.

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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**

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The RPA policies have been agreed by the Executive taking account of Section 75 obligations. There is no way of adapting the policy to better promote positive attitudes towards disabled people. The new councils will be subject to the Disability Duties under Section 49 of the Disability Discrimination Act 1995.

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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.			None
Effect on people's daily lives.			None
Effect on economic, social and human rights.			None
Strategic significance			None
Financial significance			None

#### **Please give details**

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None of the measures are considered to have significant implications for equality of opportunity. There is no change to the services being provided.

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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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There is no change to the services being provided. The functions themselves will continue to be exercised, albeit by a different

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organisation which is subject to Section 75 obligations. There is no reason to believe that the transfer of responsibility for the functions would impinge on equality of opportunity. The Department will continue to promote equality of opportunity, where possible, in all aspects of the functions.

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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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<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); 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

# Human Rights Act Impact Assessment

## 1. Policy title and aims

*(Please state the title and objective of the policy/proposal)*

Title: Review of Public Administration (RPA) in Roads Service

Aims/objectives of the policy

To implement the Executive's decision in relation to the local government reform programme and to facilitate the transfer of a number of public realm functions from central to local government under the Review of Public Administration (RPA).

This transfer will include.

- The transfer of public realm functions (alleygating, pedestrian permits, permitting local events on roads, off-street car parking and on-street parking enforcement) from DRD Roads Service to local government.
- Development of a mechanism that would enable the new councils to have formal and direct input to local roads decision making.
- Roads Service to implement structural changes to facilitate coterminosity with the new local council boundaries.

## 2. Rights which the policy/proposal engages

Right	Yes/No	Explanation
Article 2 Right to Life	No	
Article 3 Prohibition of torture, inhuman and degrading treatment	No	
Article 4 Prohibition of slavery and forced labour	No	
Article 5 Right to liberty	No	
Article 6	Yes	Powers in relation to car parking

Right	Yes/No	Explanation
Right to a fair trial		<p>enforcement include the ability to impose penalty charges. There is a mechanism that allows individuals to appeal a penalty charge. In certain instances, these powers can be exercised through the courts.</p> <p>Powers in relation to pedestrian permits include the ability not to provide a permit. Objections to these decisions can be considered under the Agency's complaints procedures.</p>
Article 7 No punishment without law	No	
Article 8 Right to respect for private and family life	No	
Article 9 Freedom of thought, conscience and religion	No	
Article 10 Freedom of expression	No	
Article 11 Freedom of assembly and association	No	
Article 12 Right to marry and found a family	No	
Article 14 Prohibition of discrimination	No	
Protocol 1, Article 1 Right to property	No	
Protocol 1, Article 2 Right to education	No	
Protocol 1, Article 3 Right to free elections	No	

### 3. Rights which the policy/proposal interferes with or limits

Article	Interfered with or limited?	What is the interference/limitation?
6	No	Powers in relation to car parking enforcement and pedestrian permits engage this right but do not limit or interfere with the right to a fair trial.

### 4. Those affected by the interference/limitation

Who could be affected?	How could they be affected?
n/a	

### 5. Legal basis for interference/limitation

*(Is there a law which allows you to interfere with or limit the rights identified in Q4? Any interference with or limitation on a Convention right must have a legal basis)*

Relevant legislation:

n/a
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### 6. Purpose of the policy/proposal

*(Even if the interference or limitation in the policy/proposal is according to the law, there are further conditions which must be met. The purpose of the policy/proposal must pursue a legitimate aim or fall under one of the specific exemptions in the Article in question)*

Article	Exception/Limitation	Explanation
n/a		

## 7. Necessary in a democratic society

*(Articles 8, 9, 10 and 11 specify that inferences or limitations must be necessary in a democratic society. If the policy/proposal interferes with or limits one of these rights, detail in the table below how the right is necessary in a democratic society i.e. does it fulfil a pressing social need?)*

<b>Article affected</b>	<b>Explain why it is necessary in a democratic society</b>
n/a	

## 8. Proportionality

*(Any interference with or limitation on a Convention right must be proportionate, i.e. the policy/proposal must interfere with or limit a right no more than is absolutely necessary to achieve its aims. For each Article which the policy/proposal interferes with or limits, explain how the interference or limitation is proportionate)*

<b>Article affected</b>	<b>Explain why the interference/limitation is proportionate</b>
n/a	

## 9. Article 14 equality issues

PLEASE REFER TO EQUALITY SCREENING DOCUMENT

The policy/proposal does not engage any Convention rights

The policy/proposal does engage one or more of the Convention rights, but does not interfere with or limit them

The policy/proposal interferes with or limits one or more of the Convention rights and legal advice is being sought

Signed by \_\_\_\_\_ Peter Rice \_\_\_\_\_ (Official)

Date \_\_\_\_\_ 10-2-2010 \_\_\_\_\_ Grade \_\_\_\_\_ 7 \_\_\_\_\_

Signed by \_\_\_\_\_ (Senior Responsible Officer)

Date \_\_\_\_\_ Grade \_\_\_\_\_