

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 Introduction of Water Supply (Water Fittings) Regulations (Northern Ireland) 2009.

- Aims**
- **To update the existing subordinate legislation *Water Regulations (Northern Ireland) 1991* to prevent contamination, waste, misuse, undue consumption and erroneous measurement of water supplied by a water undertaker. Since April 2007, the sole undertaker in Northern Ireland has been Northern Ireland Water Ltd.**
 - **To provide increased consumer protection through the introduction of an approved contractors scheme to assist in beating ‘cowboy plumbers’.**
 - **To increase water efficiency and conservation through promoting the use of more water efficient products e.g. reducing toilet flush volumes and washing machine cycles.**
 - **To prevent contamination of the public drinking water supply by introducing new standards and allowing the regulator (NIW) to identify and inspect high risk premises.**
 - **To promote the principles of the Water Framework Directive by encouraging the sustainable use of water**
 - **To contribute towards meeting the aims of the Sustainable Development Strategy through promoting more efficient use of our water resources**

This screening form represents DRD’s commitment to ensuring that adoption of the proposed regulations will not result in an adverse impact on any of the section 75 categories.

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

Those who design, manufacture or sell water fittings – a fitting will need to be ‘of appropriate quality and standard’.

Those who install water fittings – a fitting will need to be ‘of appropriate quality and standard and be suitable for the circumstances in which it is used’.

Those who consume ‘tap’ water – application of the regulations will contribute to the maintenance of high quality drinking water for customers.

Therefore the policy will impact on all of the above sectors with no adverse impact on any particular Section 75 group.

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 updated legislation will bring NI in line with the rest of UK by adopting current best practice in relation to preventing contamination, waste, misuse, undue consumption and erroneous measurement of water supplied by a water undertaker. With the removal of crown immunity it is essential that NIW have more power to minimise the possible impact of any backflow and backsiphonage from pipes outside the water infrastructure which would adversely affect the quality of the drinking water. The policy of maintaining water fittings regulations is also consistent with current policy in the Republic of Ireland where Section 55 of the Water Services Act 2007 enables a water services authority to specify technical specifications for pipes and accessories (and their installation) for the purpose of satisfying itself that connections to its services are of a proper standard. Regulations can also be made in relation to the specification of such materials and fittings.

Development of the Northern Ireland Regulations rests with DRD Water Policy Division, with technical input from NI Water.

(b) Implementation of the NI Regulations will rest with Northern Ireland Water who will act as the regulator in respect of these regulations. The duty of the water undertaker to enforce the regulations will be enforceable by the Department under Article 30 of the Water and Sewerage Services (Northern Ireland) Order 2006.

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

The NI Drinking Water Inspectorate (DWI) represents the Department in relation to public drinking water quality and is therefore interested in any possible contamination of the public drinking water supply.

NIW will enforce these regulations through their role as regulator and an enforcement report showing levels of enforcement activity, notices issued etc. will be published annually. The duty of the water undertaker to enforce the regulations will be enforceable by the Department under Article 30 of the Water and Sewerage Services (Northern Ireland) Order 2006.

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

There is currently no available data but the regulations will apply equally to all new installations (both new build and maintenance) in the home and workplace which are connected to the public drinking water supply. As they will apply equally there is no foreseen adverse impact on any particular section 75 group.

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

There is currently no available data but the regulations will apply equally to all new installations (both new build and maintenance) in the home and workplace which are connected to the public drinking water supply. As they will apply equally there is no foreseen adverse impact on any particular section 75 group.

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 Lavery ext 40824).

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 specific adverse impact on any particular group – the regulations apply to all homes and workplaces which are connected to the public drinking water supply

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

In considering this issue we do not believe that there is any demonstrable adverse equality impact on any particular section 75 group.

- 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 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.

No consultations have been carried out yet, but interested / affected parties (eg relevant trade associations, IPHE, NHBC, CEF as well as CCNI) will be informed and offered meetings to take on board their views and concerns in the pre-consultation stage.

In considering this issue we do not believe that there is any demonstrable adverse equality impact on any particular section 75 group.

- 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

Not applicable.

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.

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

The new Regulations will serve only to increase consumer and environmental protections in relation to water fittings and public drinking water quality. There is no foreseen adverse impact on any Section 75 groups.

- 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**

No. The new Regulations will serve to increase consumer and environmental protections. There will be no adverse impact on any Section 75 groups.

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: John Mills

Agency/Division: Water Policy Division

Date: 20 January 2010

Section 6

Consultation – For Completion by Equality Unit

Date

Screening result recorded: 5 February 2010

Placed on website: March 2010

Issued for consultation: April 2010

Outcome of consultation: _____

Screening out completed: _____

Screening to be reconsidered: _____

Give reasons:

Agency/Division notified date: _____

PLEASE FORWARD A COPY OF THE COMPLETED FORM TO:

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

**QUERIES TO: JACKIE GREGG EXT 40867 Jackie.Gregg@drdni.gov.uk
TIM LAVERTY EXT 40824 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