

# DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

## 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 Annual Report to the Equality Commission. Copies of completed forms should be retained on file within business areas (**and a copy sent to the Equality Unit**) 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 Clarence Court (ext 40203/40813) 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. Copies of all screening out forms will be placed on the Department's 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 or 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. The Equality Unit or Central Statistics & Research

Branch (Stephanie Harcourt ext 40878 or Michael Bennett ext 40916) are available to provide advice on data requirements.

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives

**Title**                    **PROPOSED AMENDMENT TO THE ROAD VEHICLES (LIGHTING) REGULATIONS (NI) 2000**

**Aims**                    **To –**

- (a) implement the EC requirement to accept conspicuity markings on the sides and rear of HGV's which conform with the United Nations Economic Commission for Europe's Regulation 48;**
- (b) permit road traffic enforcement vehicles operated by the Driver and Vehicle Agency to be fitted with retro-reflective "Battenberg Markings"; and**
- (c) permit mountain rescue vehicles other than those operated by the Royal Air Force to use blue flashing beacons.**

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 policy will impact on:**

- (a) manufacturers of heavy goods vehicles and trailers, who will have to ensure that their new vehicles comply with UNECE Regulation 48;**
- (b) operators of heavy goods vehicles, who will have to maintain conspicuity markings during a vehicle's lifetime;**
- (c) Driver and Vehicle Agency (DVA) enforcement personnel; and**
- (d) Mountain rescue groups who operate dedicated rescue vehicles.**

2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DOE, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

**The requirement to comply with the UNECE Regulation is set out in EC Directive 2007/35/EC. The relevant legislation in GB has already been changed to ensure compliance with this Directive. Failure to amend NI legislation accordingly would bring the risk of infraction proceedings against the UK by the European**

**Commission. The lead Department in making the GB Regulations was the Department for Transport. The Department of the Environment in NI has liaised closely with DfT in the preparation of the proposed NI Regulations.**

**DVA operate two enforcement vehicles with retro-reflective Battenberg markings which do not comply with the existing lighting Regulations. Each of these vehicles must be individually cited in periodical “Vehicle Special Orders” which must be renewed every two years. The Department is now seeking to bring NI legislation into line with that of GB, where the relevant legislation has already been changed to allow vehicles used in a similar role to be fitted with the markings, thus removing the need for the periodic issue of VSO’s.**

**The impetus to amend an anomaly in the GB Road Vehicle Lighting Regulations which restricted the use of blue beacons on mountain rescue vehicles to those operated by the Royal Air Force was first identified by the House of Commons Transport Select Committee in March 2005, and the legislation in England, Scotland and Wales was duly amended in 2009. Again, the Department is now seeking to bring NI legislation into line with that pertaining in GB.**

**When amending the relevant GB legislation, the Department for Transport carried out an impact assessment in which the proposals were screened for adverse effects in respect of gender, disability, human rights and race, and no such effects were identified.**

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

**There are no direct linkages to other NI Departments or NDPB’s in respect of these proposals, other than the extension of permission to use Battenberg Markings to DVA vehicles.**

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

**The conspicuity marking proposals will affect, in the main, manufacturers of heavy goods vehicles and trailers, who are already aware of the requirements of UNECE 48. The other proposals will affect only small numbers of vehicles, probably less than ten in total.**

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

**No additional data is considered necessary, due to the technical nature of these provisions.**

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 and Research Branch (Michael Bennett, ext 40916) or Equality Unit (Laura McAleese, ext 40203).

### **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 indication or evidence of higher or lower participation or uptake by the following Section 75 groups?**

	<b>Yes</b>	<b>No</b>
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Gender		✓
Disability		✓
Dependants		✓

Please give details

#### **3.2 Is there any indication or 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		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Gender		✓
Disability		✓
Dependants		✓

Please give details

- 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		✓
Gender		✓
Disability		✓
Dependants		✓

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

**A consultation will be carried out on all the proposals, and will include a copy of this screening form.**

- 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**

- 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:

**The technical nature of these provisions mean that they will not impact differentially on any 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

**Although consideration has been given to this, we have been unable to identify any way to adapt these provisions to promote better equality of opportunity or good relations.**

- 3.7 In relation to Departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA) (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

**Although consideration has been given to this, we have been unable to identify any way to adapt these provisions to promote positive attitudes towards disabled people and/or encourage participation by disabled people 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.

<b>Prioritisation Factors</b>	<b>Significant Impact</b>	<b>Moderate Impact</b>	<b>Low Impact</b>
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. ~~Yes/No/Unsure~~

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**The proposed legislation is of a purely technical nature, and will affect only vehicle manufacturers, DVA enforcement teams and mountain rescue teams. We consider that there is no identifiable need or requirement to carry out a full EQIA on these proposals.**

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?

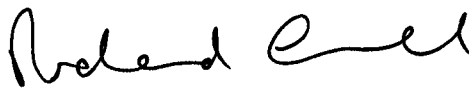
Please give details

**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:**

\_\_\_\_\_

**Agency/Division:**

\_\_\_\_\_ Road Safety Division \_\_\_\_\_

**Date:**

\_\_\_\_\_ 23 August 2010 \_\_\_\_\_

**PLEASE FORWARD A COPY OF THE COMPLETED FORM TO:**

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

**QUERIES TO: LAURA McALEESE, EXT 40203**  
**[laura.mcaleese@doeni.gov.uk](mailto:laura.mcaleese@doeni.gov.uk)**

**Section 6**

**For Completion by Equality Unit**

**Date**

**Screening result recorded:** \_\_\_\_\_

**Placed on website:** \_\_\_\_\_

**Screening out completed:** \_\_\_\_\_

**Screening to be reconsidered:** \_\_\_\_\_

**Give reasons:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Agency/Division notified date:** \_\_\_\_\_

## Main Groups Relevant to the Section 75 Categories

<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
Gender	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