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# 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 or legislation will require a full equality impact assessment (EQIA). It will also provide a record of the factors taken into consideration for audit purposes and for reference in the Department's Annual Review of Progress prepared for the Equality Commission.

### **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.

### **Role of Equality Unit**

The Equality Unit, Room 413A, Clarence Court, Tel 41194 or 40855 is happy to assist with all aspects of the screening process and will help with the completion of the form, if required.

In all cases the form should be signed off by a Senior Officer responsible for the policy and legislation with copies placed on file and a copy forwarded to the Equality Unit.

## **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 departmental policies and the level at which they should be considered.

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 terms of reference well defined. You must take into account any available data 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.

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

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The proposed regulations the Environmental Impact Assessment and Habitats (Extraction of Minerals by Marine Dredging) Regulations 2006 introduce a statutory procedure for the control of certain dredging activities. These regulations replace the non-statutory “Government View” procedure. They transpose into UK law the requirements of the European Community (EC) Directives on the assessment of the effects of certain public and private projects on the environment (‘The EIA Directive’), and the conservation of natural habitats and of wild fauna and flora (‘The Habitats Directive’) with respect to the extraction of minerals by marine dredging. In general terms, they provide a statutory basis for the control of the extraction of minerals by dredging in marine waters.

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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**

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It is envisaged that by providing a statutory licensing regime for the extraction of marine aggregate, which will fully transpose

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the requirements of the EIA and Habitats Directive the legislation will result in greater environmental protection which will impact positively on current and future generations.

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**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?**

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(a) The Department for Communities and Local Government is the lead department for these Regulations. In Northern Ireland, Environmental Policy Group (EPG) of Department of the Environment has lead responsibility for this work.

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(b) Policy delivery will be the responsibility of EPG, Environment and Heritage Service. The policies arising from the Regulations will be broadly in keeping with policy adopted within the rest of the UK/ and will be subject to similar policy scrutiny.

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

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EPG is responsible for marine policy and legislation & Environment and Heritage Service (EHS), an agency within the DOE is the regulator of environmental protection.

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

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Feedback/ existing screening exercises carried out for other environmental consultations i.e. Nitrates Directive, National Parks, Water Framework Directive consultation series.

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**2.6 Is additional data required to facilitate screening?**

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None Apparent

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**See Appendix IV of Equality Commission Practical Guidance on EQIA or speak to Central Statistics Research Branch, (Nicola Kilpatrick ext 40877) or Equality Unit (Alex Boyle, ext 41194, or Jeff Johnston ext 40813).**

### **Section 3 – Screening Analysis**

In cases where there is no available quantitative or qualitative 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.

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   |            | √         |
| Political opinion  |            | √         |
| Racial group       |            | √         |
| Age                |            | √         |
| Marital status     |            | √         |
| Sexual orientation |            | √         |
| Gender             |            | √         |
| Disability         |            | √         |
| Dependants         |            | √         |

#### **Please elaborate**

The proposed regulations will replace a non-statutory procedure and in addition will fully transpose and implement the requirements of the EIA and Habitats Directives. There is no evidence of higher or lower participation or uptake by different groups within any of the nine categories in relation to this policy.

#### **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   |            | √         |
| Political opinion  |            | √         |
| Racial group       |            | √         |
| Age                |            | √         |
| Marital status     |            | √         |
| Sexual orientation |            | √         |

|            |  |   |
|------------|--|---|
| Gender     |  | √ |
| Disability |  | √ |
| Dependants |  | √ |

**Please elaborate**

The proposed Regulations as outlined in the consultation package will replace a non-statutory procedure. There is no evidence that particular groups have different needs, experiences, issues and priorities in relation to the proposal.

**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 elaborate**

Feedback/ existing screening exercises carried out for other environmental consultations indicted policies of this type do not create problems specific to any of section 75 categories.

**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 elaborate -**

No – The Regulations will replace a non-statutory regime. There is no apparent opportunity to promote equality of opportunity.

**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**

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- 3.6 If the answer to any of the questions is affirmative please indicate whether you consider if the policy/legislation could be changed, to promote better equality of opportunity and or if a full EQIA should be carried out.

Please elaborate

**Not Applicable**

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A record of the screening process undertaken must be held on file. A copy of the documentation must be forwarded to the Equality Unit for information.

It is important that the necessary documentation is available should either the Equality Commission or the Department challenge a decision.

Reference should also be made to the screening exercise in any submission on a policy that is to be sent to the Minister.

## Section 4

### EQIA Recommendation

- 4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. In light of the above 3 sections please fill in the following grid in relation to the policy/legislation.

|  | <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. |                           |                        | √                 |

#### **Please elaborate**

The proposed Regulations replace a non-statutory regime which will offer improved management and protection of the marine environment. This policy would be expected to have low impact regarding the three categories listed above.

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- 4.2 **What is the scale of expenditure incurred by the policy/legislation?**

To date no marine dredging licences have been issued in Northern Ireland, therefore it has not been possible to undertake a full RIA. However costs in Northern Ireland would be expected to be similar to those in the rest of the UK.

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- 4.3 **Do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. Yes/No**

**No**

As a result of the screening analysis in Section 3, it is considered that there are no significant implications for equality of opportunity as a result of the publication of the consultation package on the proposed Regulations. Therefore this should not be subject to a full EQIA.

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- 4.4 **If an EQIA is considered necessary what data are required in the future to ensure effective monitoring?**

**Not Applicable**

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*Sheila Lodge*

Signed: \_\_\_\_\_

Division: Environmental Policy

Date: 15 May 2006

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

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

**ANY QUERIES: ALEX BOYLE EXT 41194  
[alex.boyle@doeni.gov.uk](mailto:alex.boyle@doeni.gov.uk)**

**JEFF JOHNSTON EXT 40813  
[jeff.johnston@doeni.gov.uk](mailto:jeff.johnston@doeni.gov.uk)**

| <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); 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  |