

# 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 Business Planning and Equality Team)** 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 Business Planning and Equality Team in room 413B 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 Business Planning and Equality Team 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 Business Planning and Equality Team. 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 Business Planning and Equality Team or Central Statistics & Research Branch (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** Draft Guidance on Local Government Investments for District Councils in Northern Ireland  
Draft Capitalisation Direction A Guidance Note for District Councils in Northern Ireland

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**Aims** Clause 19(3) of the Local Government Finance Bill 2011 allows the Department to issue capitalisation directions to councils, which permits specified items of expenditure that would normally be classified as revenue to be treated as capital expenditure. For that reason, it is appropriate that capital directions are considered against strict criteria and that the Department should be able to monitor closely and control the degree and use of directions. This guidance is provided to direct the procedures and application process.  
Clause 23 of the Local Government Finance Bill 2011 introduces a power to invest. A council may invest for any purpose relevant to its functions under any statutory provision, or for the purposes of the prudent management of its financial affairs. This guidance provides an investment strategy for district councils.

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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 draft guidance will impact on the Department and district councils.

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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?

(a) DOE – Local Government Policy Division

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(b) DOE – Local Government Policy Division

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

There is an approval role for DFP in relation to any capitalisation applications to ensure that an application meets Treasury criteria. This has been fully discussed with DFP.

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

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**This guidance applies equally to all councils and does not differentially impact on members of the public. Therefore Section 75 data relating to general public is not relevant.**

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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.**

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**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 and Research Branch (Michael Bennett, ext 40916) or Business Planning and Equality Team or (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 Business Planning and Equality Team, 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?**

	Yes	No
Religious belief		No
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Gender		No
Disability		No
Dependants		No

**Please give details**

**This guidance applies equally to all councils and therefore will not impact differentially on any Section 75 Groups**

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#### **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?**

	Yes	No
Religious belief		No
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Gender		No
Disability		No
Dependants		No

**Please give details**

**This guidance applies equally to all councils and therefore will not impact differentially on any Section 75 Groups**

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**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
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Gender		No
Disability		No
Dependants		No

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

**There were no issues identified during discussions on the development of the policy proposals.  
The provision will be consulted upon in the context of the forthcoming legislation and any issues highlighted in consultation responses will be considered by the Department in bringing forward the legislation.**

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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                      No

**Please give details**

**There is no 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 as this guidance is technical in nature and applies to district councils only.**

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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:**

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**

No, please see response to 3.4

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**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**

No, please see response to 3.4

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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.			<b>X</b>
Effect on people's daily lives.			<b>X</b>
Effect on economic, social and human rights.			<b>X</b>
Strategic significance			<b>X</b>
Financial significance			<b>X</b>

**Please give details**

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**Regulations are technical in nature and refer to all district councils equally**

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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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**No, a full EQIA is not considered necessary.**

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**This draft Guidance is technical and applies equally to district councils. It has a low impact across all the prioritisation factors.**

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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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**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:**

*Wesley Gannon*

**Agency/Division:**

*Local Government Policy Division*

**Date:**

*8<sup>th</sup> December 2010*

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

**DOE BUSINESS PLANNING AND EQUALITY TEAM  
ROOM 413B  
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 Business Planning and Equality Team**

**Date**

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

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

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

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

**Give reasons:**

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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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
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