

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

Local Government Companies (Best Value) Order (Northern Ireland) 2006 -

The practice of district councils forming or participating

in companies is currently beyond their legal powers. The Department intends to make

subordinate legislation which will allow councils to form or

participate in companies to carry out their duty in making

arrangements for continuous improvement (i.e. the duty of Best Value)

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 legislation will have an impact on councils. Councils as

public bodies also have a duty to comply with Section 75 of the

Northern Ireland Act 1998 when applying this legislation.

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 – in providing the legislative power for councils

(b) DOE - in implementing this power by way of subordinate

legislation. Councils will decide on how to use this power and, in doing so will need to consider any equality issues

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

A number of NI Departments are responsible for the functions specified in the legislation and some have a direct involvement with the companies councils are involved in. For example DRD in relation to Airports; DETI in relation to Tourism and DECAL in relation to Museums and Galleries

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

None

2.6 Is additional data required to facilitate screening?

No

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?

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

Please elaborate

The legislation relates to councils directly and their involvement in the setting up of or participation in companies which are relevant to their functions.

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

Please elaborate

There is no evidence that any of the Section 75 groups have different needs, experiences, issues and priorities with the giving of this power to councils

- 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

No initial consultations have taken place with such representative organisations. The legislation is out for consultation with these groups and if as a result of that consultation issues are identified the Department will consider them and their impact.

- 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

This policy empowers councils to form or participate in companies. In exercising some of their functions, in some cases in co-operation with some NI Departments. The Department has no control over the use of this power except to restrict it to specified functions of councils.

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:

No

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

No

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.

	Significant Impact	Moderate Impact	Low Impact
Social Need.			
Effect on people's daily lives.			
Effect on economic, social and human rights.			

Please elaborate

The decision on how to use the proposed legislation is up to the councils to decide and as such they have an obligation to consider these factors.

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

As this legislation will regularise an already established practice, no additional expenditure is expected.

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 – this legislation is an enabling power and the decision on how it is to be used will fall with councils who themselves must comply with Section 75 of the Northern Ireland Act 1998.

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

EQIA is not considered necessary.

John Roche

Signed: _____

Division: Local Government Division

Date: 23-05-06

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**
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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); 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