

# 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.

### **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 Clarence Court (ext 40855/40813) 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) 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**

<b>Title</b>	Reintroduction of taxi driving test and renewal requirements for taxi drivers' licenses. This may involve the introduction of a theory test for taxi drivers as well as a practical test element. For existing taxi licence holders it would require an average of 7 hours training to be taken each year to be able to renew this licence when it expires. Proposals have been made for the inclusion of drivers of American Stretched Limousines and drivers of taxis accessible to wheelchair users.
<b>Aims</b>	<hr/> To improve road safety <hr/> To raise the level of professionalism within the taxi industry <hr/> To address the call from the industry to reintroduce the taxi driving test <hr/>

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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All existing taxi drivers and anyone wishing to enter the industry.

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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) 

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DOE and DVTA in partnership. Equality issues relating to the entire Taxi Review process, of which this policy change is a part, were considered by DOE in a full EQIA. No negative issues were found for any section 75 groups and indeed positive benefits were raised for woman and for disabled people and the elderly.

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- (b) 

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DVTA and DVLNI

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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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The taxi test would be conducted by DVTA, and taxi drivers licenses issued by DVLNI.

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

The total number of new taxi licenses issued annually and the total number of taxi licenses in issue is available from DVLNI. This gives the numbers of people in Northern Ireland that would be affected.

There is no evidence that any section 75 group in particular forms a large proportion of this group.

In addition four meetings were held in August 2006; three with the taxi industry and one with representatives of the American Stretched Limousine industry. Both public hire drivers and private hire drivers were represented at these meetings.

The EQIA conducted by DOE on the Taxi Review policy changes has provided information to assist in the assessment of the policy impact on all section 75 groups. No negative effects were found for any minority group. Indeed positive benefits were found for women and to the elderly, as they are more likely to be using taxis and so improvements to the industry standards will be of more benefit to them. Benefits for disabled customers were found as drivers are more able and knowledgeable in how to deal with such customers, in order assist in the most appropriate way.

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

No further information is required.

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 (Stephanie Harcourt, ext 40878) or Equality Unit (Alex Boyle, ext 41194, or Una Downey, ext 40855).

**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?**

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

**Please give details**

Taxi drivers will all be required to comply with the legislation in the same way regardless of their beliefs and opinions and which social groupings they belong to. The tests will only examine their ability as taxi drivers and will relate only to areas of knowledge required for this work.

**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		√
Political opinion		√
Racial group		√
Age		√
Marital status		√
Sexual orientation		√
Gender		√

Disability		√
Dependants		√

**Please give details**

The theory test would allow speakers of foreign languages to bring in a translator if they feel unable to complete the test with their level of English. Those drivers with disabilities would also be facilitated by current DVTA theory test policy. In terms of the practical test drivers with a restricted category B licence would be able to obtain a taxi licence provided the taxi was suitably adapted as the conditions of their category B licence stated.

**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.**

Consultation has taken place with representatives from the taxi industry, representing both drivers and operators. Three venues were chosen to get a sample representative of Northern Ireland as a whole: Belfast, Bangor and Londonderry. A fourth meeting took place with the limousine industry. The proposals for the introduction of the theory test and the plans for the practical test were all discussed. Issues relating to testing drivers of vehicles accessible for wheelchairs users, and issues relating to the differentiation of qualified American Stretched Limousine drivers. The industry did not consider there were any particular areas of concern for any specific section 75 group. During the Taxi Bill consultation further meetings with the industry were held with DOE and no issues of equality concerns were raised.

**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**

No

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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:**

The introduction of the assessment of taxi drivers on issues of customer service provided to disabled passengers should improve the service to some section 75 groups and give to them a improved experience when using taxis as a form of transport. This policy proposes drivers would be assessed on this area within the theory test to obtain a licence.

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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**

If the policy is adopted DVTA will wish to meet with representatives from disability groups when drafting questions for the theory test for taxi drivers. This will ensure the drivers are assessed on the issues which are viewed by their customers as the most important for them. This will also help to promote better relations between DVTA and the relevant section 75 groups involved. DVTA plan to include representatives from the taxi industry in these discussions, and further good relations would be developed between all parties concerned.

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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.			√
Effect on people's daily lives.			√
Effect on economic, social and human rights.			√
Strategic significance			√
Financial significance		√	

**Please give details**

Costs may be incurred by taxi drivers who have to pay for taxi tests and for training courses.

- 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**

No. There are no indications in any of the information assessed that this policy will adversely affect any section 75 group, so a full EQIA is seen as unnecessary.

**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.

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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**

Not applicable.

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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:**



**Agency/Division:** Driving Standards Section, DVTA

**Date:** 25/06/07

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

**UNA DOWNEY, EXT 40855**  
**[una.downey@doeni.gov.uk](mailto:una.downey@doeni.gov.uk)**

**Section 6**

**For Completion by Equality Unit**

**Date**

**Screening result recorded:**

\_\_\_\_\_ 17/10/07

**Placed on website:**

\_\_\_\_\_ 17/10/07

**Screening out completed:**

\_\_\_\_\_ 17/10/07

**Screening to be reconsidered:**

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**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