

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 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 (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 **The Planning (Control of Major-Accident Hazards) Regulations (NI) 2009**

Aims These Regulations implement Article 12 of Directive 96/82/EC on the control of major-accident hazards involving dangerous substances (“the COMAH Directive”) as amended by Council Directive 2003/105/EC (“the 2003 Directive”).

The purpose of Article 12 is to prevent major accidents which involve dangerous substances and to limit their consequences for man and the environment by ensuring that there are appropriate land-use policies and procedures in place.

Article 12 is being transposed into Northern Ireland legislation by the Planning (Control of Major-Accident) Hazards) Regulations (NI) 2009.

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 additional obligations under the new regulations fall on the Planning Service, the Health & Safety Executive for Northern Ireland, the Northern Ireland Environment Agency and the Hazardous Substances Site Operators.

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) The policy originated with the EU through the normal consideration and consultation arrangements with Member States.

(b) The policy is delivered via the transposition of Directive 2003/105/EC into domestic legislation in each Member State. In NI this process is undertaken by DOE for the planning sector.

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

The Directive was transposed for the Health & Safety sector by the Health & Safety Executive for Northern Ireland. HSENI and the Northern Ireland Environment Agency have joint responsibility for implementation.

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

None. The legislative amendments are designed to enhance the control of major accident hazards at relevant sites in Northern Ireland.

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

No.

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 (Alex Boyle, ext 41194, or Laura McAleese, ext40203).

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

Please give details

The Department does not consider the regulations will impact disproportionately on any Section 75 group.

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

Please give details

No differential impact is anticipated on any Section 75 groups as a result of this new legislation.

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

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

- (a) The Department consulted on the draft legislative proposals from November 2005 to January 2006.
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- (b) A total of 401 consultees, including relevant Section 75 groups and those in the industry affected, were directly advised of the consultation and invited to comment. The consultation was also advertised in local newspapers and on the Department's website.
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- (c) Responses were received from 7 consultees with a further 6 indicating that they had no comment to offer.
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- (d) The consultation was generally welcomed by all those who commented. The proposed regulations were considered necessary and timely and seen as beneficial to health and safety and the protection of the environment.
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- (e) An explanation for the delay in introducing the legislation is contained in the Explanatory Memorandum to the regulations which is available at
<http://www.opsi.gov.uk/legislation/northernireland/ni-srni>
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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.

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			x
Effect on people's daily lives.			x
Effect on economic, social and human rights.			x
Strategic significance			x
Financial significance			x

Please give details

The legislative amendments relate to changes to existing statutory procedures and are designed to enhance safety at and around relevant sites. Negligible impact is anticipated on the categories outlined above.

- 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. No**

There is no evidence to suggest that the introduction of this legislation will have a differential impact on any Section 75 groups. Therefore it is not considered necessary to subject this legislation to a full EQIA.

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

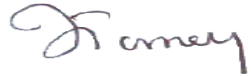
Not applicable.

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.

Signed:



Agency/Division: DOE Planning Service

Date: 2nd December 2009

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

**LAURA McALEESE, EXT 40203
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	
<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
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