

# 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 who will ensure that copies of all screening out forms are 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**

<b>Title</b>	<b>Draft Local Government (Payments to Councillors) Regulations (Northern Ireland) 2011 (“the draft SR”)</b>
<b>Aims</b>	<p>The Local Government Finance Bill (“the Bill”), which is currently before the Assembly, contains a power to enable the Department to make regulations to provide for:</p> <ul style="list-style-type: none"><li>• the payment of allowances to councillors, subject to maxima determined by the Department; and</li><li>• the requirement for councils to make and publish schemes of allowances or other payments determined by the council by a date prescribed by the Department, in a manner prescribed by the Department.</li></ul> <p>The draft SR will be made under clause 31 of the Bill when it completes its Assembly passage.</p> <p>The Bill repeals section 36 of the Local Government Act (Northern Ireland) 1972, which enabled the Department to make regulations concerning payments to councillors.</p> <p>The draft SR will replace the regulations made under section 36, namely:</p> <ul style="list-style-type: none"><li>• the Local Government (Payments to Councillors) Regulations (Northern Ireland) 1999, as amended; and</li><li>• the Local Government (Travelling and Subsistence Allowances to Councillors) (No.2) Regulations (Northern Ireland) 1973, as amended.</li></ul> <p>The draft SR brings forward the current provisions for payment of basic allowance, special responsibility allowance, dependants’ carers’ allowance and travel and subsistence allowance.</p> <p>The draft SR introduces:</p> <ul style="list-style-type: none"><li>• a restriction on payment of special responsibility allowance to no more than half of the members of a council;</li><li>• a requirement for councils to make and publish the schemes of allowances payable to councillors in the exercise of their duties;</li><li>• a requirement for councils to keep a record of the allowances actually paid to councillors, detailing the names of the recipients, the amount of each payment and the nature of each payment;</li><li>• a requirement for councils to make this record available for inspection, free of charge, at all times, and to publish this information on its website at the end of each year.</li></ul>

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 SR will impact on district councils and councillors in Northern Ireland.**

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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) Local Government Policy Division - Department of the Environment**

**(b) District councils in Northern Ireland**

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

**None**

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

**Local government election results – Electoral Office**

**National Census of Local Government Councillors in Northern Ireland 2005 – Northern Ireland Local Government Association**

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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.**

**No additional data required**

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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 the Business Planning and Equality Team (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 the 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	Yes	

**Please give details**

**The Dependants' Carers' Allowance was introduced in 2007 to assist in widening access to participation in Local Government by allowing councillors who have dependants and incur childcare and dependant's carers' costs in the performance of their duties as councillors to claim an allowance in respect of those costs..**

**The draft SR brings forward the current provisions regarding the dependants' carers' allowance, with minor drafting changes that do not alter the policy.**

#### **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	Yes	

**Please give details**

**Councillors who incur costs for the care of children or dependants that are necessary to enable them to carry out approved duties will receive reimbursement subject to each council's policy in respect of the allowance.**

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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?**

	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 on the draft SR will be conducted in the period from from December 2010 to February 2011.**

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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?**

No

**Please give details**

**The provision for dependants' carers' allowance will continue to**

**have a positive impact on councillors with dependants and may encourage people with dependants to become councillors.**

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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:**

**Not applicable.**

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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.**

**Not applicable – please see answer at 3.4 above.**

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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  
Not applicable**

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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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**The draft SR provides for the framework of allowances payable to councillors in Northern Ireland and will have a low positive impact on all the above prioritisation factors.**

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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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**The provision for dependants' carers' allowance will continue to have a positive impact on councillors with dependants and may encourage people with dependants to become councillors.**

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**There is no indication or evidence of higher or lower participation or uptake by other Section 75 groups**

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**The draft SR has a low impact across all prioritisation factors.**

**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:**

  
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**Agency/Division:** Local Government Policy Division

**Date:** 17 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 the 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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\_\_\_\_\_  
\_\_\_\_\_  
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**Agency/Division notified date:** \_\_\_\_\_

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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
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