

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

The Draft Waste (Amendment) (Northern Ireland) Order 2006 enables the DoE to update the current legislation governing the unlawful management and disposal of waste, as set out in the *Waste and Contaminated Land (Northern Ireland) Order 1997*.

The objectives are to maintain parity with the rest of the United Kingdom in this area of legislation and to help to restrict the practices of organised criminal gangs operating illegal cross boundary transport and the illegal management of waste.

The key proposals are:

- To remove the defence of acting under one’s employer’s instructions when involved in illegal waste activities
 - to increase the levels of fines and penalties that courts can impose upon conviction of illegal waste offences
 - to require anyone involved in the waste industry to keep an exact written record of all waste with which they work
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- to enable a court to demand that anyone convicted of an offence involving illegal waste to pay the DoE's investigation and enforcement costs, and costs associated with the seizure of vehicles, and the removal of waste.
 - to increase the DoE's powers to stop, search and seize vehicles believed to be involved in illegal waste activities
 - to introduce new offences relating to the use of council waste receptacles
 - to introduce new powers requiring the owner, as well as the occupier of the relevant land to remove illegal waste deposited there
 - to introduce a new offence of giving false information to a police officer or an authorised DoE officer, or to obstruct their investigations, into illegal waste cases
 - to introduce new provisions about the registration of carriers of waste
 - to introduce new regulations concerning the display of the relevant authorisation to transport controlled waste to an authorised officer of the Department
 - to introduce new provisions about the generation of waste at construction sites
 - to increase the power of enforcing authorities to search properties and stop vehicles on the roads
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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 groups affected by the proposals will be:

- those authorities charged with enforcing the provisions of the Order, namely the police and the Department of the Environment
 - government departments and local councils
 - anyone involved in the transportation of waste
 - courts
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- offenders

2.3 Who is responsible for (a) devising and (b) delivering the policy, e.g. is it DOE, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

DOE alone.

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

None, the other stakeholders will be the local councils, the police and the courts.

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

Awareness of the impacts of the policy through discussion with relevant stakeholders.

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 Janet Cooper ext 40855).

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		√
Dependency		√

Please elaborate

There is no evidence that any of the particular groups is, or will be, more affected by these proposals than any other or that any particular group would be disproportionately affected by the policy proposals.

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		√
Dependency		√

Please elaborate

There is no evidence of this and no reason to suspect that any of the particular groups would gain any advantage, or be disadvantaged, by these policy proposals in terms of their particular needs or priorities.

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

Consultations have been taking place with relevant interest groups but none have expressed any concerns.

The Department will consult widely about the policy proposals, but the results of the consultation exercise are not expected to indicate that the policy proposals would particularly disadvantage any of the groups identified in Section 75, therefore the Department considers that equality issues do not arise.

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 elaborate

No such opportunities have been identified. The policy proposals, by their nature, are considered neutral from an equality perspective.

- 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 such impact identified.

- 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

Not applicable

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

Some human rights issues have arisen concerning the new offences created, and the new powers to stop, search and seize vehicles. This will be investigated in a separate assessment.

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

Fairly low, as legislation concerns new powers for use by existing institutions.

- 4.3 **Do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations.** No

There is no evidence that any of the particular groups is, or will be, more affected by these proposals than any other or that any particular group would be disproportionately affected by the policy proposals

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

Not applicable

Signed: Donald Starritt

Division: ENVIRONMENTAL POLICY GROUP

Date: 12th September 2006

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**
<mailto:alex.boyle@doeni.gov.uk>

JANET COOPER EXT 40855
janet.cooper@doeni.gov.uk

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); 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

<p>“Persons with a disability”</p>	<p>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</p>
<p>“Persons with dependants”</p>	<p>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</p>
<p>Sexual orientation</p>	<p>Heterosexuals; bi-sexuals; gays; lesbians</p>