

DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

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 the groups listed 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.

This form is intended to help you to consider whether a new or revised 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. Reference should be made to the outcome of the screening exercise and subsequent consultation in any submission made to the Minister.

It is important that this screening form is completed carefully and thoughtfully. Your business area's Equality Representative and the Department's Equality Team (ext 54991/37061) will be happy to assist with all aspects of the screening process and will help with the completion of the form, if required.

All screening forms should be signed off by the policy maker, approved by a senior manager responsible for the policy and sent to the Equality Team who will arrange to have them posted on the Department's website.

Policy Title:	The Emissions Performance Standard Monitoring and Enforcement Regulations (Northern Ireland) 2016
Business Area:	Environmental Policy Division
Contact:	David Watson

Screening flowchart and template

Introduction

Part 1. Policy scoping – asks the Department to provide details about the policy, procedure, practice and/or decision being screened and what available evidence has been gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

Part 2. Screening questions – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues.

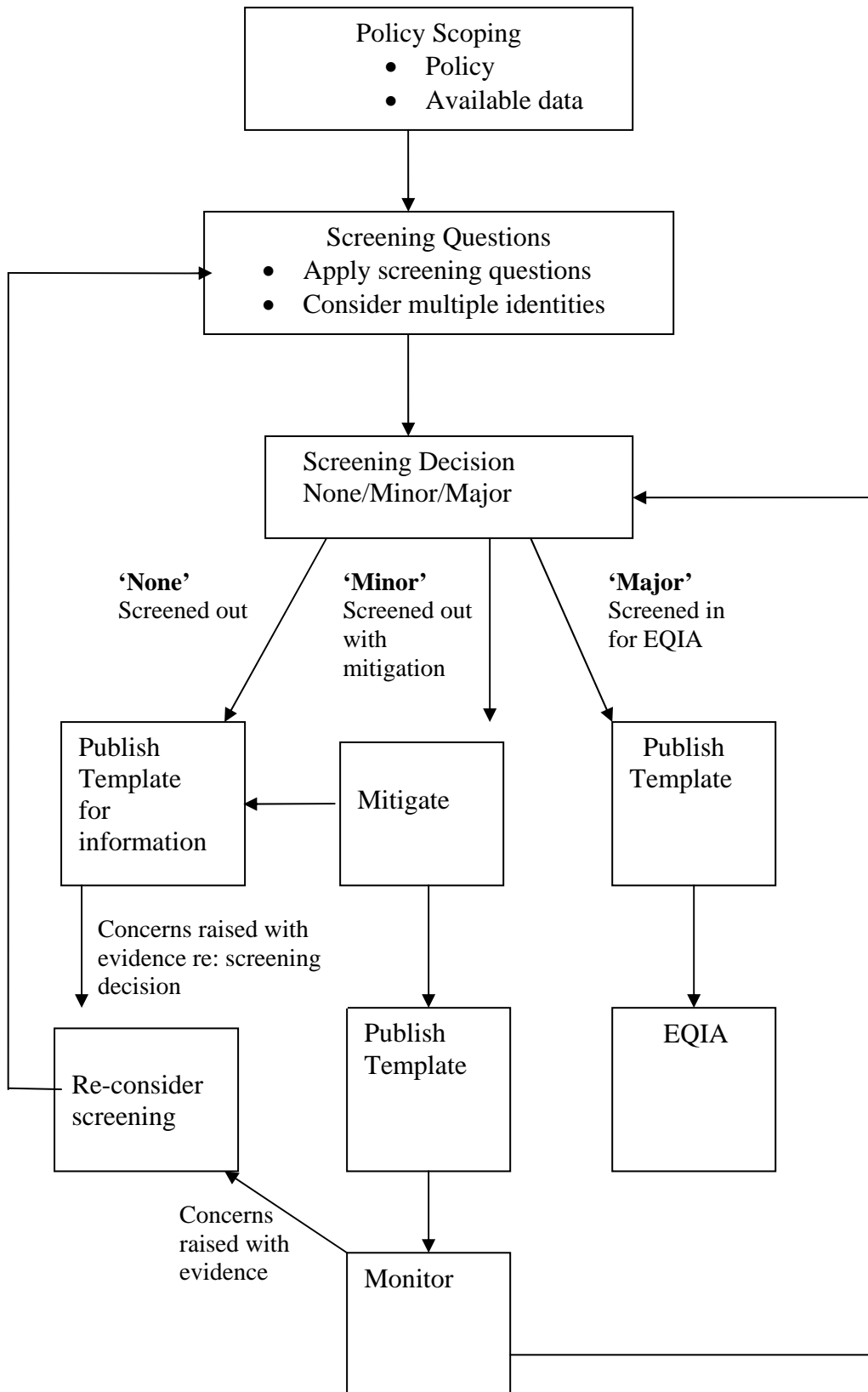
Part 3. Screening decision – guides the Department to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

Part 4. Monitoring – provides guidance on monitoring for adverse impact and broader monitoring.

Part 5. Approval and authorisation – verifies the Department's approval of a screening decision by a senior manager responsible for the policy. All screening templates must be signed off by the relevant policy maker, approved by a senior manager responsible for the policy and forwarded to the Department's Equality Team for quality assurance, approval and publication on the Department's website.

Part 6. Submission to the Departmental Equality Team – Contact details for the Equality Team can be found in this section.

SCREENING FLOWCHART



Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Policy makers should remember that the Section 75 statutory duties apply to internal policies (relating to the Department's staff), as well as external policies (relating to those who are, or could be, served by the Department).

Information about the policy

Name of the policy
Introducing monitoring and enforcement arrangements for Emissions Performance Standard (EPS) in NI as required by the Energy Act 2013.
Is this an existing, revised or a new policy?
Revised policy
What is it trying to achieve? (intended aims/outcomes) (Please give clear explanation of policy aims/outcomes)
The aim of the policy is to meet the legislative duty in Article 60, Chapter 8, EPS, of the Energy Act 2013. The objective is to put in place the legislative framework for the monitoring and enforcement of the EPS in NI in accordance with the Energy Act 2013.
Are there any Section 75 categories which might be expected to benefit from the intended policy? If so, explain how.
No
Who initiated or wrote the policy?
Department of Energy and Climate Change
Who owns and who implements the policy?
Environmental Policy Division has responsibility for the implementation of the policy in NI and arranging the necessary legislation. The Chief Inspector, as legislated for in the Pollution Prevention and Control Regulations (Northern Ireland) 2003, will be responsible for ensuring compliance with the Regulations on an operational basis.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

Yes

No

If yes, are they

financial

legislative

other, please specify:

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

staff

service users

other public sector organisations

voluntary/community/trade unions

other, please specify: Electricity generators of fossil fuel power plants

Other policies with a bearing on this policy

- what are they?

Not applicable

- who owns them?

Not applicable

Available evidence

Evidence to help inform the screening process may take many forms. Policy makers should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Please specify details for each of the Section 75 categories. For further advice please contact Analytical Services Branch (ASB), (Gary Ewing, ext 40245) or the Equality Team (Angela Starkey, ext 54991 or Jeff Johnston, ext 37061).

Section 75 category	Details of evidence/information
Religious belief	<p>None at the initial stage. The policy was consulted upon in September 2015 and there was no evidence or information provided.</p> <p>This legislation will put in place monitoring and enforcement arrangements for the EPS and may impose some financial costs on electricity generators, but this is not likely to be significant. The Department, through the Chief Inspector, will help to minimise the costs of implementing the legislation by using much of the information required under EU ETS legislation.</p> <p>This proposal is deemed, at this stage, not to be imposing any new requirements on any person or group including each of the Section 75 categories. Therefore, no impacts on any of the section 75 categories have been identified.</p>
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.

Sexual orientation	As above.
Men and women generally	As above.
Disability	As above.
Dependants	As above.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories.

Section 75 category	Details of needs/experiences/priorities
Religious belief	The Department has a duty under the Energy Act 2013 to introduce legislation for the monitoring and enforcement of the EPS. Failure to do so would be a breach of the legal obligation. This proposal will not impact on the different needs, experiences and priorities of any person or group including each of the Section 75 categories.
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.
Men and women generally	As above.
Disability	As above.
Dependants	As above.

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, policy makers should consider the answers to the four screening questions.

If your conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then you may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, you should give details of the reasons for the decision taken.

If your conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If your conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:-

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	The Department has a duty under the Energy Act 2013 to introduce legislation for the monitoring and enforcement of the EPS. This proposal will not impact on equality of opportunity for any person or group including each of the Section 75 categories.	None
Political opinion	As above.	None
Racial group	As above.	None
Age	As above.	None
Marital status	As above.	None
Sexual orientation	As above.	None
Men and women generally	As above.	None
Disability	As above.	None

Dependants	As above.	None
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2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		No. The Department has a duty under the Energy Act 2013 to introduce legislation for the monitoring and enforcement of the EPS. This proposal will not impact on equality of opportunity for any person or group including each of the Section 75 categories.
Political opinion		As above.
Racial group		As above.
Age		As above.
Marital status		As above.
Sexual orientation		As above.
Men and women generally		As above.
Disability		As above.
Dependants		As above.

3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none		
Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief		None.
Political opinion		None.
Racial group		None.

4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If Yes , provide details	If No , provide reasons
Religious belief		No. The Department has a duty under the Energy Act 2013 to introduce legislation for the monitoring and enforcement of the EPS. This proposal will not impact on equality of opportunity for any person or group including each of the Section 75 categories.
Political opinion		No. The Department has a duty under the Energy Act 2013 to introduce legislation for the monitoring and enforcement of the

		EPS. This proposal will not impact on equality of opportunity for any person or group including each of the Section 75 categories.
Racial group		No. The Department has a duty under the Energy Act 2013 to introduce legislation for the monitoring and enforcement of the EPS. This proposal will not impact on equality of opportunity for any person or group including each of the Section 75 categories.

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? *(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).*

Yes No

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

The Department has a duty under the Energy Act 2013 to introduce legislation for the monitoring and enforcement of the EPS. This proposal will not impact on any person or group including people with multiple identities.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

The Department consulted on this policy proposal in September 2015. No section 75 issues were raised.

The Department has a duty under the Energy Act 2013 to introduce legislation for the monitoring and enforcement of the EPS. This proposal will not impact on equality of opportunity for any person or group including each of the Section 75 categories.

If the decision is not to conduct an equality impact assessment the policy maker should consider if the policy should be mitigated or an alternative policy be introduced.

There are no impacts on any section 75 groups and mitigation is therefore not necessary.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

Not applicable.

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the

promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When you conclude that the likely impact is 'minor' and an equality impact assessment is not to be conducted, you may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

Not applicable.

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment:-

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	N/A
Social need	N/A
Effect on people's daily lives	N/A
Relevance to a public authority's functions	N/A

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment.

Is the policy affected by timetables established by other relevant public authorities?

Yes No

If yes, please provide details.

Part 4 - Monitoring

You should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the Department should monitor more broadly than for adverse impact.

Effective monitoring will help you to identify any future adverse impact arising from the policy which may lead to completion of an equality impact assessment, as well as help with future planning and policy development.

Part 5 - Approval and authorisation (to be completed by Business Area)

Screened by:	Position/Job Title	Date
David Watson	Deputy Principal	01/2016
Approved by:		
Michael McCallion	Grade 7	01/2016

Note: A copy of the Screening Template, for each policy screened should be 'signed off' by the policy maker, approved by a senior manager responsible for the policy and forwarded to the Department's Equality Team who will make the form available on the Department's website. Business areas should ensure that the form is made available on request.

Part 6 – Submission to Departmental Equality Team

PLEASE FORWARD AN ELECTRONIC COPY OF THE COMPLETED FORM TO:

equality@doeni.gov.uk

QUERIES TO: DOE EQUALITY TEAM
8th FLOOR
GOODWOOD HOUSE
44-58 MAY STREET
BELFAST
BT1 4NN

Angela Starkey, Ext. 54991 angela.starkey@doeni.gov.uk
Jeff Johnston, Ext. 37061 jeff.johnston@doeni.gov.uk

Appendix 1

Main Groups Relevant to the Section 75 Categories	
Category	Main Groups
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
“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