

Department for Infrastructure

Department for Infrastructure

Section 75 equality of opportunity screening analysis form 2015

The purpose of this form is 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 quarterly consultation on the outcome of the screening exercise, and will be referenced in the biannual review of progress made to the Minister and in the Annual Report to the Equality Commission.

Further advice on completion of this form and the screening process including relevant contact information can be accessed via the Department for Infrastructure (DfI) Intranet site

Human Rights Act

When considering the impact of this policy you should also consider if there would be any Human Rights implications. Guidance is at:

- <https://www.executiveoffice-ni.gov.uk/publications/practical-guide-human-rights-act-public-authorities-northern-ireland>

Should this be appropriate you will need to complete a Human Rights Impact Assessment. A template is available on the DfI Intranet site.

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.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

<p>Name of the policy The Donaghadee (Harbour Area) Order (Northern Ireland) 2016</p>
<p>Is this an existing, revised or a new policy? Existing.</p>
<p>What is it trying to achieve? (intended aims/outcomes) The Order fixes the area at Donaghadee Harbour within which the powers of Ards and North Down Borough Council (as the local harbour authority) and those of its officers, may be exercised and within which dues may be charged.</p>
<p>Are there any Section 75 categories which might be expected to benefit from the intended policy? If so, explain how. None.</p>
<p>Who initiated or wrote the policy? DRD (now DfI)– although this flows from government’s wider Review of Public Administration proposals.</p>
<p>Who owns and who implements the policy? DfI.</p>
<p>Background Donaghadee Harbour was previously managed by the Department, overseen by the Donaghadee Harbour Commissioners (civil servants). As part of the overall Review of Public Administration proposals and the reorganisation of local councils and their functions, the Harbour was transferred from its current status as a</p>

trust port to that of a municipal harbour owned by the relevant local authority, namely the North Down and Ards District Council (now known as Ards and North Down Borough Council).

This Order will now re-state the area within which the powers of the Council, as the local harbour authority, and of its officers may be exercised, and the area within which dues may be charged.

The Order will be made under powers contained in the Harbours Act (Northern Ireland) 1970 and will be subject to negative resolution procedure of the Northern Ireland Assembly.

The purpose of this Order is to define and state the limits of Donaghadee Harbour only. The powers available to the Council as a local harbour authority are not prescribed in this Order but are laid out in Part 2 of the Harbours Act (Northern Ireland) 1970 and the Harbours, Docks and Piers Clauses Act 1847.

The legislation was subject to a full consultation which ran from 3rd March 2016 to 27th May 2016. No issues were identified in relation to section 75 during the process.

Note: *Trust ports are autonomous, self-financing statutory bodies charged with the authority for maintaining and managing harbours. They operate on a commercial basis with the profit generated by their activities re-invested to improve their facilities and services. A municipal harbour (local authority harbour) is a harbour vested in a local authority (Council) and the focus of their operation is mostly recreational.*

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? None

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 _____

Other policies with a bearing on this policy

- what are they?

Local Government Reform proposals and legislation.

- who owns them?

Department of the Environment (now the Department for Communities) is in the lead on Local Government Reform proposals and legislation.

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities 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? Specify details for each of the Section 75 categories.

Section 75 category	Details of evidence/ information
Religious belief	<p>There is no evidence of higher or lower uptake of this section 75 group.</p> <p>The proposed legislation was subject to a full public consultation and consultees' attention was drawn to section 75 categories but no evidence of any impact on section 75 groups was identified.</p> <p>As part of the statutory procedure, the screening form will be included in the Department's quarterly consultation exercise with section 75 consultees.</p> <p>Any issues identified at this stage relating to S75 group will be fully considered.</p>
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.
Men and women	As above.

DEPARTMENT FOR INFRASTRUCTURE

generally	
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	There are no specific needs identified for this group.
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, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

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

If the public authority's 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 the public authority's 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	None.	None.
Political opinion	None.	None.
Racial group	None.	None.
Age	None.	None.
Marital status	None.	None.
Sexual orientation	None.	None.
Men and women generally	None.	None.
Disability	None.	None.
Dependants	None.	None.

DEPARTMENT FOR INFRASTRUCTURE

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.	No opportunities to better promote equality of opportunity as the aim of the Order is to fix the area within which the powers of the Council, as the local harbour authority may be exercised.
Political opinion	No.	As above.
Racial group	No.	As above.
Age	No.	As above.
Marital status	No.	As above.
Sexual orientation	No.	As above.
Men and women generally	No.	As above.
Disability	No.	As above.
Dependants	No.	As above.

DEPARTMENT FOR INFRASTRUCTURE

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	There is no impact on good relations between any of these groups.	None.
Political opinion	See above.	None.
Racial group	See above.	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 opportunity to better promote relations as the aim of the Order is to fix the area within which the powers of the Council, as the local harbour authority may be exercised.
Political opinion		See above.
Racial group		See above.

Additional considerations

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*).

None.

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

Not applicable.

Part 3. Screening decision

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

As part of the overall Review of Public Administration proposals and the reorganisation of local councils and their functions, the Harbour was transferred from its current status as a trust port to that of a municipal harbour owned by the relevant local authority.

This Order will now fix the area within which the powers of the Council as the local harbour authority and of its officers may be exercised and the area within which dues may be charged.

Councils are also statutory bodies and therefore section 75 responsibilities will still have to be met when exercising their powers as the local harbour authority for Donaghadee Harbour.

This legislation was subject to a full public consultation and questions were asked in relation to section 75 groups. No issues were identified in relation to section 75 during the process. The proposed legislation will not adversely affect any of the section 75 categories.

As part of the statutory process this screening form will be circulated to S75 bodies.

Any issues identified during the consultation relating to S75 groups will be fully considered.

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

This Order will not have any adverse equality impact on any of the section 75 categories, therefore no mitigation is required.

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

N/A.

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

DEPARTMENT FOR INFRASTRUCTURE

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 the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority 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.

None.

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	
Social need	
Effect on people’s daily lives	
Relevance to a public authority’s functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority’s Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

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

If yes, please provide details

Part 4. Monitoring

Public authorities 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 public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

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

Part 5 - Approval and authorisation

Screened by:	Position/Job Title:	Date:
Anne McKeating	DP	9 June 2016
Approved by:		
Garry McKenna	Grade 7	9 June 2016

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.

For Equality Unit Completion:

Date received:	
Amendments requested?	Yes/ No
Date returned to Business Area:	
Date final version received:	
Date placed on S75 Screening Webpage:	