

DEPARTMENT FOR INFRASTRUCTURE

SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

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/articles/human-rights-and-public-authorities>

Should this be appropriate you will need to complete a Human Rights Impact Assessment. A template is at:

- <https://www.executiveoffice-ni.gov.uk/publications/human-rights-impact-assessment-proforma>

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

Name of the policy
Those who are required to pass a test following disqualification or revocation of their driving licence are exempt from the need to present a completed Graduated Driver Licensing (GDL) logbook before they may take the practical driving test.
Is this an existing, revised or a new policy?
It is a new policy based on similar policy in relation to an exemption from the mandatory minimum learning period (MMLP) for the same group. See Article 5(2ZB) of the Road Traffic (NI) Order 1981 as amended by the Road Traffic (Amendment) Act (NI) 2016.
What is it trying to achieve? (intended aims/outcomes)
To ensure that those who are required to pass a test following disqualification or revocation of their driving licence are not punished twice; once by losing their licence and then again by having to complete a logbook before taking their practical driving test.
Are there any Section 75 categories which might be expected to benefit from the intended policy?
No
If so, explain how.

Who initiated or wrote the policy?

The policy is based on powers contained in the Road Traffic (Amendment) Act (NI) 2016 (the 'Act') which provides for exemptions from the need to complete a logbook by way of Regulations.

The policy intention arises from Project to implement Graduated Driver Licensing.

Who owns and who implements the policy?

The policy is owned by DFI and will be implemented via subordinate legislation progressed by the GDL implementation project. The senior responsible officer of the project is a grade 6 within the Driver & Vehicle Agency (DVA).

Background

GDL is a package of measures which is designed to reduce the risks for young and novice drivers of vehicles in both category B (cars and light vans) and category A, A1 and A2 (motorcycles). References to driver includes rider and references to the driving test includes that for drivers and riders. GDL is provided for in the Road Traffic (Amendment) Act (NI) 2016 (The 'Act') and will launch in 2018/19.

The key features of GDL are:

- Introduction of a mandatory minimum learning period (MMLP). Note that MMLP does not apply to motorcyclists.
- A Programme of Training with completion to be evidenced by an Approved Driving Instructor (ADI) / Approved Motorcycle Instructor (AMI) or a supervising driver (SD) and the learner driver, using a compulsory student logbook. Penalties are in place for falsifying logbook entries.
- Removal of the current 45mph speed restriction for learners (and new drivers) and introduction of amended practical tests - so as to allow for candidates to be tested at posted speeds.
- A passenger carrying restriction. Persons under 24 years of age will be restricted from carrying more than one passenger who is aged 14 to 20 for the first 6 months post test. This restriction will only apply between 11pm and 6am. This restriction will not apply if a supervising driver, that is a

driver aged 21 years or over and holding a full driving licence for three or more years, is seated in the front passenger seat of the vehicle. The passenger restriction does not apply to motorcyclists.

- Extension of the current 12 month restriction period to a 24 month 'new driver' period in line with the existing probationary period set by the Road Traffic (New Drivers) (NI) Order 1998.
- To require the display of a distinguishing mark (plate) on the vehicle for two years after receiving a full licence.

The Act already amends The Road Traffic Order (NI) 1981 so as to exempt from MMLP those who are required to pass a test following disqualification or revocation of their driving licence.

The Department considers that such drivers should also be exempt from having to produce a completed logbook. The practice of requiring experienced drivers to retake a driving test is a road safety measure; it provides a check that the person can drive competently, safely and with due consideration for other road users. The logbook, which will be linked to the programme of training, is a way for new and novice drivers to demonstrate that they have completed the contents of the programme of training.

Whilst the programme of training is an educational tool, it is the opinion of the Department that having to produce a completed logbook to show that the programme has been completed would be more akin to punishment than education, and would therefore diminish the educational intent of the programme. While a disqualified driver may choose to make use of the programme of training to reaffirm their knowledge of driving, it would not be the intent of the Department to require that this is recorded and evidenced before test.

The Act provides the power to make Regulations to exempt classes of individuals from having to present a completed logbook before taking the practical driving test. It is the Department's intention to make Regulations to provide such an exemption for those who are required to pass a test following disqualification or revocation of their driving licence.

Implementation factors

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

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: drivers who have had their licence revoked or been disqualified until retest

Other policies with a bearing on this policy

- what are they?

The Graduated Driver Licensing regime as a whole

- who owns them?

Dfl

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	There is no specific evidence with respect to religious belief.
Political opinion	There is no specific evidence with respect to political opinion.
Racial group	There is no specific evidence with respect to racial group.
Age	There is no specific evidence with respect to age.
Marital status	There is no specific evidence with respect to marital status.
Sexual orientation	There is no specific evidence with respect to sexual orientation.
Men and women generally	There is no specific evidence with respect to gender.
Disability	There is no specific evidence with respect to disability.
Dependants	There is no specific evidence with respect to dependants.

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	No specific needs have been associated with the religious belief category.
Political opinion	As per 'Religious Belief'.
Racial group	As per 'Religious Belief'.
Age	As per 'Religious Belief'.
Marital status	As per 'Religious Belief'.
Sexual orientation	As per 'Religious Belief'.
Men and women generally	As per 'Religious Belief'.
Disability	As per 'Religious Belief'.
Dependants	As per 'Religious Belief'.

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

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 policy has no relevance to equality of opportunity with regard to religious belief.
Political opinion		As per 'Religious Belief'.
Racial group		As per 'Religious Belief'.
Age		As per 'Religious Belief'.
Marital status		As per 'Religious Belief'.
Sexual orientation		As per 'Religious Belief'.
Men and women generally		As per 'Religious Belief'.
Disability		As per 'Religious Belief'.
Dependants		As per 'Religious Belief'.

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	None. This policy provides for exemption from the requirement to complete a logbook when seeking to regain a full driving licence after revocation or disqualification until retest.
Political opinion	None	As above.
Racial group	None	As above.

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. This policy provides for exemption from the requirement to complete a logbook when seeking to regain a full driving licence after revocation or

		disqualification until retest.
Political opinion		As above.
Racial group		As 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*).

The impacts will fall equally across the range of possible and appropriate single and multiple identities.

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

There is no available data. See above.

Part 3. Screening decision

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

The decision is not to conduct an equality impact assessment as no impact has been identified for any of the Section 75 categories.

As part of the statutory process the screening form will be circulated to Section 75 bodies. Any issues identified during this process relating to any Section 75 group 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.

No other mitigation or alternative 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 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.

N/A

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. 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?

No

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:
Richard Jordan	SO	3/4/17
Approved by:		
Pat Delaney	Director of Operations DVA / SRO GDL Project	4/7/17

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 Team Completion:

Date received:	13/4/17
Amendments requested?	yes
Date returned to Business Area:	4/5/17
Date final version received:	
Date placed on S75 Screening Webpage:	