

## 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>

**Don't forget to Rural Proof.**

## **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**

DfI Rivers – Technical Guidance Note 23 – Watercourse Maintenance Manual

#### **Is this an existing, revised or a new policy?**

Revised

#### **What is it trying to achieve? (intended aims/outcomes)**

TGN 23 provides operational guidance to DfI Rivers Staff related to the maintenance of watercourses.

#### **Are there any Section 75 categories which might be expected to benefit from the intended policy?**

**If so, explain how.**

No – The policy does not make any distinction between different Section 75 groups. Works carried out in line with TGN 23 are decided according to a risk management-based approach.

#### **Who initiated or wrote the policy?**

Department for Infrastructure – Rivers Directorate

## **Who owns and who implements the policy?**

Department for Infrastructure – Rivers Directorate

### **Background**

Rivers Directorate has been delegated by the Department as the statutory Drainage and Flood Defence authority for Northern Ireland as per the Drainage (Northern Ireland) Order 1973. This provides a legislative basis for carrying out watercourse maintenance work and flood defence schemes. Through the undertaking of regular maintenance works Rivers Directorate seeks to ensure the free flow of water in designated watercourses. This is necessary to alleviate flooding and to assist land drainage.

Rivers are responsible for inspection and maintenance of a network of free-flowing designated watercourses to provide adequate outlets for urban storm and land drainage. TGN's provide guidance for those working in this area of this Department. TGN23 covers watercourse management. .

TGN 23 (Technical Guidance Note) the Watercourse Maintenance Policy Manual provides operational guidance to staff related to the maintenance of watercourse and associated assets (e.g. culverts, and flood defences) in order to ensure the free flow of water and reduce the risk of loss of life, damage to property, the economy, and the environment by flooding. Watercourse maintenance management and the associated outcomes are determined by a risk management-based approach – this means prioritising the most significant areas of risk and taking appropriate actions to reduce them.

The guidance includes advice on frequency of inspections, environmental considerations, invasive species protocols and general guidance on day-to-day operations within Rivers operations. This screening refers to a revision of this guidance which sets out more clearly responsibilities regarding inspections and general day-to-day operations.

## Implementation factors

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

Yes

**If yes, are they (please delete as appropriate)**

**financial**

**legislative**

other, please specify \_\_\_\_\_

## Main stakeholders affected

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

**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?

*Rivers Directorate – Technical Guidance Notes:*

TGN 1 – Bank Erosion

TGN2 – Bank Slips

TGN 3 – Maintenance of Accommodation Bridges

TGN 7– Flood Bank Maintenance

TGN16 – Best Practice Standards for Watercourse Maintenance  
TGN17 – Annual Maintenance Programme Production  
TGN18 – Invasive Plant Species and Flood Defences - Recommended Procedures for Rivers  
TGN 21 – Sediment Control for small scale works

- who owns them?

Department for Infrastructure – Rivers Directorate

### 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. The Commission has produced this guide to [signpost to S75 data](#).

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

### Religious belief evidence / information:

As of 1 January 2023, the NI Civil Service workforce was comprised of 50.2% employees of a Catholic background and 49.8% of a Protestant background (excluding those Not Determined).

Watercourse maintenance management and the associated outcomes are determined by a risk management-based approach and based on the Department's previous experience. This means prioritising the most significant areas of risk and taking appropriate actions to reduce them. Any associated outcomes are indiscriminate. Failure to carry out watercourse maintenance could result in flooding.

No specific needs, experiences or priorities have been identified for this group. However, an impact in another group could impact on this as everyone belongs to more than one Section 75 category.

### **Political Opinion** evidence / information:

The NICS does not collect data on the political opinion of staff.

Watercourse maintenance management and the associated outcomes are determined by a risk management-based approach and based on the Department's previous experience. This means prioritising the most significant areas of risk and taking appropriate actions to reduce them. Any associated outcomes are indiscriminate. Failure to carry out watercourse maintenance could result in flooding.

No specific needs, experiences of priorities have been identified for this group. However, an impact in another group could impact on this as everyone belongs to more than one Section 75 category.

### **Racial Group** evidence / information:

As of 1 January 2023, the NI Civil Service did not hold data on ethnicity for 2,261 staff (9.3%). Excluding these staff, 0.5% of NI Civil Service staff were from an ethnic minority.

Watercourse maintenance management and the associated outcomes are determined by a risk management-based approach and based on the Department's previous experience. This means prioritising the most significant areas of risk and taking appropriate actions to reduce them. Any associated outcomes are indiscriminate. Failure to carry out watercourse maintenance could result in flooding.

No specific needs, experiences of priorities have been identified for this group. However, an impact in another group could impact on this as everyone belongs to more than one Section 75 category.

### **Age** evidence / information:

The NICS has an older age profile than that of the economically active population with 14.1% of NICS staff aged 16-34 compared with 38.5% among the economically active.

Watercourse maintenance management and the associated outcomes are determined by a risk management-based approach and based on the

Department's previous experience. This means prioritising the most significant areas of risk and taking appropriate actions to reduce them. Any associated outcomes are indiscriminate. Failure to carry out watercourse maintenance could result in flooding.

No specific needs, experiences of priorities have been identified for this group. However, an impact in another group could impact on this as everyone belongs to more than one Section 75 category.

### **Marital Status** evidence / information:

As of 1<sup>st</sup> January 2023, Data on marital status are missing or unknown for 6.1% of NICS staff. For those staff for whom data are available, 34.1% are recorded as single and 57.1% as married.

Watercourse maintenance management and the associated outcomes are determined by a risk management-based approach and based on the Department's previous experience. This means prioritising the most significant areas of risk and taking appropriate actions to reduce them. Any associated outcomes are indiscriminate. Failure to carry out watercourse maintenance could result in flooding.

No specific needs, experiences of priorities have been identified for this group. However, an impact in another group could impact on this as everyone belongs to more than one Section 75 category.

### **Sexual Orientation** evidence / information:

As of 1<sup>st</sup> January, sexual orientation data are missing for 73.4% of NICS staff. Of those staff for whom data are available 3.6% described their orientation as towards someone of the same sex, 2.3% towards both sexes and 94.2% towards someone of different sex. However since coverage is limited to a relatively small proportion of staff, staff with a recorded sexual orientation may not be representative of the whole NICS and so it would not be appropriate to use these figures as an estimate of the NICS profile.

Watercourse maintenance management and the associated outcomes are determined by a risk management-based approach and based on the Department's previous experience. This means prioritising the most significant areas of risk and taking appropriate actions to reduce them. Any associated

outcomes are indiscriminate. Failure to carry out watercourse maintenance could result in flooding.

No specific needs, experiences of priorities have been identified for this group. However, an impact in another group could impact on this as everyone belongs to more than one Section 75 category.

### **Men & Women generally** evidence / information:

As of 1 January 2023, female staff made up 50.1% of the NI Civil Service compared to 49.1% of the overall Economically Active Population (2021 Census). As of 1 October 2023, there were 2,169 males and 749 females working in DfI.

Watercourse maintenance management and the associated outcomes are determined by a risk management-based approach and based on the Department's previous experience. This means prioritising the most significant areas of risk and taking appropriate actions to reduce them. Any associated outcomes are indiscriminate. Failure to carry out watercourse maintenance could result in flooding.

No specific needs, experiences of priorities have been identified for this group. However, an impact in another group could impact on this as everyone belongs to more than one Section 75 category.

### **Disability** evidence / information:

As of 1 January 2023 5.7% of all staff were recorded as disabled (47.5% of staff had not filled in their disability data). Potentially, therefore, the true proportion of disabled staff could be as high as 53.2% (on the most extreme scenario where all missing data related to disabled staff).

The reported proportion of 5.7% should therefore be considered as a minimum – some staff whose disability information is missing may have a disability, and some others who are recorded as not having a disability may have developed a disability since the information was provided. Both of these scenarios would mean a larger proportion of all staff having a disability.

Watercourse maintenance management and the associated outcomes are determined by a risk management-based approach and based on the Department's previous experience. This means prioritising the most significant



areas of risk and taking appropriate actions to reduce them. Any associated outcomes are indiscriminate. Failure to carry out watercourse maintenance could result in flooding.

No specific needs, experiences of priorities have been identified for this group. However, an impact in another group could impact on this as everyone belongs to more than one Section 75 category.

**Dependants** evidence / information:

As of 1<sup>st</sup> January 2023, 63.9% of staff identify as having no dependants, with 36.1% stating they have dependants. (71.7% of NICS staff had not filled in their dependants data). However since coverage is limited to a relatively small proportion of staff, staff with recorded information on dependants may not be representative of the whole NICS and so it would not be appropriate to use these figures as an estimate of the NICS profile.

Watercourse maintenance management and the associated outcomes are determined by a risk management-based approach and based on the Department's previous experience. This means prioritising the most significant areas of risk and taking appropriate actions to reduce them. Any associated outcomes are indiscriminate. Failure to carry out watercourse maintenance could result in flooding.

No specific needs, experiences of priorities have been identified for this group. However, an impact in another group could impact on this as everyone belongs to more than one Section 75 category.

## **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 of the needs, experiences and priorities for each of the Section 75 categories below:

### **Religious belief**

TGN23 is guidance for staff to ensure a consistent approach to the maintenance of watercourses and associated assets. This work contributes to Rivers aim to reduce the risk to life and the damage to property from flooding from rivers and the sea.

No different needs, experiences or priorities have been identified as watercourse maintenance management is determined by a risk management-based approach. The outcomes of watercourse maintenance management are indiscriminate. No specific needs, experiences or priorities have been 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?

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: The implementation of this TGN will not impact on equality of opportunity for this group as it provides operational guidance based on a risk management-based approach.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**: The implementation of this TGN will not impact on equality of opportunity for this group as it provides operational guidance based on a risk management-based approach.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: The implementation of this TGN will not impact on equality of opportunity for this group as it provides operational guidance based on a risk management-based approach.

What is the level of impact? None

Details of the likely policy impacts on **Age**: The implementation of this TGN will not impact on equality of opportunity for this group as it provides operational guidance based on a risk management-based approach.

What is the level of impact? None

Details of the likely policy impacts on **Marital Status**: The implementation of this TGN will not impact on equality of opportunity for this group as it provides operational guidance based on a risk management-based approach.

What is the level of impact? None

Details of the likely policy impacts on **Sexual Orientation**: The implementation of this TGN will not impact on equality of opportunity for this

group as it provides operational guidance based on a risk management-based approach.

What is the level of impact? None

Details of the likely policy impacts on **Men and Women**: The implementation of this TGN will not impact on equality of opportunity for this group as it provides operational guidance based on a risk management-based approach.

What is the level of impact? None

Details of the likely policy impacts on **Disability**: The implementation of this TGN will not impact on equality of opportunity for this group as it provides operational guidance based on a risk management-based approach.

What is the level of impact? None

Details of the likely policy impacts on **Dependants**: The implementation of this TGN will not impact on equality of opportunity for this group as it provides operational guidance based on a risk management-based approach.

What is the level of impact? None

**2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories? Yes/No**

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

**Religious Belief – No:** The implementation of this TGN will not impact on opportunities to better promote equality of opportunity as it provides operational guidance based on a risk management-based approach.

**Political Opinion – No:** See above.

**Racial Group - No:** See above.

**Age - No:** See above.

**Marital Status - No:** See above.

**Sexual Orientation - No:** See above.

**Men and Women generally** - No: See above.

**Disability** - No: See above.

**Dependants** - No: See 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?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: (insert text here)  
What is the level of impact? **None**

Details of the likely policy impacts on **Political Opinion**: (insert text here)  
What is the level of impact? **None**

Details of the likely policy impacts on **Racial Group**: (insert text here)  
What is the level of impact? **None**

4. **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

**Religious Belief** – No: As this TGN provides technical guidance for the maintenance of watercourses, this policy will have no ability to promote good relations in this group.

**Political Opinion** - No: As this TGN provides technical guidance for the maintenance of watercourses, this policy will have no ability to promote good relations in this group.

**Racial Group** - No: As this TGN provides technical guidance for the maintenance of watercourses, this policy will have no ability to promote good relations in this group.



## 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).*

No impact identified.

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

None.

### **Part 3. Screening decision**

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

This policy is a technical guidance note. It offers operational guidance to staff involved in the maintenance of watercourses to ensure the free flow of water and to prevent flooding. It will have no impact on equality of opportunity or good relations with regards to Section 75 categories.

On this basis, this policy is considered neutral in terms of its impact on Section 75 categories and there an EQIA is not required.

**Should any issues be identified, this form can be reviewed.**

N/A

**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 - please provide details.**

N/A

**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** [Author pick 1 2 or 3 if a full EQIA is to take place]

Effect on equality of opportunity and good relations **Rating 1, 2 or 3**

Social need **Rating 1, 2 or 3**

Effect on people's daily lives **Rating 1, 2 or 3**

Relevance to a public authority's functions **Rating 1, 2 or 3**

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: David Cummings

Position/Job Title:

Date: 22 August 2023

Approved by: Shane Grant

Position/Job Title: SPTO

Date: 22 August 2023

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: 22 August 2023

Amendments Requested: Yes ~~No~~

Date Returned to Business Area: 27 October 2023

Date Final Version Received/ Confirmed: 5 March 2024

Date Published on DfI's Section 75 webpage: 5 March 2024