

## 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**

The Water and Sewerage Services (Electronic Communications) Order (Northern Ireland) 2021

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

This is revising an existing policy of how NI Water accepts correspondence and grants consent for various agreements with the public and developers.

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

At present NI Water has to receive and grant consent for various functions such as Article 161 Agreements, Trade Effluent Agreements, and New Connections “in writing.” They would like to be able to accept and grant consent through a digital online portal as well as by the paper option. The intended aims are to allow the public to quickly and easily submit their requests through an online portal, as well as allow NI Water to serve notices and information on persons through electronic means when they specifically consent to receive information in an electronic format.

The intended outcomes are that NI Water will be able to modernise the service it provides. This comes with additional advantages of documents being received much faster due to the saved postage time, as well as money saved on postage costs. Furthermore, an online portal can store all existing records and allow all parties to quickly access all documents pertaining to the work at hand.

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

Yes

### **If so, explain how.**

All categories will be able to use this facility. At this time (2021) with the Covid-19 Global Pandemic, people and particularly those in the high risk groups of Racial Group, Disability, and Age (the elderly), will find the online portal a much safer way to submit and receive documentation, rather than leaving their homes to post letters.

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

The Department for Infrastructure.

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

The Department for Infrastructure owns the policy and NI Water will implement the policy.

### **Background**

The Water and Sewerage Services (Northern Ireland) Order 2006 (“the 2006 Order”) outlines the functions of the water and sewerage undertakers – in both cases, NI Water. Some of NI Water’s functions, such as handling new applications to connect to the water main or sewers, or asking for consent to discharge trade effluent, require that a notice be served on the water or sewerage undertaker.

The Interpretation Act (Northern Ireland) 1954 defines the rules for serving a notice; specifically describing it as “...prepaying... and posting an envelope addressed to the person on whom the document is to be served...” This prevents NI Water from also accepting digital notices.

This presents a problem for NI Water who are seeking to digitalise their operations and offer more services to the public through electronic means. As a result of this the Department for Infrastructure is looking towards enabling NI Water to accept being served certain notices through electronic means, as well as serve electronic notices on people who consent to receiving electronic communication from NI Water. The Department for Infrastructure intends to do this by amending the 2006 Order to enable electronic communication where all

parties have consented to a willingness to receive notice or documents through an electronic means.

Paper applications will still be accepted to accommodate those who are unable to use, or have no access to the internet.

### **Implementation factors**

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

No.

### **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

### **Other policies with a bearing on this policy**

- **what are they?**

N/A

- **who owns them?**

N/A

## 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:

No evidence has been identified to suggest enabling NI Water to accept and grant consents for important documents electronically will have an undue negative impact on people because of their religious beliefs.

According to OFCOM (24 June 2020) internet usage has increased during the Covid-19 lockdowns <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2020/uk-internet-use-surges> however we have used the ONS 2019 Survey into of UK internet usage as this reflects normal times.

An Office of National Statistics (ONS) survey found that in 2019 internet use in Northern Ireland remained the lowest at 87% of recent (UK) internet users. <https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/bulletins/internetusers/2019#northern-ireland-shows-the-largest-regional-increase-in-recent-internet-use-since-2011>.

It is not known what activities usage relates to but the “Internet access – households and individuals, Great Britain: 2018” indicates that emailing is the most popular online activity with shopping second.

<https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/2018#email-remains-the-most-common-internet-activity>

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

As above.

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

No evidence has been identified to suggest enabling NI Water to accept and grant consents for important documents electronically will have an undue negative impact on people because of their race.

In the ONS 2019 Survey (tables 4a and b) 90-98% ethnic minorities are shown as having used the internet within the last month (at the time of the survey).

However during the current Coronavirus pandemic, it has been discovered that Black and Minority Ethnic (BAME) people have much higher risks of death from Covid-19. Public Health England found that, "...after accounting for the effect of sex, age, deprivation and region, people of Bangladeshi ethnicity had around twice the risk of death when compared to people of White British ethnicity. People of Chinese, Indian, Pakistani, Other Asian, Caribbean and Other Black ethnicity had between 10 and 50% higher risk of death when compared to White British."

For this reason it is much safer at this time (2021) for BAME people to have the option to submit and receive documents electronically, rather than going to a post office or postbox.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/892376/COVID\\_stakeholder\\_engagement\\_synthesis\\_beyond\\_the\\_data.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892376/COVID_stakeholder_engagement_synthesis_beyond_the_data.pdf)

**Age** evidence / information:

No evidence has been identified to suggest that enabling NI Water to accept and grant consents for important documents electronically will have an undue negative impact on people because of their age.

Taking the results of the ONS 2019 Survey into account older people are less likely to use the internet; especially those aged 75 and over who have a usage rate of around 54% for men, and around 40% for women.

However, as this online portal is only an alternative option, and not a replacement people without internet access will still be able to use other forms of written communication, such as letters, to contact NI Water about the three aforementioned areas.

Sources:

<https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/bulletins/>

[internetusers/2019#still-a-difference-in-internet-use-between-men-and-women-in-older-age-groups](https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/2019#still-a-difference-in-internet-use-between-men-and-women-in-older-age-groups)

It is not known what this usage relates to but the “Internet access – households and individuals, Great Britain: 2018” indicates that emailing is most popular.

<https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/2018#older-adults-show-largest-increase-in-online-shopping-over-the-past-decade>

**Marital Status** evidence / information:

As for Age above.

**Sexual Orientation** evidence / information:

As for Age above.

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

As for Age above.

In the ONS 2019 Survey men had used the internet 92.0% in the last month (at the time of the survey) whereas women had used it 89.6%.

As also seen at Age above women use the internet slightly less than men especially in the age group 75 and over.

**Disability** evidence / information:

Overall in the ONS 2019 Survey it was found that the number of disabled adults who were recent internet users was 78%.

In the ONS 2019 survey, tables (3a and 3b), it was found that people aged 75 years and over, who described themselves as disabled, had a usage rate of 40.7% in the last month (at the time of the survey). For other age groupings in the disabled category the survey found that the usage rate in the last month (at the time of the survey) was 75.8% for 65-74 year age group; 86.4% for the 55-64 age group; and the other age groupings were found to be around 98% .

**Dependants** evidence / information:

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

### **Religious belief**

At present NI Water has no powers to accept notice or be served documents unless it is done in writing. This revision would allow service users to make their applications/requests online and for NI Water to accept this correspondence, and grant their consents online, while retaining the paper option. It would also allow NI Water to similarly serve notices on customers where the person specifically consents to receiving communication through an electronic means.

No needs, experiences, or priorities have been identified for this S75 category.

### **Political Opinion**

As above. No needs, experiences, or priorities have been identified for this S75 category.

### **Racial Group**

As above. No needs, experiences, or priorities have been identified for this S75 category.

### **Age**

Written correspondence will still be accepted so that anyone can chose to use this option instead of the online as it is seen by the evidence not all older people wish to make transactions online.

With the current Covid-19 pandemic, older people are seen to be more at risk of serious complications from the virus. By opening up an online portal through which to send and receive correspondence older people will have the choice to either travel outside to post letters and documents, or complete their business online, keeping them safer.

### **Marital status**



No needs, experiences, or priorities have been identified for this S75 category.

### **Sexual orientation**

No needs, experiences, or priorities have been identified for this S75 category.

### **Men and Women Generally**

No needs, experiences, or priorities have been identified for this S75 category.

### **Disability**

As with older people, people with disabilities are more at risk of serious complications from the coronavirus. By opening up an online portal through which to send and receive correspondence older people will have the choice to either travel outside to post letters and documents, or complete their business online keeping them safer.

### **Dependants**

No needs, experiences, or priorities have been identified for this S75 category.

## **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 revision is to permit the use of electronic communication in addition to written applications when serving a notice on the water and sewerage undertaker. It also permits NI Water to contact customers through an electronic means when they specifically grant consent for it to do so.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**:

As above.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**:

As above.

What is the level of impact? None

Details of the likely policy impacts on **Age**:

As above.

What is the level of impact? None

Details of the likely policy impacts on **Marital Status**:

As above.

What is the level of impact? None.

Details of the likely policy impacts on **Sexual Orientation**:

As above.

What is the level of impact? None.

Details of the likely policy impacts on **Men and Women**:

As above.

What is the level of impact? None.

Details of the likely policy impacts on **Disability**:

As above.

What is the level of impact? None.

Details of the likely policy impacts on **Dependants**:

As above.

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** - If Yes, provide details:

If No, provide reasons:

No, there is no identified section 75 impact upon those of differing religious beliefs. Written and online communication with NI Water will be available to everyone regardless of these categories.

**Political Opinion** - If Yes, provide details:

If No, provide reasons:

No, there is no identified section 75 impact upon those of differing political opinion. Written and online communication with NI Water will be available to everyone regardless of these categories.

**Racial Group** - If Yes, provide details:

If No, provide reasons:

No as for Religious Belief above - however during the Covid-19 pandemic Black and Minority Ethnic (BAME) people have been shown to be at a higher risk of severe complications associated with the virus. By providing the extra option of being able to submit and receive documents electronically, rather than physically going to a post office, will help towards keeping them safe.

**Age** - If Yes, provide details:

If No, provide reasons:

No as for Religious Belief above - however during the Covid-19 pandemic older people have been shown to be at a higher risk of severe complications associated with the virus. By providing the extra option of being able to submit and receive documents electronically, rather than physically going to a post office, will help towards keeping them safe.

**Marital Status** - If Yes, provide details:

If No, provide reasons

No, there is no identified section 75 impact upon those of different marital status. Written and online communication with NI Water will be available to everyone regardless of these categories.

**Sexual Orientation** - If Yes, provide details:

If No, provide reasons:

No, there is no identified section 75 impact upon those of differing sexual orientation. Written and online communication with NI Water will be available to everyone regardless of these categories.

**Men and Women generally** - If Yes, provide details:

If No, provide reasons:

No, there is no identified section 75 impact upon men and women generally. Written and online communication with NI Water will be available to everyone regardless of these categories.

**Disability** - If Yes, provide details:

If No, provide reasons:

No as for Religious Belief above - however during the Covid-19 pandemic some disabilities have been shown to put people at a much higher risk of severe complications associated with the virus. By providing the extra option of being able to submit and receive documents electronically, rather than physically going to a post office, will help towards keeping them safe.

**Dependants** - If Yes, provide details:

If No, provide reasons:

No, there is no identified section 75 impact upon dependants. Written and online communication with NI Water will be available to everyone regardless of these categories.

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**:

The revision is to permit the use of electronic communication in addition to written applications when serving a notice on the water and sewerage undertaker. It also permits NI Water to contact customers through an electronic means when they specifically grant consent for it to do so.

What is the level of impact? None.

Details of the likely policy impacts on **Political Opinion**: As above.

What is the level of impact? None.

Details of the likely policy impacts on **Racial Group**: As above.

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** - If Yes, provide details:

If No, provide reasons:

No. There is no connection between the promotion of better relations between people with different religious beliefs and expanding the options for communication with the water and sewerage undertaker to include electronic means.

**Political Opinion** - If Yes, provide details:

If No, provide reasons

No. There is no connection between the promotion of better relations between people with different political opinions and expanding the options for communication with the water and sewerage undertaker to include electronic means.

**Racial Group** - If Yes, provide details:

If No, provide reasons

No. There is no connection between the promotion of better relations between people of different racial groups and expanding the options for communication with the water and sewerage undertaker to include electronic means.



## 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.

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

N/A

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

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

We propose not to conduct an equality impact assessment. Our reasoning behind this is that no negative impact has identified for any S75 category. Being able to submit documents electronically would likely make it safer for people who are disabled or elderly in light of the current pandemic. However it is accepted that the option to make paper applications should remain for those who find the internet difficult to use or cannot access it.

As this policy has not been found to discriminate against anyone because of any Section 75 category we are proposing to not conduct a full equality impact assessment.

**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?**

No.

**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 N/A**

Social need **Rating N/A**

Effect on people’s daily lives **Rating N/A**

Relevance to a public authority’s functions **Rating 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?**

N/A

**If yes, please provide details.**

N/A

## **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: Lee Marsden

Position/Job Title: Staff Officer

Date: 13/05/2021 (Redrafted from December version.)

Approved by:

Position/Job Title:

Date:

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: 12<sup>th</sup> February 2021

Amendments Requested: Yes

Date Returned to Business Area: 12<sup>th</sup> March 2021

Date Final Version Received / Confirmed: 9<sup>th</sup> June 2021

Date Published on DfI's Section 75 webpage: 17<sup>th</sup> June 2021