**DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS**

**Equality and Human Rights**

**Screening Template**

**DAERA Equality** and **Human Rights**

# Screening Template

DAERA has a statutory duty to screen. This includes our strategies and plans, policies, legislative developments; and new ways of working such as – the introduction, change or end of an existing service, grant funding arrangement or facility. This screening template is designed to help business areas consider the likely equality and human rights impacts of their proposed decisions on different groups of customers, service users, staff and visitors.

Before carrying out an equality screening exercise it is important that you have received the necessary training and know the current effective guidance first (see HPRM (Trim) link below for Guidance Document). To find out about the training needed, contact - equalitybranch@daera-ni.gov.uk. All screening exercises must be supported by evidence and Quality Assured by Equality Unit prior to being cleared at Grade 3 level.



The accompanying Screening Guidance note provides straightforward advice on how to carry out equality screening exercises. Detailed information about the Section 75 equality duties**[[1]](#footnote-1)** and what they mean in practice is available on the Equality Commission’s website.

Please note: Only plain English**[[2]](#footnote-2)** should be used in all sections of this document.

The screening template has 4 sections to complete. These are:

**Section A** - asks you to provide details about the policy / decision that is being screened.

**Section B** - has 4 key questions that require you to outline the likely impacts on equality groups, and all supporting evidence.

**Section C** - has 4 key questions in relation to obligations under the Disability Discrimination Order and the Human Rights Act.

**Section D** - is the formal record of the screening decision.

Section A

Details about the policy / decision to be screened – In plain English

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| Title of policy / decision to be screened:- Review of Higher Education Tuition Fees at CAFRE      |

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| Brief description of policy / decision to be screened:- DAERA Higher Education (HE) Tuition Fee Policy – this covers DAERA tuition fee policy for NI domiciled students and EU domiciled students (excl GB students) in respect of HE courses delivered by CAFRE. |

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| Aims and objectives of the policy / decision to be screened:-The current DAERA tuition fee policy is, where possible, to maintain parity with Department for Economy (DfE) regulations at the basic (lowest) amount. It is good practice to review policy regularly. Given that tuition fee policy had not been reviewed since 2006/07 a Review of Higher Education (HE) Tuition Fee charging policy has been undertaken by Policy Development Branch. The draft DAERA Knowledge Framework provided the strategic policy direction for this review, which also assessed the cost of HE course provision by CAFRE, as well as how HE fees vary across courses provided within CAFRE and compare against other HE providers in Northern Ireland and beyond.The emerging findings summary reports that CAFRE charge the lowest fees of all comparable educational institutions sampled across the UK and Ireland. Further, there is disparity in fees that CAFRE students are charged because of the different treatment of part-time and full-time students, and the fact that one CAFRE HE course is subject to the fees set by the partner University. The DAERA Departmental Board considered the emerging findings of the review and agreed to commence engagement with key stakeholders to gauge views on current HE tuition fee policy and identify possible options for determining fee levels in the future. This engagement informed the development of six options at undergraduate level and three options at postgraduate level for future tuition fee policy; Undergraduate1. Maintain current policy (£1,595 p.a. for CAFRE Full Time courses with annual inflationary lift, Agriculture Technology QUB students remain subject to fees as set by QUB, no charge for Part Time CAFRE courses).
2. Maintain parity with DfE Regulations – charge foundation degrees at mid-point (approx. £2,500 p.a.) allowed in the Regulations and honours degrees at maximum level (4,030). Introduce pro rata fee for Part Time students.
3. Maintain parity with DfE Regulations – but at maximum level for all undergraduate courses. Introduce pro rata fee for Part Time students.
4. Introduce a policy position of parity with English providers of similar courses (£9,250 p.a.). Agriculture Technology QUB students remain subject to fees as set by QUB. Introduce pro rata fee for Part Time students.
5. Introduce a policy position of differential fees linked to cost of provision or linked to DAERA strategic direction. Introduce pro rata fee for Part Time students. Agriculture Technology QUB students remain subject to fees as set by QUB).
6. Remove tuition fees for all undergraduate courses. Agriculture Technology QUB students remain subject to fees as set by QUB

Postgraduate1. Maintain current policy (no tuition fees, students subject to small administration fee).
2. Introduce fee aligned to mid-point in student support funding framework set by DfE (approx. £2,750 p.a.) Introduce pro rata fee for Part Time students.
3. Introduce fee aligned to student support funding framework set by DfE (approx. £5,500 p.a.) Introduce pro rata fee for Part Time students.

These options are the basis for an engagement exercise in September 2018. In the absence of a Departmental Minister, no preferred option has been identified. This screening exercise therefore considers the possible impacts of all options.The aim of the review and engagement is to identify policy options for Higher Education tuition fees that are equitable, consistent with the objectives of the Knowledge Framework and that support future investment and quality provision of higher education at CAFRE. This review does not cover DAERA tuition fee policy in respect of GB domiciled students enrolled on CAFRE courses. |

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| **On whom will the policy / decision impact?**Consider the internal and external impacts (both actual or potential) Staff - no perceived impact  Service users – The increased HE fee will potentially impact on all students undertaking a HE course at CAFRE. A final decision and future implementation is dependent on the approval of a Departmental Minister and future Executive. xRural community - Analysis of current Higher Education Students at CAFRE demonstrates that 74% live in rural areas. When considered on a discipline basis it rises to 78% of food students and 94% of agriculture students. The remaining students come from outside of the region, so CAFRE is providing education to students who come predominantly from rural areas in Northern Ireland. However, the application of an increase to the current fee regime applies to all Northern Ireland students equally. A Rural Needs Impact Assessment has been completed and is published with the engagement exercise.xother public sector organisations     voluntary / community groups / trade unions     others, please specify      |

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| Are there linkages to other NI Departments / NDPBs? *Under the new Programme for Government there is an emphasis on shared responsibility between departments & this should be considered when answering this question.*Current DAERA policy is to maintain parity with Department for Economy policy at undergraduate full-time level. Options U1, U2, U3 maintain this position. Options U4, U5, U6 move away from parity with DfE. Current DAERA postgraduate policy does not charge students any tuition fees. Option P1 maintains this position. Options P2 and P3 would bring DAERA postgraduate policy in line with other educational providers in Northern Ireland and with the student support funding frameworks as set by DfE. |

Section B

**Available evidence**

What evidence or information (both qualitative and quantitative) have you gathered to inform this policy? Set out all evidence below along with details of the different groups you have met and or consulted with to help inform your screening assessment.

|  |  |
| --- | --- |
| **Section 75 category**  | **Details of evidence or information and engagement** |
| **Religious belief**  | The 2011 Census of Northern Ireland[[3]](#footnote-3) found that 42% of the population belonged to one of the main Protestant Christian churches, 41% of the population belonged to the Roman Catholic church and 17% did not belong to either religious belief.The Northern Ireland Life and Times Survey 2016-17 found that 36% of respondents identified as Protestant, 41% as Roman Catholic and 21% as other. Detailed information on all Section 75 categories is collected as part of CAFRE student registration. Of the 704 students enrolled on CAFRE Higher Education courses in 2016-17 just under 30% (206) completed monitoring forms. Student Equality Monitoring Data 2016-17 found that at undergraduate level 35% of students identified with the Protestant faith, 42% with the Roman Catholic faith and 23% with Other (including other Christian, non-Christian and no religion). At postgraduate level 45% identified as Protestant, 41% as Roman Catholic and 14% as other.Engagement with key stakeholders took place in June 2018. Stakeholders were invited to identify options for future tuition fee policy and identify possible consequences of each option. No impacts on this category were identified.The full public stakeholder engagement exercise will offer all stakeholders the opportunity to comment on this screening document. |
| **Political opinion**  | The Northern Ireland Life and Times Survey 2016-17 found that 24% of respondents identified as mainly Nationalist, 29% as mainly Unionist and 46% as other. Detailed information on all Section 75 categories is collected as part of CAFRE student registration. Of the 704 students enrolled on CAFRE Higher Education courses in 2016-17 just under 30% (206) completed monitoring forms. Student Equality Monitoring Data 2016-17 found that at undergraduate level 32% of students identified as being mainly Nationalist, 33% with being mainly Unionist and 35% with Other.At postgraduate level 38% identified as mainly unionist, 21% as mainly nationalist and 41% as other.Engagement with key stakeholders took place in June 2018. Stakeholders were invited to identify options for future tuition fee policy and identify possible consequences of each option. No impacts on this category were identified.The full public stakeholder engagement exercise will offer all stakeholders the opportunity to comment on this screening document.  |
| **Racial group**  | The 2011 Census of Northern Ireland found that 98% of respondents identified as white and 2% as other. Detailed information on all Section 75 categories is collected as part of CAFRE student registration. Of the 704 students enrolled on CAFRE Higher Education courses in 2016-17 just under 30% (206) completed monitoring forms. Student Equality Monitoring Data 2016-17 found that at undergraduate level 98% of students identified as being white and 2% with Other. At postgraduate level 100% identified as white.Engagement with key stakeholders took place in June 2018. Stakeholders were invited to identify options for future tuition fee policy and identify possible consequences of each option. No impacts on this category were identified.The full public stakeholder engagement exercise will offer all stakeholders the opportunity to comment on this screening document.  |
| **Age**  | The 2011 Census of Northern Ireland[[4]](#footnote-4) found that the age profile of the population was;0-15yrs 21%16-25yrs 12%26-40yrs 20%41-50yrs 14%51-65yrs 18%65+ 15%Detailed information on all Section 75 categories is collected as part of CAFRE student registration. Of the 704 students enrolled on CAFRE Higher Education courses in 2016-17 just under 30% (206) completed monitoring forms.. Student Equality Monitoring Data 2016-17 found that at undergraduate level: 16-25 - 70%26-40 – 14%41-50 – 8%51-65 – 7%65+ - 1%And at postgraduate level:16-25 - 76%26-40 – 17%41-50 – 3%51-65 – 3%65+ - 0%Engagement with key stakeholders took place in June 2018. Stakeholders were invited to identify options for future tuition fee policy and identify possible consequences of each option. No impacts on this category were identified.The full public stakeholder engagement exercise will offer all stakeholders the opportunity to comment on this screening document. |
| **Marital status**  | The 2011 Census of Northern Ireland[[5]](#footnote-5) found that around 48% of the population were married or in a civil partnership. Detailed information on all Section 75 categories is collected as part of CAFRE student registration. Of the 704 students enrolled on CAFRE Higher Education courses in 2016-17 just under 30% (206) completed monitoring forms.Student Equality Monitoring Data 2016-17 found that at undergraduate level around 17% were married or in a civil partnership. At postgraduate level 10% were married. Engagement with key stakeholders took place in June 2018. Stakeholders were invited to identify options for future tuition fee policy and identify possible consequences of each option. No impacts on this category were identified.The full public stakeholder engagement exercise will offer all stakeholders the opportunity to comment on this screening document. |
| **Sexual orientation** | There are no data on the number of lesbian, gay or bisexual (LGB) persons in Northern Ireland as no national census has ever asked people to define their sexuality. However, according to the Northern Ireland Life and Times Survey 2016/17 98% identified as heterosexual, 1% gay/lesbian and 1% other. Detailed information on all Section 75 categories is collected as part of CAFRE student registration. Of the 704 students enrolled on CAFRE Higher Education courses in 2016-17 just under 30% (206) completed monitoring forms.Student Equality Monitoring Data 2016-17 found that at undergraduate level 92% of students identify as heterosexual, 2% as gay/lesbian and 7% as other(due to rounding does not add to 100%) At postgraduate level has been suppressed due to a very small response rate. Engagement with key stakeholders took place in June 2018. Stakeholders were invited to identify options for future tuition fee policy and identify possible consequences of each option. No impacts on this category were identified.The full public stakeholder engagement exercise will offer all stakeholders the opportunity to comment on this screening document |
| **Men & women generally** | The 2011 Census of Northern Ireland[[6]](#footnote-6) found that 51% of the population were female and 49% were male. Detailed information on all Section 75 categories is collected as part of CAFRE student registration. Of the 704 students enrolled on CAFRE Higher Education courses in 2016-17 just under 30% (206) completed monitoring forms. Student Equality Monitoring Data 2016-17 found that at undergraduate level 45% are men and 55% are women. At postgraduate level 28% are men and 72% are women. Engagement with key stakeholders took place in June 2018. Stakeholders were invited to identify options for future tuition fee policy and identify possible consequences of each option. No impacts on this category were identified.The full public stakeholder engagement exercise will offer all stakeholders the opportunity to comment on this screening document.  |
| **Disability** | The 2011 Census of Northern Ireland[[7]](#footnote-7) found that around 12% of the population found their day to day activities to be limited a lot due to a disability and around 9% found their activities limited a little. Detailed information on all Section 75 categories is collected as part of CAFRE student registration. Of the 704 students enrolled on CAFRE Higher Education courses in 2016-17 just under 30% (206) completed monitoring forms. Student Equality Monitoring Data 2016-17 found that at undergraduate level 9% recorded a disability and 91% recorded no disability. At postgraduate level 7% recorded a disability and 93% recorded no disability. Engagement with key stakeholders took place in June 2018. Stakeholders were invited to identify options for future tuition fee policy and identify possible consequences of each option. No impacts on this category were identified.The full public stakeholder engagement exercise will offer all stakeholders the opportunity to comment on this screening document.  |
| **Dependants** | The 2011 Census of Northern Ireland[[8]](#footnote-8) found that around 34% of **all households** had one or more dependent children. The census also found that on census day 12% of people were providing unpaid care to family members, friends, neighbours or others because of their long term physical or mental ill health or disability, or problems related to age.Detailed information on all Section 75 categories is collected as part of CAFRE student registration. Of the 704 students enrolled on CAFRE Higher Education courses in 2016-17 just under 30% (206) completed monitoring forms. Student Equality Monitoring Data 2016-17 found that at undergraduate level 11% had children as dependents and 89% recorded no children as dependents. The monitoring data also found that 2% of undergraduates had an elderly person as a dependent. At postgraduate level 7% had children as dependents and 93% recorded no children as dependents. The monitoring data also found that no postgraduates had elderly dependents.Engagement with key stakeholders took place in June 2018. Stakeholders were invited to identify options for future tuition fee policy and identify possible consequences of each option. No impacts on this category were identified.The full public stakeholder engagement exercise will offer all stakeholders the opportunity to comment on this screening document.  |

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| **No evidence held? Outline how you will obtain it:** *If you do not know you must seek advice from the project manager prior to completing this document.*Not applicable – detailed evidence is available. |

1. **What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? What is the level of impact?**

|  |  |  |
| --- | --- | --- |
| **Section 75 category**  | **Details of likely impact** | **Level of impact? Minor/Major/None** |
| **Religious belief** | Within the horticulture discipline 45% (10 students) identified as having no/other religious belief in the horticulture discipline. This is higher than the NISRA and NILTS data of 17% and 21% respectively for the wider population. If a decision was taken to introduce Option U5 Differential Fees and if a higher fee for the HE Horticulture discipline was selected this may have a disproportionate impact on this group.There is a relatively disproportionate spread of religious beliefs within the equine discipline. 69% (20 students) identify as Roman Catholic compared to 21% (6 students) identifying as Protestant. If a decision was taken to introduce Option U5 Differential Fees and if a higher fee for the HE Equine discipline was selected this may have a disproportionate impact on students identifying as Roman Catholic. However it should be noted that this is based on a total of 29 responses to this monitoring question out of a cohort of 73 equine students. If a decision was taken to introduce Option U5 Differential Fees and if a higher fee for the HE Agriculture or Food discipline was selected this would not have a disproportionate impact on any one group within this category.If, following the public stakeholder engagement exercise, this option is considered as the preferred option, possible impacts will be further considered and a full EQIA will be completed as required. All other options outlined in this screening exercise are not expected to have any differential impact on equality of opportunity for this grouping. | Most options – NoneU5 Option - Minor |
| **Political opinion**  | Within the horticulture discipline 64% (14 students) identified as having other/no political opinions. If a decision was taken to introduce Option U5 Differential Fees and if a higher fee for the HE Horticulture discipline was selected this may have a disproportionate impact on this group.There is relatively disproportionate spread of political opinion within the equine discipline where 45% (14 students) identify as mainly Nationalist, 16% (5 students) identify as unionist and 39% identify as other. If a decision was taken to introduce Option U5 Differential Fees and if a higher fee for the HE Equine discipline was selected this may have a disproportionate impact on students identifying as nationalist and other. If a decision was taken to introduce Option U5 Differential Fees and if a higher fee for the HE Agriculture or Food discipline was selected this would not have a disproportionate impact on any one group within this category.If, following the public stakeholder engagement exercise, this option is being considered as the preferred option, possible impacts will be further considered and a full EQIA will be completed as required. All other options outlined in this screening exercise are not expected to have any differential impact on equality of opportunity for this grouping. | Most options – NoneU5 Option - Minor |
| **Racial group**  | None of the options identified will have an impact on racial group. | None  |
| **Age** | All of the options except Options U1, U6 and P1 will have a disproportionate impact on young people, in particular the 16-25 yr old age bracket. | Minor |
| **Marital status**  | All of the options except Options U1, U6 and P1 will have a disproportionate impact on single people. | Minor |
| **Sexual orientation** | None of the options identified will have an impact on sexual orientation. | None  |
| **Men and women generally**  | There is a relatively disproportionate spread of men and women within disciplines. In agriculture, 64% (39 students) are men. In equine, 83% (29 students) are women. In food, 62% (33 students) are women. If a decision was taken to introduce Option U5 Differential Fees and if a higher fee for HE agriculture, equine and food disciplines was selected this may have an impact.If, following the public stakeholder engagement exercise, this option is being considered as the preferred option, possible impacts will be further considered. Option P2 and P3 will potentially have an impact on women.All other options outlined in this screening exercise are not expected to have any differential impact on equality of opportunity for this grouping. | Most options – NoneU5 Option – MinorP2 Option – MinorP3 Option - Minor |
| **Disability** | None of the options identified will have an impact on disability. | None |
| **Dependants**  | None of the options identified will have an impact on those with dependents. | None |

1. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?**

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| --- | --- | --- |
| **Section 75 category**  | **If Yes, provide details**  | **If No, provide reasons** |
| **Religious belief** | In 2006, the Northern Ireland Executive introduced new HE tuition fee arrangements. This included a provision that any institution that wanted to raise its full-time undergraduate tuition fees above the minimum level was required to have an Access Agreement – Widening Access and Participation Plan (WAPP). The WAPP is a document setting out how a Higher Education Institution intends to sustain and improve access to higher education among people from under-represented groups. In NI, under-represented groups include* People from lower socio-economic groups
* People from high deprivation areas
* People with disabilities (physical, sensory and learning)
* Young protestant males from areas of high deprivation.

Should an option other than the status quo be selected it is proposed that a WAPP will be developed by CAFRE and submitted to the Dept for the Economy (DfE) for consideration against DfE criteria established for other Higher Education institutions in Northern Ireland. The agreed WAPP would include:* Information on the tuition fees to be charged for full time and part time students for the academic year.
* Details of the financial support offered CAFRE, e.g. bursaries, scholarships, support funds.
* Information on outreach activities undertaken by CAFRE.
* Information on how CAFRE will communicate the information on financial support available to prospective and existing students.
* Information on the targets and milestones that CAFRE has achieved and will be working towards.
 |  |
| **Political opinion**  |  | There is no facility to better promote equality of opportunity.  |
| **Racial group**  |  | There is no facility to better promote equality of opportunity.  |
| **Age** | As described above, a WAPP could encourage younger people to undertake courses at CAFRE through the provision of bursaries, scholarships and support funds. |  |
| **Marital status** |  | There is no facility to better promote equality of opportunity. |
| **Sexual orientation** |  | There is no facility to better promote equality of opportunity. |
| **Men and women generally**  |  | There is no facility to better promote equality of opportunity. |
| **Disability** | As described above, a WAPP could encourage those with disabilities to undertake courses at CAFRE through outreach programmes and support. |  |
| **Dependants** | As described above, a WAPP could encourage those with dependents to undertake courses at CAFRE through outreach programmes and support  |  |

1. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? What is the level of impact? *Think People!***

|  |  |  |
| --- | --- | --- |
| **Good relations category**  | **Likely impact?**  | **Level of impact? Minor/Major/None**  |
| **Religious belief** | There is a small likelihood of a potential minor negative impact on good relations between people of different religious belief if option U5 is pursued. | Minor |
| **Political opinion**  | There is a small likelihood of a potential minor negative impact on good relations between people of different political opinion if option U5 is pursued.  | Minor |
| **Racial group** | None | None |

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

|  |  |  |
| --- | --- | --- |
| **Good relations category** | **If Yes, provide details**  | **If No, provide reasons** |
| **Religious belief** |  | There is no facility to better promote equality of opportunity |
| **Political opinion**  |  | As above |
| **Racial group**  |  | As above |

Section C

DAERA also has legislative obligations to meet under the Disability Discrimination Order and Human Rights Act Questions 5 -9 relate to these two areas.

Consideration of Disability Duties

5. Does this proposed policy or decision provide an opportunity for DAERA to better **promote positive attitudes** towards disabled people?

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| **Explain your assessment in full** Should an option other than the status quo be selected it is proposed that a WAPP will be developed by CAFRE and submitted to the Dept for the Economy (DfE). This could potentially promote positive attitudes by providing more support and in turn recruit more students with disabilities. |

6. Does this proposed policy or decision provide an opportunity to actively **increase the participation** by disabled people in public life?

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| **Explain your assessment in full** Should an option other than the status quo be selected it is proposed that a WAPP will be developed by CAFRE and submitted to the Dept for the Economy (DfE). This could potentially contribute to increased participation by disabled people at CAFRE with the longer term potential to increase participation in public life. |

Consideration of Human Rights

7. The Human Rights Act (HRA) 1998 brings the European Convention on Human Rights (ECHR) into UK law and it applies in N Ireland. Indicate below (place an X in the appropriate box) any potential *adverse impacts* that the policy or decision may have in relation to human rights issues.

 **See Annex A for brief synopsis on each of the Human Rights Articles & Protocols**

|  |  |  |
| --- | --- | --- |
| Right to Life | **Article 2** | [ ]  |
| Prohibition of torture, inhuman or degrading treatment  | **Article 3** | [ ]  |
| Prohibition of slavery and forced labour | **Article 4** | [ ]  |
| Right to liberty and security  | **Article 5** | [ ]  |
| Right to a fair and public trial | **Article 6** | [ ]  |
| Right to no punishment without law | **Article 7** | [ ]  |
| Right to respect for private and family life, home and correspondence | **Article 8** | [ ]  |
| Right to freedom of thought, conscience and religion | **Article 9** | [ ]  |
| Right to freedom of expression | **Article 10** | [ ]  |
| Right to freedom of peaceful assembly and association | **Article 11** | [ ]  |
| Right to marry and to found a family | **Article 12** | [ ]  |
| The prohibition of discrimination | **Article 14** | [ ]  |
| Protection of property and enjoyment of possessions | **Protocol 1Article 1** | [ ]  |
| Right to education | **Protocol 1Article 2** | [ ]  |
| Right to free and secret elections | **Protocol 1Article 3** | [ ]  |

Consideration of Human Rights (cont)

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| 8. **Please explain any adverse impacts on human rights that you have identified** None |

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| 9. **Please indicate any ways which you consider the policy positively promotes human rights** None |

**Monitoring Arrangements**

Section 75 places a requirement on DAERA to have equality monitoring arrangements in place in order to assess the impact of policies and services etc; and to help identify barriers to fair participation and to better promote equality of opportunity. Please note the following excerpt from The Equality Commission for Northern Ireland in relation to monitoring:

*A system must be established to monitor the impact of the policy in order to find out its effect on relevant groups. The results of ongoing monitoring must be reviewed on an annual basis. The public authority is required to publish the results of this monitoring. And they must be included in the public authorities´ annual review on progress to the Equality Commission. The Equality Scheme must specify how and where such monitoring information will be published. It is therefore essential that monitoring is carried out in a systematic manner and that the results are widely and openly published.*

*If the monitoring and analysis of results over a two year period show that the policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the public authority must ensure that the policy is revised to achieve better outcomes for the relevant equality groups.*

Outline what data you will collect in the future in order to monitor the impact of this policy or decision on equality, good relations and disability duties.

|  |  |  |
| --- | --- | --- |
| **Equality**  |  **Good Relations** | **Disability Duties** |
| CAFRE collects and analyses equality monitoring data on all students at the commencement of their course on an annual basis. | Other than the equality monitoring data for new students, no specific data will be collected |

|  |
| --- |
| CAFRE responds to any special education/disability needs identified by students. In addition to this, should an option other than the status quo be selected, CAFRE will publish a WAPP that will further promote the provision of dedicated services for the support for students with disabilities. CAFRE - as outlined in Section B2 – will set smart targets and milestones to measure progress and success. |

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|  |  |  |

Section D – Summary Sheet

Formal Record of Screening Decision

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| --- |
| **Title of Proposed Policy / Decision being screened - Review of Higher Education Tuition Fees at CAFRE** |

I can confirm that the proposed policy / decision has been screened for –

|  |  |
| --- | --- |
| 🗸 | equality of opportunity and good relations |
| 🗸 | disabilities duties; and |
| 🗸 | human rights issues |

On the basis of the answers to the screening questions, I recommend that this policy / decision is –

\***place an X in the appropriate box below**

|  |  |
| --- | --- |
| [ ]  | \***Screened In** – Necessary to conduct a full EQIA |

|  |  |
| --- | --- |
|  | \***Screened Out** – No EQIA necessary (no impacts)Provide a brief note here to explain how this decision was reached:* Please note that a ‘screened out’ decision **must** be accompanied by a sound rationale and relevant empirical evidence to show the basis upon which a screened out decision has been reached.
 |

|  |  |
| --- | --- |
| [x]  | \* **Screened Out -** Mitigating Actions (minor impacts)Provide a brief note here to explain how this decision was reached: * The screening document has outlined a number of options that may be considered under this review. Currently the Department does not have a preferred option and any final option would be made by a departmental Minister. The stakeholder engagement exercise is merely to gather views on the issue. Some of the options listed have potential impacts on religious belief, political opinion, age and men and women generally. However, with the exception of option U5 and P2 and P3, all students will be similarly affected by the proposals and if subject to fees will be able to avail of the same support and repayment arrangements.
* The development of a WAPP will mitigate impacts.
* If, following the public stakeholder engagement exercise, option U5 is being considered as the preferred option, possible impacts will be further considered and a full EQIA will be completed as necessary.
 |

**DAERA Equality** and **Human Rights**

# Screening Checklist

Before signing off this screening template please confirm that you have completed all the actions listed below.

I can confirm that all the actions listed below have been completed –

|  |  |
| --- | --- |
| 🗸 | I have explained any technical issues in plain English (easily understood by a 12 year old) |
| 🗸 | I have added evidence and explained my assessments in full |
| 🗸 | I have provided a brief note to justify my decision to ‘Screen In’ or ‘Screen Out’ |
| 🗸 | A copy of this screening template and the final decision has been sent to the Equality Unit for their consideration before it has been forwarded for sign-off  |

**Formal Record of Screening Decision** (cont.)

***Have you issued this document to Equality Unit prior to obtaining Grade 3 signature?***

Yes

|  |
| --- |
| **Screening assessment completed by (Staff Officer level or above) -** |
| Name: Alison Cranney | Grade: Grade 7 (Acting) |
|  | Date: 17/7/18 |
| Branch: Policy Development Branch |

|  |
| --- |
| Signature: please insert a scanned image of your signature below |

|  |
| --- |
| **Screening decision approved by (must be Grade 3 or above) -** |
| Name: Norman Fulton | Grade: 3 |
|  | Date: 28/8/2018 |
| Branch: FFG |

|  |
| --- |
| Signature: please insert a scanned image of your signature below |

Please save the final signed version of the completed screening form in the HPRM container below as soon as possible after completion and forward the HPRM link to Equality Branch at equalitybranch@daera-ni.gov.uk. The screening form will be placed on the DAERA website and a link provided to the Department’s Section 75 consultees.



For more information about equality screening, contact –

DAERA Equality Unit

Old Library Building
County Hall
Coleraine
BT51 3HS

Email: equalitybranch@daera-ni.gov.uk

Tel: 028 7034 1253

**November 2017**

**Annex A**

**Synopsis of Human Rights Act Articles & Protocols**

***Article 2***

 **E+W+S+N.I.*Right to life***

1. Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.**E+W+S+N.I.**
2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:**E+W+S+N.I.**

(a) In defense of any person from unlawful violence;

(b) In order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

(c) In action lawfully taken for the purpose of quelling a riot or insurrection.

***Article 3***

 **E+W+S+N.I.*Prohibition of torture***

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

***Article 4***

**E+W+S+N.I.*Prohibition of slavery and forced labour***

1. No one shall be held in slavery or servitude.**E+W+S+N.I.**
2. No one shall be required to perform forced or compulsory labour.**E+W+S+N.I.**
3. For the purpose of this Article the term “forced or compulsory labour” shall not include:**E+W+S+N.I.**

(a) Any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;

(b) Any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;

(c) Any service exacted in case of an emergency or calamity threatening the life or well-being of the community;

(d) Any work or service which forms part of normal civic obligations.

***Article 5***

 **E+W+S+N.I.*Right to liberty and security***

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:**E+W+S+N.I.**

(a) The lawful detention of a person after conviction by a competent court;

(b) The lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

(c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

(d ) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

(e) The lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

(f) The lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

1. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.**E+W+S+N.I.**
2. Everyone arrested or detained in accordance with the provisions of paragraph 1(c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.**E+W+S+N.I.**
3. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.**E+W+S+N.I.**
4. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.**E+W+S+N.I.**

***Article 6***

**E+W+S+N.I.*Right to a fair trial***

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.**E+W+S+N.I.**
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.**E+W+S+N.I.**
3. Everyone charged with a criminal offence has the following minimum rights:**E+W+S+N.I.**

(a) To be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) To have adequate time and facilities for the preparation of his defense;

(c) To defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) To examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) To have the free assistance of an interpreter if he cannot understand or speak the language used in court.

***Article 7***

**E+W+S+N.I.*No punishment without law***

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.**E+W+S+N.I.**
2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.**E+W+S+N.I.**

***Article 8***

**E+W+S+N.I.*Right to respect for private and family life***

1. Everyone has the right to respect for his private and family life, his home and his correspondence.**E+W+S+N.I.**
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.**E+W+S+N.I.**

***Article 9***

**E+W+S+N.I.*Freedom of thought, conscience and religion***

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.**E+W+S+N.I.**
2. Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.**E+W+S+N.I.**

***Article 10***

**E+W+S+N.I.*Freedom of expression***

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.**E+W+S+N.I.**
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.**E+W+S+N.I.**

***Article 11***

 **E+W+S+N.I.*Freedom of assembly and association***

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.**E+W+S+N.I.**
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.**E+W+S+N.I.**

***Article 12***

**E+W+S+N.I.*Right to marry***

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

***Article 14***

**E+W+S+N.I.*Prohibition of discrimination***

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

**Protocol 1**

***Article 1***

 **E+W+S+N.I.*Protection of property***

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

**Protocol 1**

***Article 2***

 **E+W+S+N.I.*Right to education***

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

**Protocol 1**

***Article***

***3* E+W+S+N.I.*Right to free elections***

The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature

1. ECNI ‘Section 75 of the NI Act 1998: A Guide for Public Authorities’ April 2010. [www.equalityni.org](http://www.equalityni.org) [↑](#footnote-ref-1)
2. Should be easily understood by a 12 year old. [↑](#footnote-ref-2)
3. http://www.ninis2.nisra.gov.uk/public/census2011analysis/index.aspx [↑](#footnote-ref-3)
4. http://www.ninis2.nisra.gov.uk/public/census2011analysis/index.aspx [↑](#footnote-ref-4)
5. http://www.ninis2.nisra.gov.uk/public/census2011analysis/index.aspx [↑](#footnote-ref-5)
6. http://www.ninis2.nisra.gov.uk/public/census2011analysis/index.aspx [↑](#footnote-ref-6)
7. http://www.ninis2.nisra.gov.uk/public/census2011analysis/index.aspx [↑](#footnote-ref-7)
8. http://www.ninis2.nisra.gov.uk/public/census2011analysis/index.aspx [↑](#footnote-ref-8)