**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 first. To find out about the training needed, contact - equalitybranch@daera-ni.gov.uk. All screening exercises must be supported by evidence and 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.

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

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| --- |
| Title of policy / decision to be screened:- The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 |

|  |
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| Brief description of policy / decision to be screened:-      These Regulations revoke and replace the Fruit Plant Material Regulations 2010. They continue to implement Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ L 267, 8.10.2008, p. 8) and transpose three EU implementing directives as follows:Commission Implementing Directive 2014/96/EU on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive 2008/90/EC; Commission Implementing Directive 2014/97/EU implementing Council Directive 2008/90/EC as regards the registration of suppliers and of varieties and the common list of varieties; and Commission Implementing Directive 2014/98/EU implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections.The main effects of the legislation are:The introduction of EU harmonized certification schemes to replace various national schemes; andA requirement to label certified and non-certified propagating material with specified information and the use of specified colours for the certification grades. These requirements are based largely on the UK's voluntary certification scheme and will change little in terms of costs and processes for UK growers and suppliers. |

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| Aims and objectives of the policy / decision to be screened:-      Implementation of the Directives will harmonize detailed requirements for the production and marketing of fruit plant propagating material to provide consumer protection through assured identity, health and quality. These harmonised standards will guarantee Northern Ireland businesses continued access to European markets while we remain within the EU.The transposition date was 1 January 2017 but this date was missed across the devolved administrations. Implementing the Directives will remove the risk of infraction proceedings being issued by the Commission. |

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| **On whom will the policy / decision impact?**Consider the internal and external impacts (both actual or potential) Staff DAERA - Plant health inspectorsX service users - Fruit propagatorsX rural community other public sector organizations voluntary / community groups / trade unions Xothers, please specify - Fruit propagation retailers/trade |

|  |
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| Are there linkages to other NI Departments / NDPBs? No |

Section B

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 |  | None |
| Political opinion  |  | None |
| Racial group  |  | None |
| Age |  | None |
| Marital status  |  | None |
| Sexual orientation |  | None |
| Men and women generally  |  | None |
| Disability |  | None |
| Dependants  |  | None |

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

|  |  |  |
| --- | --- | --- |
| **Section 75 category**  | **If Yes, provide details**  | **If No, provide reasons** |
| **Religious belief** |  | The impact of this legislation has no correlation with this category  |
| **Political opinion**  |  | The impact of this legislation has no correlation with this category  |
| **Racial group**  |  | The impact of this legislation has no correlation with this category  |
| **Age** |  | The impact of this legislation has no correlation with this category  |
| **Marital status** |  | The impact of this legislation has no correlation with this category  |
| **Sexual orientation** |  | The impact of this legislation has no correlation with this category  |
| **Men and women generally** |  | The impact of this legislation has no correlation with this category |
| **Disability** |  | The impact of this legislation has no correlation with this category  |
|  **Dependants** |  | The impact of this legislation has no correlation with this category  |

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?**

|  |  |  |
| --- | --- | --- |
| **Good relations category**  | **Likely impact?**  | **Level of impact? Minor/Major/None**  |
| **Religious belief** |  | None |
| **Political opinion**  |  | None |
| **Racial group** |  | None |

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

|  |  |  |
| --- | --- | --- |
| **Good relations category** | **If Yes, provide details**  | **If No, provide reasons** |
| Religious belief |  | This legislation is applicable to all and does not differentiate on religious belief  |
| Political opinion  |  | This legislation is applicable to all and does not differentiate on political opinion |
| Racial group  |  | This legislation is applicable to all and does not differentiate on racial group  |

**Available evidence**

What evidence / 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 / information and engagement** |
| Religious belief  | The legislation applies equitably to all  |
| Political opinion  | The legislation applies equitably to all  |
| Racial group  | The legislation applies equitably to all  |
| Age  | The legislation applies equitably to all  |
| Marital status  | The legislation applies equitably to all  |
| Sexual orientation | The legislation applies equitably to all  |
| Men & women generally | The legislation applies equitably to all  |
| Disability | The legislation applies equitably to all  |
| Dependants | The legislation applies equitably to all  |

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| **No evidence held? Outline how you will obtain it:** N/A |

Section C

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

Consideration of Disability Duties

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

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| **Explain your assessment in full** This legislation applies equitably to all and therefore there is no opportunity to better promote positive attitudes to disabled people. |

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

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| --- |
| **Explain your assessment in full** This legislation being amended does not provide an opportunity to actively increase participation by disabled people in public life as this is applied to processes for fruit propagation and marketing. |

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 / decision may have in relation to human rights issues.

|  |  |  |
| --- | --- | --- |
| 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** N/A |

|  |
| --- |
| 9. **Please indicate any ways which you consider the policy positively promotes human rights** N/A |

**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.

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

|  |  |  |
| --- | --- | --- |
| **Equality**  |  **Good Relations** | **Disability Duties** |
| We will continue to monitor equality and human rights issues, good relations and disability duties as part of any normal consultation process with the producers of propagating material of the regulated species and to fruit growers, including commercial fruit growers. |

Section D

Formal Record of Screening Decision

|  |
| --- |
| **Title of Proposed Policy / Decision being screened** The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 |

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

|  |  |
| --- | --- |
| [x]  | equality of opportunity and good relations |
| [x]  | disabilities duties; and |
| [x]  | 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 |

|  |  |
| --- | --- |
| [x]  | \***Screened Out** – No EQIA necessary (no impacts)Provide a brief note here to explain how this decision was reached:* This piece of legislation only impacts on a small number of producers and does not change previous measures more than negligibly.
 |

|  |  |
| --- | --- |
| [ ]  | \* **Screened Out -** Mitigating Actions (minor impacts)Provide a brief note here to explain how this decision was reached: * Describe clearly the mitigating actions and / or policy changes that will now be introduced
* Explain how these actions will address the inequalities:
 |

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

|  |
| --- |
| **Screening assessment completed by (Staff Officer level or above) -** |
| Name: Diane Stevenson | Grade: 7 |
|  | Date: 20/6/17 |
| Branch: Plant Health Policy Branch |

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



|  |
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| **Screening decision approved by (must be Grade 3 or above) -** |
| Name: Malcolm Beatty | Grade: Chief Executive |
|  | Date: 27/06/2017 |
| Branch: Forest Service |

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

Please save the final signed version of the completed screening form in the TRIM container below as soon as possible after completion and forward the TRIM 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 Branch

Room 515

Dundonald House

Upper Newtownards Road

Belfast BT4 3SB

Telephone 028 9052 4435

Text Relay 18001 028 9052 4435

equalitybranch@daera-ni.gov.uk.

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)