# A4 DAERA Logo process.png

**Equality & Disability Duties**

**Screening Template**

# **Screening flowchart and template (taken from Section 75 of the Northern Ireland Act 1998 – A Guide for public authorities April 2010 *(Appendix 1)).***

**Introduction**

**Part 1. Policy scoping** – asks public authorities to provide details about the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

**Part 2. Screening questions** – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues. This section also includes two questions related to the Disability Duties.

**Part 3. Screening decision** –guides the public authority to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or tointroducemeasures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

**Part 4. Monitoring** –provides guidance to public authorities on monitoring for adverse impact and broader monitoring.

**Part 5. Consideration of Human Rights** – please note this is not a Human Rights Screening form but rather a prompt that impacts on Human Rights should be considered.

**Part 6. Approval and authorisation** – verifies the public authority’s approval of a screening decision by a senior manager responsible for the policy.

A screening flowchart is provided overleaf.

Policy Scoping

* + Policy
  + Available data

Screening Questions

* Apply screening questions
* Consider multiple identities

Screening Decision: None/Minor/Major

Mitigate

Publish Template

Re-consider screening

Publish Template

for information

Publish Template

EQIA

Monitor

**‘None’**

Screened out

**‘Major’**

Screened in for EQIA

**‘Minor’**

Screened out with mitigation

Concerns raised with evidence

Concerns raised with evidence re: screening decision

**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**

Flying of a flag at Jubilee House in line with the Flag Regulations (NI) 2000.

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

At the time of Prince Philip’s death in April 2021 the then DAERA Minister (Edwin Poots, MLA) instructed that a flag be flown at the DAERA Headquarters building in Ballykelly (then Ballykelly House, now Jubilee House) to mark the Prince’s death. He also instructed that arrangements be made to erect a permanent flagpole at the building and for a flag to be flown from it in line with designated flag flying days under the Flag Regulations. A temporary flagpole has been used to fly the Union flag in line with the section 7 of the Flag Regulations (which provides discretion to fly flags at other Government buildings which are not specifically named elsewhere in the Regulations) from that time until present while arrangements are being made to erect a permanent flagpole.

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

The flying of a flag in line with the Flag Regulations (NI) 2000 is to recognise the building as a Departmental headquarters and to mark events as set out in the Flag Regulations on designated days. The designated days on which the Union flag is to be flown are annually notified by NIO to TEO. The designated flag flying days in general mark birthdays of members of the Royal Family and other annual events including St Patrick’s Day and Remembrance Sunday.

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

**If so, explain how.**

It is not expected that any Section 75 categories will or have benefitted from this decision.

**Who initiated or wrote the policy?**

The then DAERA Minister, Edwin Poots MLA, initiated it.

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

The then DAERA Minister made the decision to erect a flagpole and fly a flag at the building in line with the Flag Regulations. The instruction from the Minister has been implemented by the Department.

**Implementation factors**

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

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

Political - The erection of a temporary and now permanent flagpole and the flying of the Union flag on designated days is likely to be seen as a political decision by the Minister given the sensitivities around the monarchy and the British state (though not exclusively so) from those identifying as having nationalist political beliefs and opinions.

**Main stakeholders affected**

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

Staff – there are approximately 390 Departmental staff based at the building.

Service Users

Voluntary/Community/Trade Unions

The wider community

Other policies with a bearing on this policy

* **What are they?**
* **Who owns them?**

There is no formal policy on the flying of flags at Government buildings however the issue is covered in the Flag Regulations (NI) 2000. In addition, to specifying certain buildings at which flags must be flown under the Regulations, section 7 of the Regulations provides discretion to fly flags at other Government buildings. The flying of flags at the building has been carried out under this discretionary power.

The Flag Regulations are the responsibility of the Secretary of State who in making the Regulations has considered the NI Assembly’s report on the proposed Regulations.

**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](https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/S75DataSignpostingGuide.pdf).

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

*Please ensure all data used is the most current and up to date available. You should verify this by contacting the Departmental Statisticians.*

**Religious belief** evidence/information:

Results from Census 2021 found that when combining current and religion of upbringing 45.7% of the population were ‘Catholic’; 43.5% were ‘Protestant, Other Christian or Christian related’; and a further 1.5% were from other non-Christian religions.

9.3% of the population neither belonged to nor were brought up in any religion.

**Political Opinion** evidence/information:

* Consideration of the breakdown of statistical data in the NI Census 2021.
* December 2019 Westminster election results.
* Northern Ireland Life and Times Survey 2020.

Information on political opinion was not collected in the 2021 Census. However national identity was surveyed which as a proxy measure found that 31.86% identified as British only; 29.13% as Irish only; 19.78% as Northern Irish only: 0.62% as British and Irish only; 7.95% as British and Northern Irish; 1.76% as Irish and Northern Irish; 1.47% as British, Irish and Northern Irish; and 7.43% as Other.

The December 2019 Westminster election showed that the DUP vote share was 30.6%; UUP 11.7%; Alliance 16.8%; SDLP 14.9%; SF 22.8%; Others 3.6%. There were 1,293,971 individuals eligible to vote and 62.09% of eligible votes turned out.

The Northern Ireland Life and Times Survey 2021 found that 32% of respondents identified as unionist; 26% as nationalist; 37% as neither unionist or nationalist.

**Racial Group** evidence/information:

* Consideration of the breakdown of statistical data and the NI Census 2021.

The Census 2021 found that 3.4% of people belonged to an ethnic group. 96.6% of people belonged to a white ethnic group.

**Age** evidence/information:

* Consideration of the breakdown of statistical data on the NI Census 2021.

The Census 2021 found that: 19.2% of the population were in the 0-14 age group; 63.7% of the population were 15-64; with 17.2% of the population in the 65+ age group.

**Marital Status** evidence/information:

* Consideration of the breakdown of statistical data on the NI Census 2011.

Statistics from the 2011 census show the make-up of households to be 36.14% single; 47.56% married; 0.09% in a same-sex civil partnership; 3.98% separated; 5.45% divorced; and 6.78% widowed or surviving partner from a same-sex civil partnership.

**Sexual Orientation** evidence/information:

Consideration of the NI Life and Times Survey 2021.

Figures from the NI Life and Times Survey 2021 indicated 93% of the population are heterosexual/straight; 2% are gay/lesbian (homosexual); 4% are bisexual.

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

* Consideration of the breakdown of statistical data in NI Census 2021.

Statistics from the 2021 Census show the makeup of the population to be 49% male and 51% female.

**Disability** evidence/information:

* Consideration of the breakdown of statistical data in the 2011 Census of NI.
* Continuous Household Survey 2018/19.

Statistical data in the 2011 Census show that 68.5% of the population had no health conditions while 31.43% had a disability of long-term condition.

Statistical data from the Continuous Household Survey 2018/19 found that 39% of respondents advised that they had a long term illness. 31% had a life long limiting illness.

**Dependants** evidence/information:

* Consideration of the breakdown of statistical data in the 2011 Census of NI.
* Continuous Household Survey 2018/19.

Statistics from the 2011 Census show the make up of households to be 37% with dependents and 63% without.

Statistical data from the Continuous Household Survey 2018/19 found that 33% of respondents had responsibility for care of a child; 10% for a person with a disability; and 9% for an elderly person.

**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***

Not applicable. There is no need, experience or priorities for this Section 75 category in relation to this particular decision.

***Political Opinion***

This screening exercise recognises that there may be some sensitivities surrounding the flying of the Union flag at Jubilee House under the Flag Regulations and that the practice has the potential to raise sensitivity (though not exclusively so) for some identifying as having nationalist political beliefs.

Operating in line with Flag Regulations is however not expected to have a direct impact on the staff who work there, who as Civil Servants, under the Civil Service Code of Ethics are expected to be impartial, or on the services provided to users from the building particularly as the building is not a public facing building.

Guidance from the Equality Commission for Northern Ireland (ECNI) notes that the Commission recognises that while some employers will still choose to promote their workplace environment as a “neutral” space, it is important to recognise that the two concepts “harmonious” and “neutral” are not inextricably linked. In other words a “harmonious” working environment does not necessarily need to be a “neutral” one. (Promoting a Good & Harmonious Working Environment: A Guide for Employers and Employees). The Commission recommends that where an employer is seeking to provide or maintain fair participation, or to ensure that all services and facilities are widely utilised by all sections of the community, there is sensitivity concerning displays wholly or mainly associated with one section of the community. It is considered that the flying of the Union flag in line with the Flag Regulations is not outside this guidance when viewed within the context and manner in which it will be flown at the building. Additionally the practice being observed is similar to that applied in a range of DAERA and NICS buildings on days designated.

***Racial Group***

Not applicable. There is no need, experience or priorities for this Section 75 category in relation to this particular decision.

***Age***

Not applicable. There is no need, experience or priorities for this Section 75 category in relation to this particular decision.

***Marital status***

Not applicable. There is no need, experience or priorities for this Section 75 category in relation to this particular decision.

***Sexual orientation***

Not applicable. There is no need, experience or priorities for this Section 75 category in relation to this particular decision.

***Men and Women Generally***

Not applicable. There is no need, experience or priorities for this Section 75 category in relation to this particular decision.

***Disability***

Not applicable. There is no need, experience or priorities for this Section 75 category in relation to this particular decision.

***Dependants***

Not applicable. There is no need, experience or priorities for this Section 75 category in relation to this particular decision.

**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.

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**

1. The policy is significant in terms of its strategic importance;
2. 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;
3. 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;
4. 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;
5. The policy is likely to be challenged by way of judicial review;
6. The policy is significant in terms of expenditure.

**In favour of ‘minor’ impact**

1. The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
2. 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;
3. 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;
4. By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

**In favour of none**

1. The policy has no relevance to equality of opportunity or good relations.
2. 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*:**

There is no expected or known impact of this decision on equality of opportunity in relation to this S75 category.

**What is the level of impact?**

Expected to be none.

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

It is recognised that there may be some sensitivities surrounding the flying of a Union flag on designated days in line with the Flag Regulations from those identifying from the nationalist community who may consider themselves impacted by this decision. This is connected to the associations that some from the nationalist community may have with the Union flag and designated flag flying days being associated with members of the Royal Family/monarchy and dates relevant to the British state.

**What is the level of impact?**

Due to sensitivities around the flying of the Union flag some from the nationalist community may not be supportive of the decision and/or may find it offensive. However the flying of the flag in line with the Flag Regulations is not expected to have a direct impact on those who work there in terms of the roles they carry out or the duties they fulfil.

There is also no direct impact expected in terms of the services provided to service users, or on the local and wider community as a result of the implementation of the practice.

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

There is no expected or known impact of this decision in relation to this S75 category.

**What is the level of impact?**

Expected to be none.

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

There is no expected or known impact of this decision on equality of opportunity in relation to this S75 category.

**What is the level of impact?**

Expected to be none.

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

There is no expected or known impact of this decision on equality of opportunity in relation to this S75 category.

**What is the level of impact?**

Expected to be none.

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

There is no expected or known impact of this decision on equality of opportunity in relation to this S75 category.

**What is the level of impact?**

Expected to be none.

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

There is no expected or known impact of this decision on equality of opportunity in relation to this S75 category.

**What is the level of impact?**

Expected to be none.

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

There is no expected or known impact of this decision on equality of opportunity in relation to this S75 category.

**What is the level of impact?**

Expected to be none.

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

There is no expected or known impact of this decision on equality of opportunity in relation to this S75 category.

**What is the level of impact?**

Expected to be none.

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

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:**

At this stage there is no expected or known opportunities to better promote equality of opportunity for people within this Section 75 category.

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

**If No, provide reasons:**

No. Given the Minister’s instruction to have a flagpole erected and for a flag to be flown in line with the Flag Regulations there are no opportunities to better promote equality of opportunity connected to this decision.

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

**If No, provide reasons:**

At this stage there is no expected or known opportunities to better promote equality of opportunity for people within this Section 75 category.

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

**If No, provide reasons:**

At this stage there is no expected or known opportunities to better promote equality of opportunity for people within this Section 75 category.

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

**If No, provide reasons:**

At this stage there is no expected or known opportunities to better promote equality of opportunity for people within this Section 75 category.

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

**If No, provide reasons:**

At this stage there is no expected or known opportunities to better promote equality of opportunity for people within this Section 75 category.

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

**If No, provide reasons:**

At this stage there is no expected or known opportunities to better promote equality of opportunity for people within this Section 75 category.

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

**If No, provide reasons:**

At this stage there is no expected or known opportunities to better promote equality of opportunity for people within this Section 75 category.

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

**If No, provide reasons:**

At this stage there is no expected or known opportunities to better promote equality of opportunity for people within this Section 75 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?**

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*:**

No impact expected. Not considered applicable.

**What is the level of impact?**

None

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

The flying of a flag in line with Flag Regulations may not be supported by some sections of the community, most likely those identifying as from the nationalist community.

**What is the level of impact?**

While the practice may not be supported by all sections of the community the overall impact is expected to be minor in terms of the good relations among staff who work there who as Civil Servants are expected to be impartial.

The potential impact on good relations in relation to service users, the local and wider community is also expected to be minor as the practice will only be followed in line with the Flag Regulations as is done in other relevant NICS and DAERA buildings.

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

No impact expected. Not considered applicable.

**What is the level of impact?**

None.

1. **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:

No.

***Religious Belief* - If Yes, provide details:**

**If No, provide reasons:**

There are no opportunities associated with this decision to better promote good relations for people in this Section 75 category.

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

**If No, provide reasons**

Due to the nature of this decision by the then Minister there are no opportunities to better promote good relations between people of different religious beliefs, political opinion or racial groups. There are no opportunities to fly an alternative flag and the Union flag will only be flown on designated days under the discretion set out within the Flag Regulations.

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

**If No, provide reasons:**

No. There are no opportunities associated with this decision to better promote good relations for people in this Section 75 category.

**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?  If so, please detail below.

This decision is not expected to have an impact on people with multiple identities.

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

DAERA also has legislative obligations to meet under the Disability Discrimination Order. Questions 5 – 6 relate to these.

Consideration of Disability Duties

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

Not applicable.

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

No – not applicable.

**Part 3. Screening decision** (Please delete as appropriate)

While the overall assessment identified that the decision may not be fully supported by some sections in the community, most notably from those in the nationalist community in the political opinion category, overall this impact is considered to be minor in terms of impact on equality of opportunity and the promotion of good relations and as such is “Screened out”.

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

An EQIA is not being completed as the impact is considered to be minor and as similar practices are applied in line with the Flag Regulations at other NICS and DAERA buildings, without impacting on equality of opportunity or good relations at those locations.

**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.**

An alternative action is not in keeping with the then Minister’s instruction.

There are however some mitigations in relation to the decision to fly a flag at Jubilee House. The practice is carried out in line with the Flag Regulations (NI) 2000. This means that a flag will not be flown on a permanent basis and will only be flown on designated days. These are set out in the Regulations and as advised annually by NIO and TEO. A flag will not be flown outside the specified days.

It also similar to the practices applied at across a range of other DAERA and NICS buildings.

**If the decision is to *subject the policy to an equality impact assessment*, please provide details of the reasons.**

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: [A Practical Guide to Equality Impact Assessment](https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/PracticalGuidanceonEQIA2005.pdf?ext=.pdf)

**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. The Minister requested that a flagpole be erected and the Union flag flown in line with the Flag Regulations (NI) 2000.

**If so, *give the reasons* to support your decision, together with the proposed changes/amendments or alternative policy.**

N/A.

**Timetabling and prioritising**

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been **‘screened in’** for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

**On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.**

| **Priority criterion** | **Rating (1-3)** |
| --- | --- |
| Effect on equality of opportunity and good relations |  |
| Social need |  |
| Effect on people’s daily lives |  |
| Relevance to a public authority’s functions |  |
| **Total score** |  |

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority’s Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

**Is the policy affected by timetables established by other relevant public authorities?**

**If yes, please provide details.**

**Part 4. Monitoring**

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.*

Further advice on monitoring can be found at: [ECNI Monitoring Guidance for Public Authorities](https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75MonitoringGuidance2007.pdf?ext=.pdf)

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:**

Not applicable to this decision.

**Good Relations:**

To record any concerns or issues with the decision a register of correspondence/queries relating to it will be maintained.

**Disability Duties:** Not applicable to this decision.

**Part 5. Consideration of Human Rights**

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

8. **Please explain any adverse impacts on human rights that you have identified**

No adverse impacts on human rights have been identified.

9. **Please indicate any ways which you consider the policy positively promotes human rights**

This decision does not create any opportunity to promote human rights.

**Part 6 - Approval and authorisation**

# **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 used the most relevant, current & up to date data available
* 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

**Screening assessment completed by (Staff Officer level or above) -**

**Name:** A Caldwell **Grade:** 5

**Branch:** Estate Transformation Division **Date**: 1/11/2022

**Signature:** please insert a scanned image of your signature

**Screening decision approved by (must be Grade 3/Deputy Secretary or above) -**

**Name:** D Reid **Grade:** 3

**Branch:** RAFSETBOR **Date:** 1/12/2022

**Signature:** please insert a scanned image of your signature

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.

Please save the final signed version of the completed screening form in the CM container (AE2-19-11940) below as soon as possible after completion and forward the CM link to Equality Branch at [equality@daera-ni.gov.uk](mailto:equality@daera-ni.gov.uk). The screening template must be saved to the container in **HTML format** (not PDF) in order to comply with accessibility requirements. 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

Staff Engagement, Equality & Diversity Branch

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**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