# 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**

The Animals (Identification, Records, Movement and Enforcement) (Amendment) Regulations (Northern Ireland) 2023

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

The Department is amending existing domestic legislation to take account of updated and consolidated European legislation, the EU Animal Health Law. As a consequence, we are required to update domestic legislation to ensure they refer to the correct European legislative provisions. These amendments are mostly technical in nature and the overarching policy on identification, registration and movement of livestock is unaffected. There is also a requirement to implement a new prefix code to uniquely identify Northern Ireland livestock from those born in Great Britain, replacing the current prefix printed on tags, which was assigned to the UK as whole.

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

The Statutory Rule (SR) makes the changes needed to reflect the requirements of EU Regulation No. 2016/429, known as Animal Health Law (AHL). The AHL is listed in Annex 2 of the Northern Ireland (NI) Protocol, and therefore automatically applies to NI. The AHL provides a new EU governance framework for the surveillance, detection and control of animal diseases. It is a consolidating instrument, in that it repeals and replaces a significant number of existing EU laws on animal health and also with regard to animal identification.

The SR will make the necessary changes in domestic law by updating references to the repealed EU legislation and adding the new AHL references. The SR will ensure that the Department has the necessary powers in place to continue to enforce identification, registration and movement (IRM) controls for livestock.

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

**If so, explain how.**

None anticipated.

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**Who initiated or wrote the policy?**

The European Commission own the parent legislation, which DAERA is legally obligated to implement, via domestic legislation. The drafting of the SR was a result of the introduction of EU Regulation No. 2016/429, AHL. Animal Identification and Welfare Branch (AIWB), Veterinary Service Animal Health Group (VSAHG) have undertaken the analysis of AHL and the domestic legislation to identify the necessary changes to align with AHL.

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

Animal Identification and Welfare Branch (AIWB), Veterinary Service Animal Health Group (VSAHG).

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**Implementation factors**

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

None identified.

**Main stakeholders affected**

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

**service users**

The SR maintains the status quo, making technical amendments to domestic legislation by updating references to new references within AHL. The SR does not make any substantive changes to how animals are recorded or have their movements notified. The existing regime and processes remain unchanged. However, there is one notable revision. Previously, all animals had to bear an identification tag, which displayed a code which indicated that the animal was born in the UK. Under AHL, from 21 April 2023, all livestock born here will have to bear a tag which displays a code which is unique to Northern Ireland. That is a number string commencing with the three-digit code “899”, which will be used to denote Northern Ireland. As keepers always had to identify livestock with a tag bearing an identification code, it is determined that this amendment, overall, is not a fundamental change and therefore does not have any additional impact on internal or external stakeholders.

However, keepers are permitted to purchase a year’s supply of ear tags in advance, as a result, a large proportion of tags can remain unused for many months. There is a significant chance that a substantial number of tags will have been purchased by keepers but not yet used. For example, it is estimated that there are around 250,000 unused ‘UK’ prefixed cattle tags in circulation. These unused tags would have a purchase cost of around £1m.

To use existing tag supplies, keepers will be permitted to apply the ‘UK’ tags to livestock, for a short period of time until stocks of tags carrying the old code have been depleted. It is acknowledged that this measure may cause some disruption to herd keepers, but it is noted that this disruption will impact all section 75 categories equally.

The two letters ‘UK’ is an alpha code used on livestock identification tags to demonstrate the birthplace of origin. Amending the code to ‘899’, will not change an animal’s place of origin. The prefix code is simply an administrative identification number and will enable the recording of livestock movements and permit traceability functions to be carried out, in the same ways as when ‘UK’ was in use.

We note that changing the prefix from ‘UK’ to ‘899’ may have the potential to raise interest amongst some stakeholders at a political level, but we have no evidence to suggest an overall negative impact.  Stakeholders in the industry may be ambivalent to the amendment and recognise that this is a legal requirement which enables trade to continue with the EU.

It remains that this new prefix is an inescapable legal obligation, which the Department must implement.

Other policies with a bearing on this policy

* **What are they?**

The SR continues to make a number of IRM requirements notifiable and failure to notify these requirements to the Department would automatically be a criminal offence, therefore the SR intersects with the responsibilities of the Department of Justice.

* **Who owns them?**

Department of Justice.

**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:

The 2021 Census of Northern Ireland found that 37.3% of the population belongs to one of the main Protestant Christian Churches, 42.3% of the population belongs to the Catholic Church and 17.3% do not belong to either religious belief.

Data from the Agricultural Census in Northern Ireland for June 2022, demonstrates that the majority (56.5%) of Less Favoured Areas (LFA) cattle and sheep farms are in mainly Severely Disadvantaged Areas (SDAs). The now dated 2001/02 (most recent) DARD commissioned Social Survey of Farmers and Farm Families across NI revealed that farmers in SDA areas were predominantly Catholic.

As the technical amendments will apply to all livestock keepers, the Department has no evidence that this will create any problems relating to religious belief.

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**Political Opinion** evidence/information:

The Northern Ireland Life and Times Survey 2021 found that 26% of the Northern Ireland population describe themselves as Nationalist, 32% as Unionist and 38% as neither. There are no data on the political opinion of farmers other than by using Religious Belief as a proxy.

The Equality Commission monitoring guidelines for public authorities suggest that community background and or religion is a reasonable proxy indicator for the Unionist or Nationalist divide.

We are aware of potential political interest around changing prefixes from ‘UK’ to ‘899’, but we have no evidence to suggest that the overall impact will be negative. Stakeholders in the industry may be ambivalent to the amendment and recognise that this is a legal requirement which enables trade to continue with the EU.

The Department has no evidence which indicates that the amendments to the legislation will create equality related issues or problems relating to political opinion.

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**Racial Group** evidence/information:

The 2021 Census of Northern Ireland found that 96.5% of the population state their ethnic origin to be white. The 2001/02 Social Survey of Farmers and Farm Families (most recent) across Northern Ireland outlined that the farming population was overwhelmingly white and that there was no difference in racial group by type or size of farm.

Therefore, it is unlikely that these technical amendments to domestic legislation, updating references to new references within AHL, will have an adverse impact on racial groups.

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**Age** evidence/information:

The Equality indicators for NI Farmers Report 2018 (most recent) revealed that the average age of farmers in Northern Ireland was 59 years.

Whilst we do not know the ages of farm business members it is probable that within such businesses a spread of age ranges is likely. Therefore, no adverse impacts are expected on the basis of age.

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**Marital Status** evidence/information:

According to the Equality indicators for NI Farmers Report 2018 (most recent) almost three quarters (73%) of farmers were married, with the proportion of married farmers increasing with farm size; 84% of farmers of large farms were married, compared to 71% of farmers of very small farms. Conversely, twice as many farmers (18%) of very small farms were single as farmers of medium sized (9%) or large farms (9%).

As this policy is an amendment required by European legislation there is no evidence to suggest that the revised policy will impact negatively on people in this category.  
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**Sexual Orientation** evidence/information:

According to the 2021 Northern Ireland census, 1.1% of respondents identified as gay or lesbian and 0.75% as bi-sexual. 90% indicated they were heterosexual, 4.5% preferred not to say and 0.17% identified as ‘other’. There is no data on the sexual orientation of farmers.

There is no evidence to suggest that the revised policy will impact negatively on people in this category.  
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**Men & Women generally** evidence/information:

We do not hold current information on the structure (male/female) of the farmers involved with the registration, identification and movement of animals.

However, the Equality indicators for NI Farmers Report 2018 (most recent) states that 91% of NI famers are male and 9% female. The Statistical Review of Northern Ireland Agriculture 2021 showed that female workers accounted for 15% of the total workforce.

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

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**Disability** evidence/information:

The Equality indicators for NI Farmers Report 2018 (most recent) reports that almost a third (30%) of farmers stated that they had a long-term illness or disability which limited their daily activities, with the incidence of disability inversely related to farm size. The proportion of farmers of very small farms stating that their activities were limited a lot (16%) was twice that of farmers of large farms (8%). Farmers in disadvantaged areas (16%) were slightly more likely than lowland farmers (12%) to state that their activities were limited. Some of the differences in farm characteristics by disability may be partly due to the variation in age profiles of those with and without disabilities.

The incidence of those reporting that their activities were limited either a little or a lot rises steeply with age.

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

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**Dependants** evidence/information:

The 2001/02 Social Survey for Farmers and Farm Families revealed that almost three-quarters of households supported by family farms included one or more dependents. These included:

* 39% with children under 16 or 16-18 in full time education;
* 14% with a member claiming a disability related benefit;
* 32% with a household member aged 65 or over; and
* 73% with any of the above.

The 2001/02 Social Survey data also showed a high degree of similarity between farms with or without dependents across farm types.

According to the Equality indicators Report 2018, two fifths (40%) of all farm households contained children under 18 years old, elderly disabled people, or both. Households of medium sized farms were slightly more likely than smaller or larger farms to contain dependants as were the households of farmers engaged in pig, poultry or mixed farming. Farm households in Disadvantaged Areas (41%) were slightly more likely than those in lowland areas (38%) to contain dependants.

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

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**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 N/A***  
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***Political Opinion***

We are aware of potential political interest around changing the prefix from ‘UK’ to ‘899’, but we have no evidence to suggest that the overall impact will be negative. Stakeholders in the industry may be ambivalent to the amendment and recognise that this is a legal requirement which enables trade to continue with the EU.

It remains that the Department has an inescapable legal obligation to introduce the new prefix code.

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***Racial Group N/A***

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***Age N/A***

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***Marital status N/A***

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***Sexual orientation N/A***

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***Men and Women Generally N/A***

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***Disability N/A***

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***Dependants N/A***

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**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*:** None. The SR makes technical amendments to domestic legislation, updating references to new references within AHL.

**What is the level of impact?** None

**Details of the likely policy impacts on *Political Opinion:*** Minor, this SR will change the administrative identification code on livestock ear tags from ‘UK’ to ‘899’.

It should be noted that this code demonstrates the birthplace of origin of livestock. Amending the code to ‘899’, will not change an animal’s place of origin. This prefix code will enable the same farm to fork traceability functions to be recorded for livestock, as when ‘UK’ was in use.

We are aware of potential political interest around changing the prefix from ‘UK’ to ‘899’, but we have no evidence to suggest that the overall impact will be negative. Stakeholders in the industry may be ambivalent to the amendment and recognise that this is a legal requirement which enables trade to continue with the EU.

The Department has an inescapable legal obligation to introduce the new prefix code.

**What is the level of impact?** Minor

**Details of the likely policy impacts on *Racial Group*:** None. The SR makes technical amendments to domestic legislation, updating references to new references within AHL.

**What is the level of impact?** None

**Details of the likely policy impacts on *Age*:** None. The SR makes technical amendments to domestic legislation, updating references to new references within AHL.

**What is the level of impact?** None

**Details of the likely policy impacts on *Marital Status*:** None. The SR makes technical amendments to domestic legislation, updating references to new references within AHL.

**What is the level of impact?** None

**Details of the likely policy impacts on *Sexual Orientation*:** None. The SR makes technical amendments to domestic legislation, updating references to new references within AHL.

**What is the level of impact?** None

**Details of the likely policy impacts on *Men and Women*:** None. The SR makes technical amendments to domestic legislation, updating references to new references within AHL.

**What is the level of impact?** None

**Details of the likely policy impacts on *Disability*:** None. The SR makes technical amendments to domestic legislation, updating references to new references within AHL.

**What is the level of impact?** None

**Details of the likely policy impacts on *Dependants*:** None. The SR makes technical amendments to domestic legislation, updating references to new references within AHL.

**What is the level of impact?** 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:** The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It does not provide any opportunities to promote equality of opportunity.

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

**If No, provide reasons:** The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It does not provide any opportunities to promote equality of opportunity, it is an inescapable legal requirement.

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

**If No, provide reasons:** The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It does not provide any opportunities to promote equality of opportunity.

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

**If No, provide reasons:** The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It does not provide any opportunities to promote equality of opportunity.

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

**If No, provide reasons:** The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It does not provide any opportunities to promote equality of opportunity.

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

**If No, provide reasons:** The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It does not provide any opportunities to promote equality of opportunity.

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

**If No, provide reasons:** The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It does not provide any opportunities to promote equality of opportunity.

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

**If No, provide reasons:** The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It does not provide any opportunities to promote equality of opportunity.

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

**If No, provide reasons:** The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It does not provide any opportunities to promote equality of opportunity.

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*:**

None. The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It will not impact on good relations between people of different religious belief, political opinion or racial group.

**What is the level of impact?** None

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

None. The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It will not impact on good relations between people of different religious belief, political opinion or racial group.

As noted, through AHL there is a requirement to implement a new prefix code to identify Northern Ireland livestock. ‘899’ will replace the current ‘UK’ code used on tags from 21st April 2023. The change could have an impact on a section of the agricultural industry in NI, however, we suspect this will not be the case.

We are aware of potential political interest around changing the prefix from ‘UK’ to ‘899’, but we have no evidence to suggest that the overall impact will be negative. Stakeholders in the industry may be ambivalent to the amendment and recognise that this is a legal requirement which enables trade to continue with the EU.

**What is the level of impact?** Minor

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

None. The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It will not impact on good relations between people of different religious belief, political opinion or racial group.

**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:

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

**If No, provide reasons:**

The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It does not provide an opportunity to better promote good relations between people of different religious belief, political opinion or racial group.

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

**If No, provide reasons**

The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It does not provide an opportunity to better promote good relations between people of different religious belief, political opinion or racial group**.**

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

**If No, provide reasons**

The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It does not provide an opportunity to better promote good relations between people of different religious belief, political opinion or racial group.

**Additional considerations**

**Multiple identity**

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?  If so, please detail below.

(*For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).*

No. There is no available evidence to indicate potential impacts on such people. However, any feedback or correspondence received will be monitored to inform the position.

**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?**

The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It does not provide DAERA with an opportunity to better promote positive attitudes towards disabled people.

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

The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It does not provide an opportunity to increase the participation by disabled people in public life.

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

1. “Screened out” without mitigation or an alternative policy proposed to be adopted

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

The decision has been made not to conduct an equality impact assessment as the SR will be maintaining the status quo, making technical amendments to domestic legislation by updating references to new references within AHL. The SR does not make any substantive changes to domestic legislation and therefore will not impact on those in any of the section 75 categories. As noted, through AHL there is a requirement to replace the current ‘UK’ code used on tags, with ‘899’, from 21st April 2023. The change could have an impact on a section of the agricultural industry in NI, however, we suspect this will not be the case. We are aware of potential political interest around changing the prefix from ‘UK’ to ‘899’, but we have no evidence to suggest that the overall impact will be negative. Stakeholders in the industry may be ambivalent to the amendment and recognise that this is a legal requirement which enables trade to continue with the EU.

AHL is listed in Annex 2 to the NI Protocol and has been directly applicable in NI from 21 April 2021. This requirement remains unchanged, following the publication of the Windsor Framework. The Department, therefore, has a statutory obligation to have a domestic regime in place to enforce the IRM requirements contained within AHL and to implement the new NI country prefix. The SR will bring about the updated requirements from AHL.

It is our view that the SR is not unlawfully discriminatory and any residual potential impacts on members of the NI agricultural industry are judged to be negligible.

**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.**

The SR is unlikely to impact on those in any of the section 75 categories. Furthermore, the Department has a statutory obligation to update the SR to enforce the IRM requirements contained within AHL and to implement the new NI country prefix. As a result, it will not be possible to have any mitigations/ alternatives in place.

**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 Department has a statutory obligation to update the SR.

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

**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?**

No

**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:** The SR will be maintaining the status quo, making technical amendments to domestic legislation by updating references to new references within AHL. The SR does not make any substantive changes to domestic legislation and therefore does not have any impact on equality. This policy will, however, be reviewed on an ongoing basis following implementation and any identified impacts on section 75 stakeholders will be addressed.

**Good Relations:** The SR will be maintaining the status quo, making technical amendments to domestic legislation by updating references to new references within AHL. The SR does not make any substantive changes to domestic legislation and therefore not envisaged to have an impact on good relations.

This policy will, however, be reviewed on an ongoing basis following implementation and any identified impacts on good relations will be addressed.

**Disability Duties:** The SR will be maintaining the status quo, making technical amendments to domestic legislation by updating references to new references within AHL. The SR does not make any substantive changes to domestic legislation and therefore should not have any impact on disability duties. This policy will, however, be reviewed on an ongoing basis following implementation and any identified impacts on disability duties will be addressed.

**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 impacts on Human Rights have been identified.

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

The SR makes technical amendments to domestic legislation, updating references to new references within AHL. It does not provide DAERA with an opportunity to positively 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:** Patrick Doherty **Grade: DP**

**Branch:** AIWB **Date: 27 March 2023**

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

**Diagram

Description automatically generated**

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

**Name:** ROBERT HUEY **Grade:** 3

**Branch:** VSAHG **Date: 6 April 2023**

**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

Jubilee House

111 Ballykelly Road

LIMAVADY  
BT49 9HP

Email: [equality@daera-ni.gov.uk](mailto:equality@daera-ni.gov.uk)

Tel: 028 7744 2027



**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