# Equality & Disability Duties Screening Template

# December 2023 version

**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 to introduce measures 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 below.

­

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**

|  |
| --- |
| Extension of Dangerous Dogs legislation in Northern Ireland to include XL Bully type dogs.  |

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

|  |
| --- |
| It amends existing legislation ‘The Dogs (Northern Ireland) Order 1983’ (The 1983 Order) to add XL Bully type dogs to the list of Dangerous Dogs. |

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

|  |
| --- |
| The overall aim of the policy is to introduce restrictions on the ownership of XL Bully type dogs, in order to protect the public and other animals from potentially life changing or fatal attacks by this type of dog. This is because XL Bully type dogs have been involved in a disproportionate number of serious dog attacks across the UK, when compared to other breed or types of dogs. To legally introduce the safeguards required, under ‘The 1983 Order’, two Statutory Rules (SR) will be required. The first of these will be the Dangerous Dogs (Designated Types) Order (Northern Ireland) 2024 and will:* Add XL Bully type dogs to the Dangerous Dogs list, bringing into effect a number of legal requirements for owners including: ensuring the dog is on a lead and muzzled in public places; and making it an offence to sell, exchange, gift or abandon an XL Bully dog.
* Set a future date, after which it will be illegal to own an XL Bully dog without an exemption certificate.

The second SR, yet to be named and which will be brought in as soon as possible after commencement of the first SR will:* Set out the conditions for the exemption scheme whereby owners can retain their XL bully type dog and compensation scheme in instances where an XL Bully type dog owner decide to euthanise their dog.

The maximum penalty for contravention of the legislation, on summary conviction, will be six months’ imprisonment and/or a fine of up to £5,000.This mirrors the regime introduced in England, Scotland and Wales. This screening document will consider both the safeguards to be introduced on XL Bully type dogs as a whole under the first SR and the impact of the schemed established under the second SR.  |

**Are there any Section 75 categories which might be expected to benefit from the intended policy? [ ]** Yes **[x]** No (select as appropriate)

**If so, explain how.**

|  |
| --- |
| While introduction of the policy will affect all XL Bully type dog owners in Northern Ireland (NI) and there is no evidence to suggest that there will be an impact on any one particular section 75 group within the community.There will, however, be positive impacts to S75 groupings overall including:* Safer Public Spaces: By specifically addressing XL Bully dogs, a breed type known for their aggressive tendencies and imposing control measures, the legislation will contribute to reducing the likelihood of severe dog attacks in parks, neighbourhoods, and other communal areas. This will, in turn, improve the sense of security among the general public.
* Increased Awareness: The legislation will help raise awareness about the importance of responsible dog ownership. This should lead to more responsible pet owners who take proactive measures to ensure their dogs are well-behaved and pose no threat to others.

It is not only dogs on the Dangerous Dogs list that have legal requirements placed on them. Any dog that exhibits aggressive or dangerous behaviour, regardless of its breed, can be subject to restrictions such as a dog control notice. Responsible ownership, training, and socialization of all dogs are strongly encouraged to prevent such behaviour.**Balancing public safety with the rights and responsibilities of dog owners is complex nonetheless, the evidence to date in relation to XL Bully dogs demonstrates why they need to be added to the dangerous dogs list.** |

**Who initiated or wrote the policy?**

|  |
| --- |
| The Department of Agriculture, Environment and Rural Affairs  |

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

|  |
| --- |
| The Department of Agriculture, Environment and Rural Affairs (DAERA) is responsible for dog control policy and legislation. The relevant legislation is The Dogs Order 1983, as amended by the Dangerous Dogs Act 1991, which is enforced by District Councils. As the proposed legislation amends the Dogs Order by extending its scope to include XL Bully type dogs it is cross cutting with the Department of Justice (as it extends offences and penalties to other dog owners).  |

Implementation factors

**Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? [x]** Yes **[ ]** No (select as appropriate)

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

**Financial** **[x]**

**Legislative** **[ ]**

**other, please specify:**

|  |
| --- |
|  |

Main stakeholders affected

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

**Staff [ ]**

**Service users [ ]**

**Other public sector organisations [x]**

**Voluntary/community/trade unions [ ]**

**Other, please specify**

|  |
| --- |
| **District Councils** - will be the main organisations affected by the policy, as they are responsible for enforcing the legislation. **Others** - Police Service of NI (PSNI), owners of XL Bully dogs, vets carrying out neutering and euthanising of XL Bully type dogs, rescue and rehoming organisations with XL Bully dogs in their care which they are unable to rehome, breeders of XL Bully dogs.  |

Other policies with a bearing on this policy

**What are they?**

|  |
| --- |
| Animal Welfare Policy |

**Who owns them?**

|  |
| --- |
| DAERA is responsible for general animal welfare policy. |

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:**

|  |
| --- |
| No data is available on the religious beliefs of individuals who own XL Bully type dogs. Data from the 2021 Census indicates that the main current religions in Northern Ireland were: 42.3% Catholic, 16.6% Presbyterian, 11.5% Church of Ireland, 2.3% Methodist, 6.9% Other Christian denominations and 1.3% ‘Other’ religions. In addition, 17.4% of the population had ‘no religion’.Statistics provided by the UK Pet Food Association indicate that 31% of UK households own dogs in the UK. In addition, in 2022 it was estimated that 62% of households in the UK had a pet. A survey from the Pet Food Manufacturers Association (PFMA) from 2018 indicated that in Northern Ireland had a higher percentage of homes with pet dogs (35%). Data from Pet Business World indicates that 55% of pet owners live in the city and about one-third are under the age of 40.Evidence from Statista indicates that there are more than 12 million dogs and 12 million cats, and people in the United Kingdom spend more than £2,000 per year caring for their pets.There is no evidence to suggest that pet ownership, and therefore owners of XL Bully dogs, differ by religious belief or that religious belief will be impacted by the XL Bully dog legislation.  |

**Political Opinion evidence/information:**

|  |
| --- |
| No data is available on the political opinions of individuals who own XL Bully dogs. However, results from the Northern Ireland Life and Times 2022 survey showed the following political opinions of those interviewed:* Unionist – 31%
* Nationalist – 26%
* Neither – 38%
* Other – 1%
* Don’t know – 4%

This policy is expected to improve public safety and the safety of pets across NI from XL Bully dog attacks. Therefore, it is expected to have a positive impact on NI public, irrespective of political opinion.There is no evidence to suggest that pet ownership figures stated above differ by political opinion, nor will political opinion be impacted as a result of the introduction of XL Bully dog legislation. |

**Racial Group evidence/information:**

|  |
| --- |
| No data is available on the racial makeup of individuals who own XL Bully type dogs. A paper on s[ociodemographics of pet ownership among adolescents in Great Britain](https://bmcvetres.biomedcentral.com/articles/10.1186/s12917-019-2063-x), found ethnicity to be the single most important predictor of pet ownership, with white adolescents being more likely to own any type of pets than non-white adolescents. Census 2021 figures show 97% of the NI population identify as White. The new policy will impact all XL Bully dog owners, and the general public, irrespective of racial group.  |

**Age evidence/information:**

|  |
| --- |
| No data is available on the age of individuals who own XL Bully dogs. However, Census 2021 figures show the following age breakdown for the NI population:* 0-14 – 19%
* 15-39 – 31%
* 40-64 – 32%
* 65 and over – 17%

Data from Pet Business World indicates one-third of pet owners are under the age of 40. [A BMC veterinary Research](https://bmcvetres.biomedcentral.com/articles/10.1186/s12917-019-2063-x) paper on sociodemographic factors associated with pet ownership noted that pet ownership increased during childhood (up to age 10 years) and was expected to continue on this trajectory. However, it was found to peak, at age 11 for all pet types, then slightly decreased afterwards for all pet types except cats and dogs, which slightly increased.[A PDSA animal wellbeing report in 2022](https://www.pdsa.org.uk/what-we-do/pdsa-animal-wellbeing-report/paw-report-2022/pet-populations-across-the-uk) indicated that dog owners are less likely to be in the age range 25-34 (14%) or 35-44 (14%) compared to cat (16% and 17% respectively), but more likely to be 55+ years (36%).The XL Bully type dog legislation would deem a juvenile (under 16 years old) who owns a XL Bully type dog to be in breach of the law. This is because the law deems a juvenile not sufficiently responsible to own such a dog, nor would a juvenile be strong enough to control a XL Bully type dog. A child or older person considered more vulnerable could be at greater risk and therefore the policy will help to protect them. |

**Marital Status evidence/information:**

|  |
| --- |
| Data from the 2021 census showed that 46% of the population in NI are married, 38% single, 6% divorced, 6% widowed and 4% separated. The policy will affect all XL Bully dog owners equally, irrespective of marital status. If ownership of the dog needed to be transferred, for any reason, the legislation will provide for that, subject to conditions for exemption certificate still being met. This would also apply for change of address.A [PDSA animal wellbeing report in 2022](https://www.pdsa.org.uk/what-we-do/pdsa-animal-wellbeing-report/paw-report-2022/pet-populations-across-the-uk) showed that dog owners are less likely to live in household of 1 person (12%) or 2 people (40%) but are more likely to be in 3-4 person households (38%) or 5+ people (8%).Nevertheless, there is no evidence to suggest that marital status as a factor might be impacted by the XL Bully dog legislation. |

**Sexual Orientation evidence/information:**

|  |
| --- |
| Data from the 2021 census showed that approximately 90% of the population are heterosexual, 1% gay or lesbian, 1% bisexual, less than 0.5% other sexual orientation, and the remainder did not wish to state or left the question unanswered. However, this policy will affect all XL Bully dog owners in NI, irrespective of sexual orientation.There is no evidence to suggest that pet ownership figures stated above differ by sexual orientation or that sexual orientation as a factor will be impacted by the introduction of XL Bully dog legislation. |

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

|  |
| --- |
| Data from the 2021 census showed that 51% of the population are female and 49% male. This policy will affect all XL Bully dog owners in NI, irrespective of sex.There is no evidence to suggest that gender as a factor will be impacted by the introduction of safeguards for XL Bully dogs. Attacks by XL Bully type dogs have been on people of all ages and sex, therefore there is a positive benefit to the general public by introducing XL Bully dog legislation. |

**Disability evidence/information:**

|  |
| --- |
| Data from the 2021 census shows that 11.5% of the NI population are living with long term health problems or disabilities which impact their day to day activities a lot. Thirteen percent’s daily activities are impacted a little by a long term health condition or disability. The Department is not aware of any assistance dogs in NI that are XL Bully type dogs. If an assistance dog was attacked by an XL Bully type dog the harm to the owner could be deemed to be more serious. The policy will help protect against attacks on guide dogs by XL Bully type dogs and therefore has a positive impact. |

**Dependants evidence/information:**

|  |
| --- |
| Data from the 2021 census shows that 31% of households have one or more dependent child under the age of 18. This policy is being introduced to help protect against XL Bully attacks on the general public, including children. The details of the XL Bully type dog legislation will be widely communicated to raise the general publics awareness of the danger posed by these dogs. Therefore, there should be a positive benefit to dependants. |

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**

|  |
| --- |
| The legislation will add XL Bully type dogs to the dangerous dogs list in recognition of the serious risk of attacks, and potentially fatal attacks by the breed. It will require all XL bully owners to apply for an exemption certificate and as a result a database of XL Bully dogs in NI will be created. If an owner does not wish to keep their XL Bully dog, they can arrange for it to be euthanised and be compensated. It will also provide opportunity for more specific data to be collected, such as dog attacks or out of control dogs to help assess the scale of this issue. People in this equality category will have no particular needs, experiences or priorities. |

 **Political Opinion**

|  |
| --- |
| As above |

**Racial Group**

|  |
| --- |
| As above |

**Age**

|  |
| --- |
| As above |

**Marital status**

|  |
| --- |
| As above |

**Sexual orientation**

|  |
| --- |
| As above |

**Men and Women Generally**

|  |
| --- |
| As above |

**Disability**

|  |
| --- |
| As above |

**Dependants**

|  |
| --- |
| As above |

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***:

|  |
| --- |
| It is DAERA’s opinion that the policy would have no impact on equality of opportunity for this group. It impacts on all XL Bully owners equally irrespective of S75 category, and positively benefits the general public equally, regardless of S75 category. |

**What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

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

|  |
| --- |
| As above |

**What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

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

|  |
| --- |
| As above |

What is the level of impact? Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

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

|  |
| --- |
| As above |

**What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

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

|  |
| --- |
| As above |

**What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

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

|  |
| --- |
| As above |

**What is the level of impact** Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

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

|  |
| --- |
| As above |

**What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

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

|  |
| --- |
| As above |

**What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

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

|  |
| --- |
| As above |

**What is the level of impact?** **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

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

**[ ]** Yes **[x]** No (select as appropriate)

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 policy adds XL Bully type dogs to the Dangerous Dogs list, introducing safeguards for XL Bully dogs in order to protect against any future attacks. As such it is not envisaged that there would be any opportunity to promote equality for this S75 group.DAERA actively seeks opportunities to better promote equality of opportunity and will review any equality issues identified as the legislation progresses through Committee and Executive stages and, prior to commencement of the provisions in NI, address any issues identified. |

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

|  |
| --- |
|  |

 **If No, provide reasons:**

|  |
| --- |
| As above |

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

|  |
| --- |
|  |

**If No, provide reasons:**

|  |
| --- |
| As above |

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

|  |
| --- |
|  |

**If No, provide reasons:**

|  |
| --- |
| As above |

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

|  |
| --- |
|  |

 **If No, provide reasons**

|  |
| --- |
| As above |

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

|  |
| --- |
|  |

 **If No, provide reasons:**

|  |
| --- |
| As above |

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

|  |
| --- |
|  |

**If No, provide reasons:**

|  |
| --- |
| As above |

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

|  |
| --- |
|  |

 **If No, provide reasons:**

|  |
| --- |
| As above |

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

|  |
| --- |
|  |

 **If No, provide reasons:**

|  |
| --- |
| As above |

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*:**

|  |
| --- |
| The XL Bully type dog policy is not expected to impact on good relations between people of different religious beliefs because:* The policy applies to all XL Bully dog owners regardless of religious beliefs; and
* The policy will positively benefit the general public regardless of religious beliefs.
 |

 **What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**

(select as appropriate)

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

|  |
| --- |
| The XL Bully type dog policy is not expected to impact on good relations between people of different political opinion because:* The policy applies to all XL Bully dog owners regardless of religious beliefs; and

The policy will positively benefit the general public regardless of political opinion. |

 **What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**

(select as appropriate)

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

|  |
| --- |
| The XL Bully type dog legislation is not expected to impact on good relations between people of different racial groups because:* The policy applies to all XL Bully dog owners regardless of religious beliefs; and

The policy will positively benefit the general public regardless of racial groups. |

 **What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

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 new legislation adds XL Bully type dogs to the Dangerous Dogs list, introducing safeguards for XL Bully type dogs in order to protect against any future attacks. As such it is not envisaged that there would be any opportunity to promote equality for this S75 group.DAERA actively seeks opportunities to better promote equality of opportunity and will review any equality issues identified as the legislation progresses through Committee and Executive stages and, prior to commencement of the provisions in NI, address any issues identified. |

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

|  |
| --- |
|  |

**If No, provide reasons:**

|  |
| --- |
| As above |

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

|  |
| --- |
|  |

 **If No, provide reasons:**

|  |
| --- |
| As above |

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).*

**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?**

|  |
| --- |
| Subject to the legislation being approved and introduced in NI, there will be a comprehensive communications and promotions plan to ensure that XL Bully dog owners and the wider population are aware. In terms of that communication, in line with DAERA policy, full consideration will be given to how it communicates with those with a disability and any reasonable adjustments put in place. |

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

|  |
| --- |
| It does not provide an obvious opportunity to increase the participation by disabled people in public life.  |

Part 3. Screening decision

“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 new legislation adds XL Bully type dogs to the Dangerous Dogs list, introducing safeguards for XL Bully type dogs. Then, from an appointed future date beyond this it will be illegal to own a XL Bully dog without an exemption certificate. Therefore, it is within the dog owners control to keep their dog. There is currently not much data on pet ownership by section 75 grouping and no data in relation to XL Bully dog owners. However, pet ownership is widespread in the population, and it is not expected that section 75 groupings would be more or less impacted either by owning an XL Bully dog or as a member of the general public which the policy is aiming to protect. Therefore, DAERA has not identified any adverse impact on any section 75 grouping as a result of the new legislation. The potential to promote equality of opportunity and good relations between the groups is limited given that the focus of the new legislation is the safeguards on XL Bully type dogs. The policy will be subject to comprehensive communications and promotions prior to the introduction of the legislation to ensure that all XL Bully owners, and prospective XL Bully owners, are aware of the new legislation. In terms of that communication, in line with DAERA policy, full consideration will be given to how it communicates with those with a disability and any reasonable adjustments put in place. |

**If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should *be mitigated or an alternative policy be introduced* - please provide details.**

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

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

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

All public authorities’ equality schemes must state the authority’s arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: [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? [ ]  Yes [x]  No** (select as appropriate)

**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  | N/A |
| Social need | N/A |
| Effect on people’s daily lives | N/A |
| Relevance to a public authority’s functions | N/A |
| **Total score** | N/A |

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

**Is the policy affected by timetables established by other relevant public authorities? [ ]** Yes **[x]** No (select as appropriate)
**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 requirements of legislation will mean a database of all XL Bully type dogs in NI will be created. This will allow additional monitoring of these dogs, which will help reveal any unforeseen impacts on S75 groups.DAERA will also consider any comments generated from any future associated stakeholder engagement. |

**Good Relations:**

|  |
| --- |
| The requirements of legislation will mean a database of all XL Bully type dogs in NI will be created. This will allow additional monitoring of these dogs, which will help reveal any unforeseen impacts on S75 groups.DAERA will also consider any comments generated from any future associated stakeholder engagement. |

**Disability Duties:**

|  |
| --- |
| The requirements of legislation will mean a database of all XL Bully type dogs in NI will be created. This will allow additional monitoring of these dogs, which will help reveal any unforeseen impacts on S75 groups.DAERA will also consider any comments generated from any future associated stakeholder engagement. |

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 1Article 1** | No |
| Right to education | **Protocol 1Article 2** | No |
| Right to free and secret elections | **Protocol 1Article 3** | No |

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

|  |
| --- |
| DAERA has considered whether any aspects of the new legislation would have an adverse impact on human rights. The only Convention right that could conceivably be impacted would be the right to property contained in Article 1 of Protocol 1. The Department is, however, satisfied that its proposals would not deprive any XL Bully owner of his or her possessions as the legislation will provide for an exemption certificate, so long as conditions are met, and therefore it is within their control to keep possession of their dog. The Department is satisfied that any controls placed on XL Bully type dogs would serve a legitimate general or public interest and would be proportionate.DAERA will, of course, consider any human rights issues that may be identified following Committee and Executive consideration. |

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

|  |
| --- |
| The policy will support the general publics right to liberty and security, that people can feel safe in public spaces without fear of attack by a XL Bully type dog. |

Part 6 - Approval and authorisation

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:** Catherine Goligher  **Grade:** Deputy Principal

**Branch:** Animal Identification and Welfare Branch **Date:** 10 April 2024

**Signature: **

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

**Name:** Brian Dooher **Grade:** Chief Veterinary Officer(G3)

**Branch:** VSAHG **Date:** 24 April 2024

**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. 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

Capacity, Capability, Equality & Diversity Branch

Jubilee House

111 Ballykelly Road

LIMAVADY
BT49 9HP

Email: 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.
	1. In defense of any person from unlawful violence;
	2. In order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
	3. 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.
4. 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;
5. 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;
6. Any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
7. 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.
	1. The lawful detention of a person after conviction by a competent court;
	2. 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;
	3. 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;
	4. 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;
	5. 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;
	6. 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.
2. 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.
3. 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.
4. 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.
5. 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.
	1. To be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
	2. To have adequate time and facilities for the preparation of his defense;
	3. 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;
	4. 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;
	5. 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.

For further information:

Equality Unit,
Equality & Diversity Branch

Department of Agriculture, Environment and Rural Affairs (DAERA)
Jubilee House
111 Ballykelly Road

Ballykelly
Limavady

BT49 9HP

Tel: 028 7744 2027
Email: equality@daera-ni.gov.uk

www.daera-ni.gov.uk