

DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS

Equality and Human Rights Screening Template

December 2020



Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk

DAERA Equality and Human Rights Screening Template

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

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



DAERA Screening
Guidance - Updated

The accompanying Screening Guidance note provides straightforward advice on how to carry out equality screening exercises. Detailed information about the Section 75 equality duties¹ and what they mean in practice is available on the Equality Commission's website.

Please note: Only plain English² should be used in all sections of this document.

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

¹ ECNI 'Section 75 of the NI Act 1998: A Guide for Public Authorities' April 2010. www.equalityni.org

² Should be easily understood by a 12 year old.

[Type here]

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

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

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

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

Section A

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

Title of policy / decision to be screened:-

NIEA Regulatory Charging Policy April 2021 – March 2023

Brief description of policy / decision to be screened:-

Between 2010 and 2021 NIEA has published a Regulatory Charging Policy setting out a framework for the setting and revision of regulatory fees and a commitment to restrict fee increases to the GDP deflator. This Regulatory Charging Policy applies to those businesses and activities regulated under Waste, Water and Pollution Control Regulations.

The NIEA Regulatory Charging Policy ensures that NIEA fully recovers the cost of regulating activities associated with its environmental legislation. It provides the facility to apply annual inflationary rises, as well as the opportunity to address over and under recovery that may arise in particular charging regimes. This is achieved largely through receipt of fees and charges set out in relevant charging schemes which are updated and published on an annual basis.

NIEA's fees and charges are set in accordance with statutory requirements, Department of Finance (DoF) and Treasury guidance and the Agency's five-year NIEA Regulatory Charging Policy, 2016 - 2021. One of the key aspects of DoF and Treasury guidance is the maintenance of full cost recovery whereby the income generated from the charging schemes covers the cost of the resources involved in the delivery of the regulatory activities. The current NIEA Regulatory Charging Policy which was extended in 2016 is due to expire in March 2021 and was subject to equality screening and public consultation exercise prior to issue.

Under the NIEAs Regulatory Transformation Programme (RTP), it is proposed that any revisions to the regulatory charging policy will build in flexibility to accommodate the requirements of the legislative framework. This will ensure costs for regulatory activities are met by regulated business, and align with the principles of:

- full cost recovery;
- the 'polluter pays';
- maximising public value from public resource.

This consultation is to extend the current Policy by two years to allow for the undertaking of a complete root and branch review and procure and deliver a comprehensive and robust review of charging in line with the legislative framework.

Aims and objectives of the policy / decision to be screened:-

The current NIEA Regulatory Charging Policy covers the period April 2016 to the end of March 2021. It is proposed to extend the current Policy by a further two years until March 2023.

Due to the current unpredictability and volatility associated with the GDP Deflator, NIEA is proposing to apply the same GDP deflator (1.84%) that was applied in the prior year in order to arrive at the 2020-21 charges. This will apply to those charging regimes as listed below.

This figure will apply for the first year of the new policy with the option for NIEA to review in the final year as it sees fit. The Department reserves the right to apply any other mechanism as deemed appropriate to ensure the maintenance of full cost recovery thus preventing any potential Departmental losses.

On whom will the policy / decision impact?

Consider the internal and external impacts (both actual or potential)

- Staff
- service users
- rural community
- other public sector organisations
- voluntary / community groups / trade unions
- others, please specify -

The NIEA Regulatory Charging Policy impacts businesses and operations regulated under waste, water and pollution control legislation. The exception to note is that holders of domestic consents

are almost always members of the public. This policy will have a very minor impact on the overall cost of their application for consent. Their equality and human rights are also unlikely to be impacted.

Below is a list of those activities regulated and the associated charging schemes:

1. Registration of Carriers - Waste Management Charging (NI) Scheme
2. PPC activities - Pollution Prevention & Control (Industrial Emissions) Charging Scheme (NI)
3. Waste Management Licensing - Waste Management Charging (NI) Scheme
4. Water Abstraction and Impoundment - Water Abstraction & Impoundment Licensing Fees & Charges Scheme
5. Discharge Consents - Discharge of Effluent into Waterways and Underground Strata (Fees & Charges) Scheme (NI)
6. Discharge Consents - Fees and Charges in respect of Costs associated with the regulation of Discharges made by NIW – Scheme No 1
7. Radioactive Substances Act - Radioactive Substances (Fees & Charges) Scheme (NI)
8. Emissions Trading Scheme - The Greenhouse Gas Emissions Charging Scheme (NI)

These regulated activities apply to the whole of Northern Ireland and not to any specific geographical area. NIEA maintains public registers of the operators regulated under these schemes.

As stated above, the policy will mainly impact the business owners only, it is difficult to determine which if any of their workforce are likely to have their equality and human rights also impacted by this policy. Some studies have been conducted on the makeup of the workforce in business in Northern Ireland (Source NISRA), for example;

- A Migrant Labour and Trade Enquiry was undertaken by DAERA of NI food and drinks processing firms. It produced results on migrant labour, frontier and seasonal workers.
<https://www.daera-ni.gov.uk/publications/migrant-labour-and-trade-enquiry>

However, this particular report does not include those sectors within the scope of this policy.

Going forward; there is insufficient data available to determine the makeup of the workforce within operations regulated under Waste, Water and Pollution Control legislation. A monitoring report of this sector is likely be considered for any future Policy developments.

Are there linkages to other NI Departments / NDPBs? *Under the new Programme for Government there is an emphasis on shared responsibility between departments & this should be considered when answering this question.*

None

Section B

Available evidence

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

Section 75 category	Details of evidence or information and engagement
Religious belief	<p>The NIEA Regulatory Charging Policy applies to those businesses and activities regulated under the waste, water and pollution control regulations, and subject to charging schemes detailed therein.</p> <p>This is an extension to the existing policy.</p> <p>These proposals are not perceived to have any negative or differential impacts on people within the equality categories.</p>
Political opinion	As Above.
Racial group	As Above.
Age	As Above.
Marital status	As Above.
Sexual orientation	As Above.
Men & women generally	As Above.
Disability	As Above.
Dependants	As Above.

[Type here]

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

No evidence held. See above.

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

Section 75 category	Details of likely impact	Level of impact? Minor/Major/None
Religious belief	<p>None. This is an extension to the existing policy. The changes are unlikely to have any impact on equality of opportunity for those affected and no differential impacts on this Section 75 category are anticipated.</p> <p>The policy is subject to public consultation and should any Section 75 issues be raised they will be considered.</p>	None
Political opinion	As Above.	None
Racial group	As Above.	None
Age	As Above.	None
Marital status	As Above.	None
Sexual orientation	As Above.	None
Men and women generally	As Above.	None
Disability	As Above.	None
Dependants	As Above.	None

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

Section 75 category	If Yes, provide details	If No, provide reasons
Religious belief	No.	There will be no opportunity to promote equality of opportunity.
Political opinion	No.	There will be no opportunity to promote equality of opportunity.
Racial group	No.	There will be no opportunity to promote equality of opportunity.
Age	No.	There will be no opportunity to promote equality of opportunity.
Marital status	No.	There will be no opportunity to promote equality of opportunity.
Sexual orientation	No.	There will be no opportunity to promote equality of opportunity.
Men and women generally	No.	There will be no opportunity to promote equality of opportunity.
Disability	No.	There will be no opportunity to promote equality of opportunity.
Dependants	No.	There will be no opportunity to promote equality of opportunity.

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

Good relations category	Likely impact?	Level of impact? Minor/Major/None
Religious belief	There is no impact on good relations between people.	None
Political opinion	There is no impact on good relations between people.	None
Racial group	There is no impact on good relations between people.	None

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

Good relations category	If Yes, provide details	If No, provide reasons
Religious belief	No	There is no opportunity to promote good relations.
Political opinion	No	There is no opportunity to promote good relations.
Racial group	No	There is no opportunity to promote good relations.

Section C

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

Consideration of Disability Duties

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

The extension of the current Policy for a further 2 years does not provide an opportunity for DAERA 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 extension of the current Policy for a further 2 years does not provide an opportunity to actively increase the participation by disabled people in public life.

Consideration of Human Rights

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

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

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

Consideration of Human Rights (cont)

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

No adverse impact on the Human Rights Articles & Protocols have been identified.

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

The policy does not create any opportunity to promote the Human Rights Articles & Protocols.

Monitoring Arrangements

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

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

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

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

Equality	Good Relations	Disability Duties
N/A	N/A	N/A

Section D – Summary Sheet

Formal Record of Screening Decision

Title of Proposed Policy / Decision being screened

NIEA Regulatory Charging Policy April 2021 – March 2023

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

<input checked="" type="checkbox"/>	equality of opportunity and good relations
<input checked="" type="checkbox"/>	disabilities duties; and
<input checked="" type="checkbox"/>	human rights issues

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

*place an X in the appropriate box below

<input type="checkbox"/>	* Screened In – Necessary to conduct a full EQIA
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<input checked="" type="checkbox"/>	<p>*Screened Out – No EQIA necessary (no impacts)</p> <p>The current NIEA Regulatory Charging Policy which was extended in 2016 is due to expire in March 2021 and was subject to equality screening and public consultation exercises prior to issue.</p> <p>The current Regulatory Charging Policy expires in March 2021 and the Agency seeks to implement a further charging policy for the next 2 years.</p> <p>There is no evidence that particular groups have different needs, experiences, issues and priorities in relation to this topic. The policy will be subject to public consultation and any S75 issues raised will be considered</p> <p>No impacts or opportunities were reported during the screening exercise.</p> <p>These proposals are not perceived to have any negative or differential impacts on people within the equality categories.</p>
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<input type="checkbox"/>	<p>* <u>Screened Out</u> - Mitigating Actions (minor impacts)</p> <p>Provide a brief note here to explain how this decision was reached:</p> <ul style="list-style-type: none"> • Describe clearly the mitigating actions and / or policy changes that will now be introduced • Explain how these actions will address the inequalities:
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DAERA Equality and Human Rights Screening Checklist

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

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

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

Formal Record of Screening Decision (cont.)

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

YES

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

Name: [REDACTED]	Grade: [REDACTED]
Branch: Regulation Unit, Resource Efficiency Division	Date: 15 th December 2020
Signature: [REDACTED]	

Name: [REDACTED]	[REDACTED]
Branch: Regulation Unit, Resource Efficiency Division	Date: 15 th December 2020
Signature: [REDACTED]	

Screening decision approved by (must be Grade 3 or above) -

Name: [REDACTED] Grade: 3
[REDACTED] Date: 15 December
Branch:

Signature: please insert a scanned image of your signature below

Please save the final signed version of the completed screening form in the HPRM container below as soon as possible after completion and forward the HPRM link to Equality Branch at equalitydiversitypublicappointments@daera-ni.gov.uk.

The screening form will be placed on the DAERA website and a link provided to the Department's Section 75 consultees.



Strategic
Management DAERA

For more information about equality screening, contact –

DAERA Equality Unit
Equality, Diversity & Public Appointments Branch
Ballykelly House
111 Ballykelly Road
LIMAVADY
BT49 9HP

Email: equalitydiversitypublicappointments@daera-ni.gov.uk

Tel: 028 7744 2027

[Type here]

Annex A

Synopsis of Human Rights Act Articles & Protocols

ARTICLE 2

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.
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:
 - (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

Prohibition of torture

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

ARTICLE 4

Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. For the purpose of this Article the term "forced or compulsory labour" shall not include:
 - (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

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:
 - (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.

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.
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.
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.
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.

ARTICLE 6

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.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - (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

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.
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.

ARTICLE 8

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.
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.

ARTICLE 9

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.

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.

ARTICLE 10

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.
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.

ARTICLE 11

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.
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.

ARTICLE 12

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

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

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

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 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