

**DEPARTMENT OF CULTURE, ARTS AND
LEISURE**



**EQUALITY AND HUMAN RIGHTS
SCREENING FORM**

The Legal Background

(i.) Section 75 Legislative Equality Duties

Section 75 of the Northern Ireland Act 1998 requires the Department in carrying out its functions, powers and duties to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

In addition, without prejudice to its obligations above, the department shall in carrying out its functions, powers and duties have regard to the desirability of promoting good relations between persons of different religious belief, political opinions or racial group.

The Department's Equality Scheme, developed as in response to Schedule 9 of the 1998 Act, requires policies to be developed and screened and consulted upon in accordance with the legislation ie carry out an equality impact assessment.

(ii.) Disability Equality Duties

On 1st January 2007 under Section 49A of the Disability Discrimination NI Order 2006 new disability duties came into effect. These placed two additional obligations on all Public Authorities.

- Promote positive attitudes towards disabled people: and
- encourage participation by disabled people in public life.

Promoting the need to encourage disabled people in public life reflects the fact that disabled people do not always have the same opportunities or choices as non disabled people. Promoting positive attitudes reflects the fact that many disabled people experience negative attitudes and are exposed to demeaning stereotypes or a complete lack of any representation of disabled people in public images.

(iii.) The Human Rights Act 1998

The Human Rights Act 1998 came into effect on 2nd October 2000. Its immediate effect is to allow people to claim their rights under the European Convention of Human Rights in UK courts and tribunals, instead of having to go to the European Court in Strasbourg. The Act requires that all legislation, Acts of Parliament, Acts of the Northern Ireland Assembly, Regulations, Orders in Council in so far as is possible, be read and given effect in a way which is compatible with the Convention Rights.

The Department has a positive obligation to ensure that respect for human rights is at the core of their day-to-day work. It requires activity that positively reinforces the principles of the Human Rights Act. It covers all the activities including rules, regulations, administrative procedures and guidance, issues affecting personnel and policy implementation.

Screening

In order to determine whether an Equality Impact Assessment (EQIA) is necessary, all policies must be screened. 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, 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 DCAL customers, service users, staff and visitors.

This form is intended to assist you in screening any revised or new policies for which you take the lead and to record the outcome in respect of each policy. It should also be used as a prompt when considering legislative proposals.

The screening procedure should lead to one of these conclusions:

- the policy being screened has an insignificant impact on equality of opportunity or human rights; or
- the policy being screened has (or is likely to have) a significant impact on equality of opportunity or human rights. Policies falling into this category will need to be considered further and may require an EQIA.

Officials should complete this form for each of the new or revised policies for which they are responsible (see below for a definition of policy). When you have completed the form it should be retained on file for record purposes.

What is a policy?

The Equality Commission has defined ‘policies’ as **‘all the ways a public authority carries out or proposes to carry out its functions relating to Northern Ireland’**. The Act defines ‘functions’ as ‘including powers and duties’.

These are effectively catch-all definitions that cover all Departmental policies, strategies, schemes, procedures and functions. If in doubt please contact the Equality Unit for advice.

1. DETAILS ABOUT THE POLICY TO BE SCREENED

1.1 Title of policy to be screened:

Review of Inland Fisheries provisions within the Fisheries Act (NI) 1966

1.2 Aims and any associated objectives of policy to be screened:

DCAL's overall aim in bringing forward these proposals for consultation is to ensure that its powers under the Fisheries Act remain fit for purpose and it has the flexibility to respond to evolving fisheries management practice and its EU obligations.

1.3 Brief description of policy to be screened:

DCAL Inland Fisheries Group (IFG) is proposing to acquire the powers to modernise its enforcement activity and to re-align the Fisheries Act (NI) 1966 with the Departments obligations under EU Directives such as the Water Framework Directive and the EU Services Directive.

There is a pressing need to modernise enforcement activity and to ensure it is proportionate to the seriousness of any given offence. In bringing forward a fixed penalty regime for low-impact angling offences, the Department seeks to be an effective and efficient regulator enabling it to direct resources toward those offences which pose the greatest risk to inland fisheries.

In bringing forward these proposals, DCAL also acknowledges that the 1966 Act has in some regards been super-ceded by more recent European Directives. Certain provisions of the Act now need to be updated to mitigate against barriers to free passage of fish and modernise requirements regarding access to fish dealers licences as required by the EU Services Directive.

1.4 Main stakeholders in the policy:

Anglers, Department of Justice, Courts Service, Loughs Agency, Hydro, Dam and Mill owners.

1.5 Responsibility for devising and delivering policy:

DCAL

2. SCREENING ANALYSIS

When proceeding to screening “proper”, the Equality Commission has stated that there are four criteria to be considered. These are listed at 2.1- 2.4 below. You are asked to consider the criteria in relation to the Section 75 groups and to answer the questions accordingly.

Answering the Screening Questions

The questions ask for evidence in relation to the Section 75 categories. You should not think of the “don’t know” column in the form as the easy option to respond to any of the questions. In cases where you don’t know and you don’t have data on file, you will need to make a pragmatic judgement based on experience as to whether the policy you are screening may have an impact on any of the categories. If your judgement is that the policy may have a differential adverse impact on any of the Section 75 groups (i.e. it affects them differently and less favourably than other groups), you should seek to obtain evidence. You should note that evidence can be qualitative – i.e. drawn from the experience of individuals from their perspective - as well as quantitative. Officials must give consideration to steps that they could reasonably be expected to take to obtain evidence and thereby inform their decision-making. Such steps could include meeting with a representative group or selective consultation.

Where there is little or no evidence, and common sense indicates that a differential impact may be expected, you should discuss this with the Equality Unit.

2.1 Is there any evidence of higher or lower participation or uptake by different groups? If so, please indicate below.

CATEGORY	YES	NO	DON'T KNOW
Gender	[x]	[]	[]
Sexual orientation	[]	[x]	[]
Religion	[]	[x]	[]
Political opinion	[]	[x]	[]
Disability (physical and learning)	[]	[x]	[]
Race or ethnic origin (includes Travellers)	[]	[x]	[]
Age	[]	[x]	[]
Dependant responsibilities	[]	[x]	[]
Marital status	[]	[x]	[]

Evidence held? Outline all supporting evidence:

While there is greater participation in fishing of men than women, this is attributable to the nature of the activity rather than the policy under consideration here. This is evidenced by the current make-up of the Salmon and Inland Fisheries Forum and angling permit based data.

No evidence held? Outline how you will obtain it?

N/A

2.2 Do different groups have different needs, experiences, issues and priorities in relation to the particular policy?

CATEGORY	YES	NO	DON'T KNOW
Gender	[]	[x]	[]
Sexual orientation	[]	[x]	[]
Religion	[]	[x]	[]
Political opinion	[]	[x]	[]
Disability (physical and learning)	[]	[x]	[]
Race or ethnic origin (includes Travellers)	[]	[x]	[]
Age	[]	[x]	[]
Dependant responsibilities	[]	[x]	[]
Marital status	[]	[x]	[]

Evidence held: Outline all supporting evidence.

No – Any new primary legislation will apply equally to all within the fishing and business sectors.

No evidence held: Outline how you will obtain it?

N/A

2.3 In relation to implementing this policy is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with others in Government or in the larger community?

CATEGORY	YES	NO	DON'T KNOW
Gender	[]	[x]	[]
Sexual orientation	[]	[x]	[]
Religion	[]	[x]	[]
Political opinion	[]	[x]	[]
Disability (physical and learning)	[x]	[]	[]
Race or ethnic origin (includes Travellers)	[]	[x]	[]
Age	[]	[x]	[]
Dependant responsibilities	[]	[x]	[]
Marital status	[]	[x]	[]

Evidence held. Outline all supporting evidence

No – Any new primary legislation will apply equally to all within the commercial fishing and business sectors. There is no opportunity to promote equality of opportunity or better community relations.

No evidence held. Outline how you will obtain it.

N/A

2.4 Consultation is an integral part of policy development and policy screening. Have consultations with relevant groups, organisations or individuals indicated that particular policies create problems that are specific to them?

CATEGORY	YES	NO	DON'T KNOW
Gender	[]	[x]	[]
Sexual orientation	[]	[x]	[]
Religion	[]	[x]	[]
Political opinion	[]	[x]	[]
Disability (physical and learning)	[]	[x]	[]
Race or ethnic origin (includes Travellers)	[]	[x]	[]
Age	[]	[x]	[]
Dependant responsibilities	[]	[x]	[]
Marital status	[]	[x]	[]

Evidence held. Outline all supporting evidence.

The Department has carries out initial consultation with its' stakeholder Group, the Salmon and Inland Fisheries Forum (SIFF). No issues have been raised to date. There will be an opportunity for comment when the proposals are subject to public consultation.

No evidence held. Outline how you will obtain it.

N/A – see above

3. DISABILITY DUTIES

DCAL has legislative obligations to meet under the Disability Discrimination Order.

3.1 Consideration of Disability Duties

Does this proposed policy/decision provide an opportunity for DCAL to better promote positive attitudes towards disabled people?

The proposals are very specific and present no opportunity to promote positive attitudes towards disabled people.

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

The proposals will not impact on the participation of any grouping in public life.

4. Consideration of Human Rights

Indicate below (by placing an X in the third column) any adverse impacts of the policy/decision in relation to the Human Rights Articles as set out in the European Convention of Human Rights.

Right to Life	Article 2	
Prohibition of torture, inhuman or degrading treatment	Article 3	
Prohibition of slavery and forced labour	Article 4	
Right to liberty and security	Article 5	
Right to a fair and public trial	Article 6	
Right to no punishment without law	Article 7	
Right to respect for private and family life, home and correspondence	Article 8	
Right to freedom of thought, conscience and religion	Article 9	
Right to freedom of expression	Article 10	

Right to freedom of assembly and association	Article 11	
Right to marry and to found a family	Article 12	
The prohibition of discrimination	Article 14	
Protection of property	Protocol 1 Article 1	
Right to education	Protocol 1 Article 2	
Right to free and secret elections	Protocol 1 Article 3	

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

DCAL has not identified any adverse impacts on human rights.

However, the detailed proposals will be considered for Human Rights aspects when finalized in order to give Ministerial assurance that the Bill can be introduced to the Assembly and that it does not contravene the Convention, and therefore is within Legislative Competence of the Assembly.

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

None identified.

5. EQUALITY IMPACT ASSESSMENT RECOMMENDATION

Formal Record of Screening Decision

Title of Proposed Policy/Decision being screened:-

Review of Inland Fisheries provisions within the Fisheries Act (NI) 1966

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

equality of opportunity and good relations

disabilities duties: and

human rights issues

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

*Screened Out – No EQIA necessary

*Screened In – Necessary to conduct a full EQIA

*(please check appropriate box above)

Names and signatures of those completing this form:

Name	Branch	Signature	Date
Liam Devlin	Inland Fisheries Group		30th June 2014

Please ensure that a copy of this form is held by the Equality Unit.