

DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

Under Section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity between the groups listed at **Appendix 1**. In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

This form is intended to help you to consider whether a new or revised policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for consultation on the outcome of the screening exercise and will be referenced in the Annual Report to the Equality Commission. Reference should be made to the outcome of the screening exercise and subsequent consultation in any submission made to the Minister.

It is important that this screening form is completed carefully and thoughtfully. Your business area's Equality Representative and the Department's Equality Team (ext 54991/37061) will be happy to assist with all aspects of the screening process and will help with the completion of the form, if required.

All screening forms should be signed off by the policy maker, approved by a senior manager responsible for the policy and sent to the Equality Team who will arrange to have them posted on the Department's website.

| | |
|-----------------------|---|
| Policy Title: | <i>The Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015</i> |
| Business Area: | DOE, Regulatory and Natural Resources Policy Division, Air & Environmental Quality team |
| Contact: | Roger Irwin, DOE, 6 th Floor, Goodwood House, Belfast, BT1 4NN. Tel: (028) 90 254 758. |

Screening flowchart and template

Introduction

Part 1. Policy scoping – asks the Department to provide details about the policy, procedure, practice and/or decision being screened and what available evidence has been 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.

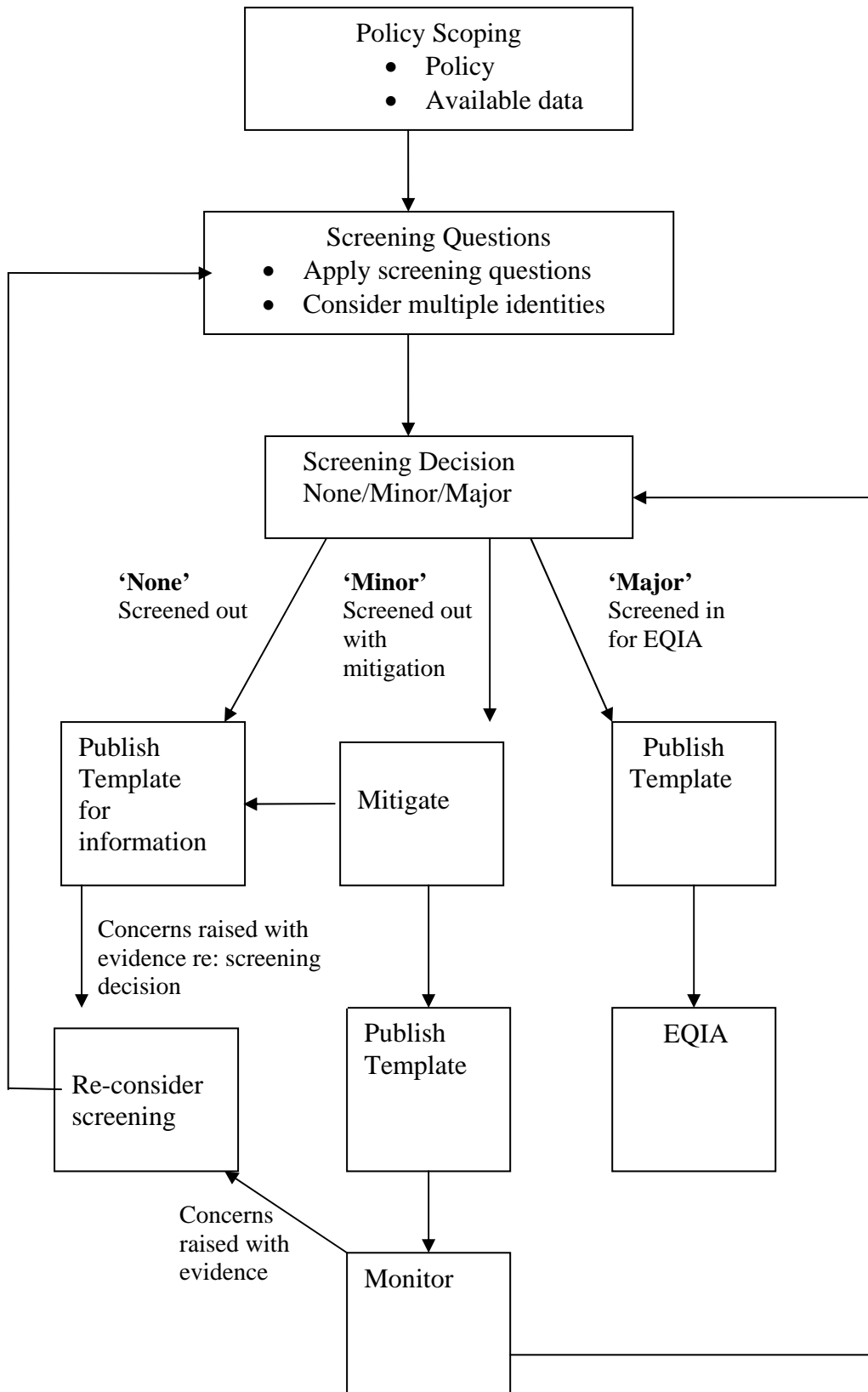
Part 3. Screening decision – guides the Department to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity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

Part 4. Monitoring – provides guidance on monitoring for adverse impact and broader monitoring.

Part 5. Approval and authorisation – verifies the Department's approval of a screening decision by a senior manager responsible for the policy. All screening templates must be signed off by the relevant policy maker, approved by a senior manager responsible for the policy and forwarded to the Department's Equality Team for quality assurance, approval and publication on the Department's website.

Part 6. Submission to the Departmental Equality Team – Contact details for the Equality Team can be found in this section.

SCREENING FLOWCHART



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.

Policy makers should remember that the Section 75 statutory duties apply to internal policies (relating to the Department's staff), as well as external policies (relating to those who are, or could be, served by the Department).

Information about the policy

| |
|--|
| Name of the policy |
| Consultation on draft legislation: the <i>Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015</i> . |
| Is this an existing, revised or a new policy? |
| New piece of legislation which revokes and replaces the existing <i>Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009</i> . |
| What is it trying to achieve? (intended aims/outcomes) (Please give clear explanation of policy aims/outcomes) |
| The draft legislation attempts to limit Northern Ireland's emissions of fluorinated greenhouse gases ("F-gases"), in line with EU requirements. This is because F-gases have a high greenhouse warming potential when emitted into the atmosphere. F-gases are used in several sectors of industry in Northern Ireland, including air-conditioning, heat pumps, fire protection equipment, refrigeration, and high-voltage switchgear. |
| Are there any Section 75 categories which might be expected to benefit from the intended policy? If so, explain how. |
| No, none. |
| Who initiated or wrote the policy? |
| |

The Air and Environmental Quality team of the DOE wrote the policy and the draft legislation, in line with the requirements of the original EU legislation on F-gases.

Who owns and who implements the policy?

The Air and Environmental Quality Team, of the Regulatory and Natural Resources Policy Division, DOE, owns the policy, although the law applies to everyone in NI. The policy is implemented by the organisations authorised to enforce the policy, namely the DOE (in practice the NI Environment Agency), the Secretary of State, (in practice the Department of Energy and Climate Change), and the district councils of NI.

Implementation factors

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

Yes

No

If yes, are they

financial

legislative

other, please specify: N/A

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

staff

service users

other public sector organisations

voluntary/community/trade unions

other, please specify: The NIEA, district councils and Department of Energy and Climate Change will enforce the draft legislation in practice. The stakeholders who use F-gases include the following industries in NI: refrigeration, heat pumps, air-conditioning, high-voltage switchgear, and fire protection equipment.

Other policies with a bearing on this policy

- what are they?

The *Fluorinated Greenhouse Gases Regulations 2015* apply wholly in GB and partly in NI, in so far as they deal with import and export controls and trade with any place outside the United Kingdom, within the meaning of paragraph 20 of Schedule 3 to the *Northern Ireland Act 1998*. In practice, this includes, for example, powers for customs officers to impound unlawfully imported material containing F-gases.

- who owns them?

DEFRA are responsible for the drafting and administration of the *Fluorinated Greenhouse Gases Regulations 2015*.

Available evidence

Evidence to help inform the screening process may take many forms. Policy makers should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Please specify details for each of the Section 75 categories. For further advice please contact Analytical Services Branch (ASB), (Gary Ewing, ext 40245) or the Equality Team (Angela Starkey, ext 54991 or Jeff Johnston, ext 37061).

| Section 75 category | Details of evidence/information |
|-------------------------|---|
| Religious belief | None, as the draft <i>Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015</i> only introduce the provisions required by the EU to limit NI emissions of fluorinated greenhouse gases in the relevant sectors of industry. However, representatives of the different section 75 categories will be informed of the provisions of the draft legislation and asked for their views during the upcoming consultation period. |
| 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. |

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 for each of the Section 75 categories.

| Section 75 category | Details of needs/experiences/priorities |
|-------------------------|--|
| Religious belief | None, as the draft <i>Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015</i> only introduce the provisions required by the EU to limit NI emissions of fluorinated greenhouse gases in the relevant sectors of industry. |
| 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. |

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, policy makers should consider the answers to the four screening questions.

If your conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then you may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, you should give details of the reasons for the decision taken.

If your 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 your 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

- a) The policy is significant in terms of its strategic importance;
- b) 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;
- c) 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;
- d) 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;

- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) 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;
- c) 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;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) 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? minor/major/none | | |
|--|---|-----------------------------------|
| Section 75 category | Details of policy impact | Level of impact? minor/major/none |
| Religious belief | None. However, the draft Regulations will be subject to a public consultation exercise and any Section 75 issues raised will be considered. | 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 | | The draft Regulations refer only to measures to limit NI's emissions of fluorinated greenhouse gases, and are therefore not concerned with religious belief in any way. |
| Political opinion | | The draft Regulations are not concerned with political opinion in any way, for the reasons given above. |
| Racial group | | The draft Regulations are not concerned with race in any way, for the reasons given above. |
| Age | | The draft Regulations are not concerned with age in any way, for the reasons given above. |
| Marital status | | The draft Regulations are not concerned with marital status in any way, for the reasons given above. |
| Sexual orientation | | The draft Regulations are not concerned with sexual orientation in any way, for the reasons given above. |

| | | |
|-------------------------|--|---|
| Men and women generally | | The draft Regulations are not concerned with gender in any way, for the reasons given above. |
| Disability | | The draft Regulations are not concerned with disability in any way, for the reasons given above. |
| Dependants | | The draft Regulations are not concerned with people's dependants in any way, for the reasons given above. |

| 3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none | | |
|--|--|----------------------------------|
| Good relations category | Details of policy impact | Level of impact minor/major/none |
| Religious belief | None, as the draft Regulations relate only to means of controlling NI's emissions of fluorinated greenhouse gases. | None. |
| Political opinion | None, for the reasons given above. | None. |
| Racial group | None, for the reasons given above. | None. |

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

| Good relations category | If Yes , provide details | If No , provide reasons |
|-------------------------|---------------------------------|--|
| Religious belief | No. | No, because the draft Regulations are not related to the topic of religious belief. Instead, the draft Regulations introduce measures to limit NI's emissions of fluorinated greenhouse gases. |
| Political opinion | No. | No, because the draft Regulations are not related to political opinion in any way. Instead, the draft Regulations introduce measures to limit NI's emissions of fluorinated greenhouse gases. |
| Racial group | No. | No, because the draft Regulations are not related to race in any way. Instead, the draft Regulations introduce measures to limit NI's emissions of fluorinated greenhouse gases. |

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

Yes No

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

N/A. This simply does not apply to the draft Regulations, which only seek to control NI's emissions of fluorinated greenhouse gases.

Part 3. Screening decision

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

It has been decided not to conduct an equality impact assessment because none of the provisions of the draft Regulations on F-gases affect any of the Section 75 Equality categories in any way.

These draft Regulations will be subject to a public consultation exercise and any S75 issues raised by consultees will be considered by the Department.

If the decision is not to conduct an equality impact assessment the policy maker should consider if the policy should be mitigated or an alternative policy be introduced.

There is no need to mitigate the policy or to introduce an alternative policy. Again, this is because none of the provisions of the draft Regulations on F-gases affect any of the Section 75 Equality categories in any way.

As mentioned above, however, any S75 issues raised by consultees during the consultation period will be considered by the Department.

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

N/A, as the policy is not being subjected to an equality impact assessment.

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: Practical Guidance on Equality Impact Assessment.

Mitigation

When you conclude that the likely impact is 'minor' and an equality impact assessment is not to be conducted, you 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?

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

N/A, as there is no impact whatsoever upon any of the Section 75 consultees that needs to be mitigated.

As mentioned above, however, any S75 issues raised by consultees during the consultation period will be considered by the Department.

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 |

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment.

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

Yes No

If yes, please provide details.

An EU infraction deadline has been introduced for the bringing these draft F-gas Regulations into operation. However, this does not raise any equality issues.

Part 4 - Monitoring

You should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the Department should monitor more broadly than for adverse impact.

Effective monitoring will help you to identify any future adverse impact arising from the policy which may lead to completion of an equality impact assessment, as well as help with future planning and policy development.

Part 5 - Approval and authorisation (to be completed by Business Area)

| Screened by: | Position/Job Title | Date |
|---------------------|------------------------------|----------------------------|
| Roger Irwin | Staff Officer | 3 rd March 2015 |
| Approved by: | | |
| Bruce Harper | Environmental Policy Advisor | 3 rd March 2015 |

Note: A copy of the Screening Template, for each policy screened should be 'signed off' by the policy maker, approved by a senior manager responsible for the policy and forwarded to the Department's Equality Team who will make the form available on the Department's website. Business areas should ensure that the form is made available on request.

Part 6 – Submission to Departmental Equality Team

PLEASE FORWARD AN ELECTRONIC COPY OF THE COMPLETED FORM TO:

equality@doeni.gov.uk

QUERIES TO: DOE EQUALITY TEAM
8th FLOOR
GOODWOOD HOUSE
44-58 MAY STREET
BELFAST
BT1 4NN

Angela Starkey, Ext. 54991 angela.starkey@doeni.gov.uk
Jeff Johnston, Ext. 37061 jeff.johnston@doeni.gov.uk

Appendix 1

| Main Groups Relevant to the Section 75 Categories | |
|--|--|
| Category | Main Groups |
| Religious belief | Protestants; Catholics; people of non-Christian faiths; people of no religious belief |
| Political opinion | Unionists generally; Nationalists generally; members/supporters of any political party |
| Racial Group | White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group |
| “Men and women generally” | Men (including boys); women (including girls); trans-gendered people |
| Marital status | Married people; unmarried people; divorced or separated people; widowed people |
| Age | For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration |
| “Persons with a disability” | Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995 |
| “Persons with dependants” | Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person |
| Sexual orientation | Heterosexuals; bi-sexuals; gays; lesbians |