

DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

Section 1

Introduction

This form is intended to help you to consider whether a new 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. Copies of completed forms should be retained on file within business areas (**and a copy sent to the Equality Unit**) and reference should be made to the outcome of the screening exercise and subsequent consultation in any submission made to the Minister.

Background

The Legal Background

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 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.

The main groups within each of the nine categories, highlighted above, are identified 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.

Advice on Completion of the Screening Form

It is important that the screening form is completed carefully and thoughtfully. Your Divisional or Agency Equality Officer and the Department's Equality Unit in room 413A Clarence Court (ext 40203/40813) will be happy to assist with all aspects of the screening process and will help with the completion of the form, if required.

Further advice on the screening process can be accessed at Section 4 of the Equality Commission's Guide to the Statutory Duties.

Policies included for EQIA

If, after screening, it is decided that a policy will require a full EQIA, a decision will be required on the priority and timing of the assessment. The screening form should be noted accordingly, signed off and copied to the Equality Unit for inclusion in the EQIA programme.

Policies excluded for EQIA

If a decision is taken to screen out the policy or where there is ambiguity about the equality implication of the proposal, the screening form should be signed off by a senior officer responsible for the policy and a copy sent to the Equality Unit. Copies of all screening out forms will be placed on the Department's website.

Section 2 – Policy to be Screened

Definition of Policy

There have been some difficulties in defining what constitutes a policy in the context of Section 75. To be on the safe side it is recommended that you consider changes to or any new initiatives, proposals, schemes or programmes as policies. The policies covered in the Equality Scheme EQIA programme are a reasonable guide both to the nature of external departmental policies and the level at which they should be considered.

The revised Guidance from The Equality Commission emphasises that the Statutory duties apply to **internal** policies (relating to people who work for the organisation) as well as **external** policies (relating to those who are, or could be, served by the organisations).

It is important to remember that even if a full EQIA has been carried out in respect of an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if a further EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

OFMDFM Guidance on Legislative Procedures (Primary and Subordinate) sets out clearly the stages at which equality of opportunity considerations should be taken into consideration in the development of legislation.

Overview of Policy Proposals

The aims and objectives of the policy must be clear and well defined. You must take into account any available data or evidence that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the S75 categories. Evidence may be qualitative and or quantitative and may include research or internal information and or experience in relation to service and customer monitoring exercises. Where appropriate, arrangements should be made to obtain any data necessary to assist screening. The Equality Unit or Central Statistics & Research Branch (Stephanie Harcourt ext 40878 or Michael Bennett ext 40916) are available to provide advice on data requirements.

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives

Title Review of the drink driving limit in Northern Ireland, of penalties and police powers to detect drink drivers.

Aims To reduce the number of deaths and serious injuries on Northern Ireland's roads due to drink driving.

There is currently one drink drive limit in Northern Ireland for all drivers at BAC (Blood Alcohol Concentration) 80 mg/100 ml¹. The EU recommends that member states have two different threshold levels at which it becomes illegal to drive - 20mg/100ml for learner/novice drivers and professional drivers and 50 mg/100ml for all other motorists. This review considers the 80 mg/100 ml limit in Northern Ireland and proposes replacing it with two new limits.

It is essential that all the aims/objectives of the policy be clearly and fully defined.

2.2 On whom will the policies/legislation impact? Please specify

All road-users

Police (in terms of enforcement)

NI Courts Service (in terms of processing offenders)

2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DOE, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

(a) DOE

(b) DOE

2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?

PSNI will be required to enforce the legislation.

NI Courts Service will process offenders

DVA will administer aspects of the legislation e.g. in terms of endorsements, disqualifications, re-testing and rehabilitation etc.

¹ There are a number of ways in which Blood Alcohol Concentration (**BAC**) can be expressed. In the UK and Ireland it is usually expressed as the weight of alcohol in 100 millilitres of blood (mg/100ml). Therefore in the UK and Ireland the legal limits for driving are usually expressed as 80 milligrammes of alcohol per 100 millilitres of blood.

2.5 What data are available to facilitate the screening of this policy/ legislation?

Police data on casualties and collisions attributable to driver/rider alcohol or drugs

Police enforcement data – breath testing, convictions, driving disqualifications

DOE Road Safety Monitor (NISRA)

Continuous Household Survey (NISRA)

Northern Ireland Office

2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.

N/A

See Appendix 4 of the Equality Commission Practical Guidance on EQIA which provides a list of Sources of S75 data or speak to Central Statistics and Research Branch (Stephanie Harcourt, ext 40878, or Michael Bennett, ext 40916) or Equality Unit (Alex Boyle, ext 41194, or Laura McAleese, ext 40203).

Section 3 – Screening Analysis

In cases where there is no available quantitative evidence, you will need to take a pragmatic, common sense judgement as to whether the policy/legislation you are screening may have a particular/differential impact on any of the groups. Discussions with Equality Unit, Statistics Branch and organisations representing the Section 75 Groups will be important and helpful at this stage in obtaining qualitative evidence of impacts. Every effort should be made to ensure that assessments are evidence based.

The following criteria must be considered when screening.

3.1 Is there any indication or evidence of higher or lower participation or uptake by the following Section 75 groups?

	Yes	No
Religious belief		x
Political opinion		x
Racial group		x
Age	x	
Marital status		x
Sexual orientation		x
Gender	x	
Disability		x
Dependants		x

Please give details

There is very significant evidence that drink driving is more prevalent among males. Approximately 93% of road deaths between 2003 and 2007 as a result of drink/drugs driving were caused by males. Over the same period, 89% of those detected by the police for drink driving were male².

Seventeen to twenty-four year olds are the age group most likely to be responsible for drink driving deaths and serious injuries, being responsible for 35% of drink drive fatal and serious casualties between 2003 and 2007 while only accounting for around 11% of licence holders³.

In 2006, 13 males were killed and 89 seriously injured due to drink/drug driving: 72% and 77% of the respective totals⁴.

In 2006, 10 people aged between 16 and 24 were killed and 41 seriously injured due to drink/drug driving: 56% and 36% of the respective totals⁵.

² Source: PSNI.

³ Source: DVA.

⁴ Source: PSNI.

⁵ Source: PSNI.

In 2006, 87% of those convicted for drink drive offences were male and 20% were aged between 16 and 24⁶.

3.2 Is there any indication or evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No
Religious belief		x
Political opinion		x
Racial group		x
Age	x	
Marital status		x
Sexual orientation		x
Gender		x
Disability		x
Dependants		x

Please give details

There is evidence that a further lower limit may be beneficial for novice or inexperienced drivers. In Northern Ireland, 17 – 24 year olds account for 75% of novice drivers (those with less than two years driving experience)⁷.

Between 2003 and 2006 people aged between 17 and 24 years old accounted for the highest number of fatalities and deaths and serious injuries due to drink/drug driving out of all age groups, across all road types:

- 41% of fatalities on urban roads;
 - 39% of fatalities on rural roads, and
 - 50% of fatalities on motorways/dual carriageways.
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- 38% of deaths and serious injuries on roads in urban areas;
 - 34% of deaths and serious injuries on roads in rural areas, and
 - 34% of deaths and serious injuries on motorways/dual carriageways.

DOE's 2008 NI Road Safety Monitor reported that 52% of respondents aged between 16 and 24 said that motorists should not be allowed to drive after drinking any alcohol, with a similar proportion of drivers and non-drivers who were interviewed feeling this way. A further 8% said motorists should be allowed to drink less before driving.

⁶ Source: PSNI.

⁷ DVA.

3.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

	Yes	No
Religious belief		X
Political opinion		X
Racial group		X
Age		X
Marital status		X
Sexual orientation		X
Gender		X
Disability		X
Dependants		X

Please give details of any consultations carried out, and any problems identified.

3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

Yes No

Please give details

N/A

3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:

There is clear evidence that low doses of alcohol (below 50 mg/100ml) have a far more devastating effect on younger drivers (24 years of age and younger) than on older drivers⁸. US research confirmed the greater impact of alcohol on young people's risk levels, even at levels below

⁸ Keall, M., Frith, W. & Patterson, T. (2004) *The influence of alcohol, age and number of passengers on the night-time rate of driver fatal injury in New Zealand*. In: crash Analysis & Prevention, Vol. 36 p. 169-178.

50mg / 100ml. For example, at zero BAC, a driver aged 21-24 has a 1.79 times greater crash risk than a driver aged 35-49 which rises to a 2.48 times greater risk at 0.4-0.5 mg /100ml⁹.

Studies have also indicated that the relative risk of a younger driver sustaining fatal injuries increases much more quickly with each alcoholic drink. A Norwegian study, for example, found that if the fatality risk for a driver who has a zero BAC is set at 1, the corresponding relative figure for an 18-25 year-old with a BAC at or above 50mg /100ml is 901 and 142 for a person aged 25-49¹⁰.

So, while drink driving is certainly dangerous at all ages, the impact on young drivers is even more severe. Research also shows that at the age of 18, areas of the human brain which are responsible for the integration of information and impulse control are still developing¹¹. There is also a need to take into consideration 'social maturity' and psychological competence, for example, processing peer pressure and impulse control which can be further impaired by the use of alcohol.

The Department is recommending a lower blood alcohol limit for novice drivers. A driver is considered a novice for a period of 2 years beginning with the day on which he becomes a qualified driver, i.e. on passing the driving test.

3.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.

Please give details

N/A

⁹ Preusser, D.F. (2002) *BAC and fatal crash rate*. In: ICADTS 2002 Symposium Report 'The Issue of Low BAC', p937.

¹⁰ Glad, A. (1985), *Research on Drinking and Driving in Norway: A Survey of Recent Research on Drinking and Driving and on Drinking Drivers*, Transportøkonomisk Institutt (TØI), Oslo.

¹¹ European Road Safety Observatory, http://www.erso.eu/knowledge/content/06_young/novice_drivers.htm

Section 4

EQIA Recommendation

You should consider carefully in this section whether full EQIA is necessary, particularly where answers to any questions in Section 3 are affirmative.

- 4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			X
Effect on people's daily lives.			X
Effect on economic, social and human rights.			X
Strategic significance			X
Financial significance			X

Please give details

N/A

- 4.2 **In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly. Yes/No/Unsure**

We do not believe that a full EQIA is required as a) the evidence clearly points towards a marked difference in risk among inexperienced drivers, who tend to be younger; b) the policy is designed to take account of this difference and will apply for a period of 2 years while the driver is considered to be a novice; and c) the policy is designed to improve safety on the roads for all road users.

4.3 If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1.

N/A

4.4 If an EQIA is considered necessary is any data required to carry it out/ensure effective monitoring?

Please give details

N/A

Section 5

Endorsement

I can confirm that the proposed policy has been screened for equality of opportunity and good relations implications and has been screened out for equality impact assessment/requires a full equality impact assessment.

Signed: _____

Agency/Division: _____

Date: _____

PLEASE FORWARD A COPY OF THE COMPLETED FORM TO:

**DOE EQUALITY UNIT
ROOM 413A
CLARENCE COURT
10-18 ADELAIDE STREET
BELFAST
BT2 8GB**

QUERIES TO: **ALEX BOYLE, EXT 41194**
alex.boyle@doeni.gov.uk

LAURA McALEESE, EXT 40203
laura.mcaleese@doeni.gov.uk

Section 6

For Completion by Equality Unit

Date

Screening result recorded: _____

Placed on website: _____

Screening out completed: _____

Screening to be reconsidered: _____

Give reasons:

Agency/Division notified date: _____



Main Groups Relevant to the Section 75 Categories	
<u>Category</u>	<u>Main Groups</u>
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
Gender	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