

# Equality and Human Rights Screening Template

December 2007

# DARD Equality and Human Rights Screening Template

DARD 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, 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 DARD's customers, service users, staff and visitors.

**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 consider the likely impact on Section 75 equality groups. Details of all consultation activity should be recorded.

**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. It is important that all efforts to consult and consider evidence are recorded precisely throughout the entire screening process, in accordance with the terms of the Guidance Note at the end of the document.

# Section A

## Details about the policy / decision to be screened

**Title of policy / decision to be screened:-** Water Environment (Floods Directive) Regulation (NI) 2009

**Brief description of policy / decision to be screened:-** These Regulations implement the EU Floods Directive on the assessment and Management of Flood Risk in the north of Ireland. The Regulations requires the competent authority to identify areas of potential significant flood risk by undertaking a preliminary Flood Risk Assessment of all River Basins, and coastal zones by December 2011. For all areas determined to be at potential significant risk, flood hazard and flood risk maps must be produced by December 2013. Flood Risk Management Plans that focus on prevention, protection and preparedness, and contain details of objectives and measures to reduce significant risk must be produced by December 2015.

**Aims and objectives of the policy / decision to be screened:-** The Regulations implement the requirements of the EU Floods Directive by establishing a framework for managing flood risk that is aimed at reducing the adverse consequences of flooding on human health, the environment, culture, heritage and economic activity. Co-ordination with the Water Framework Directive and the engagement and consultation with interested parties and the public is required in the production of flood risk management plans.

**On whom will the policy / decision impact:-** The implementation of the policy will impact mainly on government departments, namely DARD Rivers Agency, DRD Roads Service and the Government owned company NI Water. The Regulations also places a statutory duty on all public bodies to consider the potential impact of flood risk and the management of flood risk in exercise of their function and in the development of polices. The flood risk management plans that are produced as the outcome of the policy will have an impact on the public and businesses located within the areas determined to be at potential significant flood risk.

## Section B

### 1. Is there any evidence of higher or lower participation or uptake by different groups?

	Yes	No	Don't know
Religious belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Racial group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Evidence held? Outline all supporting evidence:** Flooding does not discriminate and there is currently no evidence to indicate that it adversely affects any particular groups more than others.

**No evidence held? Outline how you will obtain it:** The Preliminary Flood Risk Assessment will collect evidence on the adverse effects on human health, the environment, economic activity and cultural heritage.

**2. Do different groups have different needs, experiences, issues and priorities in relation to this policy issue?**

	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
Religious belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Racial group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Evidence held? Outline all supporting evidence:** Due to the indiscriminate nature of flooding all groups are affected equally by its adverse consequences and will have similar experiences, issues and priorities.

**No evidence held? Outline how you will obtain it:** The Preliminary Flood Risk Assessment will collect evidence on the adverse effects on human health, the environment, economic activity and cultural heritage.

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

	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
Religious belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Racial group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Evidence held? Outline all supporting evidence:** The Directive is very prescriptive in terms of the flood risk management framework that must be adopted in the transposing Regulations. As there is very little room for significant departure from the Directive, there is no merit in widespread consultation in advance of the draft Regulations.

However, all groups shall have an opportunity to respond to, and influence, the proposed transposing Regulations through the formal consultation on the draft Regulations.

**No evidence held? Outline how you will obtain it:**

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

	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
Religious belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Racial group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marital status	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dependants	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Evidence held? Outline all supporting evidence:** DARD is not aware of any opportunities to better promote equality of opportunities. This legislation implements an EU Directive and DARD have very limited scope for flexibility in implementing this legislation.

**No evidence held? Outline how you will obtain it:** The current consultation will be issued to all Section 75 Groups, the feedback from this should highlight any opportunities to promote equality around the issue of flood risk management.

## Section C

DARD 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 / decision provide an opportunity for DARD to better promote positive attitudes towards disabled people?

**Explain your assessment in full** The draft regulation provides a framework for the assessment and management of flood risk as required by the EU Flood Directive. DARD has not identified any opportunities to better promote positive attitudes towards disabled people.

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

**Explain your assessment in full** The proposed legislation requires engagement and consultation with interested parties and the public in the production of flood risk management plans for areas at potential significant flood risk. Therefore everyone will have an opportunity to provide input at this stage.

## Consideration of Human Rights

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

**8. Please explain any adverse impacts on human rights that you have identified** Not applicable

**9. Please indicate any ways which you consider the policy positively promotes human rights** Not applicable

# Section D

## Formal Record of Screening Decision

**Title of Proposed Policy / Decision being screened** – The Water Environment (Floods Directive) Regulation (NI) 2009.

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)

**Screening assessment completed by (Staff Officer level) -**

Name: MARY MCKEOWN

Grade: DP

Date: 27 APRIL 2009

Branch: RIVERS AGENCY, HYDEBANK

Details of all consultation/engagements undertaken in making the Screening Assessment \*

Signature: please insert a scanned image of your signature below

**Screening decision approved by (must be G7 or above) -**

Name: JEFF GLASS

Grade: G7

Date: 27 APRIL 2009

Branch: RIVERS AGENCY, HYDEBANK

Signature: please insert a scanned image of your signature below

This screening assessment will be copied to all those who contributed to this screening exercise and to all groups listed on the DARD s75 contact and consultee list.

Signed and date actioned:

For more information about screening, contact –

DARD Equality Branch  
Room 509  
Dundonald House  
Upper Newtownards Road  
Belfast BT4 3SB  
Telephone 028 9052 4435  
Textphone 028 9052 4420

Or check out our intranet site

[http://dardintranet/coord\\_intranet/EqualityBranch/index.shtml](http://dardintranet/coord_intranet/EqualityBranch/index.shtml)

### **\*Guidance Note**

Consideration of evidence at each section of this screening assessment should be recorded in detail, in accordance with the following terms:

- Names of all groups and/or individuals consulted, noting (where appropriate) the Section 75 category or stakeholder interest being represented
- Nature of consultation/engagements undertaken, including date, time, location and method (whether in writing; by phone or email; or in person)
- Source and status of all evidential data presented (Title, date, author, publisher, page reference)



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Rural Development**

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AN ROINN

**Talmhaíochta agus  
Forbartha Tuaithe**

MÁNNYSTRIE O

**Fairms an  
Kintra Fordèrin**