

## DEPARTMENT FOR INFRASTRUCTURE

### SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

The purpose of this form is 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 quarterly consultation on the outcome of the screening exercise, and will be referenced in the biannual review of progress made to the Minister and in the Annual Report to the Equality Commission.

Further advice on completion of this form and the screening process including relevant contact information can be accessed via the Department for Infrastructure (DfI) Intranet site.

### HUMAN RIGHTS ACT

When considering the impact of this policy you should also consider if there would be any Human Rights implications. Guidance is at:

- <https://www.executiveoffice-ni.gov.uk/articles/human-rights-and-public-authorities>

Should this be appropriate you will need to complete a Human Rights Impact Assessment. A template is at:

- <https://www.executiveoffice-ni.gov.uk/publications/human-rights-impact-assessment-proforma>

**Don't forget to Rural Proof.**

## 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.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

### Information about the policy

Name of the policy

TGN 6 Delivery of construction schemes for flood alleviation infrastructure, improvement, refurbishment and drainage improvements.

Is this an existing, revised or a new policy?

Revision of an existing policy.

What is it trying to achieve? (intended aims/outcomes)

To update the Departments guidance for the process of delivering construction schemes for flood alleviation, infrastructural improvement, refurbishment and drainage improvement.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

No - The policy does not make any distinction between different Section 75 groups.

Who initiated or wrote the policy?

Department for Infrastructure (DfI) Rivers Directorate

Who owns and who implements the policy?

Department for Infrastructure – Rivers Directorate own and will implement the TGN.

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## **Background**

Rivers Directorate is responsible for delivery of construction schemes for:-

1. Flood Alleviation.
2. Improvements to the drainage infrastructure to facilitate increased rate of storm run-off from proposed new development.
3. Refurbishment / repair of existing assets on designated watercourses.
4. Drainage improvements throughout the network.

The powers delegated to Rivers Directorate by the Department for Infrastructure as the statutory Drainage and Flood Defence authority for Northern Ireland derive from the Drainage (Northern Ireland) Order 1973.

The Drainage (NI) Order 1973 is the legislative framework under which Rivers Directorate carries out drainage projects. The Order allows for two approaches to carrying out works:-

- The Article 12 procedure is applied to drainage schemes. Drainage schemes are generally flood alleviation and drainage infrastructure schemes; and
- The Article 21 procedure is applied to drainage works. Drainage works are generally the routine repair and maintenance of existing infrastructure, flood defences and watercourses.

It is recognised that there are different options available to Rivers Directorate for the delivery of construction schemes as outlined within the policy. The means of design and construction of capital schemes will depend on their scale, complexity and availability of resources.

The policy provides guidance to Rivers Directorate to enable a standardised approach to the delivery of its construction schemes. The policy provides guidance the two approaches to carrying out works under The Drainage (NI) Order 1973. The process is set out within the guidance in a systematic way, with a table identifying each scheme financial threshold and the corresponding

Drainage Order Article they fall under.

The policy enables the delivery of construction schemes which will alleviate flooding, the final outcome will have a positive impact on the recipient community either urban or rural if the works are viable by decreasing the risk of flooding.

This is internal guidance for Rivers Directorate staff involved in the delivery of minor capital works and action will only take place when the criteria as set out in this guidance is met fully.

### **Implementation factors**

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

If yes, are they (please delete as appropriate)

~~financial~~

~~legislative~~

other, please specify \_\_\_\_\_

### **Main stakeholders affected**

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

~~staff~~

~~service users~~

~~other public sector organisations~~

~~voluntary/community/trade unions~~

other, please specify Members of the public affected by flooding, RCRG Groups, Emergency Services, Landowners,

## Other policies with a bearing on this policy

- what are they?

Technical Guidance Note (TGN) 8 - Back Drainage in conjunction with flood alleviation schemes

Technical Guidance Note (TGN) 20 - Environmental Impact Assessment (EIA) Procedure

Technical Guidance Note (TGN) 27 - Minor Works procedural Guide for Schemes under £5M

Technical Guidance Note (TGN) 28 - Flow Estimation Methodology

Technical Guidance Note (TGN) 29 - Culvert, Screen and Outfall Design

Technical Guidance Note (TGN) 30 - Natural Flood Management - Design, Implementation and Maintenance

- who owns them?

Department for Infrastructure (DfI) Rivers Directorate

## Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to [signpost to S75 data](#).

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

### **Religious belief** evidence / information:

The objectives of this TGN is to provide technical guidance for all DfI Rivers staff to enable a standardised approach to the delivery of construction schemes. We have found no evidence to show that the policy negatively impacts this S75 category.

### **Political Opinion** evidence / information:

As above

### **Racial Group** evidence / information:

As above

### **Age** evidence / information:

As above

### **Marital Status** evidence / information:

As above

### **Sexual Orientation** evidence / information:

As above

### **Men & Women generally** evidence / information:

As above

### **Disability** evidence / information:

As above

### **Dependants** evidence / information:

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 of the needs, experiences and priorities for each of the Section 75 categories below:

### **Religious belief**

No specific needs, experiences or priorities have been identified for this group. This is internal guidance for Rivers Directorate staff involved in the delivery of minor capital works and action will only take place when the criteria as set out in this guidance is met fully.

### **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, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

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

If the public authority's 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 the public authority's 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?

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: The implementation of this TGN will not impact on equality of opportunity for this group as it is guidance for Rivers Directorate staff.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**: The implementation of this TGN will not impact on equality of opportunity for this group as it is guidance for Rivers Directorate staff.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: The implementation of this TGN will not impact on equality of opportunity for this group as it is guidance for Rivers Directorate staff.

What is the level of impact? None

Details of the likely policy impacts on **Age**: The implementation of this TGN will not impact on equality of opportunity for this group as it is guidance for Rivers Directorate staff.

What is the level of impact? None

Details of the likely policy impacts on **Marital Status**: The implementation of this TGN will not impact on equality of opportunity for this group as it is guidance for Rivers Directorate staff.

What is the level of impact? None

Details of the likely policy impacts on **Sexual Orientation**: The implementation of this TGN will not impact on equality of opportunity for this group as it is guidance for Rivers Directorate staff.

What is the level of impact? None

Details of the likely policy impacts on **Men and Women**: The implementation of this TGN will not impact on equality of opportunity for this group as it is guidance for Rivers Directorate staff.

What is the level of impact? None

Details of the likely policy impacts on **Disability**: The implementation of this TGN will not impact on equality of opportunity for this group as it is guidance for Rivers Directorate staff.

What is the level of impact? None

Details of the likely policy impacts on **Dependants**: The implementation of this TGN will not impact on equality of opportunity for this group as it is guidance for Rivers Directorate staff.

What is the level of impact? None

**2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories? Yes/No**

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

**Religious Belief** - If No, provide reasons: The implementation of this TGN will not impact equal opportunity as it is guidance for Rivers Directorate staff.

**Political Opinion** - If No, provide reasons: The implementation of this TGN will not impact equal opportunity as it is guidance for Rivers Directorate staff.

**Racial Group** - If No, provide reasons: The implementation of this TGN will not impact equal opportunity as it is guidance for Rivers Directorate staff.

**Age** - If No, provide reasons: The implementation of this TGN will not impact equal opportunity as it is guidance for Rivers Directorate staff.

**Marital Status** - If No, provide reasons: The implementation of this TGN will not impact equal opportunity as it is guidance for Rivers Directorate staff.

**Sexual Orientation** - If No, provide reasons: The implementation of this TGN will not impact equal opportunity as it is guidance for Rivers Directorate staff.

**Men and Women generally** - If No, provide reasons: The implementation of this TGN will not impact equal opportunity as it is guidance for Rivers Directorate staff.

**Disability** - If No, provide reasons: The implementation of this TGN will not impact equal opportunity as it is guidance for Rivers Directorate staff.

**Dependants** - If No, provide reasons: The implementation of this TGN will not impact equal opportunity as it is guidance for Rivers Directorate staff.

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

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: As this is technical guidance the implementation of this TGN will have no impact on good relations between people within this group.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**: As this is technical guidance the implementation of this TGN will have no impact on good relations between people within this group.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: As this is technical guidance the implementation of this TGN will have no impact on good relations between people within this group.

What is the level of impact? None

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

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

**Religious Belief** - If No, provide reasons: As this is technical guidance the implementation of this TGN will have no ability to promote good relations between people within this group.

**Political Opinion** - If No, provide reasons As this is technical guidance the implementation of this TGN will have no ability to promote good relations between people within this group.

**Racial Group** - If No, provide reasons As this is technical guidance the implementation of this TGN will have no ability to promote good relations between people within this group.

## Additional considerations

### 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).*

This has been considered and no potential impacts have been identified.

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

None.

### **Part 3. Screening decision**

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

The aim of this policy, which is technical in nature, is for Rivers Directorate staff to follow a standardised approach to the delivery of construction schemes; it should 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 and as such an EQIA is not required.

Should any issues be identified, this form can be reviewed.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

**N/A**

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

**N/A**

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.

**N/A**

## Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority 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**

## 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** [Author pick 1 2 or 3 if a full EQIA is to take place]

Effect on equality of opportunity and good relations **Rating 1, 2 or 3**

Social need **Rating 1, 2 or 3**

Effect on people's daily lives **Rating 1, 2 or 3**

Relevance to a public authority's functions **Rating 1, 2 or 3**

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

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

If yes, please provide details.



## **Part 4. Monitoring**

Public authorities 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 public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

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

## **Part 5 - Approval and authorisation**

Screened by: Liam Mullarkey  
Position/Job Title: HPTO (Civil Engineer Assistant) – Capital Projects Unit  
Date: 28.06.2024

Approved by: Ronan Devlin  
Position/Job Title: PPTO Civil Engineer – Capital Projects Unit  
Date: 28.06.2024

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.

### **For Equality Team Completion:**

Date Received:	01.07.24
Amendments Requested:	Minor
Date Returned to Business Area:	23.07.24
Date Final Version Confirmed:	29.08.24
Date Published on DfI's Section 75 webpage:	16.09.24