



Department for

Communities

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An Roinn

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Department for

Commonities

Section 75 Screening Form

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

The Local Government (Cremation) Regulations (NI)

Is this an existing, revised or a new policy?

Revised

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

Current cremation legislation in Northern Ireland dates back to 1961 - the Cremation (Belfast) Regulations (NI) 1961 (the 1961 Regulations) - and only applies to crematoria operated by Belfast City Council. The aim of the legislation is to revise current legislation to enable all council crematoria to be regulated under the same uniform process.

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

NA

If Yes, explain how.

Who initiated or wrote the policy?

The policy was initiated by the Department for Communities

Who owns and who implements the policy?

Legislation is currently under the purview of the Department for Communities and will be implemented by councils which decide to provide and maintain crematoria in their area.

Implementation factors

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

If yes, are they

☐

financial

☒

legislative

☐

other, please specify _____

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 COUNCILS
- ☐ voluntary/community/trade unions
- ☒ other, please specify FUNERAL DIRECTORS and the GENERAL PUBLIC

Other policies with a bearing on this policy

What are they and who owns them?

The draft Cremation Regulations take into consideration the policy areas of death certification and registration which are the responsibility of the Department of Finance. The Regulations also take into consideration some policy areas in relation to Health Professionals and the Coroner which are the responsibility of the Departments of Health and Justice respectively. The Department has been in consultation with these Departments at various stages of drafting the regulations.

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.

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

| Section 75 category | Details of evidence/information |
|----------------------------|--|
| Religious belief | <p>No impact upon any Section 75 category has been reported to the department since the current regulations were introduced.</p> <p>Both Belfast City Council and funeral directors have requested the Department update the regulations. Antrim and Newtownabbey Borough Council has recently opened a crematorium and another council has planning permission for a crematorium. Currently only the crematorium operated by Belfast City Council is regulated under legislation and the policy intention is for all council-provided crematoria to be regulated under the same provisions. The proposed new legislation will mirror current legislation in place in England and Wales.</p> <p>Amendments to the legislation are not envisaged to have any impact on any Section 75 groups.</p> |
| Political opinion | As above. |
| Racial group | As above. |
| Age | As above. |

| Section 75 category | Details of evidence/information |
|--------------------------------|--|
| Marital status | As above. |
| Sexual orientation | As above. |
| Men and women generally | As above. |
| Disability | As above. |
| Dependants | As above. |

Note to reader - If you are aware of and would like the Department to take into account any further evidence or information relevant to this policy, please send this to:
cremationconsultation@communities-ni.go.uk; with subject line - **Section 75 Equality Screening**

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 | There is no evidence of any different needs, experiences and priorities for people within any Section 75 categories in relation to this policy |
| Political opinion | None – as per comment on “Religious Belief” |
| Racial group | None – as per comment on “Religious Belief” |
| Age | None – as per comment on “Religious Belief” |
| Marital status | None – as per comment on “Religious Belief” |
| Sexual orientation | None – as per comment on “Religious Belief” |
| Men and women generally | None – as per comment on “Religious Belief” |
| Disability | None – as per comment on “Religious Belief” |
| Dependants | None – as per comment on “Religious Belief” |

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? minor/major/none

| Section 75 category | Details of policy impact | Level of impact? minor/major/none |
|---------------------|---|--------------------------------------|
| Religious belief | The original policy has been in place since 1961. No equality of opportunity issues for any of the Section 75 categories have been raised in that time. Whilst no issues are envisioned by the policy revision, the aforementioned revision will be subject to a consultation and all comments received will be considered and reviewed for any issues. | 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 |

| Section 75 category | Details of policy impact | Level of impact? minor/major/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 | | No. The Department sees no opportunity to alter the legislation for the purposes mentioned above. |
| Political opinion | | No – As Above. |
| Racial group | | No – As Above. |
| Age | | No – As Above. |
| Marital status | | No – As Above. |

| Section 75 category | If Yes , provide details | If No , provide reasons |
|-------------------------|---------------------------------|--------------------------------|
| Sexual orientation | | No – As Above. |
| Men and women generally | | No – As Above. |
| Disability | | No – As Above. |
| Dependants | | No – As 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 | Will not adversely affect those of different religious beliefs. | None |
| Political opinion | Will not adversely affect those of different political opinions. | None |
| Racial group | Will not adversely affect those of different ethnic backgrounds. | 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 | | N/A. The policy will not adversely impact on good relations between people of different religious belief, political opinion or racial group |
| Political opinion | | N/A. The policy will not adversely impact on good relations between people of different religious belief, political opinion or racial group |
| Racial group | | N/A. The policy will not adversely impact on good relations between people of different religious belief, political opinion or racial 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).

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

N/A – The policy will regulate crematoria maintained and operated by councils.

Part 3. Screening decision

In light of your answers to the previous questions, do you feel that the policy should: (please underline one)

1. **Not be subject to an EQIA**
2. **Not be subject to an EQIA (with mitigating measures /alternative policies)**
3. **Be subject to an EQIA**

If 1 or 2 (i.e. not be subject to an EQIA), please provide details of the reasons why:

This screening exercise has highlighted that the policy has no direct impact on any of the groups specified. Therefore, the policy should not be subject to an EQIA.

The revised policy will modernise an existing policy to allow it to be implemented by all Northern Ireland councils as opposed to only Belfast City Council.

Any comments that arise from the consultation on the draft regulations will be reviewed to check if any Section 75 categories are adversely affected and, if necessary, an EQIA may at that time be necessary.

If 3. (i.e. to conduct an EQIA), please provide details of the reasons:

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.

The policy takes account of equality issues within the legislation and should not be further mitigated or an alternative policy introduced.

Part 4. Monitoring

Effective monitoring will help identify any future adverse impacts arising from the policy which may lead you to conduct an EQIA, as well as help with future planning and policy development.

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

Please detail proposed monitoring arrangements below:

Part 5 - Approval and authorisation

| Screened by: | Position/Job Title | Date |
|---------------------|---------------------------|-------------|
| Tommy McCormick | Deputy Principle | 30-01-2024 |
| Approved by: | | |
| Anthony Carleton | Director | 09-02-2024 |

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.