# Equality & Disability Duties Screening Template

# December 2023 version

**Screening flowchart and template (taken from Section 75 of the Northern Ireland Act 1998 - A Guide for public authorities April 2010 (Appendix 1)).**

Introduction

**Part 1. Policy scoping** – asks public authorities to provide details about the policy, procedure, practice and/or decision being screened and what available evidence you have 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. This Section also includes two questions related to the Disability Duties.

**Part 3. Screening decision** – guides the public authority 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 to public authorities on monitoring for adverse impact and broader monitoring.

**Part 5. Consideration of Human Rights** – please note this is not a Human Rights Screening form but rather a prompt that impacts on Human Rights should be considered.

**Part 6. Approval and authorisation** – verifies the public authority’s approval of a screening decision by a senior manager responsible for the policy.

A screening flowchart is provided below.

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Policy Scoping

* + Policy
	+ Available data

Screening Questions

* Apply screening questions
* Consider multiple identities

Screening Decision: None/Minor/Major

Mitigate

 Publish Template

Re-consider screening

Publish Template

for information

Publish Template

 EQIA

Monitor

**‘None’**

Screened out

**‘Major’**

Screened in for EQIA

**‘Minor’**

Screened out with mitigation

Concerns raised with evidence

Concerns raised with evidence re: screening decision

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**

|  |
| --- |
| Prohibition of the sale and supply of single-use vapes |

**Is this an existing, revised or new policy?**

|  |
| --- |
| This is a new policy. |

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

|  |
| --- |
| We aim to make regulations to prohibit the sale and supply of single-use vapes. This will accelerate a reduction in environmental harm by reducing the number of vapes being landfilled, incinerated, and littered, thereby increasing recycling and reuse rates. This will encourage consumers to reduce their use of single-use vapes and support replacing them with reusable alternatives supporting a switch to less environmentally harmful products. |

**Are there any Section 75 categories which might be expected to benefit from the intended policy? [ ]** Yes **[x]** No (select as appropriate)

**If so, explain how.**

|  |
| --- |
| No- these proposals are neutral. Any changes will be implemented for the whole of Northern Ireland. This policy aims to protect our environment and be a benefit to all. The sustainability of our natural resources is dependent on environmental initiatives and polices to benefit wider society. The policy specifically aims to prohibit single-use vaping products as they are difficult to recycle and are creating a litter problem on our streets while ensuring that no additional financial burdens are placed on the local taxpayer. |

**Who initiated or wrote the policy?**

|  |
| --- |
| Department of Agriculture, Environment and Rural Affairs initiated and developed the policy in collaboration with counterparts in the other UK nations. |

**Who owns and who implements the policy?**

|  |
| --- |
| DAERA owns and implements the policy in Northern Ireland but is working collaboratively with UKG (Defra), Welsh Government and Scottish Government. The policy of prohibiting the sale and supply of single-use vaping products is being developed on a UK-wide basis.Proposals on single-use vapes were included in the UK-wide public consultation to create a ‘Smoke Free Generation which closed in December 2023 which included both health and environmental proposals. For DAERA, the environmental damage created by the rise in the littering and incorrect disposal of used vapes, as well as their poor recyclability, is a key concern. |

Implementation factors

**Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? [x]** Yes **[ ]** No (select as appropriate)

**If yes, are they (please select as appropriate)**

**Financial** **[x]**

**Legislative** **[x]**

**other, please specify:**

**Resourcing (timeframes)**

|  |
| --- |
| No additional costs are anticipated at present, but this will be kept under review as the policy develops. Subordinate legislation will be required to implement a prohibition on the sale and supply of single-use vapes in Northern Ireland. |

Main stakeholders affected.

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

**Staff [x]**

**Service users [ ]**

**Other public Sector organisations [x]**

**Voluntary/community/trade unions [ ]**

**Other, please specify.**

|  |
| --- |
| Waste Management Companies, Producers, Retailers, and members of the public within Northern Ireland. |

Other policies with a bearing on this policy

**What are they?**

|  |
| --- |
| The proposed prohibiting of single-use vapes will help support objectives detailed in the draft Circular Economy Strategy for Northern Ireland. Single-use products are harmful to the environment and do not promote a circular economy. The proposed prohibiting of single-use vapes will also help achieve actions within the draft Environmental Improvement Plan for Northern Ireland and help support Zero Waste in a highly developed circular economy. In October 2023 the UK Prime Minister announced the UK Government’s intention to create a smoke free generation. This included measures to tackle the prolific rise in youth vaping. The prohibition on the sale and supply of single-use vapes will help tackle this problem. |

**Who owns them?**

|  |
| --- |
| In Northern Ireland, the Department of Health is responsible for developing policies to support creation of a smoke free generation. DAERA is responsible for the other initiatives named above.  |

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](https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/S75DataSignpostingGuide.pdf).

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

*Please ensure all data used is the most current and up to date available. You should verify this by contacting the Departmental Statisticians.*

**Religious belief evidence/information:**

|  |
| --- |
| The 2021 Census of Northern Ireland found that 45.7 per cent of the population were either Catholic or brought up as Catholic, while 43.5 per cent belonged to or were brought up in Protestant, other Christian or Christian-related denominations. A further 1.5 per cent belonged to or had been brought up in Other Religions and Philosophies, while 9.3 per cent neither belonged to, nor had been brought up in, a religion.The 32nd Annual Monitoring Report, provided by the equality commission presents an aggregated summary of the 3,879 valid monitoring returns received during 2021 from 105 public authorities and 3,474 private Sector concerns. These returns were mostly received between 1st January and 31st December 2021, with a period of extension granted to some companies due to the Covid-19 pandemic.This year’s report shows the Protestant community share of the monitored workforce was [50.0%] and the Roman Catholic community share was [50.0%]. |

**Political Opinion evidence/information:**

|  |
| --- |
| The Northern Ireland Life and Times Survey 2022 found that 26% of the Northern Ireland population describe themselves as nationalist, 31% as unionist and 38% held neither political opinion. |

**Racial Group evidence/information:**

|  |
| --- |
| The 2021 Census of Northern Ireland found that 96.6% of the population state their ethnic origin to be white the largest other ethnic groups identified were: - 0.8% identified as “mixed ethnicity”,0.5% as Indian, 0.5% as Chinese. The other racial groups identified were Irish Traveller, Roma, Filipino, Pakistani, Arab, Other Asian, and Black African.  |

**Age evidence/information:**

|  |
| --- |
| The 2021 Census of Northern Ireland showed that 82.85% of the population were under 65 and 17.15% of the population were over 65. |

**Marital Status evidence/information:**

|  |
| --- |
| The 2021 Census showed that around 46% of the population aged 16 and over were married or in a civil partnership, and 38% were single. |

**Sexual Orientation evidence/information:**

|  |
| --- |
| The 2021 census reported that 90% identified as straight or heterosexual and 2.1% identified as gay, lesbian, bi-sexual or other sexuality. The Northern Ireland life and times survey 2022 reported 93% as heterosexual, 3% as gay or lesbian, 3% as bi-sexual and 1% as other. The 2021 census also reported that 0.18% are in a same sex civil partnership. |

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

|  |
| --- |
| The 2021 Census showed that 49% of the population were male and 51% female. |

**Disability evidence/information:**

|  |
| --- |
| The 2021 census reports that 11.5% of usual citizens have a long-term health condition or disability that limits their day-to-day activities a lot. |

**Dependants evidence/information:**

|  |
| --- |
| The 2021 Census of Northern Ireland showed that around 30% of family households contained dependent children.  |

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**

|  |
| --- |
| None. In relation to this policy there are no specific needs, experiences, or priorities for any particular groups of a religious belief. No religious belief issues were raised in the single-use vapes consultation responses. However, should any religious belief issues be raised they will be considered.  |

 **Political Opinion**

|  |
| --- |
| None. In relation to this policy proposal there are no specific needs, experiences or priorities for any particular groups of a political belief. No political opinion issues were raised in the single-use vapes consultation responses. However, should any political belief issues be raised they will be considered.  |

**Racial Group**

|  |
| --- |
| None. In relation to this policy proposal there are no specific needs, experiences, or priorities for any racial groups. No racial group issues were raised in the single-use vapes consultation responses. However, should any racial group issues be raised they will be considered.  |

**Age**

|  |
| --- |
| While the rationale for this policy is to protect the environment, the prohibition on the sale and supply of single-use vapes is also expected to have a positive impact on younger people by taking steps to tackle youth vaping, which is increasing at an alarming rate. It is currently illegal for individuals under the age of 18 to purchase single-use vapes, but 2021 [NHS digital figures](https://digital.nhs.uk/data-and-information/publications/statistical/smoking-drinking-and-drug-use-among-young-people-in-england/2021) show the number of children in England using vapes in the past 3 years has tripled. Use among younger children is also rising, with 9% of 11 to 15 year olds now using vapes.The impact on the older generation who may have limited dexterity has also been considered. As no age-related or dexterity issues were raised in the single-use vapes consultation responses and alternative reusable vape products are available, it is not anticipated that a move to reusable devices will create any significant difficulties. However, should any age-related issues be raised, these will be considered further.  |

**Marital status**

|  |
| --- |
| None. In relation to this policy proposal there are no specific needs, experiences, or priorities for any particular groups regarding marital status. No marital status issues were raised in the single-use vapes consultation responses. However, should any marital status issues be raised they will be considered.  |

**Sexual orientation**

|  |
| --- |
| None. In relation to this policy proposal there are no specific needs, experiences, or priorities for any particular groups regarding sexual orientation. No sexual orientation issues were raised in the single-use vapes consultation responses. However, should any sexual orientation issues be raised they will be considered.  |

**Men and Women Generally**

|  |
| --- |
| None. In relation to this policy proposal there are no specific needs, experiences, or priorities for any particular groups regarding men and women. No specific men and woman issues were raised in the single-use vapes consultation responses. However, should any men and woman issues be raised they will be considered.  |

**Disability**

|  |
| --- |
| No specific consultation responses were received in relation to disability but the potential impacts for those with physical and mental health conditions specifically those in institutional settings who currently use single-use vapes have been considered and discussed with other nations developing policies on single-use vapes. As alternative products, such as reusable devices are available, and there will be sufficient lead in time to make the transition to these, it is not anticipated that a move to reusable devices will create any significant difficulties. However, should any specific disability issues be raised these will be considered.  |

**Dependants**

|  |
| --- |
| None. In relation to this policy proposal there are no specific needs, experiences, or priorities for any particular groups regarding people with dependents. No dependants’ issues were raised in the single-use vapes consultation responses. However, should any dependants’ issues be raised they will be considered.  |

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.

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**

1. The policy is significant in terms of its strategic importance;
2. 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;
3. 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;
4. 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;
5. The policy is likely to be challenged by way of judicial review;
6. The policy is significant in terms of expenditure.

**In favour of ‘minor’ impact**

1. The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
2. 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;
3. 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;
4. By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

**In favour of none**

1. The policy has no relevance to equality of opportunity or good relations.
2. 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 proposed prohibition of single-use vapes will have no impact on equality of opportunity for those affected and no differential impacts on this Section 75 category are anticipated. Impact will be monitored throughout the process. If any impacts are identified, they will be taken into consideration going forward. |

**What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

**Details of the likely policy impacts on *Political Opinion:***

|  |
| --- |
| The proposed prohibition of single-use vapes will have no impact on equality of opportunity for those affected and no differential impacts on this Section 75 category are anticipated. Impact will be monitored throughout the process. If any impacts are identified, they will be taken into consideration going forward. |

**What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

 **Details of the likely policy impacts on *Racial Group*:**

|  |
| --- |
| The proposed prohibition of single-use vapes will have no impact on equality of opportunity for those affected and no differential impacts on this Section 75 category are anticipated. Impact will be monitored throughout the process. If any impacts are identified, they will be taken into consideration going forward. |

What is the level of impact? Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

**Details of the likely policy impacts on *Age*:**

|  |
| --- |
| The proposed prohibition of single-use vapes may have a higher impact for those persons within certain age categories, we believe that it is a positive impact for younger people and that alternatives are available in a reusable format. If any other impacts are identified, they will be taken into consideration going forward. |

**What is the level of impact?** Minor **[x]** Major **[ ]** None **[ ]**
(select as appropriate)

 **Details of the likely policy impacts on *Marital Status*:**

|  |
| --- |
| The proposed prohibition of single-use vapes will have no impact on equality of opportunity for those affected and no differential impacts on this Section 75 category are anticipated. Impact will be monitored throughout the process. If any impacts are identified, they will be taken into consideration going forward. |

**What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

 **Details of the likely policy impacts on *Sexual Orientation*:**

|  |
| --- |
| The proposed prohibition of single-use vapes will have no impact on equality of opportunity for those affected and no differential impacts on this Section 75 category are anticipated. Impact will be monitored throughout the process. If any impacts are identified, they will be taken into consideration going forward. |

**What is the level of impact** Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

 **Details of the likely policy impacts on *Men and Women*:**

|  |
| --- |
| The proposed prohibition of single-use vapes will have no impact on equality of opportunity for those affected and no differential impacts on this Section 75 category are anticipated. Impact will be monitored throughout the process. If any impacts are identified, they will be taken into consideration going forward. |

**What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

**Details of the likely policy impacts on *Disability*:**

|  |
| --- |
| The proposed prohibition of single-use vapes may impact disabled people more than others. However, as alternatives to single-use vapes are widely available and no issues were raised during the consultation proposals on single-use vapes, the level of impact is considered to be minor . Should any other impacts be identified, they will be considered.  |

**What is the level of impact?** Minor **[x]** Major **[ ]** None **[ ]**
(select as appropriate) **Details of the likely policy impacts on *Dependants*:**

|  |
| --- |
| The proposed prohibition of single-use vapes will have no impact on equality of opportunity for those affected and no differential impacts on this Section 75 category are anticipated. Impact will be monitored throughout the process. If any impacts are identified, they will be taken into consideration going forward. |

**What is the level of impact?** **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

1. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?**

**[ ]** Yes **[x]** No (select as appropriate)

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below: ***Religious Belief* - If Yes, provide details:**

|  |
| --- |
| (insert text here) |

 **If No, provide reasons:**

|  |
| --- |
| The proposed prohibition of single-use vapes is neutral as regards people of different religious belief, and it is not envisaged that equality of opportunity will be affected for this equality category. Should any opportunities present themselves, they will be considered. |

 ***Political Opinion* - If Yes, provide details:**

|  |
| --- |
| (insert text here) |

 **If No, provide reasons:**

|  |
| --- |
| The proposed prohibition of single-use vapes is neutral as regards people of different political opinion, and it is not envisaged that equality of opportunity will be affected for this equality category. Should any opportunities present themselves, they will be considered. |

 ***Racial Group* - If Yes, provide details:**

|  |
| --- |
| (insert text here) |

**If No, provide reasons:**

|  |
| --- |
| The proposed prohibition of single-use vapes is neutral as regards people of different racial groups, and it is not envisaged that equality of opportunity will be affected for this equality category. Should any opportunities present themselves, they will be considered. |

 ***Age* - If Yes, provide details:**

|  |
| --- |
| (insert text here) |

**If No, provide reasons:**

|  |
| --- |
| The proposed prohibition of single-use vapes is neutral as regards people of different age categories, and it is not envisaged that equality of opportunity will be affected for this equality category. Should any opportunities present themselves, they will be considered. |

 ***Marital Status* - If Yes, provide details:**

|  |
| --- |
| (insert text here) |

 **If No, provide reasons**

|  |
| --- |
| The proposed prohibition of single-use vapes is neutral as regards people of different marital status, and it is not envisaged that equality of opportunity will be affected for this equality category. Should any opportunities present themselves, they will be considered. |

 ***Sexual Orientation* - If Yes, provide details:**

|  |
| --- |
| (insert text here) |

 **If No, provide reasons:**

|  |
| --- |
| The proposed prohibition of single-use vapes is neutral as regards people of different sexual orientation, and it is not envisaged that equality of opportunity will be affected for this equality category. Should any opportunities present themselves, they will be considered. |

 ***Men and Women generally* - If Yes, provide details:**

|  |
| --- |
| (insert text here) |

**If No, provide reasons:**

|  |
| --- |
| The proposed prohibition of single-use vapes is neutral as regards people of different gender, and it is not envisaged that equality of opportunity will be affected for this equality category. Should any opportunities present themselves, they will be considered. |

 ***Disability* - If Yes, provide details:**

|  |
| --- |
| (insert text here) |

 **If No, provide reasons:**

|  |
| --- |
| The proposed prohibition of single-use vapes is neutral as regards people with disabilities, and it is not envisaged that equality of opportunity will be affected for this equality category. Should any opportunities present themselves, they will be considered. |

 ***Dependants* - If Yes, provide details:**

|  |
| --- |
| (insert text here) |

 **If No, provide reasons:**

|  |
| --- |
| The proposed prohibition of single-use vapes is neutral as regards people with dependents, and it is not envisaged that equality of opportunity will be affected for this equality category. Should any opportunities present themselves as a result of the proposed public consultation, they will be considered. |

1. **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*:**

|  |
| --- |
| The proposed prohibition of single-use vapes will have no impact on good relations between people of religious beliefs. The prohibition is aimed at all citizens. No impacts on this Section 75 category are anticipated. Should any impacts be identified, they will be considered. |

 **What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**

(select as appropriate)

**Details of the likely policy impacts on *Political Opinion*:**

|  |
| --- |
| The proposed prohibition of single-use vapes will have no impact on good relations between people of different political opinion. The prohibition is aimed at all citizens. No impacts on this Section 75 category are anticipated. Should any impacts be identified, they will be considered. |

 **What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**

(select as appropriate)

**Details of the likely policy impacts on *Racial Group*:**

|  |
| --- |
| The proposed prohibition of single-use vapes will have no impact on good relations between people of different racial groups. The prohibition is aimed at all citizens. No impacts on this Section 75 category are anticipated. Should any impacts be identified, they will be considered. |

 **What is the level of impact?** Minor **[ ]** Major **[ ]** None **[x]**
(select as appropriate)

1. **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 Yes, provide details:**

|  |
| --- |
| (insert text here) |

 **If No, provide reasons:**

|  |
| --- |
| The proposed prohibition of single-use vapes is neutral as regards people of different religious belief and consequently there is no opportunity to better promote good relations. Should any opportunities be identified, they will be considered. |

***Political Opinion* - If Yes, provide details:**

|  |
| --- |
| (insert text here) |

**If No, provide reasons:**

|  |
| --- |
| The proposed prohibition of single-use vapes is neutral as regards people of different political opinion and consequently there is no opportunity to better promote good relations. Should any opportunities be identified, they will be considered. |

 ***Racial Group* - If Yes, provide details:**

|  |
| --- |
| (insert text here) |

 **If No, provide reasons:**

|  |
| --- |
| The proposed prohibition of single-use vapes is neutral regards people of different racial group and consequently there is no opportunity to better promote good relations. Should any opportunities be identified, they will be considered. |

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? If so, please detail below.

*(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.**

|  |
| --- |
| There is a potential for young people with a disability to be impacted by this policy but it is believed that this is likely to be a minor impact. However, should any issues be raised, they will be considered.  |

DAERA also has legislative obligations to meet under the **Disability Discrimination Order**. Questions 5 - 6 relate to these.

Consideration of Disability Duties

1. **Does this proposed policy or decision provide an opportunity for DAERA to better *promote positive attitudes* towards disabled people?**

|  |
| --- |
| No, the proposal does not provide an opportunity for DAERA to promote positive attitudes towards disabled people. |

1. **Does this proposed policy or decision provide an opportunity to actively *increase the participation* by disabled people in public life?**

|  |
| --- |
| No. The proposal does not provide an opportunity for DAERA to actively increase participation of disabled people in public life.  |

Part 3. Screening decision (Please delete as appropriate)

1. “Screened in” for equality impact assessment.
2. “Screened out” with mitigation or an alternative policy proposed to be adopted.
3. “Screened out” without mitigation or an alternative policy proposed to be adopted.

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

|  |
| --- |
| The decision is not to conduct an equality impact assessment as only minor impacts or opportunities were reported during the screening exercise. This is based on the best available evidence and no significant changes are forecasted.The impacts on younger people are seen as a positive impact as this will help to protect the environment for future generations. Younger aged people who vape legally (over the age of 18) will be able to access alternative reusable and re chargeable vapes on the market.The impacts identified for disabled people have been considered however suitable alternatives are available and prior to implementation of the legislation persons will have time to transition to alternatives.The proposed prohibition of single-use vapes is not perceived to have any major impacts on people within the Religious, Political Opinion, Racial Group, Marital Status, Sexual Orientation, Men and Woman generally and Dependants categories at this time. Should we become aware of any issues they will be considered. |

**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.**

|  |
| --- |
| Not Applicable |

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

|  |
| --- |
| Not Applicable |

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: [A Practical Guide to Equality Impact Assessment](https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/PracticalGuidanceonEQIA2005.pdf?ext=.pdf)

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? [ ]  Yes [x]  No** (select as appropriate)

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

|  |
| --- |
| Not Applicable |

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  |  |
| Social need |  |
| Effect on people’s daily lives |  |
| Relevance to a public authority’s functions |  |
| **Total score** |  |

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? [ ]** Yes **[x]** No (select as appropriate)
**If yes, please provide details.**

|  |
| --- |
| (insert text here) |

Part 4. Monitoring

Section 75 places a requirement on DAERA to have equality monitoring arrangements in place in order to assess the impact of policies and services etc; and to help identify barriers to fair participation and to better promote equality of opportunity. Please note the following excerpt from The Equality Commission for Northern Ireland in relation to monitoring:

*A system must be established to monitor the impact of the policy in order to find out its effect on relevant groups. The results of ongoing monitoring must be reviewed on an annual basis. The public authority is required to publish the results of this monitoring. And they must be included in the public authorities´ annual review on progress to the Equality Commission. The Equality Scheme must specify how and where such monitoring information will be published. It is therefore essential that monitoring is carried out in a systematic manner and that the results are widely and openly published.*

*If the monitoring and analysis of results over a two year period show that the policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the public authority must ensure that the policy is revised to achieve better outcomes for the relevant equality groups.*

Further advice on monitoring can be found at: [ECNI Monitoring Guidance for Public Authorities](https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75MonitoringGuidance2007.pdf?ext=.pdf)

Outline what data you will collect in the future in order to monitor the impact of this policy or decision on equality, good relations and disability duties.

**Equality:**

|  |
| --- |
| Responses will be monitored, and any equality issues raised will be considered, particularly if any person considers that they are significantly affected by the proposed prohibition of single-use vapes and where this is not recognised in this Equality Screening Document. The Department will continue to monitor any relevant information to ensure data is accurate. |

**Good Relations:**

|  |
| --- |
| Responses will be monitored, particularly if any person considers that they are significantly affected by the proposed prohibition of single-use vapes and where this is not recognised in this Equality Screening Document. The Department will continue to monitor any relevant information to ensure data is accurate. |

**Disability Duties:**

|  |
| --- |
| Responses will be monitored, particularly if any person considers that they are significantly affected by the proposed prohibition of single-use vapes and where this is not recognised in this Equality Screening Document. The Department will continue to monitor any relevant information to ensure data is accurate. |

Part 5. Consideration of Human Rights

1. **The Human Rights Act (HRA) 1998 brings the European Convention on Human Rights (ECHR) into UK law and it applies in N Ireland. Indicate below by deleting Yes/No as appropriate, any potential *adverse impacts* that the policy or decision may have in relation to human rights issues.**

See Annex A for brief synopsis on each of the Human Rights Articles & Protocols.

|  |  |  |
| --- | --- | --- |
| Right to Life | **Article 2** | No |
| Prohibition of torture, inhuman or degrading treatment  | **Article 3** | No |
| Prohibition of slavery and forced labour | **Article 4** | No |
| Right to liberty and Security  | **Article 5** | No |
| Right to a fair and public trial | **Article 6** | No |
| Right to no punishment without law | **Article 7** | No |
| Right to respect for private and family life, home and correspondence | **Article 8** | No |
| Right to freedom of thought, conscience and religion | **Article 9** | No |
| Right to freedom of expression | **Article 10** | No |
| Right to freedom of peaceful assembly and association | **Article 11** | No |
| Right to marry and to found a family | **Article 12** | No |
| The prohibition of discrimination | **Article 14** | No |
| Protection of property and enjoyment of possessions | **Protocol 1Article 1** | No |
| Right to education | **Protocol 1Article 2** | No |
| Right to free and Secret elections | **Protocol 1Article 3** | No |

1. **Please explain any adverse impacts on human rights that you have identified.**

|  |
| --- |
| No adverse impact on human rights have been identified. |

1. **Please indicate any ways which you consider the policy positively promotes human rights.**

|  |
| --- |
| The proposed prohibition of single use vapes does not create any opportunity to promote human rights. |

Part 6 - Approval and authorisation

Before signing off this screening template please confirm that you have completed all the actions listed below.

I can confirm that all the actions listed below have been completed -

* I have explained any technical issues in plain English (easily understood by a 12 year old)
* I have used the most relevant, current & up to date data available
* I have added evidence and explained my assessments in full
* I have provided a brief note to justify my decision to ‘Screen In’ or ‘Screen Out’
* A copy of this screening template and the final decision has been sent to the Equality Unit for their consideration before it has been forwarded for sign-off.

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

**Name: Stephen Clegg Grade: DP**

**Branch: DAERA/ERPD Date: 25/09/2024**

**Signature: please insert a scanned image of your signature.**

|  |
| --- |
|  |

**Screening decision approved by (must be Grade 3/Deputy Secretary or above) -**

**Name: Julie Thompson Grade: 3**

**Branch: EFMG Date:30/9/24**

**Signature: please insert a scanned image of your signature.**

|  |
| --- |
|  |

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.

Please save the final signed version of the completed screening form in the CM container (AE2-19-11940) below as soon as possible after completion and forward the CM link to Equality Branch at equality@daera-ni.gov.uk. The screening template must be saved to the container in **HTML format** (not PDF) in order to comply with accessibility requirements. The screening form will be placed on the DAERA website and a link provided to the Department’s Section 75 consultees.



For more information about equality screening, contact:

DAERA Equality Unit

Equality & Diversity Branch

Jubilee House

111 Ballykelly Road

LIMAVADY
BT49 9HP

Email: equality@daera-ni.gov.uk

Tel: 028 7744 2027



Annex A

Synopsis of Human Rights Act Articles & Protocols

***ARTICLE 2***

**E+W+S+N.I.*Right to life***

1. Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.E+W+S+N.I.
2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:E+W+S+N.I.
	1. In defense of any person from unlawful violence;
	2. In order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
	3. In action lawfully taken for the purpose of quelling a riot or insurrection.

***ARTICLE 3***

**E+W+S+N.I.*Prohibition of torture***

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

***ARTICLE 4***

**E+W+S+N.I.*Prohibition of slavery and forced labour***

1. No one shall be held in slavery or servitude.E+W+S+N.I.
2. No one shall be required to perform forced or compulsory labour.E+W+S+N.I.
3. For the purpose of this Article the term “forced or compulsory labour” shall not include:E+W+S+N.I.
4. Any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
5. Any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
6. Any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
7. Any work or service which forms part of normal civic obligations.

***ARTICLE 5***

**E+W+S+N.I.*Right to liberty and Security***

1. Everyone has the right to liberty and Security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:E+W+S+N.I.
	1. The lawful detention of a person after conviction by a competent court;
	2. The lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to Secure the fulfilment of any obligation prescribed by law;
	3. the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
	4. the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
	5. The lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
	6. The lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.
2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.E+W+S+N.I.
3. Everyone arrested or detained in accordance with the provisions of paragraph 1(c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.E+W+S+N.I.
4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.E+W+S+N.I.
5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.E+W+S+N.I.

***ARTICLE 6***

**E+W+S+N.I.*Right to a fair trial***

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national Security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.E+W+S+N.I.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.E+W+S+N.I.
3. Everyone charged with a criminal offence has the following minimum rights:E+W+S+N.I.
	1. To be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
	2. To have adequate time and facilities for the preparation of his defense;
	3. To defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
	4. To examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
	5. To have the free assistance of an interpreter if he cannot understand or speak the language used in court.

***ARTICLE 7***

**E+W+S+N.I.*No punishment without law***

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.E+W+S+N.I.
2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.E+W+S+N.I.

***ARTICLE 8***

**E+W+S+N.I.*Right to respect for private and family life***

1. Everyone has the right to respect for his private and family life, his home and his correspondence.E+W+S+N.I.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national Security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.E+W+S+N.I.

***ARTICLE 9***

**E+W+S+N.I.*Freedom of thought, conscience and religion***

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.E+W+S+N.I.
2. Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.E+W+S+N.I.

***ARTICLE 10***

**E+W+S+N.I.*Freedom of expression***

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.E+W+S+N.I.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national Security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.E+W+S+N.I.

***ARTICLE 11***

**E+W+S+N.I.*Freedom of assembly and association***

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.E+W+S+N.I.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national Security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.E+W+S+N.I.

***ARTICLE 12***

**E+W+S+N.I.*Right to marry***

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

***ARTICLE 14***

**E+W+S+N.I.*Prohibition of discrimination***

The enjoyment of the rights and freedoms set forth in this Convention shall be Secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

**Protocol 1**

***ARTICLE 1***

**E+W+S+N.I.*Protection of property***

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to Secure the payment of taxes or other contributions or penalties.

**Protocol 1**

***ARTICLE 2***

**E+W+S+N.I.*Right to education***

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

**Protocol 1**

***ARTICLE 3***

**E+W+S+N.I.*Right to free elections***

The High Contracting Parties undertake to hold free elections at reasonable intervals by Secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.

For further information:

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Equality & Diversity Branch

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