



Department of

Finance

An Roinn

Airgeadais

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Building (Amendment) Regulations (Northern Ireland) 2016

Equality Impact Screening Assessment Proposed Part M (Physical infrastructure for high-speed electronic communication networks)

August 2016

Department of Finance (DoF) Screening template.

Section 1. Policy scoping

DoF has a statutory duty to screen. This includes our strategies and plans, policies, legislative developments; and new ways of working such as – the introduction, change or end of an existing service, procedure, policy etc. This screening template is designed to help business areas consider the likely equality and human rights impacts of their proposed decisions on different groups of customers, service users, staff and visitors.

Detailed information about the Section 75 equality duties and what they mean in practice is available on the Equality Commission's website.
<http://www.equalityni.org/archive/pdf/S75GuideforPublicAuthoritiesApril2010.pdf>

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 DFP website as soon as possible following completion and made available in alternative formats on request.

All Section 75 consultees should be advised of the screening exercise once the final policy decision has been taken. A list of consultees is available on the DoF website <https://www.finance-ni.gov.uk/sites/default/files/publications/dfp/Equality%20consultee%20%20list.pdf>

This policy has been screened by

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The screening template has 4 sections to complete. These are:

Section A - asks you to provide details about the policy / decision that is being screened.

Section B - has 4 key questions that require you to outline the likely impacts on equality groups, and all supporting evidence.

Section C - has 4 key questions in relation to obligations under the Disability Discrimination Order and the Human Rights Act.

Section D - is the formal record of the screening decision.

SECTION A - Information about the policy

Is this a new or revised policy?

New

a) Name of the policy

Amendment to building regulations to require the provision of in-building physical infrastructure to facilitate the provision of high speed electronic communications networks.

b) Brief Description of the policy

The policy will require the provision of accessible ductwork or other suitable "in-building physical infrastructure" for broadband for new buildings and where major renovation works to existing "in-building physical infrastructure" takes place.

c) Aims of the policy/ Rationale behind the changes

The policy intends to ensure that new buildings are provided with accessible ductwork or other suitable "in-building physical infrastructure" for high-speed broadband in accordance with Article 8 of Directive 2014/61/EU. (The remainder of the Directive is implemented at a UK level through Department of Culture Media and Sport.) The directive is intended to reduce the cost of deployment of high speed broadband networks across the EU.

d) Who will the policy affect?

The policy will affect people constructing new buildings and those carrying out major renovation works to a building's existing "in-building physical infrastructure".

If this policy has no adverse impact on any of the Section 75 groups, please go to Section C.

e) Is this a NICS wide policy?

f) Who will implement the policy?

g) Will this policy or revision address an existing inequality?
If yes, please give details.

h) Will this policy or revision benefit any Section 75 categories.
If yes, please give details.

i) Will this policy or revision have an adverse differential impact upon any of the Section 75 groupings?
If yes, please give details

Section B

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? Set out all evidence below along with details of the different groups you have met and / or consulted with to help inform your screening assessment.

Please also provide details of priorities and needs identified for each group

Section 75 category	Details of evidence / information and engagement / needs and priorities
Religious belief	
Political opinion	
Racial group	
Age	

Marital status	
Sexual orientation	
Men & women generally	
Disability	
Dependants	

No evidence held? Outline how you will obtain it:

Screening questions

There are 4 essential screening questions:

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the nine Section 75 categories?
2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories?
3. Will the policy impact upon good relations between people of different religious belief, political opinion or racial group?
4. Are there opportunities to better promote good relations between these three groups?

Category	Q1.Impact upon Equality of opportunity within the Section 75 categories	Level of impact: None/ Minor/ Major	Q2.Opportunities to promote Equality Of opportunities within the Section 75 categories	Level of impact: None/ Minor/ Major
Religious Belief				
Political opinion				
Racial group				
Age				
Marital status				
Sexual orientation				
Men and women generally				
Disability				
Dependants				

Category	Q3. Impact upon good relations between people of different religious belief, political opinion or racial group	Level of impact: None/ Minor/ Major	Q4. Promotion of good relations between people of different religious belief, political opinion or racial group	Level of impact: None/ Minor/ Major
Religious Belief				
Political opinion				
Racial group				

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.

Alternatively there may already be policies in place which would mitigate any adverse impact identified.

Please provide details in the box below:

Section C

DoF also has legislative obligations to meet under the [Disability Discrimination Order](#) and the [Human Rights Act](#) . The following questions relate to these two areas.

Consideration of Disability Duties

- a) Does the proposed policy / decision provide an opportunity for DoF to better **promote positive attitudes** towards disabled people?

Explain your assessment in full

The provision of in-building infrastructure may facilitate broadband provision which in turn could help promote positive attitudes towards disabled people through improved online interactions.

- b) Does the proposed policy / decision provide an opportunity to actively **increase the participation** by disabled people in public life?

Explain your assessment in full

The provision of in-building infrastructure may facilitate broadband provision which in turn may impact positively on the lives of disabled people in public life through online interactions.

Consideration of Human Rights

- c) The Human Rights Act (HRA) 1998 brings the European Convention on Human Rights (ECHR) into UK law and it applies in N Ireland. Articles 3 and 4 are classified as “absolute” rights ie the State can never withhold or take away these rights. All others are either “qualified” or “limited”. Further information is available via the following link

<https://www.justice.gov.uk/downloads/human-rights/human-rights-making-sense-human-rights.pdf>

Indicate any potential *adverse impacts* that the policy / decision may have in relation to human rights issues.

		<u>Adverse impact</u>
Right to Life	Article 2	Yes/ <u>no</u>
Prohibition of torture, inhuman or degrading treatment	Article 3	Yes/ <u>no</u>
Prohibition of slavery and forced labour	Article 4	Yes/ <u>no</u>
Right to liberty and security	Article 5	Yes/ <u>no</u>
Right to a fair and public trial	Article 6	Yes/ <u>no</u>
Right to no punishment without law	Article 7	Yes/ <u>no</u>
Right to respect for private and family life, home and correspondence	Article 8	Yes/ <u>no</u>
Right to freedom of thought, conscience and religion	Article 9	Yes/ <u>no</u>
Right to freedom of expression	Article 10	Yes/ <u>no</u>
Right to freedom of peaceful assembly and association	Article 11	Yes/ <u>no</u>

Right to marry and to found a family	Article 12	Yes/ <u>no</u>
The prohibition of discrimination	Article 14	Yes/ <u>no</u>
Protection of property and enjoyment of possessions	Protocol 1 Article 1	Yes/ <u>no</u>
Right to education	Protocol 1 Article 2	Yes/ <u>no</u>
Right to free and secret elections	Protocol 1 Article 3	Yes/ <u>no</u>

Consideration of Human Rights (cont)

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

The policy is intended to reduce the cost of broadband. Improved interactions through broadband should encourage and promote human rights generally and the right to education in particular.

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

none

If you have identified any adverse impacts on human rights please consider these further by using the toolkit provided by The Executive Office which can be found on pages 63-71 of the Policy toolkit at <https://www.executiveoffice-ni.gov.uk/publications/effective-policy-making-workbook-four-practical-guide-impact-assessment-pdf>

Monitoring Arrangements

Section 75 requires DoF to have equality monitoring arrangements in place in order to assess the impact of policies and services etc; to help identify barriers to fair participation; and to better promote equality of opportunity.

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

Equality	Good Relations	Disability Duties
The Department intends to carry out a consultation of the proposed policy. Thereafter the Department will monitor implementation through the established regime of quarterly meetings with District Council Building Control who enforce the regulations. There is also opportunity for any potential improper or discriminatory	As with other equality and disability duties, ongoing liaison through established quarterly meetings with District Council Building Control will allow the Department to monitor the impact of the policy in relation to good relations. No impact is anticipated.	The Department is acutely aware of disability issues and prescribes a number of provisions to facilitate disabled access through Building Regulations. Although the Department has no concerns, liaison with District Council Building Control through policy consultation and established quarterly review meetings will enable the Department

<p>implementation to be challenged through the Building Regulations Appeals procedure and the Department will monitor these to review the implementation of the new policy.</p>		<p>to monitor and respond to any potential conflict with such provisions, or any other issue arising.</p>
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Section D

Formal Record of Screening Decision

Amendment of the Building Regulations (Northern Ireland) 2012 (as amended) to provide for the requirements of Article 8 of EU Directive 2014/61/EU.

I can confirm that the proposed policy / decision has been screened for –

✓	equality of opportunity and good relations
✓	disabilities duties; and
✓	human rights issues

On the basis of the answers to the screening questions, I recommend that this policy / decision is –

	* Screened In – Necessary to conduct a full EQIA
✓	* Screened Out – No EQIA necessary (no impacts)

	<p>* <u>Screened Out</u> - Mitigating Actions (minor impacts) Provide a brief note here to explain how this decision was reached:</p>
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**Screening assessment
completed by -**

Name John Burke
Grade PPTO
Date 01.06.16

approved by –

Name John Neely
Grade G6
Date 01.06.16

Strategic Equality Branch Notified (date) 05.08.16
Equality Contacts advised (date) 15.08.16