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**Statutory Equality Duties**

**Screening Of New/Revised Council Policies**

**(Questionnaire)**

# Screening of New/Revised Policies

**Introduction and Guidance Notes**

* 1. Section 75 of the Northern Ireland 1998 (“The Act”) requires the Council in carrying out its functions, powers and duties to have due regard to the need to promote equality of opportunity:
1. between persons of different religious belief, political opinion, racial group, age, marital

 status or sexual orientation;

1. between men and women generally;
2. between persons with disability and persons without;
3. between persons with dependants and persons without.

1.2 In addition, without prejudice to its obligations above, the Council shall in carrying out its functions, powers and duties have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. The Council supports the principles of good relations: equity, respecting diversity and interdependence, and the development of relationships built on trust and respect.

1.3 As stated in its Equality Scheme, the Council intends to screen all of its policies (formal

 and informal), functions and roles in order to determine which would require a fuller

 equality analysis in the form of an impact assessment.

* 1. This questionnaire is aimed at providing a standardised, systematic approach to the

 screening exercise. A summary of this document will be made available to the Council’s

 consultees and the general public, via the Council’s web-site and in other formats, (upon

 request). This document may also be produced, in full, as part of consultations

 regarding Equality Impact Assessments.

1.5 When the Council is considering a new/revised policy, it will determine whether the policy has the potential to have significant implications for equality of opportunity and/or good relations and if so will conduct a full impact assessment.

It will also help to determine if there are opportunities to:-

* Better promote good relations through tackling prejudice and/ or promoting understanding between the three Section 75 (2) categories, namely persons of different religious belief, political opinion and racial group.
* Promote positive attitudes towards people with a disability
* Encourage participation by disabled people in public life.

Where such opportunities are identified the new/revised policy will be referred to a designated working group for consideration.

* 1. Where due limited quantitative and/or qualitative research data, it is not possible to establish the ‘significance’ of the equality impact, policies which score positively against any of the screening criteria should be designated for detailed impact assessment.

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| **Part 1: Policy Scoping**1. Name of Policy: Policy on Dealing with Unacceptable Behaviour by Customers or Complainants and Persistent and/or Vexatious Complainants |
| Please tick as appropriate **New Policy Revised Policy**$$√$$ **Corporate Policy** **Departmental Policy** If Departmental, please specify which department;  **\_\_** |
| 3a. Please describe the aims of the policy:.**Derry City and Strabane District Council’s policy on dealing with unacceptable customers****and complainant behaviour and persistent and/or vexatious complainants aims to:*** **Contribute to the Council's overall aim of dealing with all customers and complaints in**

**ways which are consistent, fair and reasonable;*** **Deal fairly, consistently and appropriately with all complainants, including those whose**

**actions we consider unacceptable, unreasonable or vexatious. We believe that all****complainants have the right to be heard, understood and respected;*** **Ensure that Council staff and contractors are treated with respect and are not**

**subjected to verbal or physical abuse by complainants;*** **Provide services that are accessible to all customers and complainants. However, the**

**Council retains the right, where we consider complainant actions to be unacceptable,****unreasonable or vexatious to restrict or change access to our services;*** **Ensure that other customers and Council staff or contractors do not suffer any**

**disadvantage from customers and/or complainants who act in an unacceptable****manner;*** **Make a positive contribution to staff morale and motivation.**
* **The policy sets out how the Council will decide which complaints will be treated as**

**vexatious or unreasonably persistent and what the council will do in these****circumstances and where the behaviour of a customer or a complainant is deemed****unacceptable.** |
| Are there any Section75 groups which might be expected to benefit from the intended policy? If so, explain how**No – all users of Council services will benefit from this policy** |
| Who initiated or wrote the policy? **Democratic Services and Improvement Unit**  |
| Who is responsible for the implementation of the policy?**Council Staff**All Council staff should encourage members of the public and service users to provide feedback on Council services and activities. All complaints should be received respectfully and dealt with in accordance with the Council's procedure.**Service Managers**Service managers will be responsible for reporting, to a relevant Head of Service, the potentially unacceptable, unreasonable and/or vexatious behaviour of a customer or complainant and providing the Head of Service with whatever information / reports are necessary to make an informed, consistent and fair decision on whether any restrictions should be applied in relation to a customer/ complainant’s access to offices/staff.**Heads of Service**The relevant Head of Service will be responsible for ensuring that an effective investigation of any potentially unacceptable, unreasonable and/or vexatious behaviour of a customer or complainant is undertaken and making recommendations on potential action(s) to the Director for the service.Subject to the nature of a complaint, it may be necessary for a Head of Service to set up a meeting to agree a cross departmental approach and nominate an officer to co-ordinate the Council’s response.Where necessary, regular six monthly reviews of any restrictions that are in place, will be undertaken by a nominated Head of Service.**Directors**Directors will be responsible for making any decision to restrict a customer/complainant’s contact with the Council. The Director will also be responsible for writing to the complainant, advising of the nature of any restrictions, the duration of these restrictions and how they can appeal such a decision.All correspondence with the complainant, in relation to the application of this policy will be the responsibility of the Director.Responsibility for record keeping in relation to the application of this policy will lie with the relevant Director. Where a complainant wishes to have a decision to place restrictions on access reviewed, the Director will forward any relevant information to the Chief Executive.In the event that it is necessary to designate an officer to read future correspondence, an appropriate officer will be nominated by the Director.**Chief Executive (or nominated Director)**When requested by a complainant, the Chief Executive (or nominated Director) is responsible for collating the necessary information in order to conduct a fair and informed review of any decision to place restrictions on a complainant’s access to offices/staff.When reviews are carried out, the Chief Executive (or nominated Director) will write to advise the complainant of the outcome and, if restrictions are to continue to be applied, when these will next be reviewed. |
| 7. 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 \_\_\_\_\_ \_\_\_\_\_\_\_\_\_  |
|  **8.**  Who are the internal/external stakeholders (actual or potential) that the policy will impact upon?√ **Staff**√ **Service Users**√ **Other public sector organisations** √ **Voluntary/Community/Trade Unions** **Other, Please specify –Residents and Visitors to Derry City and Strabane District Council area**√ |
| 9. Is this policy associated with any other Council Policy(s)?Yes No √ If yes, please state the related policy(s) below.**Recruitment and Selection Policy****Customer Care Policy****Employee Code of Conduct****Disciplinary Procedures****Corporate Health and Wellbeing Policy** |
| **10(a).** How does the policy contribute towards the achievement of the Council’s strategic objectives? . |
| 11. How does the Council interface with other bodies in relation to the implementation of this policy?**Council will interface with all safeguarding bodies and advice groups to ensure effective implementation of the policy.** |

**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**  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **LGD** | **All usual residents** | **Catholic** | **Protestant and other Christian** | **Other religions** | **None** |
| **Northern Ireland** | 1,810,863 | 817,385(45.14%) | 875,717(48.36%) | 16,592(0.92%) | 101,169(5.59%) |
| **Derry & Strabane** | 147,720 | 106,600(72.16%) | 37,527(25.40%) | 940(0.64%) | 2,653(1.80%) |

**The breakdown detailing the religious belief profile of residents in the Derry City and Strabane District Council is as follows:****There is no evidence to suggest that issues regarding unacceptable or vexatious behaviour from complainants is affected by a person’s religious belief.** |
| **Political opinion**  | **The political opinion of the Council’s elected members is as follows:** **Sinn Féin 16 seats**  **SDLP 8 seats**  **Democratic Unionist 7 seats**  **Independents 7 seats** **Ulster Unionist 2 seats** **This breakdown is taken as an approximate representation of the political opinion of people within the Derry City and Strabane District Council area.** **There is no evidence to suggest that issues regarding unacceptable or vexatious behaviour from complainants is affected by a person’s political opinion.** |
| **Racial group**  | **The breakdown detailing the ethnic profile of the residents of the new Council area is as follows:**

|  |  |
| --- | --- |
| **Total Usual Residents**  | **147720** |
| White  | 145546 |
| Chinese | 301 |
| Irish Traveller | 116 |
| Indian | 670 |
| Pakistani | 48 |
| Bangladeshi | 23 |
| Other Asian | 222 |
| Black Caribbean  | 53 |
| Black African | 86 |
| Black Other | 41 |
| Mixed | 462 |
| Other | 163 |

**There is no evidence to suggest that issues regarding unacceptable or vexatious behaviour from complainants is affected by a person’s racial group.** |
| **Age**  | **The age profile of the Derry and Strabane LGD area at Census Day 2011 is as follows:**

|  |  |  |
| --- | --- | --- |
| **Age Profile** | **NI** | **Derry and Strabane**  |
| **0-4** | 124382 | 10259 |
| **5-7** | 67662 | 5653 |
| **8-9** | 43625 | 3858 |
| **10-14** | 119034 | 10904 |
| **15** | 24620 | 2363 |
| **16-17** | 51440 | 4729 |
| **18-19** | 50181 | 4443 |
| **20-24** | 126013 | 10399 |
| **25-29** | 124099 | 10481 |
| **30-44** | 373947 | 30635 |
| **45-59** | 347850 | 28082 |
| **60-64** | 94290 | 7475 |
| **65-74** | 145600 | 10775 |
| **75-84** | 86724 | 5876 |
| **85-89** | 21165 | 1217 |
| **90+** | 10231 | 571 |

**There is no evidence to suggest that issues regarding unacceptable or vexatious behaviour from complainants is affected by a person’s age group.** |
| **Marital status**  | **The table below illustrates the marital status profile of the Derry and Strabane LGD:**

|  |  |  |
| --- | --- | --- |
| **Marital Status** | **Derry and Strabane LGD** | **NI** |
| All usual residents: Aged 16+ years | **83663** | **1431540** |
| Single (never married or never registered a same-sex civil partnership): Aged 16+ years | **46326** (40.39%) | **517393** (36.14%) |
| Married: Aged 16+ years | **49218** (42.92%) | **680831**(47.56%) |
| In a registered same-sex civil p’ship: Aged 16+ years | **93**(0.08%) | **1243**(0.09%) |
| Separated (but still legally married or still legally in a same-sex civil p’ship): Aged 16+ years | **5886**(5.13%) | **56911**(3.98%) |
| Divorced or formerly in a same-sex civil partnership which is now legally dissolved:  | **6179**(5.39%) | **78074**(5.45%) |
| Widowed or surviving partner from a same-sex civil partnership: Aged 16+ years | **6981**(6.09%) | **97088**(6.78%) |

**There is no evidence to suggest that issues regarding unacceptable or vexatious behaviour from complainants is affected by a person’s marital status.** |
| **Sexual orientation** | **Analysis of the Census 2011 indicates that between 2% and 10% of the population may be lesbian, gay or bisexual.** **There are no official statistics in relation to the number of gay, lesbian or bisexual people in Northern Ireland. However, research conducted by the HM Treasury shows that between 5% - 7% of the UK population identify themselves as gay, lesbian, bisexual or ´trans´ (transsexual, transgendered and transvestites) (LGBT). This is a sizeable proportion of the population here in Northern Ireland.****There is no evidence to suggest that issues regarding unacceptable or vexatious behaviour from complainants is affected by a person’s sexual orientation.** |
| **Men and women generally** | **The gender profile for the Derry and Strabane LGD is as follows:**

|  |  |  |
| --- | --- | --- |
| **LGD** | **Male** | **Female** |
| Northern Ireland | 887323 | 923540 |
| Derry and Strabane LGD | 72475 | 75245 |

**There is no evidence to suggest that issues regarding unacceptable or vexatious behaviour from complainants is affected by a person’s gender.**  |
| **Disability** | * **According to the 2011 Census 22.95% of people in the Derry and Strabane LGD have a long-term health problem or disability that limits their day-to-day activities;**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **LGD** | **All usual residents** | **Day-to-day activities** **limited a lot** | **Day-to-day activities limited a little** | **Day-to-day activities not limited** |
| **Northern Ireland** | 1810863 | 215232(11.89%) | 159414(8.8%) |  1436217(79.31%) |
| **Derry and Strabane** | 147720 | 20710(14.02%) | 13193(8.93%) | 113817(77.05%) |

The **There is no evidence to suggest that issues regarding unacceptable or vexatious behaviour from complainants is affected by a person’s ability/disability.** |
| **Dependant** | * **According to the 2011 Census 37.65% of households in the Derry and Strabane LGD have a dependants as compared to the Northern Ireland average of 33.85% households;**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | All households | Married or in a registered same-sex civil partnership couple: Dependent children | Cohabiting couple: Dependent children | Lone parent: Dependent children | Other household types: With dependent children |
| Northern Ireland | 703275 | 138677(19.72%) | 16186(2.3%) | 64228(9.13% | 18980(2.7%) |
| Derry and Strabane | 55596 | 10370(18.65%) | 1097(1.97%) | 7284(13.1%) | 2187(3.93%) |

**There is no evidence to suggest that issues regarding unacceptable or vexatious behaviour from complainants is affected by a person’s caring responsibilities.** |

**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**  | **Council does not have sufficient quantitative information to indicate that the Policy acts disproportionately in relation to this Group** |
| **Political opinion**  | **Council does not have sufficient quantitative information to indicate that the Policy acts disproportionately in relation to this Group.** |
| **Racial group**  | **There is a possible differential impact on persons of different racial groups in terms of access to information in their own language which may affect their customer service experience.** |
| **Age**  | **Council does not have sufficient quantitative information to indicate that the Policy acts disproportionately in relation to this Group.** |
| **Marital status**  | **The Council does not have sufficient quantitative information to indicate that this Policy acts disproportionately in relation to persons of different marital status** |
| **Sexual orientation** | **The Council does not have sufficient quantitative information to indicate that this Policy acts disproportionately in relation to persons of different marital status** |
| **Men and women generally** | **The Council does not have sufficient quantitative information to indicate that this policy acts disproportionately in relation to persons of different gender.** |
| **Disability** | **There is a possible differential impact on persons with a disability, in particular those people with a sensory impairment or those people with a learning disability in terms of how information is presented to them.** |
| **Dependants** | **The Council does not have sufficient quantitative information to indicate that this policy acts disproportionately in relation to this group.** |

**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.

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**

The policy has no relevance to equality of opportunity or good relations.

1. 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**

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| 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 Council strives to ensure, through the operation of its Policy on Dealing with Unacceptable Behaviour and/or Vexatious Complainants, that there are no differential impacts on any of the Section 75 categories occasioned by the delivery of its services.** | None |
| **Political opinion**  | **The Council strives to ensure, through the operation of its Policy on Dealing with Unacceptable Behaviour and/or Vexatious Complainants, that there are no differential impacts on any of the Section 75 categories occasioned by the delivery of its services.** | None |
| **Racial group**  | **The Council strives to ensure, through the operation of its Policy on Dealing with Unacceptable Behaviour and/or Vexatious Complainants, that there are no differential impacts on any of the Section 75 categories occasioned by the delivery of its services.** | None |
| **Age** | **The Council strives to ensure, through the operation of its Policy on Dealing with Unacceptable Behaviour and/or Vexatious Complainants, that there are no differential impacts on any of the Section 75 categories occasioned by the delivery of its services.** | None |
| **Marital status**  | **The Council strives to ensure, through the operation of its Policy on Dealing with Unacceptable Behaviour and/or Vexatious Complainants, that there are no differential impacts on any of the Section 75 categories occasioned by the delivery of its services.** | None |
| **Sexual orientation** | **The Council strives to ensure, through the operation of its Policy on Dealing with Unacceptable Behaviour and/or Vexatious Complainants, that there are no differential impacts on any of the Section 75 categories occasioned by the delivery of its services.** | None |
| **Men and women generally**  | **The Council strives to ensure, through the operation of its Policy on Dealing with Unacceptable Behaviour and/or Vexatious Complainants, that there are no differential impacts on any of the Section 75 categories occasioned by the delivery of its services.** | None |
| **Disability** | **The Council strives to ensure, through the operation of its Policy on Dealing with Unacceptable Behaviour and/or Vexatious Complainants, that there are no differential impacts on any of the Section 75 categories occasioned by the delivery of its services.** | None |
| **Dependants**  | **The Council strives to ensure, through the operation of its Policy on Dealing with Unacceptable Behaviour and/or Vexatious Complainants, that there are no differential impacts on any of the Section 75 categories occasioned by the delivery of its services.** | None |
| 1. **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** |  |  |
| **Political opinion**  |  |  |
| **Racial group**  | **Council must ensure all information regarding this policy is available in appropriate formats as the need is identified.** |  |
| **Age** | **Council must ensure all information regarding this policy is available in appropriate formats as the need is identified** |  |
| **Marital status** |  |  |
| **Sexual orientation** |  |  |
| **Men and women generally**  |  |  |
| **Disability** | **Council must ensure all information regarding this policy is available in appropriate formats as the need is identified** |  |
|  **Dependants** |  |  |

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| 1. **Are there opportunities to better promote good relations between Section 75 equality categories through tackling prejudice and/or promoting understanding?**
 |
| **Section 75 category**  | If **Yes**, provide details  | If **No**, provide reasons |
| **Religious belief** |  | **No – This policy is equally applicable to customers regardless of Section 75 grouping** |
| **Political opinion**  |  | **No – This policy is equally applicable to customers regardless of Section 75 grouping** |
| **Racial group**  |  | **No – This policy is equally applicable to customers regardless of Section 75 grouping** |
| **Age** |  | **No – This policy is equally applicable to customers regardless of Section 75 grouping** |
| **Marital status** |  | **No – This policy is equally applicable to customers regardless of Section 75 grouping** |
| **Sexual orientation** |  | **No – This policy is equally applicable to customers regardless of Section 75 grouping** |
| **Men & women generally**  |  | **No – This policy is equally applicable to customers regardless of Section 75 grouping** |
| **Disability** |  | **No – This policy is equally applicable to customers regardless of Section 75 grouping** |
|  **Dependants** |  | **No – This policy is equally applicable to customers regardless of Section 75 grouping** |

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| **4. Is there evidence to suggest that this policy would promote positive attitudes towards people with a disability?** |
| **If Yes, provide details**  | **If No, provide reasons** |
|  | **No – This policy is equally applicable to customers regardless of Section 75 grouping** |
|  **5. Is there evidence to suggest that this policy would encourage the participation of people with a disability in public life?** |
| **If Yes, provide details**  | **If No, provide reasons** |
|  | **No – This policy is equally applicable to customers regardless of Section 75 grouping** |

**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.

**Part 3. Screening decision**

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

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| **The Council strives to ensure that there are no differential impacts on any of the Section 75 categories occasioned by the delivery of its services.****There is no evidence to suggest that customer complaints are coming from one category more than another. However Derry City and Strabane District Council recognizes that its customers have different needs in terms of how information is provided to them and have supporting policies and procedures in place to meet these and thus reduce any potential adverse impact.** |

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

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

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**Part 4: 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.

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**Part 5 - Approval and authorisation**

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| --- | --- | --- |
| **Screened by:**  | **Position/Job Title**  | **Date** |
| Kay McIvor | Policy Officer (Equality) | 27th January 2017 |
| **Approved by:** |  |  |
| Ellen Cavanagh | Lead Democratic Services and Improvement Officer | 27th January 2017 |

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.