

DEPARTMENT FOR INFRASTRUCTURE

SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

The purpose of this form is to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for quarterly consultation on the outcome of the screening exercise, and will be referenced in the biannual review of progress made to the Minister and in the Annual Report to the Equality Commission.

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

HUMAN RIGHTS ACT

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

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

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

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

Don't forget to Rural Proof.

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

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

Information about the policy

Name of the policy

The Level Crossing (Cullybackey North) Order (Northern Ireland) 2023
The Level Crossing (Cullybackey South) Order (Northern Ireland) 2023
The Level Crossing (Cullybackey Station) Order (Northern Ireland) 2023

Is this an existing, revised or a new policy?

Revised, the proposed three new Level Crossing Orders will revoke and replace the existing extant Level Crossing Orders currently in operation at Cullybackey North, South and Station to reflect the new upgraded level crossings and related systems.

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

This Order provides for the provision and maintenance of revised and updated controlled barriers supervised by closed circuit television at the three level crossings at Cullybackey North, South and Station.

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

If so, explain how.

No

Who initiated or wrote the policy?

DFI

Who owns and who implements the policy?

DFI

Background

[Author please provide information that will allow readers an understanding of what the policy is, and why it is required].

Northern Ireland Railways is required to make application to the Department in accordance with section 66(4) of the Transport Act (NI) 1967 when seeking to introduce a Public Level Crossing Order made under the this Act. The 1967 Act requires the Department to make three new Orders for the level crossings at Cullybackey.

The need for the three level crossings Orders arises from the completion of new works to upgrade the three level crossing at Cullybackey North, South and Station which will enhance safety at the respective crossings.

The Orders provide for the provision and maintenance of barriers lights and other devices at Cullybackey for the control of traffic where the railway lines crosses the road at Cullybackey North, South and Station, at Fenagh Road, Old Cullybackey Road and Ballymena Roads respectively.

Schedule 1 of each Order sets out the particulars of barriers, lights, traffic signs and other devices, which are to be provided at the crossings. Schedule 2 states the condition and requirements with which the railway undertaking is to comply in relation to the level crossings.

Section 47 of the Railways Clauses Consolidation Act 1845 (which requires the railway undertaking to provide gates and gate-keepers, section 6 of the Railways Clauses Act 1863 (requirements as to lodges, etc.) and any other statutory provision imposing requirements to

the same or similar effect, shall not apply to these crossings whilst the proposed Orders remains in force.

All works are carried out in accordance with Section 5 and Schedule 1 to the Railway Safety Act (Northern Ireland) 2002 and in line with the requirements of the Traffic Signs Regulations (Northern Ireland) 1997.

Implementation factors

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

No

If yes, are they (please delete as appropriate)

financial

legislative

other, please specify _____

Main stakeholders affected

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

service users

other, please specify Translink NIR _____

Other policies with a bearing on this policy

- what are they?

Transport Act (NI) 1967
Railways Clauses Consolidation Act 1845
Railways Clauses Act 1863

- who owns them?

Department for Infrastructure (Dfi)

Available evidence

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

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

Religious belief evidence / information:

Between April 2021 and March 2022, there were a total of eight fatal incidents at level crossings across the UK. This is the single largest risk area resulting in fatal incidents among members of the public on the rail network.

Translink NIR have a body of evidence which indicates misuse of the level crossings at Cullybackey. Given level crossings represent the single biggest area of risk for members of the public interacting with the rail network, the proposed upgrades to the level crossings put in place mitigation measures which will mitigate the misuse of these level crossings.

While there is evidence to indicate the proposed upgrades will improve safety and mitigate the risk to members of the public using the level crossings, there is no evidence with regards to its impact on this S75 group.

Political Opinion evidence / information:

As above

Racial Group evidence / information:

As above

Age evidence / information:

As above

Marital Status evidence / information:

As above

Sexual Orientation evidence / information:

As above

Men & Women generally evidence / information:

As above

Disability evidence / information:

Between April 2021 and March 2022, there were a total of eight fatal incidents at level crossings across the UK. This is the single largest risk area resulting in fatal incidents among members of the public on the rail network.

Translink NIR have a body of evidence which indicates misuse of the level crossings at Cullybackey. Given level crossings represent the single biggest area of risk for members of the public interacting with the rail network, the proposed upgrades to the level crossings put in place mitigation measures which will mitigate the misuse of these level crossings.

The design of the new barriers meets the Technical Specifications for Interoperability associated with this Section 75 group, specifically those who are visually impaired, hearing impaired and those with mobility issues.

Dependants evidence / information:

Between April 2021 and March 2022, there were a total of eight fatal incidents at level crossings across the UK. This is the single largest risk area resulting in fatal incidents among members of the public on the rail network.

Translink NIR have a body of evidence which indicates misuse of the level crossings at Cullybackey. Given level crossings represent the single biggest area of risk for members of the public interacting with the rail network, the proposed upgrades to the level crossings put in place mitigation measures which will mitigate the misuse of these level crossings.

While there is evidence to indicate the proposed upgrades will improve safety and mitigate the risk to members of the public using the level crossings, there is no evidence with regards to its impact on this S75 group.

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

These Orders are technical in nature and in the main to ensure public safety for all S75 groups by ensuring barriers, traffic signs etc. are maintained. As such no specific needs have been identified for this group.

Political Opinion

As above

Racial Group

As above

Age

As above

Marital status

As above

Sexual orientation

As above

Men and Women Generally

As above

Disability

The design of the new barriers meets the Technical Specifications for Interoperability associated with this Section 75 group, specifically those who are visually impaired, hearing impaired and those with mobility issues. As such, the proposed upgrades to the level crossings at Cullbackey take into account the specific needs of those who are visually impaired, hearing impaired and those with mobility issues.

Dependants

These Orders are technical in nature and in the main to ensure public safety for all S75 groups by ensuring barriers, traffic signs etc. are maintained. As such no specific needs have been identified for 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 which are given on pages 66-68 of this Guide.

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

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?

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

Details of the likely policy impacts on **Religious belief**:

The Orders are technical in nature and make provision to upgrade the three level crossings at Cullybackey. The introduction of these Orders which replace the existing Orders will have no bearing in terms of its likely impact on equality of opportunity or good relations for this group.

What is the level of impact? None

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

What is the level of impact? None

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

What is the level of impact? None

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

What is the level of impact? None

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

What is the level of impact? None

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

What is the level of impact? None

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

What is the level of impact? None

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

What is the level of impact? None

Details of the likely policy impacts on **Dependants**: as above

What is the level of impact? None

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

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

Religious Belief - If Yes, provide details:

If No, provide reasons

No, the three Orders relate to the provision and maintenance of barriers, lights and signage which will update the existing level crossings at Cullybackey Station, North and South. The Orders are technical in nature and in the main will ensure public safety for all the S75 groups. As such, no specific opportunities to promote equality of opportunity for this group have been identified.

Political Opinion - If Yes, provide details:

If No, provide reasons

No, as above

Racial Group - If Yes, provide details:

If No, provide reasons

No, as above

Age - If Yes, provide details:

If No, provide reasons:

No, as above

Marital Status - If Yes, provide details:

If No, provide reasons

No, as above

Sexual Orientation - If Yes, provide details:

If No, provide reasons:

No, as above

Men and Women generally - If Yes, provide details:

If No, provide reasons:

No, as above

Disability - If Yes, provide details:

If No, provide reasons:

The design of the new barriers meets the Technical Specifications for Interoperability associated with this Section 75 group, specifically those who are visually impaired, hearing impaired and those with mobility issues. As such, the proposed upgrades to the level crossings at Cullybackey take into account the specific needs of those who are visually impaired, hearing impaired and those with mobility issues and promote equality of opportunity in terms of better protecting this group when using these level crossings.

Dependants - If Yes, provide details:

If No, provide reasons:

No, the three Orders relate to the provision and maintenance of barriers, lights and signage which will update the existing level crossings at Cullybackey Station, North and South. The Orders are technical in nature and in the main will ensure public safety for all the S75 groups. As such, no specific opportunities to promote equality of opportunity for this group have been identified.

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

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

Details of the likely policy impacts on **Religious belief**:

No, the Orders are technical in nature and will have no impact on good relations between any of these groups.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**: (see above)

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: (see above)

What is the level of impact? None

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

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

No, the Orders are technical in nature and will have no impact on good relations between any of these groups, they provide for new barriers signage and lights at the respective crossings. There is no opportunity to better promote better relations between any of these groups)

Religious Belief - If Yes, provide details:

If No, provide reasons:

No, see above

Political Opinion - If Yes, provide details:

If No, provide reasons

No, see above

Racial Group - If Yes, provide details:

If No, provide reasons

No, see above

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).

The policy does not have a negative impact on people with multiple identities.

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

None

Part 3. Screening decision

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

The three Orders provides for the provision and maintenance of barriers, lights and signage to update the existing level crossings at the three locations of Cullybackey Station, North and South with a view to improving safety of all users, they will not adversely impact any of the S75 groups and the safety upgrades will have a positive affect for all of the S75 groups.

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.

No mitigation required.

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

N/A

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

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

N/A

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

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

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

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

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

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

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

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

No

If yes, please provide details.

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

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

Part 5 - Approval and authorisation

Screened by: George Kearns
Position/Job Title: DP Rail Safety Authority
Date: 18th October 2022

Approved by: Dr Graeme Banks
Position/Job Title: Head of Rail Safety
Date: 18th October 2022

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

For Equality Team Completion:

Date Received:
Amendments Requested: Yes / No
Date Returned to Business Area:
Date Final Version Received / Confirmed:
Date Published on DfI's Section 75 webpage: