



Department of
**Health, Social Services
and Public Safety**

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Equality Screening, Disability Duties and Human Rights Assessment Template

Part 1 – Policy scoping

Part 2 – Screening questions

Part 3 – Screening decision

Part 4 – Monitoring

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Part 6 – Human Rights

Part 7 – Approval and Authorisation

Guidance notes are available to assist with completing this template. For further help please contact the Equality and Human Rights Unit ext 20539.

Part 1. Policy scoping

1.1 Information about the policy / decision

1.1.1 What is the name of the policy / decision?

Prohibiting the sale of nicotine inhaling products (NIPs), including e-cigarettes, to persons under the age of eighteen. A further offence of proxy purchasing in relation to e-cigarettes is also planned.

1.1.2 Is this an existing, revised or a new policy / decision?

New policy. Regulation-making powers were included in the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016

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

To reduce the appeal and uptake of nicotine products, including e-cigarettes, by children and young people. Nicotine is a highly addictive substance and given that there are currently no legal restrictions on the sale of NIPs to children, the Department is concerned that e-cigarette use by minors may act as a gateway into smoking tobacco products. Furthermore, while research has shown NIPs to be considerably less harmful than tobacco, the long-term effects of e-cigarette use are largely unknown. The policy will introduce legislative measures to prohibit the sale of these products to persons under the age of eighteen, in line with existing tobacco control regulations.

1.1.4 If there are any Section 75 categories which might be expected to benefit from the intended policy, please explain how.

Age – the policy is aimed at preventing young people from having access to nicotine inhaling products. This will, in turn, prevent children from becoming addicted to nicotine and prevent any such products from acting as a gateway to smoking.

1.1.5 Who initiated or wrote the policy?

The Department of Health

1.1.6 Who owns and who implements the policy?

The Department of Health

1.2 Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? If yes, are they

- Financial
- Legislative
- Other

Please explain:
Regulations will require to be debated in the Assembly and passed before the new restrictions can be introduced.

1.3 Main stakeholders affected

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

- Staff
- Service users
- Other public sector organisations
- Voluntary/community/trade unions

Other, please specify

Retailers who sell nicotine products; the tobacco/e-cigarette industry; children and young people. Also District Council staff who will enforce the new measures.

1.4 Other policies with a bearing on this policy / decision. If any:

Policy	Owner(s) of the policy
Tobacco Strategy for Northern Ireland	Department of Health
E-cigarettes: an evidence update	Public Health England
Nicotine without smoke	Royal College Physicians
Electronic nicotine delivery systems	World Health Organisation

1.5 Available evidence

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	N/A
Political opinion	N/A
Racial group	N/A
Age	The policy will mainly impact young people under the age of 18. Questions on e-cigarette use were included for the first time in the Young Person's Behaviour and Attitudes Survey 2016 and the survey results revealed that awareness of e-cigarettes amongst this age-group is high at 94%. In terms of actual use, 20% of respondents reported having tried an e-cigarette at least once and 5% stated that they used e-cigarettes regularly, i.e. at least once a week.
Marital status	N/A

Sexual orientation	N/A
Gender (Men and women generally)	N/A
Disability (with or without)	N/A
Dependants (with or without)	N/A

* **Qualitative data** – refers to the experiences of individuals related in their own terms, and based on their own experiences and attitudes. Qualitative data is often used to complement quantitative data to determine why policies are successful or unsuccessful and the reasons for this.

Quantitative data - refers to numbers (that is, quantities), typically derived from either a population in general or samples of that population. This information is often analysed either using descriptive statistics (which summarise patterns), or inferential statistics (which are used to infer from a sample about the wider population).

1.6 Needs, experiences and priorities

Taking into account the information recorded in 1.1 to 1.5, 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	None
Political opinion	None
Racial group	None
Age	Evidence shows that young people are more likely than adults to engage in risk taking behaviours such as smoking, drinking and taking drugs. Young people who have never smoked tobacco are more likely to experiment with e-cigarettes than adults who have never smoked.
Marital status	None
Sexual orientation	None
Gender (Men and women generally)	None
Disability (with or without)	None

Dependants (with or without)	None
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Part 2. Screening questions

2.1 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	None	None
Political opinion	None	None
Racial group	None	None
Age	Persons under the age of 18 will no longer be able to purchase e-cigarettes	Minor positive
Marital status	None	None
Sexual orientation	None	None
Gender (Men and women generally)	None	None
Disability (with or without)	None	None

Dependants (with or without)	None	None
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2.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		No
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Gender (Men and women generally)		No
Disability (with or without)		No
Dependants (with or without)		No

2.3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? (minor/major/none)		
Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	N/A	None
Political opinion	N/A	None
Racial group	N/A	None

2.4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If Yes , provide details	If No , provide reasons
Religious belief		No
Political opinion		No
Racial group		No

2.5 Additional considerations

Multiple identity

Provide details of data on the impact of the policy on people with multiple identities (e.g. minority ethnic people with a disability, women with a disability, young protestant men, young lesbian, gay or bisexual persons). Specify relevant Section 75 categories concerned.

N/A

2.6 Was the original policy / decision changed in any way to address any adverse impacts identified either through the screening process or from consultation feedback. If so please provide details.

No

Part 3. Screening decision

3.1 How would you summarise the impact of the policy / decision?

No impact
Minor impact
Major impact

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Consider mitigation (3.4 – 3.5)

3.2 Do you consider that this policy / decision needs to be subjected to a full Equality Impact Assessment (EQIA)?

Yes - screened in
No - screened out

<input type="checkbox"/>
<input checked="" type="checkbox"/>

3.3 Please explain your reason for making your decision at 3.2.

The policy is aimed at young people under eighteen. It will introduce legislative measures to ban the sale of nicotine products to this group. This will, in turn, prevent children and young people from becoming addicted to nicotine and prevent any such products from acting as a gateway to smoking. It should also be noted that the liquid refills often used for these products generally contain levels of nicotine which are poisonous if ingested (there have been occasions where children have been treated in emergency departments in Northern Ireland for near fatal levels of nicotine poisoning due to ingestion of e-cigarette refills). The legislation will bring the age of sale of nicotine products in line with existing tobacco control regulations. There is also evidence that the adolescent brain is particularly sensitive to the effects of nicotine and that exposure to nicotine in adolescence can be detrimental to brain development in terms of increasing the risk of psychiatric disorders and cognitive impairment in later life.

The Department's 10 Year Tobacco Control Strategy identifies young people as a key target group and aims to promote the health and wellbeing of young people.

Introduction of the policy will not result in an adverse impact on any of the Section 75 Groups.

Mitigation

If you have concluded at 3.1 and 3.2 that the likely impact is '**minor**' and an equality impact assessment is not to be conducted, you must consider mitigation (or scope for further mitigation if some is already included as per 2.6) to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

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

Yes

No

3.5 If you responded "**Yes**", please give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

Part 4. Monitoring

Monitoring is an important part of policy development and implementation. Through monitoring it is possible to assess the impacts of the policy / decision both beneficial and adverse.

4.1 Please detail how you will monitor the effect of the policy / decision?

The Department will collect data from District Councils in relation to warnings and prosecutions of retailers who sell to underage children. It is expected that the Young Persons Behaviour and Attitudes Survey (YPBAS) carried out every three years will provide information on 11-16 year olds who use nicotine products, including e-cigarettes, and the Health Survey NI which is carried out each year will give an indication on the percentage of 16-19 year olds using these products. It is expected that the measure will help prevent the use of nicotine products amongst underage children and young people by reducing their availability and that this will, in turn, prevent children from becoming addicted to nicotine. This policy will also harmonise the availability of nicotine products, including e-cigarettes, with existing tobacco control regulations.

4.2 What data will you collect in the future in order to monitor the effect of the policy / decision?

As above.

Please note: - For the purposes of the annual progress report to the Equality Commission you may later be asked about the monitoring you have done in relation to this policy and whether that has identified any Equality issues.

Part 5. Disability Duties

5.1 Does the policy/decision in any way promote positive attitudes towards disabled people and/or encourage their participation in public life?

No

5.2 Is there an opportunity to better promote positive attitudes towards disabled people or encourage their participation in public life by making changes to the policy/decision or introducing additional measures?

No

Part 6. Human Rights

6.1 Please complete the table below to indicate whether the policy / decision affects anyone's Human Rights?

ARTICLE	POSITIVE IMPACT	NEGATIVE IMPACT = human right interfered with or restricted	NEUTRAL IMPACT
Article 2 – Right to life	X		
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment			X
Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour			X
Article 5 – Right to liberty & security of person			X
Article 6 – Right to a fair & public trial within a reasonable time			X
Article 7 – Right to freedom from retrospective criminal law & no punishment without law.			X
Article 8 – Right to respect for private & family life, home and correspondence.			X
Article 9 – Right to freedom of thought, conscience & religion			X
Article 10 – Right to freedom of expression			X
Article 11 – Right to freedom of assembly & association			X
Article 12 – Right to marry & found a family			X
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights			X

1 st protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property			X
1 st protocol Article 2 – Right of access to education			X

6.2 If you have identified a likely negative impact who is affected and how?

N/A

At this stage we would recommend that you consult with your line manager to determine whether to seek legal advice and to refer to Human Rights Guidance to consider:

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction in order to comply with the Human Rights Act (1998).*

6.3 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.

N/A

Part 7 - Approval and authorisation

	Name	Grade	Date
Screened completed by	Jenny McAlarney (draft)	DP	11/08/2017
	Karen Oldham (final)	DP	1/8/2018
Approved by ¹	Gerard Collins	G7	10/8/2018
Forwarded to E&HR Unit ²			10/8/2018

Notes:

¹ The Screening Template should be approved by a senior manager responsible for the policy this would normally be at least Grade 7.

² When the Equality and Human Rights Unit receive a copy of the final screening it will be placed on the Department's website and will be accessible to the public from that point on. In addition, consultees who elect to receive it, will be issued with a quarterly listing all screenings completed during each three month period.