



Equality Screening, Disability Duties and Human Rights Assessment Template

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Part 1. Policy scoping

1.1 Information about the policy

Name of the policy:

The Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020 and all applied amendments.

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

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

The Department and wider Health and Social Care sector overarching aims are to:

- (i) safeguard lives by reducing the further spread of the Covid-19 virus; and
- (ii) prevent the HSC system from becoming overwhelmed due to the Covid-19 pandemic and the demands this places on the whole HSC system.

The regulations are part of a number of measures aimed at protecting public health by preventing the spread of Covid-19.

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

If so, explain how.

The policy is aimed at population wide protection, including those in S75 groups. There is some evidence that the elderly, ethnic minorities and those with certain medical conditions are more likely to contract the virus, and more likely to suffer adverse impact. As such, any measures to protect these vulnerable groups will be of benefit.

Who initiated or wrote the policy?

Executive decision based on scientific evidence.

Who owns and who implements the policy?

DoH are responsible for making Regulations. TEO has led the development of policy, liaising with other Departments which have made recommendations as to what should be regulated.

1.2 Implementation factors

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

If yes, are they (please delete as appropriate)

~~financial~~

~~legislative~~

other - public refusal to comply.

1.3 Main stakeholders affected

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

staff

service users

other public sector organisations

voluntary/community/trade unions

other - Legislation will impact on the public at large.

1.4 Other policies with a bearing on this policy

A wide range of Covid-19 restrictions have been imposed worldwide. In Northern Ireland, Coronavirus Restrictions and Travel Restrictions have been put in place.

1.5 Available evidence

What evidence/information (both qualitative and quantitative¹) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Religious belief evidence / information: Junior Ministers led discussions with faith leaders, which have involved also CMO and CSA, and no religious differential was identified.

Political Opinion evidence / information: None

Racial Group evidence / information: There is information available to suggest that some ethnic groups may be more affected by Covid-19. A Public Health England [analysis](#) of survival among confirmed COVID-19 cases showed that, after accounting for the effect of sex, age, deprivation and region, people of Bangladeshi ethnicity had around twice the risk of death when compared to people of White British ethnicity. People of Chinese, Indian, Pakistani, Other Asian, Caribbean and Other Black ethnicity had between 10 and 50% higher risk of death when compared to White British. Measures to prevent spread through increased compliance with regulatory measures would, therefore, be expected to have greater positive benefit for BAME communities.

Age evidence / information: There is evidence that Covid19 has a disproportionate impact on older people. The JCVI reports that 'current evidence strongly indicates that the single greatest risk of mortality from COVID-19 is increasing age and that the risk increases exponentially with age.... Data also indicates that the absolute risk of mortality is higher in those over 65 years than that seen in the majority of younger adults with an underlying health condition.'

Marital Status evidence / information: None

Sexual Orientation evidence / information: None

Men & Women generally evidence / information: None

Disability evidence / information: There is evidence that those with certain medical conditions are disproportionately impacted by Covid-19. Depending on underlying health conditions, people with a disability may be at greater risk of developing more severe cases of COVID-19 if they become infected.

¹ * 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).

It may also be the case that people who have a disability are more likely to avail of HSC services and that any additional pressure on HSC services would have a negative impact on this group. The proposed measures will help to negate this risk.

The prevalence of disability rises with age. Around 6% of children are disabled, compared to 16% of working age adults and 45% of adults over State Pension age. ¹ [Disability facts and figures - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Dependants evidence / information: Those who are in receipt of a Carer's Allowance, or those who are the main carer of an elderly or disabled person whose welfare may be at risk if the carer falls ill, may also benefit from protections offered by these regulations.

1.6 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 - There is no evidence that different religious beliefs will have any different needs, experiences, priorities or issues in relation to these Regulations.

Political Opinion: None - There is no evidence that those with different political opinions will have any different needs, experiences, priorities or issues in relation to these Regulations.

Racial Group: There is an indication of a disproportionate impact of COVID-19 on BAME communities. As such, any increase in spread or pressure on HSC could adversely impact this group. This group should benefit from protections offered by these regulations

Age: The Department needs to ensure that it continues to safeguard older and vulnerable individuals who may be more susceptible to the virus. As such, any increase in spread or pressure on HSC could adversely impact this group. This group should benefit from protections offered by these regulations

Marital status: None

Sexual orientation: None

Men and Women Generally: None

Disability: Depending on underlying health conditions, people with a disability may be at greater risk of developing more severe cases of COVID-19 if they become infected. It may also be the case that people who have a disability are more likely to avail of HSC services and that any additional pressure on HSC services would have a negative impact on this group. This group should benefit from protections offered by these regulations

Dependants: Those who are in need of care, or those who are a main carer, may also benefit from protections offered by these regulations by reducing the risk of spread within this group.

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

Details of the likely policy impacts on Religious belief:

What is the level of impact? ~~Minor~~ / ~~Major~~ / **None**

Details of the likely policy impacts on Political Opinion:

What is the level of impact? ~~Minor~~ / ~~Major~~ / **None**

Details of the likely policy impacts on Racial Group: These measures will help to ensure safeguarding and protection of those at higher risk including BAME groups.

What is the level of impact? ~~Minor~~ / **Major** / ~~None~~ (positive impact)

Details of the likely policy impacts on Age: These measures will help to ensure safeguarding and protection of those at higher risk including older people.

What is the level of impact? ~~Minor~~ / **Major** / ~~None~~ (positive impact)

Details of the likely policy impacts on Marital Status:

What is the level of impact? ~~Minor~~ / ~~Major~~ / **None**

Details of the likely policy impacts on Sexual Orientation:

What is the level of impact? ~~Minor~~ / ~~Major~~ / **None**

Details of the likely policy impacts on Men and Women:

What is the level of impact? ~~Minor~~ / ~~Major~~ / **None**

Details of the likely policy impacts on Disability: These measures will help to ensure safeguarding and protection of those at higher risk including those with a disability or underlying health condition

What is the level of impact? ~~Minor~~ / **Major** / ~~None~~ (positive impact)

Details of the likely policy impacts on Dependants: These measures will help to ensure safeguarding and protection of those at higher risk including those with who are in need of care, or those who are a main carer.

What is the level of impact? **Minor** / ~~Major~~ / ~~None~~ (positive impact)

2.2 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:

Indirect equality of opportunity - These measures form part of a wider strategy to ensure that safeguards are in place during the COVID-19 pandemic and until normal services can be resumed. However, measures to reduce and contain Covid-19 and thus reduce pressures on HSC will benefit all people requiring health care and society in general. The measures will most positively benefit BAME groups, older people and those at higher risk of coronavirus infection, severe illness or death, enabling their return to a more normal lifestyle at the earliest opportunity, dependent on other Covid related restrictions. As such, this policy is offering more equality of opportunity.

Religious Belief - No impact on religious belief

Political Opinion - No impact on political opinion

Racial Group - As above, no direct promotion of equality of opportunity, however,

measures demonstrate solidarity and care for those of different ethnic background who may be at higher risk, enabling their return to a more normal lifestyle at the earliest opportunity.

Age - As above, no direct promotion of equality of opportunity, however, measures demonstrate solidarity and care for older people who may be at higher risk, enabling their return to a more normal lifestyle at the earliest opportunity .

Marital Status - No impact

Sexual Orientation - No impact

Men and Women generally - No impact

Disability - As above, no direct promotion of equality of opportunity, however, measures demonstrate solidarity and care for those with disabilities who may be at higher risk, enabling their return to a more normal lifestyle at the earliest opportunity

Dependants - As above, no direct promotion of equality of opportunity, however, measures demonstrate solidarity and care for those who are, or have, dependents who may be at higher risk, enabling their return to a more normal lifestyle at the earliest opportunity

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?

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: These are emergency measures to ensure that safeguards are in place during the COVID-19 pandemic and until normal services can be resumed.

What is the level of impact? ~~Minor~~ / ~~Major~~ / **None**

Details of the likely policy impacts on Political Opinion: These are emergency measures to ensure that safeguards are in place during the COVID-19 pandemic and until normal services can be resumed.

What is the level of impact? ~~Minor~~ / ~~Major~~ / **None**

Details of the likely policy impacts on Racial Group: These are emergency measures to ensure that safeguards are in place during the COVID-19 pandemic and until normal services can be resumed.

What is the level of impact? ~~Minor / Major~~ / **None**

2.4 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:

Religious Belief - No. These are emergency measures to ensure that safeguards are in place during the COVID-19 pandemic and until normal services can be resumed.

Political Opinion - No. These are emergency measures to ensure that safeguards are in place during the COVID-19 pandemic and until normal services can be resumed.

Racial Group – Not directly, although measures demonstrate solidarity and care for those of different ethnic background.

2.5 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).

Positive impact on any combination of disability, age and ethnic background.

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

Positive impact on any combination of disability, age and ethnic background – data available shows higher death rates from Covid 19 for these groups.

2.5 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 public consultation held. In normal circumstances, regulations would automatically be screened and a full public consultation held, however, these are exceptional circumstances which pose a risk to life and the proposed measures are to safeguard the NI population, including and in particular all S75 groups.

It was recognised that some people, for various health reasons, could not wear a face covering. Those groups were exempted from the requirement and guidance issued to, for example, employers and retail outlets.

Part 3. Screening decision

3.1 Would you summarise the impact of the policy as; No Impact/ Minor Impact/ Major Impact?

Major. It protects the general population, as well as the specific groups identified, from coronavirus infection, serious illness or death.

3.2 Do you consider that this policy/ decision needs to be subjected to a full equality impact assessment (EQIA)?

No. It is not considered that a full EQIA would add anything to the process.

3.3 Please explain your reason.

This is an emergency measure to protect the population from serious illness or death. It specifically protects a number of the Section 75 groups, and contains a blanket exemption for those who cannot comply. The Regulations are time bound and subject to regular review.

3.4 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? No – this considerations are already built in to the policy (as described above).

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

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?

Face coverings are only one of a range of highly restrictive measures put in place to reduce the impact of Covid 19. It is impossible to monitor the effect of this single intervention. Statistics are collected to monitor the spread of the disease and its impact generally. Appropriate consideration will also be given to scientific advice.

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

Statistics, as above, on coronavirus infection rates, number of deaths, number of new infections, number of people in intensive care etc. Data also inform the scientific advice on future policy development.

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?

The Department is committed to ensuring equality of opportunity for everyone in NI and complies with all relevant Disability legislation, including the Disability Discrimination Act 1995 and the United Nations Convention on the Rights of people with disabilities.

This Regulation is being introduced in response to the current COVID-19 pandemic and is aimed at protecting and promoting the health and wellbeing of all residents in NI. It may also have a positive impact on older people, BAME groups and persons with a disability who may be at higher risk, or normally access HSC facilities, thus improving their life in general.

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. This Regulation is to assist in safeguarding of vulnerable individuals. Any changes or additional measures will be considered as part of the overall Covid-19 response.

Part 6. Human Rights

6.1 Does the policy / decision affects anyone's Human Rights?

Details of the likely policy impacts on Article 2 – Right to life:

This policy is aimed at protecting life.

What is the impact? **Positive** / ~~Negative (human right interfered with or restricted)~~ / ~~Neutral~~

Details of the likely policy impacts on Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment:

What is the impact? ~~Positive~~ / ~~Negative~~ / **Neutral**

Details of the likely policy impacts on Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour:

What is the impact? ~~Positive~~ / ~~Negative~~ / **Neutral**

Details of the likely policy impacts on Article 5 – Right to liberty & security of person:

What is the impact? ~~Positive~~ / ~~Negative~~ / **Neutral**

Details of the likely policy impacts on Article 6 – Right to a fair & public trial within a reasonable time:

What is the impact? ~~Positive~~ / ~~Negative~~ / **Neutral**

Details of the likely policy impacts on Article 7 – Right to freedom from retrospective criminal law & no punishment without law:

What is the impact? ~~Positive~~ / ~~Negative~~ / **Neutral**

Details of the likely policy impacts on Article 8 – Right to respect for private & family life, home and correspondence:

What is the impact? ~~Positive~~ / ~~Negative~~ / **Neutral**

Details of the likely policy impacts on Article 9 – Right to freedom of thought, conscience & religion:

What is the impact? ~~Positive~~ / ~~Negative~~ / **Neutral**

Details of the likely policy impacts on Article 10 – Right to freedom of expression:

What is the impact? ~~Positive~~ / ~~Negative~~ / **Neutral**

Details of the likely policy impacts on Article 11 – Right to freedom of assembly & association:

What is the impact? ~~Positive~~ / ~~Negative~~ / **Neutral**

Details of the likely policy impacts on Article 12 – Right to marry & found a family:

What is the impact? ~~Positive~~ / ~~Negative~~ / **Neutral**

Details of the likely policy impacts on Article 14 – Prohibition of discrimination in the enjoyment of the convention rights:

What is the impact? ~~Positive~~ / ~~Negative~~ / **Neutral**

Details of the likely policy impacts on 1st protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property:

What is the impact? ~~Positive~~ / ~~Negative~~ / **Neutral**

Details of the likely policy impacts on 1st protocol Article 2 – Right of access to education:

What is the impact? ~~Positive / Negative /~~ **Neutral**

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

None identified,

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.

The Department publishes public health information and guidance around the regulations. The Regulations are designed to reduce or prevent the spread of the virus which caused COVID-19. These are therefore positive measures designed to protect public health, thereby protecting the right to life

Part 7 - Approval and authorisation

Screened by:	Position/Job Title	Date
Alasdair MacInnes	Head of Health Protection	28/04/21 (retrospective screening)
Approved by:		
Liz Redmond	Director of Population Health	12/05/2021
Copied to EHRU:	EHRU	12/5/2021

