

Equality Screening Template



The Council has a statutory duty to screen. This includes our strategies, plans, policies, legislative developments; and new ways of working such as the introduction, change or end of an existing service, grant funding arrangement or facility. This screening template is designed to help departments consider the likely equality impacts of their proposed decisions on different groups of customers, service users, staff and visitors.

Before carrying out an equality screening exercise it is important that you have received the necessary training first. To find out about the training needed or any other queries on screening, contact the Equality and Diversity Officers Stella Gilmartin or Lorraine Dennis on extension 6026/6027 or by email equality@belfastcity.gov.uk

The accompanying **Screening Guidance** note provides straightforward advice on how to carry out equality screening exercises. Detailed information about the Section 75 equality duties and what they mean in practice is available on the Equality Commission's website¹.

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

Section A - provides details about the policy / decision that is being screened

Section B – gives information on the consultation process, supporting evidence gathered and has 4 key questions outlining the likely impacts on all equality groups.

Section C - has 4 key questions in relation to obligations under the Disability Discrimination Order

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

¹ <http://www.equalityni.org/archive/pdf/S75GuideforPublicAuthoritiesApril2010.pdf>

Section A

Details about the policy / decision to be screened

1. Title of policy / decision to be screened:-

Flying of the Rainbow Flag on Pride Day - Saturday 3 August 2019

2. Brief description of policy / decision to be screened:-

(Explain - Is this a new, revised or existing policy? Are there financial / legislative / procurement implications?)

A Notice of Motion was agreed at Strategic Policy & Resources Committee on Friday 22nd March to fly the Rainbow Flag on Saturday 3 August 2019 (Pride Day), the decision is outlined below. The decision was subsequently amended at the Council's meeting 1 April 2019, with the removal of the statement in brackets.

The Committee agreed to the motion and to fly the rainbow flag over the City Hall on 3rd August, 2019, subject to an equality screening being undertaken and to a report being submitted to the Committee on those dates that are included [in the illuminate programme] where there is a festival or celebration also held in the city and how they could receive dual recognition of a flag and illumination of the building.

The scope of this screening is the agreement to fly the rainbow flag over the City Hall on 3rd August, 2019.

3. Aims and objectives of the policy / decision to be screened:-

The stated aims of the Notice of Motion were:

This Council recognises and values the huge contribution our LGBTQ+ Citizens make to the city of Belfast and beyond. As a statement of our solidarity with our LGBTQ+ citizens and community, and building on the progressive moves of the council to support Belfast Pride and illuminate the City Hall in the colours of the Pride Rainbow; the council agrees to continue this support, and, as a further demonstration of our solidarity, agrees to fly the rainbow flag over the City Hall from dawn to dusk on Saturday 3rd August 2019 to coincide with the annual Pride parade.

Any action by the Council to demonstrate support for Pride Day through the flying of the rainbow flag would contribute to these objectives.

(NB: The multi-coloured rainbow flag can be referred to in different ways including the rainbow flag or the Pride flag).

4. On whom will the policy / decision impact?

Consider the internal and external impacts (both actual or potential) and explain:-

Staff	YES
Service users	YES
Other public sector organizations	YES
Voluntary / community groups / trade unions	YES
Others, please specify	NO

The flying of the rainbow flag may have an impact on different user groups stated above.

5. Are there linkages to other Agencies/ Departments?

The flying of flags and demonstrations of support from different identity groups impact on different agencies and departments, including local and central government.

Section B

Information on the consultation process, supporting evidence gathered and has 4 key questions outlining the likely impacts for equality and good relations

6. Outline consultation process planned or achieved

Within the given timeframe consultation with key stakeholders was undertaken to inform the assessment on paying due regard to the promotion of equality of opportunity and regard to the promotion of good relations. Information from previous consultations, including the *City Hall: promoting a Good and Harmonious Environment* and *Flying of the Union Flag* were utilised. A summary is outlined below.

- Consultation with the Equality Commission for Northern Ireland provided information in line with previously stated positions in their guidance notes, including:
 - Promoting a *Good and Harmonious Working Environment* (2009)
 - Equality Commission advice on Good Relations in Local Councils (2015)
 - Guidance Note on Section 75, Northern Ireland Act 1998 and Section 49A, Disability Discrimination Act 1995 (2015)
- Community Relations Council considered the policy to be outside of the good relations grounds and therefore did not provide a response.
- A meeting was held with the Council network for LGBT+ staff and allies.
- A legal opinion was provided encompassing previous legal opinions back to 2002

7. Available evidence

What evidence / information (both qualitative and quantitative) have you gathered to inform this policy? Set out all evidence below to help inform your screening assessment.

It is important to record information gathered from a variety of sources such as: monitoring information; complaints; research surveys; consultation exercises from other public authorities.

Section 75 category	Details of evidence/information and engagement
Religious belief	<p>In terms of religion or religion brought up in, the 2011 Census indicates that 48.8% of Belfast City residents are from a Catholic community background and 42.3% from a Protestant community background.</p> <p>Christianity remains the main religion, with religious diversity reflected through Hindu, Sikh, Muslim, Buddhist and Jewish communities.</p> <p>On 22 March, the same day as the notice of motion was agreed, the Council received a complaint from a constituent of Titanic DEA. The complainant states that as a result of flying the Pride flag, City Hall will not be “a welcoming place for everyone, especially people like myself who are Christians and believe that Homosexuality is not right.” The complainant states that “Belfast City Council are clearly taking sides on a political argument and therefore City Hall will not be a ‘neutral’ building.”</p> <p>Christians at Pride exists to provide a joyful, loving, inclusive Christian presence at Pride festivals in London and elsewhere in the UK, including Belfast, as noted through our internal staff network. Their website notes: ‘Whether you’re young or old, catholic or evangelical, lesbian, gay, bi, trans, asexual, or straight, you’d be so welcome to come and join us. Supportive friends, allies, family members and church leaders all very welcome too’.</p>

	<p>In the context of Northern Ireland there are correlations between political, religious and racial background.</p>								
<p>Political opinion</p>	<p>The table below shows the number of Councillors elected per party in the Local Government Elections of May 2019</p> <table border="1"> <tr> <td>Alliance Party</td> </tr> <tr> <td>Democratic Unionist Party – D.U.P.</td> </tr> <tr> <td>Green Party Northern Ireland</td> </tr> <tr> <td>People Before Profit Alliance</td> </tr> <tr> <td>Progressive Unionist Party of Northern Ireland</td> </tr> <tr> <td>Social Democratic and Labour Party - SDLP</td> </tr> <tr> <td>Sinn Féin</td> </tr> <tr> <td>Ulster Unionist Party - UUP</td> </tr> </table> <p>In the context of Northern Ireland there are correlations between political, religious and racial background. Reports including ‘Flags towards a New Understanding’ (Bryan and Nolan, Institute of Irish Studies, 2016) and ‘Sectarianism in Northern Ireland: A Review’ (Morrow et al, 2018) demonstrate the depth of complexity of political opinion and how it impacts on everyday life.</p> <p>The most salient points from the legal opinion in relation to political opinion are extracted below:</p> <ul style="list-style-type: none"> • The flying of flags at local government buildings is left to the discretion of the local authority as it is not regulated by legislation- the Flags (NI) Order 2000 and Flags Regulations (NI) 2000. [para 4]. • The flying of flags at City Hall is a politically sensitive matter. On 3rd December 2012 the Council agreed to adopt a policy of flying the Union Flag at City hall on designated days only. The policy follows the designated days set out by the Department 	Alliance Party	Democratic Unionist Party – D.U.P.	Green Party Northern Ireland	People Before Profit Alliance	Progressive Unionist Party of Northern Ireland	Social Democratic and Labour Party - SDLP	Sinn Féin	Ulster Unionist Party - UUP
Alliance Party									
Democratic Unionist Party – D.U.P.									
Green Party Northern Ireland									
People Before Profit Alliance									
Progressive Unionist Party of Northern Ireland									
Social Democratic and Labour Party - SDLP									
Sinn Féin									
Ulster Unionist Party - UUP									

for Digital, Culture, Media and Sport. That decision was an emotive one for the Protestant/Unionist/Loyalist community. Weekly processions and protests ensued in the city, often resulting in civil disorder. Whilst protests against that decision have become less frequent, I understand that minor protests do still take place. [para 5]

- The Council does not have a policy which deals specifically with the flying of other flags, that is to say, flags other than the Union Flag. The policy in that respect is that requests to fly a flag are considered by the Strategic Policy and Resources Committee on a case by case basis. Decisions of the Committee are subject to ratification by the full Council. [para 6]
- In addition to the Union Flag, the Council also flies other flags on specified days: i) the Commonwealth flag on Commonwealth Day, ii) the Cross of St Patrick on St Patrick's Day, and ii) the European flag on Europe Day. The flying of these flags is provided for in the DCMS list of designated days. The Red Ensign of the Merchant Navy is also flown at City Hall annually on 3rd September (Merchant Navy Day). This was approved by the Policy and Resources Committee on 17th August 2001. The Armed Forces flag is flown annually on 6 days in the last week in June to coincide with Armed Forces Day. That decision was made by the Council on 9th August 2013. In all these cases, the flag is flown on the lower flag pole. [para 7]
- The decision of 9th August 2013 in relation to the Armed Forces flag is notable because it represents the only occasion, following the Council's decision on the Union Flag in December 2012, where the Council has agreed to fly a flag other than the Union Flag.* It is also notable in that it provides for a flag to be flown for a purpose other than to mark the

	<p>constitutional status of the city. I am provided with the Equality Screening report which was prepared to inform that decision. It concluded that there would be no major impact on S.75 categories and the policy was screened out without the need for an EQIA. Notably, the report observed the objectives of Armed Forces Day to be to:</p> <ul style="list-style-type: none"> ○ <i>“raise public awareness of the contribution made to our country by those who serve and have served in Her Majesty’s Armed Forces;</i> ○ <i>give the nation an opportunity to show support for the men and women who make up the Armed Forces community (including currently serving troops, service families, veterans and cadets)” [para 8]</i> <ul style="list-style-type: none"> ● Thus the flying of the Armed Forces flag demonstrates an occasion where a flag has been flown at City Hall to “show support” for a community and coincide with an organised festival/celebration. [para 9] <p>*A decision to fly the European Flag in support of European Heritage Open Days in September each year was made by delegated authority.</p>
Racial group	<p>According to Census 2011, 96.7% of Belfast’s population is white. Just over 3% of the Belfast population are from an ethnic background. As is the case in NI, the largest minority ethnic groups in Belfast are the Chinese (0.7%), Indian (0.7%) and Asian (0.6%) communities. The proportion of ethnic groups from a non-white background has increased in Belfast since the 2001 census (1.4%).</p> <p>While 95% of Belfast’s population (aged 3+years) have English as their main language, recent years have seen an increase in the number of migrants to the region and city, with 1.4% of those aged 3+years stating other as their main language and 1.2% of those aged 3+years having Polish as their main language.</p>

	<p>In the context of Northern Ireland there are correlations between political, religious and racial background. For example in relation to national identity many Protestants identify as British and many Catholics identify as Irish. However, this is a complex correlation, as significant research into identity and race such as the Northern Ireland Life and Times Survey, demonstrates.</p>
Age	<p>Belfast has a lower percentage of young people (aged under 16 years) and a lower percentage of older people (aged 60 years and over) than the NI average. In 2016, 19.8% of Belfast residents were under 16 years (compared with 20.9% in NI as a whole) and 19.6% were aged 60 and over (compared with 21.5% in NI as a whole). The Belfast Agenda and Local Development Plan ambitions are putting programmes in place to support the growth of the city's population, by an extra 66,000 people by 2035.</p>
Marital status	<p>A relatively high percentage of residents are single at 45% compared with the NI average of 36.1%. There is also a higher percentage of those who are separated and divorced (11.5%), compared with the NI level of 9.4%. Belfast also has a higher proportion of residents who are in a same sex civil partnership at 0.13%, compared to 0.09% regionally. There are fewer married people at 35.6% compared with the NI average of 47.6%</p> <p>Currently in Northern Ireland the issue of marriage equality is divisive with same-sex marriage not legally recognised. Legal opinion para 20 demonstrates the inter-woven nature of marital status with sexual orientation and political opinion:</p> <p>'The duty under Section 75(1) to promote equality of opportunity between persons of different sexual orientation is obviously engaged in these circumstances. It should be noted that so too is the need to promote equality of opportunity between persons of different political opinions. In <u>McKay v Northern Ireland Public Service Alliance</u> [1994] NI 103, a political opinion was defined as "<i>an opinion relating to the policy of government and matters touching the government of the</i></p>

	<p><i>state</i>” (Kelly LJ at p 117). In <u>Lee v Asher’s Baking Company Ltd</u> [2018] UKSC 49, the Supreme Court accepted that support for gay marriage is a political opinion for the purpose of FETO. Equality rights for the LGBTQ+ community is inextricably associated with the Pride festival. This is evident from the complaint by the Titanic DEA constituent dated 22nd March 2019 which states that, in agreeing to fly the Pride flag, the Council is “<i>clearly taking sides on a political argument...</i>” Equality rights are political issues. It is therefore necessary to assess the impact of the flying of the Pride flag within this context.’</p>
Sexual orientation	<p>In addition to the Notice of Motion as outlined above a request was also received from the Chair of the Belfast Pride Festival, requesting the flying of the Pride flag:</p> <p>‘For Belfast Pride 2019, we will have part of the original mile long Pride flag designed by artist Gilbert Baker for the 25th anniversary of Stonewall, marked at New York Pride in 1994. We believe that the Pride flag flying from City Hall on Pride Day would complement this historic Pride flag leading the parade, further enhance what is now one the key city events and will be a further sign that Belfast is becoming the modern, progressive European city that the citizens of the city want it to be.’</p> <p>Information on sexual orientation has not previously been collected in the census in Northern Ireland, however, a question on sexual orientation is under consideration for inclusion in the 2021 Census, with stakeholder engagement demonstrating there is a strong user need for this information to inform policy development on both service planning and provision; and for monitoring purposes. The information gathered would provide a Northern Ireland-wide, definitive, baseline estimate of the population identifying as Straight/Heterosexual, Gay or Lesbian, and Bisexual.</p> <p>Other sources date from 2017/18 include the NI Continuous Household Survey and the NI Northern Ireland Life and Times</p>

	<p>Survey which estimate 97-98% of the population identify as heterosexual with the remainder responding as gay/lesbian, bisexual or don't know.</p> <p>In its final regulatory impact assessment for the Civil Partnership Act 2004, the Department of Trade and Industry offered an estimate for the LGB population of the UK of between 5 and 7%. The Rainbow Project estimates that, on the basis of national and international research, 1 in 10 people in Northern Ireland would not identify as being heterosexual.</p> <p>According to ONS statistics, 2.0% of the UK population identified themselves as lesbian, gay or bisexual (LGB) in 2017. ONS report that 1.2% of the NI population identify themselves as LGB8. The council currently has no data specific to Belfast or its workforce.</p>
Men and women generally	<p>The most recent population estimate from NINIS the estimated population of Belfast Local Government District at 30 June 2017 was 340,220, of which 165,120 (48.5%) were male and 175,100 (51.5%) were female.</p> <p>The publication of the <i>Trans Data Position Paper</i> by the Office of National Statistics in 2009 highlighted that the trans community, trans identities and gender identity matters have become more visible in society. There remains significant gaps in statistical data.</p> <p>Stonewall's current monitoring guide 'Do Ask, Do Tell: Capturing data on sexual orientation and gender identity globally' is aimed at monitoring employees and identifies key challenges on collecting data, including safety and appropriateness.</p> <p>The correlation between gender and sexual orientation is complex with not all stakeholders agreeing on their assimilation under the banner of 'LGBT'. The transgender community readily identify with the blue, pink and white flag.</p>

Disability	The Census 2011 showed that 23.5% of Belfast residents has a long term health problem or disability that limits their daily activities or the work they can do, compared with the NI average of 20.3%.
Dependents	<p>30.4% of households in Belfast include dependant children, compared with the NI average of 36.5%. 12.1% of households in Belfast consist of a lone parent and a dependant child or children, compared with the NI average of 9.1%.</p> <p>At the time of the Census, 12.3% of people stated that they provided unpaid care to family, friends, neighbours or others; this is slightly higher than the NI average of 11.8%.</p>

8. What is the likely impact (indicate if the policy impact is positive or negative) on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? What is the level of impact?

Section 75 category	Likely impact?	Level of impact? Minor/Major/None
Religious belief	<p>The information gathered, both qualitative and quantitative, demonstrates the complexity of some of the issues relating to protected characteristics listed under Section 75.</p> <p>Whilst the flying of the rainbow flag on Pride Day would most obviously have a positive impact on those from an LGBT+ background, it is recognised that many people do not identify with one protected characteristic at the exclusion of another. The information presented demonstrates the correlations between sexual orientation, gender and religion, both positive and negative.</p>	Minor positive
Political opinion		
Racial group		
Age		
Marital status		
Sexual orientation		
Men and women generally		
Disability		
Dependants		

9. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

The 2012 EQIA on the flying of the Union flag concluded that there was no evidence to show that the presence of the flag on a permanent basis restricted access to the City Hall or its grounds in any way or prevented anyone from accessing the services and events provided there and that there was therefore no adverse impact on equality of opportunity. In the 2013 screening of the flying of the Armed Forces flag on a small number of days it was also considered not to have any impact on access to the City Hall and therefore on equality of opportunity.

Section 75 category	If Yes, provide details	If No, provide reasons
Religious belief		<p>The information gathered, both qualitative and quantitative, demonstrates the inter-relationships between the protected characteristics listed under Section 75.</p> <p>No specific opportunities to better promote equality of opportunity for one particular group has been identified in relation to this policy.</p> <p>However, it is important for the work undertaken in City Hall, including the exhibition and stain glass windows which represents diverse backgrounds in Belfast, and the recently opened changing places facility, to be promoted as symbols of the city of Belfast, which aims to be welcoming, safe, fair and inclusive for all.</p>
Political opinion		
Racial group		
Age		
Marital status		
Sexual orientation		
Men and women generally		
Disability		
Dependants		

10. To what extent is the policy likely to impact (positive or negatively) on good relations between people of different religious belief, political opinion or racial group? What is the level of impact?

Good relations category	Likely impact?	Level of impact? Minor/Major/None
Religious belief	<p>Good relations issues are conventionally understood to be between the two main communities in Belfast - Protestant / Unionist / Loyalist and Catholic / Nationalist / Republican, including those from different racial backgrounds. ECNI did not consider the policy to be relevant to good relations. CRC did not provide an opinion as the matter lay outside their remit.</p> <p>Receipt of the complaint on 22 March, the same day as the notice of motion was agreed, from a constituent of Titanic DEA, may provide an indication of a perceived adverse impact on those who do not support the LGBT+ community. The complainant states that as a result of flying the Pride flag, City Hall will not be “a welcoming place for everyone, especially people like myself who are Christians and believe that Homosexuality is not right.” The complainant states that “Belfast City Council are clearly taking sides on a political argument and therefore City Hall will not be a ‘neutral’ building.”</p> <p>In contrast the group Christians at Pride exists to provide a joyful, loving, inclusive Christian presence at Pride festivals in London and elsewhere in the UK, including Belfast, as noted through our internal staff network. Their website notes: ‘Whether you're young or old, catholic or</p>	Minor negative
Political opinion		
Racial group		

	<p>evangelical, lesbian, gay, bi, trans, asexual, or straight, you'd be so welcome to come and join us. Supportive friends, allies, family members and church leaders all very welcome too'.</p> <p>It is recognised that attitudes towards Pride differ.</p>	
--	---	--

11. 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	<p>The Council ensures, as far as reasonably possible, that there is a balance between events which are of relevance to the two main communities.</p> <p>Raising awareness of the of the Council's approach to an inclusive and diverse society may counter any perceived negative impact.</p>	
Political opinion		
Racial group		

Section C

Belfast City Council also has legislative obligations to meet under the **Disability Discrimination Order** and Questions 12-13 relate to these two areas.

Consideration of Disability Duties

12. Does this proposed policy / decision provide an opportunity for the Council to better promote positive attitudes towards disabled people?

Explain your assessment in full

There are no opportunities within this current policy to better promote positive attitudes towards disabled people.

13. Does this proposed policy / decision provide an opportunity to actively increase the participation by disabled people in public life?

Explain your assessment in full

There are no opportunities within this current policy to actively increase the participation by disabled people in public life.

14. Multiple Identities

Provide details of data on the impact of the policy with multiple identities

The information gathered, both qualitative and quantitative, demonstrates the complexity of some of the issues relating to protected characteristics listed under Section 75.

Whilst the flying of the rainbow flag on Pride Day would most obviously have a positive impact on those from an LGBT+ background, it is recognised that many people do not identify with one protected characteristic at the exclusion of another. The information presented demonstrates the correlations between sexual orientation, gender and religion, both positive and negative.

Specify relevant Section 75 categories concerned.

15. Monitoring Arrangements

Section 75 places a requirement the Council to have equality monitoring arrangements in place in order to assess the impact of policies and services etc; and 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
Comments and complaints from various groups.	Comments and complaints from various groups.	N/A

Section D

Formal Record of Screening Decision

<p>Title of Proposed Policy / Decision being screened</p> <p>Flying of the Rainbow Flag on Pride Day - Saturday 3 August 2019</p>
--

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

x	equality of opportunity and good relations
x	disabilities duties

On the basis of the answers to the screening questions, I recommend that this policy / decision is – *(place an X in the appropriate box below)*

	* <u>Screened In</u> – Necessary to conduct a full EQIA
--	--

	<p>*<u>Screened Out</u> – No EQIA necessary (no impacts)</p> <p>Provide a brief note here to explain how this decision was reached:</p>
--	--

x	<p>* <u>Screened Out -</u> Mitigating Actions (minor impacts)</p> <ul style="list-style-type: none"> • Provide a brief note here to explain how this decision was reached: • Explain what mitigating actions and / or policy changes will now be introduced: <p>The Council ensures, as far as reasonably possible, that there is a between events which are of relevance to the two main communities.</p> <p>Raising awareness of the of the Council’s approach to an inclusive and diverse society may counter any perceived negative impact.</p>
---	--

Formal Record of Screening Decision (cont.)

Screening assessment completed by (Officer Level) –

Name: Lorraine Dennis

Date: 10.6.19

Department: Legal and Civic Services

Signature: please insert a scanned image of your signature below

Screening decision approved by –

Name: John Walsh

Date: 10.6.19

Department: Legal and Civic Services

Signature: please insert a scanned image of your signature below

Please save the final version of the completed screening form and forward to the Equality and Diversity Officer – equality@belfastcity.gov.uk. The screening form will be placed on the BCC website and a link provided to the Council's Section 75 consultees.

For more information about equality screening contact –

Stella Gilmartin / Lorraine Dennis
Equality & Diversity Officer (*job-share*)

Belfast City Council

City Hall

Belfast

BT1 5GS

Telephone: 028 9027 0511

equality@belfastcity.gov.uk