

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-publicauthorities>

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-impactassessment-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

Amendment of the fees which Approved Tachograph Centres (ATC's) can charge for tachograph calibrations

Is this an existing, revised or a new policy?

Revised Policy.

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

Approved Tachograph Centres (ATC's) are, in the main, commercial vehicle repair workshops who perform fitment, repair and calibration of tachographs as part of their general vehicle repair business. They are approved and regulated by DVA on behalf of the Department for Infrastructure. As part of that regulation DVA set maximum fees which tachograph centres may charge for the mandatory calibration of tachographs. These fees have not been reviewed since 2006 despite significant increases in the costs of providing the calibrations. Unless the fees are reviewed, we will risk significant shrinkage or total loss of the network of ATCs. The aim of this policy revision is to ensure the future viability of the ATCs, so that they can continue to offer calibration services on behalf of the department. These services are vital to ensure compliance with tachograph and drivers' hours requirements make a valuable contribution to road safety. The loss of these services could mean the department cannot regulate the drivers' hours rules, and result in an increase in collisions due to driver fatigue for drivers of large vehicles. A reduction of the Number of ATCs could result in operators having to travel further for calibrations services, resulting in more vehicle downtime and increases CO2 emissions.

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

If so, explain how.

This policy is intended to secure the future viability of the ATCs. The calibration of tachographs is a mandatory requirement for many Heavy Goods Vehicles, busses, and coaches. Tachographs are required to ensure that drivers hours regulations are complied with, benefiting road safety and the population in general. Failure to implement this policy would have negative effects on all groups.

Who initiated or wrote the policy?

Driver and Vehicle Agency – Enforcement and Compliance

Who owns and who implements the policy?

Driver and Vehicle Agency – Enforcement and Compliance has responsibility for the development and implementation of the policy.

Background

A tachograph is a measuring device which records how long a driver has been driving and helps to ensure that drivers don't driver longer than they are legally allowed to, improving road safety by reducing driver fatigue. These devices are required by most Heavy Goods Vehicles (HGVs) and many Minibuses, Buses and Coaches. ATCs are private business which are authorised by the department to provide tachograph calibrations to the transport industry. The department oversees the scheme, approves ATCs, ensures that ATCs comply with the scheme requirements, and sets the maximum fees chargeable by ATCs for calibrations. The maximum fees which ATC's are permitted to charge for calibrations are set by the Department, by policy, in the Approved Tachograph Centre Manual. The approved tachograph centre manual also contains all the guidelines, requirements and operating instructions for the scheme. The power for the department to set fees in this way are given by the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996.

The current maximum fees have not been changed since approximately 2006. Engagement with ATC's has highlighted that the existing fee structure is no longer sufficient to cover the costs of providing calibrations. ATC's have had to invest in new tachograph programming hardware costing in excess of £5000 in order to install and calibrate new 'smart tachographs' without the ability to increase the fees they charge and therefore recover their costs.

In 2011, DVSA (then VOSA) carried out a review of the maximum fees which could be charged by their ATC's under the similar scheme in GB. A range of options were considered; the result was the deregulation of fees enabling the tachograph calibration cost to be set by market forces. The Approved Tachograph Centre scheme in Northern Ireland is almost identical to the scheme in GB. The regulatory impact assessment for that review is available here <https://www.legislation.gov.uk/ukia/2011/589> .

Intervention is required in changing the maximum fees charged to prevent the loss of ATC's, which carry out a vital role on behalf of the Department. Recent inflationary pressures have increased the costs borne by the ATC's to a point where calibrations are being conducted at a loss.

Calibrations are carried out every 2 years on in scope vehicles manufactured since 1st May 2006, and every 6 years for in scope vehicles manufactured prior to that. The current maximum fee is £46 + VAT.

These fees are charged directly to transport operators when the services are required. Whilst this may increase costs to the public, it is likely that any cost increases will be very small. Goods and passenger vehicle operators who access calibration services in GB, ROI or the EU are already paying higher costs for calibrations, which are currently being fed down from earlier stages in supply chains. (ROI sample range from €170 - €200, GB sample range £90 - £130. The 2011 GB assessment identified fees in the EU in a range from €150 - €200, which will very likely have increased since that time.)

The Regulatory Impact Assessment has identified a possible increase in costs of £29.25 per vehicle, per year. For comparison, annual standing costs (not including fuel and other consumables) for a heavy goods vehicle exceed £80,000 in 2020¹. This increase represents approximately 0.04% of annual standing costs.

The road safety charity "Brake" estimates that between 10% – 20% of all crashes are caused by driver fatigue.² The loss of the service of the ATCs and the inability to regulate the calibration of tachographs in HGVs, Buses and Coaches could have serious implications for road safety. A reduction

¹ <https://motortransport.co.uk/wp-content/uploads/2021/01/Cost-Tables-2020.pdf>

² <https://www.brake.org.uk/get-involved/take-action/mybrake/knowledge-centre/driver-fatigue>

in the number of ATCs could result in operators having to travel further to avail of these services, causing an increase in emissions of CO2.

Implementation factors

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

If yes, are they (please delete as appropriate)

Financial – ATC's are unable to charge a viable fee for the work carried out.

Other – A decline in the number of ATCs due to lack of economic viability could see a restriction of the ATC network which would reduce choice of service providers for transport operators and result in vehicle owners having to travel greater distances in order to access tachograph calibration services. The loss of ATCs could have a negative impact on road safety.

Legislative - The Department for Infrastructure is designated as the competent body responsible for the approval and regulation of tachograph fitters and ATC workshops under the retained version of EU Directive 165/2014. Tachographs fitted to in-scope vehicles are required to be calibrated every 2 years, and be repaired and maintained as required, by an ATC. An in scope vehicle which does not have a valid calibration will fail its annual roadworthiness test and would be subject to enforcement action if stopped on the road, as it is an offence to use such a vehicle under Regulation 3 of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996.

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 - owners/operators of vehicles to which this policy applies (HGV's and Buses) will be charged more than at present for tachograph calibrations.

- ATC's – will be able to charge a fee which accurately represents the value of the work carried out during calibrations.
- NI population in general – Increased operational costs may percolate down to end users. End uses include those who purchase items which rely on road transport for delivery, or which rely on road transport for production, and those who pay fares for certain types of passenger transport via minibus, bus or coach. However, in contrast to other costs borne by commercial transport operators, the increase in the calibration fee will have a minimal impact on annual operational costs.

Other policies with a bearing on this policy

- what are they? - None
- who owns them? – Not applicable

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.

The complexity of tachographs has increased significantly since the introduction of digital tachographs in 2006. This has mainly been driven by necessary improvements in the security of tachographs in order to prevent manipulation of the tachograph. This manipulation seeks to breach tachograph security with the intent to falsify the driving and rest period recordings on the tachograph. The updates in technology require the purchase of new tachograph programmers and other related hardware in order to correctly test and calibrate the new generations of tachograph. The additional complexity of modern tachographs also necessitates additional time to fit, test and calibrate the tachograph. In addition, the commercial labour rates for technicians engaged in the fitment, repair and calibration of tachographs have increased significantly since 2006. This labour rate increase cannot be recovered by ATC's due to the fee cap set at its current ceiling. This has a direct negative effect on the economic viability of ATC's.

In 2019, DVA official statistics state that NI had 24279 licensed HGVs, the vast majority of which would require a calibration every 2 years. Further calibrations would be conducted on buses and coaches, however, statistics have not been used in this calculation. This is because many buses are exempt from tachograph requirements, and the statistics do not illustrate this as it is dependent on the type of use.

Any reduction in the number of ATC's could have an impact on the vehicle operator's compliance and could have a corresponding effect on road safety. This could particularly be the case if calibration appointment waiting times increased due to a reduction in the ATC network.

ATC owners raised concerns with DVA for a number of years regarding the sustainability of the current fees, driven by their rising costs and capped

calibration fees. In both the Republic of Ireland and GB no maximum fee is set, instead the fee chargeable is set by normal competitive market forces. Recent information has indicated that the fees charged in other areas is much higher than the current NI maximum fee. (ROI sample range from €170 - €200, GB sample range £90 - £130. A 2011 GB regulatory impact assessment on the subject identified fees in the EU in a range from €150 - €200, which will very likely have increased since that time.)

Religious belief evidence / information:

An increase in fees would apply directly to vehicle operators and may be passed down to everyone as a general increase in transport costs, regardless of Section 75 categories.

In terms of passenger transport, some section 75 categories may be fully or partially protected from any increase if they are entitled to concessionary travel. It's also worth noting that many buses used on scheduled services are exempt from tachograph requirements, so would not be directly affected.

Failure to increase the fees chargeable by tachograph centres could serve to undermine the viability of the centres. Any reduction in the network of centres could result in vehicle owners having to travel greater distances to avail of calibration services, resulting in greater downtime of vehicles and increased fuel and driver costs, and may result in a negative impact on the environment and an increase in CO2 emissions. A total loss of the service would render the Department unable to fully regulate drivers' hours requirements, which presents a risk to road safety for all groups.

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:

An increase in fees would apply directly to vehicle operators and may be passed down to everyone as a general increase in transport costs, regardless of Section 75 categories. Failure to increase the fees chargeable by tachograph centres could serve to undermine the viability of the centres. Any reduction in the network of centres could result in vehicle owners having to travel greater distances to avail of calibration services, resulting in greater downtime of vehicles and increased fuel and driver costs, and may result in a negative impact on the environment and an increase in CO2 emissions. A total loss of the service would render the Department unable to fully regulate drivers' hours requirements, which presents a risk to road safety for all groups.

In Northern Ireland all tachograph technicians except one, are male. A reduction in the profitability or closure of ATCs would affect this group more than other groups.

Disability evidence / information:

As Religious Belief

Dependants evidence / information:

An increase in fees would apply to all service users, regardless of Section 75 categories.

In terms of passenger transport, some section 75 categories may be fully or partially protected from this if they are entitled to concessionary travel. It's also worth noting that many buses used on scheduled services are exempt from tachograph requirements, so would be unaffected.

However, it follows that people with more dependants will have more fares to pay, therefore the effect of any subsequent fare increases would be greater, though it would be difficult to attribute any fare increase directly to an increase in calibration costs

Failure to increase the fees chargeable by tachograph centres could serve to undermine the viability of the centres. Any reduction in the network of centres could result in vehicle owners having to travel greater distances to avail of calibration services, resulting in greater downtime of vehicles and increased fuel and driver costs, and may result in a negative impact on the environment

and an increase in CO2 emissions. A total loss of the service would render the Department unable to fully regulate drivers' hours requirements, which presents a risk to road safety for all groups.

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

This policy will increase the fees which ATCs are able to charge for calibrations services, which will be charged directly to vehicle operators. Any increases will represent a very small percentage of the total operating costs of an in scope vehicle, and whilst this may result in an increase in costs in general to the whole population, it is unlikely to be attributable to any particular group. The benefits in terms of road safety will also apply generally to all groups.

Political Opinion

As above

Racial Group

As above

Age

As above

Marital status

As above

Sexual orientation

As above

Men and Women Generally

Tachograph technicians (generally male) with loss of employment:

Needs – income

Priorities – income

Disability

As above

Dependants

Needs – to transport their dependants as necessary.

Priorities – transport to places of education, medical care, etc.

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**: None

The Department has no information to suggest that this group would be disproportionately adversely or differently affected in terms of equality of opportunity by the introduction of the fee increase. However, should the consultation present evidence of any S75 impacts, this shall be reviewed and updated. Failure to implement this policy could result in a failure in the Departments ability to regulate drivers' hours, which could have a negative effect on road safety for all groups. A reduction in the number of ATCs could increase CO2 emissions by vehicles having to travel further for calibration services.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Age**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Marital Status**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Sexual Orientation**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Men and Women**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Disability**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Dependants**: If bus fares were to increase as a result, people with dependants may be affected if they had more fares to pay. However, this effect is likely to be minimal due to the low increase in operating costs and many services being exempt from tachograph requirements.

What is the level of impact? **Minor**

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

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

Religious Belief – The role of ATC’s is to carry out a technical inspection of a tachograph fitted to certain vehicles (HGVs/Buses) to ensure road safety is preserved through the tachograph accurately recording a drivers working and rest periods. There is a fee attached to this service which is a technical calibration service. As such there are no ways to better promote equality of opportunity for people within this Section 75 category.

Further opportunities may be identified during the consultation and as such this screening shall be reviewed to take into considerations any comments. If necessary, a full EQIA will be carried out.

Political Opinion - As outlined above.

Racial Group – As outlined above.

Age – As outlined above.

Marital Status - As outlined above.

Sexual Orientation - As outlined above.

Men and Women generally - As outlined above.

Disability - As outlined above.

Dependants - As outlined above.

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**: [The policy review is unlikely to impact on good relations.](#)

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](#)

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 – If No, provide reasons:

[No. No opportunities to better promote good relations have been identified at this stage.](#)

Political Opinion – If No, provide reasons:

[No – as above](#)

Racial Group – If No, provide reasons:

[No – as 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).

NO - The role of ATC's is carryout a technical inspection / calibration of tachographs fitted to certain vehicles (HGVs/Buses) to ensure road safety is protected through the correct recording of drivers working and rest periods. There is a fee attached to this service which is a technical inspection and as such the impact is to the haulage and bus companies in the first instance. Any potential impact to society in general, including S75 groups, may occur should companies increase fees to the services they provide.

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.

The Department is proposing to make changes to the approved tachograph centre manual to allow for the charging of a suitable fee for calibrations by ATC's. This change to policy is technical in nature.

The aim of this policy is to ensure the future viability of the ATCs. This will enable the department to continue enforcing drivers' hours rules and protecting the population in general in terms of road safety.

A public consultation will be undertaken and any Section 75 issues raised will be fully considered and if necessary this screening form will be reviewed and amended where necessary.

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.

The purpose of this policy is to allow ATCs to charge a fee which adequately reflects the work done when calibrating a vehicles tachograph, to ensure the future sustainability of the ATC scheme. Introducing a fee increase ensures ATC's continue to operate and ensure road safety is maintained.

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?

NO

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

Not applicable.

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	N/A
Social need	N/A
Effect on people's daily lives	N/A
Relevance to a public authority's functions	N/A

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

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: Jonathan McCullough
Position/Job Title: Policy Manager
Date: 16/11/22

Approved by: Stephen
Spratt
Position/Job Title: Head of Compliance and Enforcement
Date: 26/6/2023

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: 16.11.22
Amendments Requested: 18.11.22
Date Returned to Business Area: 18.11.22
Date Final Version Received / Confirmed: 16.08.23
Date Published on DfI's Section 75 webpage