

POLICY SCREENING FORM

The Legal Background

Under **Section 75 of the Northern Ireland Act 1998**, the Department is required to **have due regard to the need to promote equality of opportunity**:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and,
- between persons with dependants and persons without¹.

Without prejudice to the obligations set out above, the Department is also required to **have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group**.

The Human Rights Act 1998 gives legal status in UK law to fundamental human rights set out in the European Convention on Human Rights (ECHR). The Act is about respecting and fostering the Convention Rights in everything we do. Public bodies now have a statutory duty to ensure that their decisions and actions are compatible with ECHR and to act in accordance with these rights. What is more, we need to be pro active in ensuring that we comply with our obligations and ensure that we develop a human rights culture. The Act gives people a right to redress in a UK court if they think that their human rights have been violated by a public authority.

Disability Discrimination Act (1995) (DDA)

Under the most recent amendment of the 1995 Disability Discrimination Act, that came into effect in January 2007, public authorities, in all areas of their work must now consider how to:

- promote positive attitudes towards disabled people; and
- encourage participation by disabled people in public life.

2 What is Screening?

The Task

In order to determine whether an EQIA is necessary, changes to existing policies and new or proposed policies should be screened for significant equality issues as they arise. This form is intended to assist with the screening of any policies for which you take the lead and to record the outcome in respect of each policy. It should also be used as a prompt when considering legislative proposals.

¹ A list of the main groups identified as being relevant to each of the section 75 categories is at Annexe A of this document.

The screening procedure should lead to one of these conclusions:

- the policy being screened does not have a significant impact on equality of opportunity; or
- the policy being screened has (or is likely to have) a significant impact on equality of opportunity. Policies falling into this category will need to be considered further and may require an Equality Impact Assessment.

Officials should complete a form for each of the new or revised policies for which they are responsible (see page 3 for a definition of policy in respect of section 75). When you have completed the form it should be retained on file in the branch for record purposes, a copy being sent to the Equality Unit for information.

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1. IDENTIFICATION OF POLICY TO BE SCREENED

Definition of Policy

There have been some difficulties in defining what constitutes a policy in the context of Section 75. To be on the safe side it is recommended that you consider changes to or any new initiatives, proposals, schemes or programmes as policies. It is important to remember that even if a full EQIA has been carried out in respect of an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if a further EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

OFMDFM Guidance on Legislative Procedures (Primary and Subordinate) sets out clearly the stages at which equality of opportunity considerations should be taken into consideration in the development of legislation.

ECNI’s Guidance for implementing Section 75 of the Act is available in hard copy or on the website www.equalityni.org

Overview of Policy Proposals

The aims and objectives of the policy must be clear and terms of reference well defined. You must take into account any available data that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the S75 categories.

1.1 Title of policy to be screened:

Update of the Northern Ireland Multiple Deprivation Measures

1.2 Brief description of policy to be screened:

The current official statistical measures of spatial deprivation in Northern Ireland are the Northern Ireland Multiple Deprivation Measure (NIMDM) 2005. Along with very similar work in Great Britain the NIMDM was developed by a team led by Professor Michael Noble from the Social Disadvantage Research Centre at the University of Oxford. Professor Noble is a world renowned expert in this area of spatial deprivation statistics.

The NIMDM 2005 was constructed from a series of surveys and administrative datasets relating mostly to 2003 data. As defined by the Noble team the NIMDM provides results on seven ‘domains’ or types of deprivation; income; employment; health deprivation and disability; education, skills and training; living environment; proximity to services; and crime and disorder.

The NIMDM 2005 identifies small area concentrations of multiple deprivation and the seven domains of deprivation; ranking all small areas in Northern Ireland relative to each other, from most deprived to least deprived.

The policy is to update the current measures of multiple deprivation in Northern Ireland. This periodic update of the measures is in line with policies in Great Britain and the Republic of Ireland where similar measures are

updated on a five yearly cycle. The 2005 work by Professor Noble was indeed an “update” of work he undertook in 2001 in Northern Ireland. The original proposal to update the measures was agreed by all NI Government Departments and ratified by the Deprivation Steering Group.

1.3 Aims of policy to be screened:

The aim is to update the Northern Ireland Multiple Deprivation Measure 2005.

The update is limited to temporal updating of the indicators and domains used in the NIMDM 2005 research. The framework as set out by Professor Noble (7 domains and statistical indicators) will stand. Clearly the main part of the update will be updating the statistics behind all the indicators; in that process indicators may need changed and will be changed only

- where explicitly recommended in the NIMDM 2005 report by Professor Noble; or
- where the indicators are no longer available or are out of date; or
- where administrative data has been significantly enhanced.

Any significant revisions outside this framework or any fundamental revisions will not be considered as part of this update. A further more fundamental review of the methodology will be considered after the detailed 2011 Census results are published in 2013.

*It is essential that **all** the aims of the policy be clearly and fully defined.*

1.4 Directorate and Business Unit/s responsible for devising and delivering policy:

Demography and Methodology Branch
Northern Ireland Statistics and Research Agency

1.5 Are there any linkages to other NI Departments/NDPBs in relation to this policy/legislation?

The project is managed by NISRA on behalf of the Equality and Social Need Steering Group (ESNSG). ESNSG is an inter-Departmental Group of officials who provide advice on such issues within Government. The project is also linked to the Statistics Co-ordinating Group; a group of senior officials in NI Departments who co-ordinate cross-Departmental statistical issues. The original decision to update the measures was agreed by all NI Government Departments through the Statistics Co-ordinating Group and ratified by the Deprivation Steering Group.

All NI Departments and a variety of NDPBs are linked to the implementation of the deprivation update through their role on the Deprivation Steering Group and the Deprivation Domain Groups. The Deprivation Steering Group comprises representatives from each of the NI Government Departments, NI Housing Executive, Rural Development Council, NI Council for Voluntary Action, Society of Local Authority Chief Executives, and the Equality Commission.

The role of the Deprivation Steering Group is to oversee

- the management of the consultation phase;

- the quality assurance of the updated results; and
- the dissemination of the updated results.

The Deprivation Steering Group's role is also to advise the NISRA Chief Executive and the Statistics Co-ordinating Group on:

- measurement implications of the ongoing review of Local Government boundaries in measuring spatial deprivation; and
- any policy -related issues surrounding the spatial deprivation measurement methodology.

The Terms of reference of the Steering Group are available via http://www.nisra.gov.uk/deprivation/update_of_nimdm_2005.htm

To support this role, seven domain groups will meet to provide advice on any changes to the statistical indicators used in the update. The Terms of Reference of the domain groups are to advise on the availability of data used in the relevant domain in the NIMDM 2005 and any substantive changes to the underlying data or data collection processes that may affect consistency of the indicators within the domain; consider and respond to the recommendations relating to the domain in the NIMDM 2005 report; provide accurate base data for the calculation of the updated domain indicators and scores; provide quality assurance of the component indicators in the updated domain scores as detailed in the draft blueprint document and to provide final quality assurance of the domain results.

The domain groups comprised statistical experts from the Police Service for Northern Ireland, the Northern Ireland Fire and Rescue Service, the Northern Ireland Housing Executive, the Northern Ireland Cancer Registry, Department of Education, Department for Employment and Learning, Department of Health, Social Services and Public Safety, Department for Regional Development, Department for Social Development, Department for Enterprise Trade and Investment, Department for Culture Arts and Leisure and Land and Property Services.

The Multiple Deprivation Measure and the seven domains of deprivation are used in a variety of official funding programmes, within and outside government. The measures are also used to evaluate the impact of policies on a spatial level.

After the publication of the 2005 and indeed the 2010 measures NISRA have no control over the usage of the measures in individual Government policies. The measures are used in a variety of different ways within different policies (top 10% of areas, top 30% of areas etc...) and any impact depends on how they are used. Any equality impact of the application of the measures is not assessed in this document.

To help inform users NISRA published alongside the 2005 measures two detailed guidance documents on the measures
http://www.nisra.gov.uk/deprivation/archive/guidance_leaflet.pdf
http://www.ninisra.gov.uk/mapxtreme_deprivation2005/viewData/NIMDM2005_User_Guide.pdf

The NISRA guidance documents make explicit reference to equality issues in how the spatial deprivation measures should be used. The documents note that spatial targeting should be just one component of any policy that simultaneously targets deprived areas, deprived groups and deprived people. It is planned to publish guidance documents alongside the 2010 update.

1.6 On whom will the policy/legislation impact?

The main audience for the measures are policy makers who use spatial targeting or monitoring in their policies. Also specifically those applying for funding based on eligibility criteria which incorporate the updated deprivation measures, may be affected.

1.7 Who implements the policy?

Demography and Methodology Branch, NISRA, will update the Deprivation Measures overseen by from the Deprivation Steering Group. Demography and Methodology Branch will also be responsible for the production of guidance on material the use of the measures. The updates to the individual domains will be quality assured by the various domain subgroups.

The work of Demography and Methodology Branch and the domain subgroups will be complemented by a number of teams of independent external peer reviewers. At time of writing this is likely to include input from Professor Noble's team in Oxford University, Dr Tony Dignan, an independent economic consultant and expert in the field of demographic analysis, and Dr Chris Morris, Ulaidh Consulting, an independent expert in the area of service centre modelling in Northern Ireland.

2. SCREENING ANALYSIS

Answering the Four Screening Questions

The following four questions ask for evidence in relation to the Section 75 dimensions. You should not think of the “don’t know” column in the form as the easy option to respond to any of the questions. In cases where you don’t know and you don’t have data, you will need to make a judgement based on experience as to whether the policy you are screening may have an impact on any of the nine dimensions. If your judgement is that the policy may have a differential adverse impact in relation to any of the Section 75 dimensions (i.e. it affects some groups differently and less favourably than other groups), you should seek to obtain evidence. You should note that evidence can be qualitative – i.e. drawn from the experience of individuals from their perspective – as well as quantitative. Officers must give consideration to steps that they could reasonably be expected to obtain evidence and thereby inform their decision-making. Such steps could include meeting with a representative group or selective consultation.

Where there is little or no evidence, and common sense indicates that a differential impact may be expected, you should discuss this with the Equality Officer.

As to sources of data, an audit of current key sources within Northern Ireland is available at:- <http://www.equalityni.org/sections/default.asp?secid=7>

The Northern Ireland Statistics and Research Agency web-site gives details of additional data sets (<http://www.nisra.gov.uk>).

2.1 Is there any evidence of higher or lower participation or uptake by different groups? If so, please indicate below.

CATEGORY	YES	NO	DON'T KNOW
Gender		X	
Sexual orientation		X	
Religion		X	
Political opinion		X	
Disability (physical and learning)		X	
Race or ethnic origin (includes Travellers)		X	
Age		X	
Dependant responsibilities		X	
Marital status		X	

YES/NO: Give reasons for your answer, including sources used.

The deprivation measures aim to measure small area concentrations of deprivation. Seven domains are measured – income, employment, education skills and training, health and disability, proximity to services, living environment, and crime and disorder.

The decision framework below ensures that the statistical assessment is as accurate as possible. Beyond this participation/uptake relates to the application of the measures in individual policies and is not directly related to the statistical assessment.

Indicators included in the multiple deprivation measures must meet a number of criteria as laid out by Professor Noble to ensure their accuracy in measuring spatial deprivation:

Domain Specific - Each indicator chosen should be specific to one of the seven domains of deprivation. For example, fuel poverty could not be used as a measure of deprivation within the current domain methodology as it results from an interaction between housing quality and low income; both of which are captured separately in the Living Environment and Income Deprivation Domains.

Major Features - Within domains, indicators have been chosen that represent major features of that form of deprivation rather than deprivation affecting a relatively small number or unimportant aspect of deprivation. From a statistical perspective this allows the degree of deprivation to be identified and ranking of areas as opposed to a simple 'present/not present' approach. These decisions are informed by the detailed consultation exercises which have been run in 2000, 2004 and in 2009 to put together the spatial deprivation measures.

Coverage – Clearly data should be available for all of Northern Ireland and collected in a consistent form to allow meaningful small area based comparisons. Similarly there should be no bias in the collection of the data forming indicators such that the ability for indicators to identify equally deprived people should not be determined by their individual or spatial characteristics. Where any such issues are identified the statistical indicator can be corrected for this effect or omitted.

Direct Measures/Good Proxies – Indicators within each domain should be direct measures or good proxies of that form of deprivation. The majority of indicator data are sourced from administrative systems rather than surveys specifically designed to collect information on deprivation. The main benefit of using administrative data is that it allows the calculation of detailed small area measures whilst sample surveys would not.

Robust at small area - As the aim of the deprivation measures is to identify concentrations of deprivation it is important that indicators are statistically robust at the small area level. Where cases or incidences are low, longer time trends are included to ensure indicators are not dominated by one-off/uncharacteristic events or statistical 'noise'.

Up to date –Statistical indicators should be as up to date as possible to provide information on current deprivation.

To update the measures a number of changes to indicators have been proposed to improve the identification of certain types of deprivation. These changes will be tested against these criteria. A few examples are given below.

The Health Deprivation and Disability domain identifies areas with relatively high rates of premature deaths, or where a relatively high proportion of the population's quality of life is impaired by poor health or are disabled. The consultation proposals to update the measures include improvements to the Health domain and will therefore improve the identification of areas that have high concentrations of people with a health need, which is in keeping with the aim of the domain.

The Education Skills and Training domain aims to measure the extent of deprivation in education, skills and training for both children and working age adults. It is proposed that an indicator relating to the proportions of primary and post primary aged children in Special Education Needs schools is included in the domain. This will improve the identification of those who are deprived in terms of education, which is in keeping with the aim of the domain.

2.2 Is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy?

CATEGORY	YES	NO	DON'T KNOW
Gender		X	
Sexual orientation		X	
Religion		X	
Political opinion		X	
Disability (physical and learning)		X	
Race or ethnic origin (includes Travellers)		X	
Age		X	
Dependant responsibilities		X	
Marital status		X	

Give reasons for your answer, including source:

The consultation exercises run in 2000 and 2004 showed no evidence of measurable different needs, experiences, issues and priorities in relation to spatial deprivation measures from the nine equality categories above.

That said some people have argued that there are types of deprivation related to issues such as racism. Noble himself notes that

"It can still be argued that certain groups experience additional types of

deprivation that cannot as yet be measured in a more 'direct' way. An example is the additional types of deprivation experienced by some people from ethnic minorities or some people with a religious affiliation. It would be desirable to include measures of racism, discrimination and cultural isolation were they available. In the absence of these, however, it would be inappropriate to treat membership of an ethnic community or religious group as a deprivation in itself. Ethnic and religious groups are not homogenous, and many of the deprivations disproportionately experienced by some members have been captured in the relevant domains." (Measures of Deprivation in Northern Ireland, June 2001)

Small area measures of such issues are still unavailable and would also constitute a significant departure from the current methodology. This issue will however be looked at again in the 2013 fundamental review of the measures.

The only other equality related issue identified in the 2001 and 2005 work related to the perceived differential reporting of crime by different groups in Northern Ireland. As Noble himself states

"Although a considerable number of responses to the consultation highlighted this potential problem, the evidence available at the present time does suggest that reporting and recording rates are very similar across religious groups." (Northern Ireland Multiple Deprivation Measures 2005 Blueprint, December 2004)

This issue will be assessed again in the 2010 update of the measures and if any issues are found they will be addressed.

The consultation exercises were the pre-cursor to the indicators used in the 2001 and 2005 spatial deprivation measures and these form the backbone of the 2010 update. Thus this forms the basis for the classification above.

Finally, the 2001 work and 2005 review did identify issues in relation to how the measures were being used in Government policy. As noted above NISRA has no control over the usage of the measures, that said it was decided to publish two detailed guidance documents on the measures. The NISRA guidance documents make explicit reference to equality issues and to how the measures should best be used.

Any additional comments:

Whilst not a specific equality category the 2004 consultation exercise identified concerns from those representing the rural community. The evidence presented made reference to the different nature of rural areas and issues in identifying spatial concentrations of deprivation in rural areas.

This issue related to the differences between urban and rural areas. The main reason for differences was the more heterogeneous nature of rural areas and this has manifested itself in the need to develop spatial deprivation measures for smaller more homogeneous areas (known as output areas).

2.3 Is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with others in Government or in the larger community?

CATEGORY	YES	NO	DON'T KNOW
Gender		X	
Sexual orientation		X	
Religion		X	
Political opinion		X	
Disability (physical and learning)		X	
Race or ethnic origin (includes Travellers)		X	
Age		X	
Dependant responsibilities		X	
Marital status		X	

YES/NO: Give reasons for your answer:

No.

The policy is inherently designed to promote equality of opportunity by identifying the most deprived areas across Northern Ireland. The potential impact of the update of the NIMDM on the promotion of equality of opportunity will be dependent upon the usage of the measures in individual policies.

2.4 Equality Commission guidance states that the screening process should include pre-consultation with those that may be affected by the policy. Have consultations with relevant groups, organisations or individuals indicated that particular policies create problems, which are specific to them?

CATEGORY	YES	NO	DON'T KNOW
Gender		X	
Sexual orientation		X	
Religion		X	
Political opinion		X	
Disability (physical and learning)		X	
Race or ethnic origin (includes Travellers)		X	
Age		X	
Dependant responsibilities		X	
Marital status		X	

Give reasons for your answer, and details of any consultations that have taken place:

The consultation exercise run in 2004 showed no evidence of different needs, experiences, issues and priorities in relation to spatial deprivation measures from the nine equality categories above.

However to ensure that this continues to be the case the Steering Group decided to run a formal public consultation exercise around the initial proposals for updating the spatial deprivation measures. The 'Northern Ireland Multiple Deprivation Measure 2009: Consultation Document' was published in July 2009 seeking views on the proposals to update the Northern Ireland Multiple Deprivation Measure (NIMDM) 2005. The consultation document was circulated widely and available for download on the NISRA and NINIS websites. In total 600 documents were distributed and 550 downloaded.

The associated consultation period ran from 27th July 2009 to 16th November 2009 during which public consultation events were held in Omagh, Lisburn and Belfast. These events were attended by over 100 people and 90 verbal responses were noted. In addition 42 written responses to the consultation have been received. A summary of verbal responses at the public consultation meetings and all the written responses will be made available on the NISRA website.

At this stage there is no evidence of written or verbal consultation responses indicating any significant problems around the measures. Any issues raised will be considered, addressed and detailed in final proposals within the blueprint document prior to the publication of the measures.

If the answer to **any** of the questions in respect of any of the categories is "YES", you – in discussion with the Equality Unit - will have to consider whether the policy has a significant impact on equality of opportunity and, therefore, should be subject to an equality impact assessment.

If the answer to **all** the questions in section 2 is **NO** an equality impact assessment is not required.

If the answer to any of the above questions is **DON'T KNOW**, and common sense and experience indicate that a differential impact may be expected, you will need to discuss this with the Equality Unit.

It may be that a policy has an adverse differential impact on certain people in one or more of the categories as a consequence of targeting or affirmative action to combat an existing or historical inequality. If this is the case, please give details below and contact the Equality Unit if you are in doubt:

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3. EQUALITY IMPACT ASSESSMENT RECOMMENDATION

Equality impact assessment procedures are confined to those policies considered likely to have significant implications for equality of opportunity.

3.1 If screening has indicated that a policy is having an adverse differential impact, how would you categorise it?

Please tick.

Significant impact		
Low impact		

3.2 Do you consider that this policy needs to be submitted to a full equality impact assessment?

YES	NO
	X

If NO but the policy has significant impact, please give reasons for your recommendation:

Not applicable

3.3 What data are required to ensure effective monitoring in the future?

After the publication of the measures it is planned to publish a monitoring document showing the equality characteristics of the most deprived areas in Northern Ireland. This will help to monitor the spatial distribution of deprivation in Northern Ireland and will also be useful in helping those who use the measures to make policy decisions.

When the deprivation measures are reviewed after the Census 2011, the Census 2011 information on section 75 groups will also be used alongside the deprivation indicators to provide a fuller analysis of the deprivation measures.

(4) DISABILITY DISCRIMINATION

4.1 Does the policy/decision in any way discourage disabled people from participating in public life or does it fail to promote positive attitudes towards disabled people?

No. The proposals to update the deprivation measures include proposals to strengthen the robustness of the indicators associated with learning disability and mental illness and continue to include measures associated with physical disability. The accurate identification of areas of high concentrations of disabled people will help to improve the delivery of services to such people.

4.2 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?

See 4.1 above

4.3 Please detail what data you will collect in the future in order to monitor the effect of the policy/decision with reference to the disability duties?

The Census 2011, also carried out by NISRA, will help to provide more up to date information on those with a limiting long term illness or disability which can be used for future assessments of areas of high concentrations of disabled people.

(5) CONSIDERATION OF HUMAN RIGHTS

5.1 Does the policy/decision affect anyone’s Human Rights? [PLEASE COMPLETE THE TABLE BELOW]

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

5.2 Have identified a likely negative impact - NO

If yes please give details of who is affected and how?

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).*

5.3 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 policy has a neutral impact on human rights.

Once the screening exercise has been completed please arrange for its publication on the DFP internet and intranet sites and forward a copy of this form to Carolyn Barr at the Equality Unit, Rathgael House, Balloo Road, Bangor. e-mail carolyn.barr@dfpni.gov.uk

ANNEXE A

MAIN GROUPS IDENTIFIED AS RELEVANT TO THE SECTION 75 CATEGORIES FOR NORTHERN IRELAND PURPOSES

Category	Main Groups
Religious belief	Protestants; Catholics; people of other religious belief; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Afro Caribbean people; people of mixed ethnic group, other groups
Men and women generally	Men (including boys); women (including girls); trans-gender
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18; people aged between 18 and 65. However the definition of age groups will need to be sensitive to the policy under consideration. For example, for some employment policies, children under 16 could be distinguished from people of working age
Persons with a disability	Persons with a physical, sensory or learning disability as defined in Schedules 1 and 2 of the Disability Discrimination Act 1995
Persons with dependants	Persons with primary responsibility for the care of a child; persons with personal responsibility for the care of a person with a disability; persons with primary responsibility for a dependent elderly person
Sexual orientation	Heterosexuals; bisexuals; gays; lesbians