

**DOJ Section 75**

**EQUALITY SCREENING FORM**

for

**The Police Pensions Regulations**

**(Northern Ireland) 2015**

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**FORM CONTENTS**

	<b>Page No</b>
The Legal Background .....	3
Introduction .....	3
Screening decisions.....	5
Screening and good relations duty .....	5
<b>Part 1</b>	
Definition of a Policy .....	6
Overview of Policy Proposals.....	6
Policy Scoping .....	6
Information about the Policy .....	7
Implementation Factors.....	8
Main stakeholders affected .....	8
Other policies with a bearing on this policy .....	9
Available evidence .....	9
Needs, experiences and priorities .....	10
<b>Part 2</b>	
Screening Questions .....	11
Introduction .....	11
In favour of a ‘major’ impact .....	11
In favour of a ‘minor’ impact .....	12
In favour of ‘None’ .....	12
Screening questions.....	13
Additional considerations .....	16
Multiple identity .....	16
<b>Part 3</b>	
Screening decision .....	17
Mitigation.....	18
Timetabling and prioritising.....	19
<b>Part 4</b>	
Monitoring .....	20
<b>Part 5</b>	
Approval and authorisation .....	21

## 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 person 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 without<sup>1</sup>.

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; and**
- **meet legislative obligations under the Disability Discrimination Order.**

## Introduction

1. This form should be read in conjunction with the Equality Commission's revised Section 75, "A Guide for Public Authorities" April 2010 and available via the following link [S75 Guide for Public Authorities April 2010](#). **Staff should complete a form for each new or revised policy for which they are responsible (see page 6 for a definition of policy in respect of section 75).**
2. The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations and so determine whether an Equality Impact Assessment (EQIA) is necessary. Screening should be introduced at an early stage when developing or reviewing a policy.

<sup>1</sup>A list of the main groups identified as being relevant to each of the section 75 categories is at Annex B of the document.

3. The lead role in the screening of a policy should be taken by the policy decision-maker who has the authority to make changes to that policy and should involve, in the screening process:

- ♦ other relevant team members;
- ♦ those who implement the policy;
- ♦ staff members from other relevant work areas; and
- ♦ key stakeholders.

A flowchart which outlines the screening process is provided at Annex A.

4. The first step in the screening exercise is to gather evidence to inform the screening decisions. Relevant data may be either quantitative or qualitative or both (this helps to indicate whether or not there are likely equality of opportunity and/or good relations impacts associated with a policy). Relevant information will help to clearly demonstrate the reasons for a policy being either 'screened in' for an equality impact assessment or 'screened out' from an equality impact assessment.

5. The absence of evidence does not indicate that there is no likely impact but if None is available, it may be appropriate to consider subjecting the policy to an EQIA.

6. Screening provides an assessment of the likely impact, whether 'minor' or 'major', of its policy on equality of opportunity and/or good relations for the relevant categories. In some instances, screening may identify the likely impact is None.

7. The Commission has developed a series of four questions, included in Part 2 of this screening form with supporting sub-questions, which should be applied to all policies as part of the screening process. They identify those policies that are likely to have an impact on equality of opportunity and/or good relations.

## Screening decisions

8. Completion of screening should lead to one of the following three outcomes. The policy has been:
  - i. 'screened in' for equality impact assessment;
  - ii. 'screened out' with mitigation or an alternative policy proposed to be adopted;  
or
  - iii. 'screened out' without mitigation or an alternative policy proposed to be adopted.

## Screening and good relations duty

9. The Commission recommends that a policy is 'screened in' for equality impact assessment if the likely impact on **good relations** is 'major'. While there is no legislative requirement to engage in an equality impact assessment in respect of good relations, this does not necessarily mean that equality impact assessments are inappropriate in this context.

## Part 1

### 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 any new initiatives, proposals, schemes or programmes as policies or changes to those already in existence. It is important to remember that even if a full EQIA has been carried out in an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if further screening or an EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

### 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.

### Policy Scoping

10. 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.
11. 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

The Police Pensions Regulations (Northern Ireland) 2015.

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### Is this an existing, revised or a new policy?

It is a revision to an existing policy. The Public Service Pensions Act (Northern Ireland) 2014 required the creation of a new career average pension scheme for the Police Service of Northern Ireland (PSNI).

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

The subordinate legislation enables the introduction of the new career average pension scheme for the PSNI, commencing on 01 April 2015.

This policy implements the Coalition Government's main objectives to the reform of public service pensions in the United Kingdom which is based upon recommendations made by the Independent Public Service Pensions Commission.

The Independent Public Service Pensions Commission recommended the creation of new, career average public service pension schemes to replace the existing final salary schemes which the Commission found can unfairly favour high earners and present disproportionate cost risks for the taxpayer.

The Independent Public Service Pensions Commission recommended the linking of Normal Pension Ages to State Pension Age to manage longevity risks for the taxpayer and to reflect progressive policy for equalisation in state pension ages for the population in general.

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### Are there any Section 75 categories which might be expected to benefit from the intended policy? If so, explain how.

No.

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### Who initiated or wrote the policy?

The Department of Justice.

### Who owns and who implements the policy?

The Department of Justice owns the policy.

The Northern Ireland Policing Board and the PSNI implement the policy.

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## Implementation factors

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

Yes.

If yes, are they

**financial**

HM Treasury has confirmed that where the appropriate reforms are not implemented, a commensurate reduction will be applied to Northern Ireland block funding. This would be effective from 2015/16 which is when the Government expects these reforms to be implemented. Analysis by GAD for the PSNI pension scheme estimates the penalty to be £60m per year.

**Legislative**

The Department of Justice has responsibility for the PSNI pension scheme. It is required to draft and consult on scheme design and secondary legislation which will implement the core reforms at scheme level. Any delay in completing this part of the legislative process may result in a delay in implementation of the new scheme; this would incur a financial penalty from HM Treasury as set out above.

**other, please specify** \_\_\_\_\_

## Main stakeholders affected

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

Police officers - The policy will impact on members of the PSNI pension scheme. It should be noted that PSNI civilian staff are not affected by this policy.

service users

other public sector organisations

voluntary/community/trade unions

Other, please specify - The Northern Ireland Executive is a stakeholder in this policy change as it has committed to a policy for a new career average re-valued earnings (CARE) scheme model, with pension age linked to state pension age to be adopted for general use in public service schemes. It has also adopted this approach consistently for each of the different public sector schemes in line with their equivalent in Great Britain and not to adopt different approaches for Northern Ireland. In addition, any penalty imposed by HM Treasury (est £60m per annum) for not implementing the policy change by 31 March 2015 would impact directly on the Northern Ireland block, and in turn, the Northern Ireland Executive.



**Other policies with a bearing on this policy**

- **what are they?**

The Department of Finance and Personnel is the lead Northern Ireland Civil Service Department with responsibility for the Public Service Pensions Act (Northern Ireland) 2014, which requires this secondary legislation and policy.

- **who owns them?**

Please see above.

**Available evidence**

14. Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.
15. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 Category	Details of evidence/information
<b>Religious belief</b>	Majority representation of PSNI officers who have declared a religious background as protestant.
<b>Political opinion</b>	There is currently no statistical analysis available for this category.
<b>Racial group</b>	Majority representation of white ethnic origin officers in PSNI.
<b>Age</b>	As this policy relates to officers employed by the PSNI and recruitment policy does not allow for recruitment of persons less than 18 years. The predominant age grouping for officers is 41 -45 years. A lower representation of officers under 35 years.
<b>Marital status</b>	Majority representation of married officers within the PSNI.
<b>Sexual orientation</b>	There is currently no statistical analysis available for this category.
<b>Men and Women generally</b>	Minority representation of female officers within the PSNI.
<b>Disability</b>	There is currently no statistical analysis available for this category.
<b>Dependants</b>	There is currently no statistical analysis available for this category.

## Needs, experiences and priorities

16. 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 for each of the Section 75 categories.

Section 75 Category	Details of evidence/information
<b>Religious belief</b>	This legislation applies equally to all serving officers who are members of either police pension scheme, both serving and retired, regardless of religious belief.
<b>Political opinion</b>	There is currently no statistical analysis available for this category.
<b>Racial group</b>	This legislation applies equally to all officers who are members of either police pension scheme, both serving and retired, regardless of racial group.
<b>Age</b>	This legislation applies equally to all officers who are members of either police pension scheme, both serving and retired.
<b>Marital status</b>	This legislation applies equally to all officers who are members of either police pension scheme, both serving and retired.
<b>Sexual orientation</b>	There is currently no statistical analysis available for this category.
<b>Men and Women generally</b>	This legislation applies equally to all officers who are members of either police pension scheme, both serving and retired regardless of gender.
<b>Disability</b>	There is currently no statistical analysis available for this category.
<b>Dependants</b>	There is currently no statistical analysis available for this category.

## SCREENING QUESTIONS

### Introduction

17. In making a decision as to whether or not there is a need to carry out an equality impact assessment, consider questions 1-4 listed below.
18. If the conclusion is **None** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the decision may to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, give details of the reasons for the decision taken.
19. If the 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.
20. If the 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

- 21 (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**

- 22 (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**

- 23 (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.
24. 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**

<p><b>1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?</b></p> <p><b>Minor/Major/None</b></p>		
<b>Section 75 category</b>	<b>Details of policy impact</b>	<b>Level of impact? Minor/Major/None</b>
<b>Religious belief</b>	No adverse impact on equality of opportunity.	None
<b>Political opinion</b>	No adverse impact on equality of opportunity.	None
<b>Racial group</b>	No adverse impact on equality of opportunity.	None
<b>Age</b>	<p>In respect of age, The Police Pensions Regulations (Northern Ireland) 2015 contains protections so that workers who, as of 1 April 2012, are ten years or less away from their scheme's Normal Pension Age (NPA) will be unaffected by the reforms. It should be noted that the normal retirement age has not changed for the majority of members and will decrease from age 65 to age 60 for senior officers and members of the Part Time Reserve when they move from the 2006 scheme.</p> <p>The protection provided by the Regulations means that these members will continue to accrue benefits under their current provisions until they retire, or cease to be eligible to be a member, or elect to leave the scheme.</p> <p>There are also provisions in the Regulations which provide for protection of accrued benefits in the current police pension schemes and the reforms apply only in respect of future service given. For all currently accrued benefits in the police pensions schemes, arrangements will be 'ring-fenced' and members will then accrue benefits in the new scheme starting on 01</p>	None

	April 2015.	
<b>Marital status</b>	No adverse impact on equality of opportunity.	None
<b>Sexual orientation</b>	No adverse impact on equality of opportunity.	None
<b>Men and Women generally</b>	The issue of longer life expectancy in general. Importantly, although women are expected to live longer; men typically earn more in the PSNI.  With the introduction of the career average scheme, higher earners will continue to receive higher pensions, but with a fairer, more proportionate method of calculation.	Minor
<b>Disability</b>	No adverse impact on equality of opportunity.	None
<b>Dependants</b>	No adverse impact on equality of opportunity.	None

<b>2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?</b>		
<b>Section 75 category</b>	<b>If Yes, provide details</b>	<b>If No, provide reasons</b>
<b>Religious belief</b>	No.	The policy relates exclusively to secondary legislation and scheme regulations for members of the police pension scheme.
<b>Political opinion</b>	No.	The policy relates exclusively to secondary legislation and scheme regulations for members of the police pension scheme.
<b>Racial group</b>	No.	The policy relates exclusively to secondary legislation and scheme regulations for members

		of the police pension scheme.
<b>Age</b>	No.	The policy relates exclusively to secondary legislation and scheme regulations for members of the police pension scheme.
<b>Marital status</b>	No.	The policy relates exclusively to secondary legislation and scheme regulations for members of the police pension scheme.
<b>Sexual orientation</b>	No.	The policy relates exclusively to secondary legislation and scheme regulations for members of the police pension scheme.
<b>Men and Women generally</b>	No.	The policy relates exclusively to secondary legislation and scheme regulations for members of the police pension scheme.
<b>Disability</b>	No.	The policy relates exclusively to secondary legislation and scheme regulations for members of the police pension scheme.
<b>Dependants</b>	No.	The policy relates exclusively to secondary legislation and scheme regulations for members of the police pension scheme.

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?

Minor/Major/None

<b>Good relations category</b>	<b>Details of policy impact</b>	<b>Level of impact Minor/Major/None</b>
<b>Religious belief</b>	The policy will not impact on good relations.	None
<b>Political opinion</b>	This policy will not impact on good relations.	None
<b>Racial group</b>	This policy will not impact on good relations.	None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	If Yes, provide details	If No, provide reasons
<b>Religious belief</b>	N/A	No. The policy relates exclusively to the creation of secondary legislation and scheme regulations for members of the PSNI.
<b>Political opinion</b>	N/A	No. The policy relates exclusively to the creation of secondary legislation and scheme regulations for members of the PSNI.
<b>Racial group</b>	N/A	No. The policy relates exclusively to the creation of secondary legislation and scheme regulations for members of the PSNI.

#### Additional considerations

#### Multiple identity

25. 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).*

Not applicable.

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

Not applicable.

### Part 3



## Screening decision

27. If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The policy relates exclusively to the secondary legislation of scheme regulations for implementation of the new career average scheme and relates only to members of the PSNI pension scheme. The policy relates exclusively to pension entitlements for members of devolved public service pension schemes.

Members of the PSNI will continue to receive a high quality pension with a guaranteed payment in retirement that is protected against inflation, regardless of gender, racial background, age, disability, persons with or without dependents, political opinion, religion, belief, sexual orientation or marital/civil partnership status.

The overall value of police pension scheme benefits depend on variables which remain outside the scope of the pension policy contained in the Public Service Pensions Act (Northern Ireland) 2014. These include length of employment, salary levels and personal financial decisions.

Where impacts may be identified for persons by virtue of their religion or gender the Department of Justice considers that these impacts are not unlawful or discriminatory and minor overall. Potential impacts on people are judged to be negligible.

28. If the decision is not to conduct an equality impact assessment, consider if the policy should be mitigated or an alternative policy be introduced.

The policy reflects a binding decision made by the Northern Ireland Executive on the 8<sup>th</sup> March 2012, to implement its agreed approach for pension reform consistently for each of the different public sector pension schemes in line with the equivalent schemes in Great Britain and not to adopt different approaches for Northern Ireland.

The PSNI pension scheme generally reflects legislation for the police pension scheme in Scotland, England and Wales. Consequently, the scheme design is practically identical to the equivalent scheme design in police forces in Great Britain and allows interoperability between the police forces in each jurisdiction. Introduction of an alternative policy would result in the breaking of this convention.

Failure to introduce the Police Pensions Regulations (Northern Ireland) 2015 to facilitate the reform of the PSNI pension scheme to the requirements and timescales advised by HM Treasury will effect a reduction in the Northern Ireland block grant funding currently estimated at £60m for the PSNI pension scheme.

The Department of Justice is satisfied that Section 75 groups are unlikely to be disproportionately affected by the common framework for pension reform contained in the Public Service Pensions Act (Northern Ireland) 2014. The evidence examined does not indicate any gaps or opportunities upon which to take action, other than those protections already built into the scheme.

29. If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

Not applicable.

30. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

### **Mitigation**

31. 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.  
No – the policy does not have any correlation with any Section 75 groups and as such will not impact on any group.

32. Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?  
No. Please see information at point 28 above. The policy reflects a binding decision by the NI Executive to implement its agreed approach for pension reform consistently for each of the different public sector pension schemes, in line with equivalent schemes in Great Britain and not to adopt different approaches for Northern Ireland.

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

Not applicable.

## Timetabling and prioritising

34. Factors to be considered in timetabling and prioritising policies for equality impact assessment.
35. 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.
36. 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	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	

37. 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.
38. Is the policy affected by timetables established by other relevant public authorities?
39. If yes, please provide details.


## Part 4

### Monitoring

40. Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).
41. 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).
42. 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:	Position/Job Title	Date
	Staff Officer; Policing Policy and Strategy Division	31 December 2014
Approved by:	Position/Job Title	Date
 Lorraine Montgomery	Grade 7; Policing Policy and Strategy Division	7 January 2015

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.

**The Screening exercise is now complete.**

When you have completed the form please retain a record in your branch and send a copy for information to:-

Central Management Unit  
Room A4.2  
Castle Buildings  
Stormont Estate  
BELFAST  
BT4 3SG