

## DoF Screening template

Screening is the first of two methods by which the necessary level of “regard” is demonstrated as being paid to the statutory equality goal, as set out in Section 75 of the Northern Ireland Act 1998. The DoF Equality Scheme commits us to screening our policies. This includes our strategies and plans, policies, legislative developments; and new ways of working such as – the introduction, change or end of an existing service, procedure, policy etc.

This screening template is designed to help business areas consider the likely equality and human rights impacts of their proposed decisions on different groups of customers, service users, staff and visitors.

Detailed information about the Section 75 equality duties and what they mean in practice is available on the Equality Commission’s website: <http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75GuideforPublicAuthoritiesApril2010.pdf>

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 accessible on the DoF website as soon as possible following completion and made available in alternative formats on request.

All Section 75 consultees should be advised of the screening exercise once the final policy decision has been taken.

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

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

**Section B** - 4 key questions that require you to outline the likely impacts on equality groups, and all supporting evidence.

**Section C** - 4 key questions in relation to obligations under the Disability Discrimination Order and the Human Rights Act.

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

## SECTION A

### Information about the policy

This 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 on a step-by-step basis.

Remember that the Section 75 statutory duties apply to internal policies (relating to people who work for us) as well as external policies (relating to those who are, or could be, served by us).

*Is this a new or revised policy?*

Revised

#### a) Name of the policy

Public service pension schemes: proposed changes to the transitional arrangements to the 2015 schemes.

#### b) Brief Description of the policy

This policy addresses unlawful discrimination identified by the courts in reformed public service pension schemes from 1 April 2015. It removes discrimination, which has already occurred by providing eligible scheme members with a retrospective choice to have their pension entitlements for the period 1 April 2015 to 31 March 2022 (the remedy period) calculated under either the rules of their reformed scheme or the relevant previous legacy scheme of which they were a member. This choice, termed a 'deferred choice underpin' (DCU), will be made by the member at the point of retirement. The policy revision will remove unlawful discrimination for the future by ensuring that from 1 April 2022 all active members of relevant public service pension schemes will accrue benefits for service only in the reformed schemes.

#### c) Aims of the policy/ Rationale behind the changes

Reformed public service pension schemes were introduced on 1 April 2015 based on the recommendations of the Hutton Commission for the replacement of final salary

schemes with career average 'CARE' schemes with revised normal pension ages. In most schemes normal pension age was linked to State Pension Age. The reforms were agreed by the NI Assembly and given effect in the Public Service Pensions Act (Northern Ireland) 2014. These reforms originally included 'transitional protection' measures which allowed individuals closest to retirement to remain in the unreformed (legacy) pension schemes. The rationale for this approach was to provide protection and certainty for this cohort which was closer to retirement.

In 2018 the Courts found that the transitional arrangements unlawfully discriminated on grounds of age against comparators in the scheme who had not received this protection and had moved to the reformed schemes. Between 19 August and 18 November 2020 the Department of Finance consulted on policy options to address this unlawful discrimination. The consultation proposed that affected members would be provided with a choice to have their service during the period the discrimination has occurred (2015 – 2022) calculated under their legacy or reformed scheme terms.

As many scheme members will still be better off in the reformed schemes this choice is important and aims to protect pension benefits already accrued by members since 2015. It would be unfair to simply default all members back to the legacy arrangements, even though this would technically remove the discrimination. The consultation sought views on whether this choice should be offered as an 'immediate choice' (IC), or a 'deferred choice underpin' (DCU) i.e. deferred until the point of retirement. To remove the discrimination for the future it was proposed all members would accrue future service only in reformed schemes from 1 April 2022. The consultation also requested views on whether this approach would ensure equality of treatment.

Following consultation the Department of Finance has announced its intention to proceed with the option for DCU. The 2015 schemes will also be reaffirmed for future service from 1 April 2022.

An associated equality screening exercise was published as part of the original consultation. The Department believes the conclusions in that assessment still hold. This further screening document now provides an updated position in response to equality issues raised during the consultation and also with reference to the policy approach announced in the Department of Finance response to its consultation. It should be read in conjunction with the original screening exercise.

#### d) Who will the policy affect?

The revised policy will affect public service scheme members who were in service on 31 March 2012 and have service in the remedy period between 1 April 2015 and 31 March 2022 in schemes for any of the following devolved Northern Ireland public service employment types: Civil Servants; members of the Police Service; Teachers; Health Service Workers, and Firefighters. Due to differences in the way transitional protection was provided for Local Government workers they are not in scope and have

been considered separately by the Department for Communities. The Department of Justice is also separately considering any changes to the pension scheme for the devolved judiciary, to reflect the unique situation of that scheme.

e) Is this a NICS wide policy?

Yes

f) Who will implement the policy?

The Department of Finance

g) Will this policy or revision address an existing inequality? Yes/No  
If yes, please give details.

Yes. In December 2018, the Court of Appeal in England and Wales ruled in the cases of *McCloud and Sergeant* that transitional protections in public service schemes unlawfully discriminate on grounds of age against those individuals moved to reformed schemes and that this discrimination must be remedied. Devolved schemes in NI incorporate the same age-based transitional protections and legal advice confirms there is a requirement to similarly remedy the discrimination that has occurred since 2015, and remove it for the future.

This revision of the transitional protection policy will address this unlawful inequality since 2015 by allowing affected members to have their pension entitlements in the remedy period calculated under either legacy or reformed terms. In addition, by providing that all members will now accrue future service in the same way in the reformed schemes from 1 April 2022 the revision also addresses this inequality for the future so that all scheme members will be treated equally, in line with the findings of the courts and regardless of their age.

h) Will this policy or revision benefit any Section 75 categories? Yes/No  
If yes, please give details.

Yes. It may be possible that some younger members who transferred to the reformed schemes on 1 April 2015 could benefit from the option to have their pension entitlements in the remedy period calculated under the terms of the legacy schemes. Alternatively, some older members who qualified for transitional protection and retained membership of the legacy schemes for service after 1 April 2015 may benefit from the option of having their entitlements in the remedy period calculated under the reformed schemes. Any such indirect effects would be incidental to the policy imperative to remove unlawful discrimination identified by the Courts.

These effects could equally be attributable to a variety of external factors and choices, which can affect any individual's pension outcomes, including length of employment; salary levels; career choice, and personal financial decisions. Any such benefits from the policy revision will be available to all members with service in the remedy period regardless of their age.

The overwhelming benefit of this revision across all members of the section 75 categories is the removal of discriminatory effects of unlawful age-based criteria from Northern Ireland statutory based pension scheme designs.

All members will also benefit from the protection of pension rights already accrued during the period discrimination has occurred regardless of their age or other protected characteristic.

i) Will this policy or revision have an adverse differential impact upon any of the Section 75 groupings? Yes/No. If yes, please give details.

No. The Department of Finance has considered a number of potential indirect age or sex/gender related effects of the policy revision. Some of these were addressed in original screening document. In the course of the consultation on policy options a number of additional potential indirect effects were raised:

There was a concern that the IC would lead to less favourable outcomes for younger members required to take important decisions about their future benefits much earlier and based on a higher level of assumptions about the future than their colleagues who were closer to retirement. The Department believes the DCU outcome resolves this risk as all scheme members will now make their decision at the same point in their career regardless of age.

Some consultation responses raised concerns the proposals for taper protected members could be indirectly discriminatory by affecting those over a certain age. The Department considers that the fact that those with tapered protection will be over a certain age reflects the discriminatory nature of the taper protections, the removal of which in response to the courts findings cannot itself be a discriminatory act.

This rationale also applies in respect of concerns raised in the consultation that the removal of full transitional protection could now unlawfully discriminate against previously protected members. In both cases, a continued difference in treatment for these groups would perpetuate rather than remove the original age discrimination identified by the courts. Conversely, by accruing all service in the reformed schemes from 1 April 2022 all members will be now treated equally without reference to age or any other protected characteristic.

Further relevant detail on issues raised in consultation for indirect effects on age or sex have been considered further below in response to the individual screening questions. In each case the Department of Finance considers any indirect impacts for

protected characteristics for age and sex to be minor, incidental to the imperative to remove unlawful age-based discrimination, and do not constitute an adverse differential impact.

## Section B

### 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.

What evidence / information (both qualitative and quantitative) have you gathered to inform this policy? Set out all evidence below along with details of the different Section 75 groups you have met and / or consulted with to help inform your screening assessment. Please also provide details of priorities and needs identified for each Section 75 group.

- **Religious belief**

[Equality Commission for Northern Ireland 'Fair Employment Monitoring Report No.29 - Annual Summary of Monitoring Returns', Latest Edition, 2018.](#)

[Equality Statistics for the NICS - NISRA, August 2020.](#) (Page 8)

- **Political opinion**

#### **Civil Servants**

[Equality Statistics for the NICS - NISRA, August 2020.](#) (Page 30)

#### **Health Service Workers**

Data on political opinion of employees is not readily available for the total Health and Social Care Workforce or recorded by all Health and Social Care employing authorities. There is no evidence that the proposals raise any specific equality issues for members in relation to political opinion.

#### **Teachers**

This information is not available as Article 71 of the Fair Employment and Treatment (NI) Order 1998 makes schools exempt from the requirement to monitor the political

opinion of their teaching staff. There is no evidence that the proposals raise any specific equality issues for members in relation to political opinion.

### **Northern Ireland Fire & Rescue Workers**

The NIFRS monitors all equality groups identified in Section 75 of the NI Act 1998 including political opinion. Information on all Section 75 groups is collected from applicants for NIFRS vacancies.

### **Members of Police Force**

There is currently no statistical analysis available for this category in respect of members of the PSNI.

- **Racial group**

### **Civil Servants**

[Equality Statistics for the NICS - NISRA, August 2020.](#) (Page 14)

### **Northern Ireland Fire & Rescue Workers**

Equality statistics for the NIFRS.

### **Teachers**

This information is not usually collated and we have not been able to identify any single source of information on the workforce in relation to this measure. However, there is no indication that this policy will disproportionately impact on the basis of racial group. The Department for Education is considering whether this information could, in future, be collated and included in the DfE digest of statistics on the Education Workforce which is published on an annual basis.

### **Members of Police Force**

Police Service (NI) Workforce Composition Statistics – January 2020

### **Health Service Workers**

Data on racial grouping of employees is not readily available for the total Health and Social Care workforce or recorded by all employing authorities. There is no evidence that the proposals raise any specific equality issues for members in relation to racial grouping.



- **Age**

### **Civil Servants**

[Equality Statistics for the NICS - NISRA, August 2020.](#) (Page 10)

### **Teachers**

The Annual Statistics Digest - number of teachers registered with the General Teaching Council (NI) by age and gender - March 2018.

### **Members of Police Force**

Police Service (NI) Workforce Composition Statistics – January 2020.

### **Northern Ireland Fire & Rescue Workers**

Equality statistics for the NIFRS.

### **Health Service Workers**

Age profiling statistics extracted from the Business Services Organisation (BSO) Health and Social Care Payroll System.

- **Marital status**

### **Civil Servants**

The NICS currently monitors community background, age, disability, ethnic origin and gender but has recently extended that monitoring to cover the remaining equality groups identified in Section 75 of the NI Act 1998 including marital status. At present, information on all the Section 75 groups is collected from applicants for NICS vacancies and work is continuing on the design of the database that will be used to collect and hold Section 75 data on NICS employees. However, there is no indication that this policy will impact disproportionately on the basis of marital status.

[Equality Statistics for the NICS - NISRA, August 2020.](#) (Page 30)

### **Teachers**

This information is not usually collated and we have not been able to identify any single source of information on the workforce in relation to this measure. However, there is

no indication that this policy will disproportionately impact on the basis of marital status. The Department for Education is considering whether this information could, in future, be collated and included in the DfE digest of statistics on the Education Workforce which is published on an annual basis.

### **Members of Police Force**

There is currently no statistical analysis available for this category in respect of members of the PSNI.

### **Northern Ireland Fire & Rescue Workers**

Equality statistics for the NIFRS.

### **Health Service Workers**

Data on marital status of employees is not readily available for the total Health and Social Care workforce or recorded by all employing authorities. There is no evidence that the proposals raise any specific equality issues for members in relation to marital status.

## **• Sexual orientation**

### **Civil Servants**

The Department does not currently gather information on sexual orientation. There is no indication that this policy will disproportionately impact on the basis of sexual orientation.

[Equality Statistics for the NICS - NISRA, August 2020.](#) (Page 28 & 29)

### **Health Service Workers**

This information is not readily available for the total Health and Social Care workforce or recorded by all employing authorities. There is no evidence that the proposals raise any specific equality issues for members in relation to sexual orientation.

### **Teachers**

This information is not collected by employing authorities. There is no indication that this policy will disproportionately impact on the basis of sexual orientation.

### **Members of Police Force**

There is currently no statistical analysis available for this category in respect of members of the PSNI.

### **Northern Ireland Fire & Rescue Workers**

Equality statistics for the NIFRS.

- **Men & women generally**

**ALL**

[Equality Commission for Northern Ireland 'Fair Employment Monitoring Report No.29 - Annual Summary of Monitoring Returns', Latest Edition, 2018.](#)

### **Civil Servants**

[Equality Statistics for the NICS - NISRA, August 2020.](#) (Page 6 & 7)

### **Teachers**

The Annual Statistics Digest - number of teachers registered with the General Teaching Council (NI) by age and gender - March 2018

### **Members of Police Force**

Police Service (NI) Workforce Composition Statistics – January 2020.

### **Northern Ireland Fire & Rescue Workers**

Equality statistics for the NIFRS.

- **Disability**

### **Civil Servants**

[Equality Statistics for the NICS - NISRA, August 2020.](#) (Page 12 & 13)

### **Teachers**

This information is not usually collated. However, there is no indication that this policy will disproportionately impact on the basis of disability. The Department for Education is considering whether this information could in future be collated and included in the

DfE digest of statistics on the Education Workforce which is published on an annual basis.

### **Northern Ireland Fire & Rescue Workers**

Equality statistics for the NIFRS.

### **Members of Police Force**

There is currently no statistical analysis available for this category in respect of members of the PSNI.

### **Health Service Workers**

This information is not readily available for the total HSC workforce or recorded by all employing authorities. There is no evidence that the proposals raise any specific equality issues for members in relation to disability.

- **Dependents**

### **Civil Servants**

The Department does not currently gather information on the basis of dependant status. There is no indication that this policy will disproportionately impact on the basis of dependant status.

[Equality Statistics for the NICS - NISRA, August 2020.](#) (Page 28 & 30)

### **Teachers**

This information is not collected by employing authorities. There is no evidence that this policy will disproportionately impact on the basis of dependant status.

### **Members of Police Force**

There is currently no statistical analysis available for this category in respect of members of the PSNI.

### **Fire & Rescue Workers**

The NIFRS monitors all equality groups identified in Section 75 of the NI Act 1998 including dependant status. Information on all Section 75 groups is collected from applicants for NIFRS vacancies.

## **Health Service Workers**

This information is not readily available for the total Health and Social care workforce or recorded by all employing authorities. There is no evidence that the proposals raise any specific equality issues for members in relation to dependant status.

### **If you have no evidence held, outline how you will obtain it:**

The use of data will be kept under review as further policy development is conducted. The Department of Finance welcomed views from consultees for all proposals in this assessment.

## Screening questions

There are 4 essential screening questions:

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the nine Section 75 categories? (minor/major/none)
2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories? (yes/no)
3. To what extent is the policy likely to impact upon good relations between people of different religious belief, political opinion or racial group? (minor/major/none)
4. Are there opportunities to better promote good relations between these three groups? (Yes/No)

### **1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the nine Section 75 categories?**

- **Religious belief:**

None

- **Political opinion:**

None

- **Racial group:**

None

- **Age:**

Minor - Some respondents to the Department's consultation felt that applying the remedy proposals only to those in service on 31 March 2012 could lead to indirect discrimination for younger members. Although individuals may join public service at any age where they meet eligibility criteria, the Department acknowledges that overall those who first joined after 31 March 2012 may be younger than those who joined before then. It does not however consider this to be an unjustified adverse differential effect on equality of opportunity for that cohort. Members who first joined any public service pension scheme after 31 March 2012 were ineligible for transitional protection regardless of their age. They were not subject to the targeted age-based discrimination identified by the courts. On this basis the Department of Finance believes that any indirect age related effects for this cohort do not constitute a disproportionate or unjustified adverse differential impact on individuals with protected characteristics.

As outlined at Section A concerns were raised in some responses to the consultation that the retrospective remedy proposals could lead to less favourable outcomes for those younger members further from retirement. The Department believes the DCU outcome resolves this risk as all scheme members will now make their decision at the same point in their career, regardless of their age, and at the crucial point when factual information about their personal and career choices made to date will be available to inform effective decision making.

Some consultation responses also highlighted perceived indirect age related effects of the prospective policy for equality of treatment by ensuring all members accrue service in the reformed schemes from 1 April 2022. Some respondents felt that younger members would not be treated fairly as they would not now be able to remain in their original pension schemes until their retirement. This view was more prevalent among some stakeholders for the police scheme who argued that if a younger and older member joined the police pension scheme at the same time, then the older member may be able to retire on legacy scheme benefits, but the younger member may not have the same opportunity. Therefore, these respondents felt the proposals were discriminatory towards younger members.

The Department of Finance does not believe that the proposals for future arrangements constitute an unjustified adverse differential impact on the grounds of age. Whilst the courts have ruled the transitional protections give rise to unlawful discrimination, this does not extend to the fundamental components of the 2015 reforms for career average scheme design and revised pension ages. These reforms remain valid and appropriate for future service as agreed by the Assembly in 2014, as a proportionate means to deliver sustainable future pension arrangements that are fairer across the public service, especially for lower and middle earners who represent the majority of that workforce.

The Department of Finance has a responsibility to keep public service pension arrangements under review and to take forward changes when it judges it necessary to do so for reasons of equality, to comply with legal challenge and for

effective cost management. Those who begin service at the same point in time, but who are of different ages, will often likely retire at different points in time and where it has been considered necessary to make changes to pension arrangements for the reasons given above, this might mean individuals finish their career under different pension arrangements.

In this context in the case of both the full and tapered protections the Department does not accept that the removal of a scheme provision now categorised by the courts as unlawfully discriminatory now gives rise to a valid claim for new discrimination against those who were previously protected by, or benefitted from, that unlawfully discriminatory scheme feature. In both cases a continued difference in treatment for these groups beyond 2022 would perpetuate rather than remove the original age discrimination identified by the courts. Under the remedy proposal these previously protected members will now be treated equally for future service in the same way as those moved to the new schemes, as if the unlawful transitional protections had not occurred.

They will continue to have access to a defined benefit, index linked, government backed pension arrangement with a significant employer contribution under the now more equitable and sustainable reformed CARE scheme model approved by the Assembly in 2014.

By 2022 the 10 year prescribed period for transitional protection will have expired and the majority of previously protected members are expected to have retired or to do so in the coming years. Depending on their own career and personal life choices those who do not choose to retire will have the same opportunities as other members of the reformed schemes to remain in service until at least or beyond their new scheme NPA, and have options to accrue more benefits in total over a longer period of service. Alternatively if they wish, they can also choose to retire early with a combination of legacy and reformed scheme benefits, in the same way as previously unprotected members, as long as there is an appropriate actuarial reduction to the CARE scheme component to allow for the fact that their total pension would now be in payment for a longer period of time.

For these reasons the Department of Finance maintains that the proposals to ensure equality from April 2022 by treating all members equally in the reformed schemes is a proportionate response to the imperative to remove unlawful discrimination and does not effect an unjustified adverse differential impact on protected characteristics for age.

- **Marital status:**

None



- **Sexual orientation:**

None

- **Men and women generally:**

Minor - The Northern Ireland public service workforce contains a proportionately greater female representation, although this varies across departments and employment types. As a consequence the policy revision may apply to more females, but this is an incidental indirect effect of its purpose. This policy revision targets the removal of unlawfully adverse age-based effects and will apply equally for all eligible members regardless of their gender. The Department believes the revision of policy provides a positive policy outcome in the targeted area of removing unlawful discrimination without any adverse differential effects on gender groups.

- **Disability:**

None

- **Dependants:**

None

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

- **Religious belief:**

No - The policy relates exclusively to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future. There is no realistic scope for the policy itself to be used to promote equality of opportunity for persons within the Section 75 groups.

- **Political opinion:**

No - The policy relates exclusively to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future. There is no realistic scope for the policy itself to be used to promote equality of opportunity for persons within the Section 75 groups.

- **Racial group:**

No - The policy relates exclusively to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future. There is no realistic scope for the policy itself to be used to promote equality of opportunity for persons within the Section 75 groups.

- **Age:**

Yes - This revision of the transitional protection policy will address an unlawful age based inequality identified by the courts as occurring in public service pension schemes since 2015. By allowing affected members to have their pension entitlements in the remedy period calculated under either legacy or reformed terms the discrimination which has occurred will be effectively remedied. In addition, by providing that all members will now accrue future service in the same way in the reformed schemes from 1 April 2022 the revision also addresses this unlawful inequality for the future so that all scheme members will be treated equally, in line with the findings of the courts and without reference to unlawful age based difference.

- **Marital status:**

No - The policy relates exclusively to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future. There is no realistic scope for the policy itself to be used to promote equality of opportunity for persons within the Section 75 groups.

- **Sexual orientation:**

No - The policy relates exclusively to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future. There is no realistic scope for the policy itself to be used to promote equality of opportunity for persons within the Section 75 groups.

- **Men and women generally:**

No - The policy relates exclusively to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future. There is no realistic scope for the policy itself to be used to promote equality of opportunity for persons within the Section 75 groups.

- **Disability:**

No - The policy relates exclusively to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future. There is no realistic scope for the policy itself to be used to promote equality of opportunity for persons within the Section 75 groups.

- **Dependants:**

No - The policy relates exclusively to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future. There is no realistic scope for the policy itself to be used to promote equality of opportunity for persons within the Section 75 groups.

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

- **Religious belief:**

None

- **Political opinion**

None

- **Racial group**

None

**4. Are there opportunities to better promote good relations between these three groups?**

- **Religious belief:**

No

- **Political opinion**

No

- **Racial group**

No

**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 policy relates exclusively to remedying the discrimination identified in public service schemes from 1 April 2015 and to removing it for the future. There is no potential impacts of the policy/decision for persons within the Section 75 groups including people with multiple identities.

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

None

## 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.

Alternatively there may already be policies in place which would mitigate any adverse impact identified.

### Mitigation measures proposed:

The Department believes the policy outcome for DCU mitigates against any previously highlighted potentially adverse age related risks that IC could lead to less favourable outcomes for younger members as all scheme members will now make their decision at the same point in their career regardless of age. In comparison to IC it is also anticipated that the extended timescales involved for DCU will also provide additional scope necessary for employer development and implementation of enhanced or additional administrative tools and calculators to enhance completeness and accuracy of information and the choices available for members as part of the DCU process.

Some respondents to the consultation noted the desirability of further scheme level equality assessments on the remedy proposals. These will be taken forward by responsible authorities for each scheme as part of their processes for policy implementation and making scheme level regulations.

## Section C

DoF also has legislative obligations to meet under the [Disability Discrimination Order](#) and the [Human Rights Act](#) . The following questions relate to these two areas.

### Consideration of Disability Duties

Does the proposed policy / decision provide an opportunity for DoF to better **promote positive attitudes** towards disabled people?

#### Explain your assessment in full

No - The policy relates exclusively to remedying the discrimination identified in public service schemes from 1 April 2015 and to removing it for the future. The proposed policy does not provide an opportunity for the Department to better promote positive attitudes towards disabled people.

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

#### Explain your assessment in full

No - The policy relates exclusively to remedying the discrimination identified in public service schemes from 1 April 2015 and to removing it for the future. The proposed policy does not provide an opportunity for the Department to provide an opportunity to actively increase the participation by disabled people in public life.

## Consideration of Human Rights

The Human Rights Act (HRA) 1998 brings the European Convention on Human Rights (ECHR) into UK law and it applies in N Ireland. Articles 3 and 4 are classified as “absolute” rights ie the State can never withhold or take away these rights. All others are either “qualified” or “limited”. Further information is available via the following link

<http://www.nicshumanrightsguide.com/>

Indicate any potential adverse impacts that the policy / decision may have in relation to human rights issues.

	<b><u>Adverse Impact</u></b>	
	(delete as appropriate)	
Right to Life	<b>Article 2</b>	No
Prohibition of torture, inhuman or degrading treatment	<b>Article 3</b>	No
Prohibition of slavery and forced labour	<b>Article 4</b>	No
Right to liberty and security	<b>Article 5</b>	No
Right to a fair and public trial	<b>Article 6</b>	No
Right to no punishment without law	<b>Article 7</b>	No
Right to respect for private and family life, home and correspondence	<b>Article 8</b>	No
Right to freedom of thought, conscience and religion	<b>Article 9</b>	No
Right to freedom of expression	<b>Article 10</b>	No
Right to freedom of peaceful assembly and association	<b>Article 11</b>	No

Right to marry and to found a family	<b>Article 12</b>	No
The prohibition of discrimination	<b>Article 14</b>	No
Protection of property and enjoyment of possessions	<b>Protocol 1 Article 1</b>	No
Right to education	<b>Protocol 1 Article 2</b>	No
Right to free and secret elections	<b>Protocol 1 Article 3</b>	No

Please indicate any ways which you consider the policy positively promotes human rights.

The proposed policy does not provide an opportunity to positively promote human rights.

Please explain any adverse impacts on human rights that you have identified.

No adverse impacts on human rights have been identified.

If you have identified any adverse impacts on human rights through this screening you must complete a Human Rights Impact Assessment:  
<https://www.executiveoffice-ni.gov.uk/publications/human-rights-impact-assessment-proforma>.



## Monitoring Arrangements

Public authorities should consider the guidance contained in the Commission's [Monitoring Guidance for Use by Public Authorities \(July 2007\)](#):

<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75MonitoringGuidance2007.pdf>

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.

### **Please detail proposed monitoring arrangements below:**

The Department of Finance will utilise the data listed below in the future in order to monitor the impact of this policy / decision on equality, good relations and disability duties.

#### **Equality**

[Equality Commission for Northern Ireland 'Fair Employment Monitoring Report No.29 - Annual Summary of Monitoring Returns', Latest Edition, 2018.](#)

[Equality Statistics for the NICS - NISRA, August 2020.](#)

NIFRS Equality Statistics.

#### **Good Relations**

Northern Ireland Public Service Workforce Statistics.

#### **Disability Duties**

Northern Ireland Public Service Workforce Statistics.

NIFRS Equality Statistics.

## Section D - Formal Record of Screening Decision

### Title of Proposed Policy / Decision being screened:

Public service pension schemes: proposed changes to the transitional arrangements to the 2015 schemes.

I can confirm that the proposed policy / decision has been screened for (i) equality of opportunity, (ii) good relations disabilities duties and (iii) human rights issues

On the basis of the answers to the screening questions, I recommend that this policy / decision is –

(delete as appropriate)

### **Screened Out** - Mitigating Actions (minor impacts)

Provide a brief note to explain how this decision was reached:

### **Screened Out** - Mitigating Actions (minor impacts)

Provide a brief note here to explain how this decision was reached:

The screening exercise identifies only minor impacts for sex and age. These are incidental to the imperative of the policy revision which is to remedy unlawful discrimination identified by the courts in public service pension schemes since 1 April 2015 and to remove it for the future. There are no unjustified adverse differential impacts for the section 75 groupings

Under the policy revision all members with eligible service in the remedy period will be treated equally and afforded the same choices, without reference to protected characteristics, with the outcome that the unlawful discrimination is remedied and they should not suffer any detriment to pension entitlements already accrued as a consequence of its previous effects in the transitional protections which operated in the public service schemes from 1 April 2015 to 31 March 2022. All affected members will be provided with relevant appropriate information about their entitlements under both legacy and reformed scheme rules to assist informed remedy decision making.

All members of public service schemes will also be treated equally for future pensionable service accrued from 1 April 2022 without reference to protected characteristics.

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

**Screening assessment completed by -**

**Name** Kieran Hargan  
**Grade** SO  
**Date** 23/02/2021

**And approved by –**

**Name** Stephen Ball  
**Grade** GD7  
**Date** 23/02/2021

Central Support Team Notified (23/02/2021)

Equality Contacts advised (25/02/2021)

Screening uploaded to DoF website (25/02/2021)