



Department of
Health

An Roinn Sláinte

Mánnystrie O Poustie

www.health-ni.gov.uk

Equality Screening, Disability Duties and Human Rights Assessment Template

Part 1 – Policy scoping

Part 2 – Screening questions

Part 3 – Screening decision

Part 4 – Monitoring

Part 5 – Disability Duties

Part 6 – Human Rights

Part 7 – Approval and Authorisation

Guidance notes are available to assist with completing this template. For further help please contact the Equality and Human Rights Unit ext 20539.

Part 1. Policy scoping

1.1 Information about the policy / decision

1.1.1 What is the name of the policy / decision?

The Health and Social Care Pension Schemes (Amendment) Regulations (Northern Ireland) 2022 - Proposed changes to the transitional arrangements for the 2015 scheme relating to the McCloud remedy

1.1.2 Is this an existing, revised or a new policy / decision?

This is a revised policy.

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

This revised policy addresses unlawful discrimination identified by the courts in reformed public service pension schemes from 1 April 2015. 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.

The revised policy will apply to members across all affected public service schemes, including the HSC Pension Scheme, who were in service on or before 31 March 2012 and who have service on or after 1 April 2015 (including those with a qualifying break in service of less than 5 years). As the unlawful discrimination identified by the Courts only applied to those who were in service on or before 31 March 2012 it is therefore only that group who are in scope of the policy revision.

The exceptions that allowed certain members who were closer to their normal pension age to remain in the legacy scheme after 31 March 2015 under transitional protection arrangements will apply only in respect of service up to 31 March 2022. On 1 April 2022, all active members will be moved to the 2015 HSC Pension Scheme and from that point will build future pension rights on the same basis irrespective of age.

Going forward, all eligible members will be offered a choice, termed a 'deferred choice underpin' over the set of benefits (legacy scheme or new scheme) they wish to receive for any pensionable service during the period 1 April 2015 to 31 March 2022. This is the period during which the transitional protection existed which, in respect of similar provisions in other public service pension schemes,

was found to be discriminatory by the Court of Appeal – this part of the remedy will be dealt with in future legislation.

1.1.4 If there are any Section 75 categories which might be expected to benefit from the intended policy, please explain how.

This revised policy only impacts on those members in the protected group, i.e. those who qualified for transitional protection as detailed in the table below.

Active Protected Members as at:-	1995 Section	2008 Section	% of total HSC members
31 March 2012	11,699	320	20.88%
22 November 2021	4,792	149	6.49%

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 transfer to the new scheme which has a higher rate of accrual. This will however depend on any salary increases they receive during their remaining service.

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

1.1.5 Who initiated or wrote the policy?

The policy update was developed and written by the DoH – Pension Policy Unit in line with the McCloud remedy proposals agreed by DoF.

1.1.6 Who owns and who implements the policy?

The Department of Health has the overall responsibility for the revised policy

and its introduction. The HSC Pension Service has been delegated the responsibility for the day to day operational implementation of the provisions resulting from this policy revision.

1.2 Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? If yes, are they

Financial

Legislative

Other

No

1.3 Main stakeholders affected

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

HSC Staff

Service users

Other public sector organisations

Voluntary/community/trade unions

Other, please specify

All HSC
Employers

GP
Practices

Directional
Employers

1.4 Other policies with a bearing on this policy / decision. If any:

Policy	Owner(s) of the policy
None	

1.5 Available evidence

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
All Categories	<p>The proposed changes will be applied to all members regardless of membership of S75 categories.</p> <p>The HSC employers will collect S75 characteristics on their employees but not all of their employees are members of the pension scheme. The administering authority, BSO, does not hold data on the section 75 characteristics of members.</p> <p>The consultation document will issue shortly and will ask stakeholders the following questions in relation to equality:-</p> <ul style="list-style-type: none"> • Are you aware of additional data that would help assess the potential impacts of the proposed changes on the HSC Pension Scheme membership? • Are there other comments or observations on equalities impacts you would wish to make? <p>The equality screening analysis will be reviewed based on responses received during the consultation.</p>

* Qualitative data – refers to the experiences of individuals related in their own terms, and based on their own experiences and attitudes. Qualitative data is often used to complement quantitative data to determine why policies are successful or unsuccessful and the reasons for this.

Quantitative data - refers to numbers (that is, quantities), typically derived from either a population in general or samples of that population. This information is often analysed either using descriptive statistics (which summarise patterns), or inferential statistics (which are used to infer from a sample about the wider population).

1.6 Needs, experiences and priorities

Taking into account the information recorded in 1.1 to 1.5, 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 needs/experiences/priorities
Religious belief	There is no evidence that different religions will have any different needs, experiences, priorities or issues in relation to the legislation.
Political opinion	There is no evidence that different political opinions will have any different needs, experiences, priorities or issues in relation to the legislation.
Racial group	There is no evidence that different racial groups will have any different needs, experiences, priorities or issues in relation to the legislation.
Age	There is no evidence that different age groups will have any different needs, experiences, priorities or issues in relation to the legislation.
Marital status	There is no evidence that different age groups will have any different needs, experiences, priorities or issues in relation to the legislation.
Sexual orientation	There is no evidence that those with different sexual orientation will have any different needs, experiences, priorities or issues in relation to the legislation.
Gender (Men and women generally)	There is no evidence that different age groups will have any different needs, experiences, priorities or issues in relation to the legislation.
Disability (with or without)	There is no evidence that people with disabilities will have any different needs, experiences, priorities or issues in relation to the legislation.
Dependants (with or without)	There is no evidence that those of different dependant status will have any different needs, experiences, priorities or issues in relation to the legislation.

Part 2. Screening questions

2.1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor/major/none)		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	No impact on equality of opportunity.	None
Political opinion	No impact on equality of opportunity.	None
Racial group	No impact on equality of opportunity.	None
Age	The McCloud remedy is designed to remedy age discrimination in the previous transitional arrangements in public sector pension schemes	Minor
Marital status	No impact on equality of opportunity.	None
Sexual orientation	No impact on equality of opportunity.	None
Gender (Men and women generally)	No impact on equality of opportunity.	None
Disability (with or without)	No impact on equality of opportunity.	None
Dependants	No impact on equality of opportunity.	None

(with or without)		
-------------------	--	--

2.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If Yes , provide details	If No , provide reasons
All Groups	-	<p>The policy relates exclusively to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future.</p> <p>There is no realistic scope for the policy itself to be used to promote equality of opportunity for persons within any Section 75 groups.</p>

2.3 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)		
Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	The policy will not impact on good relations.	None
Political opinion	The policy will not impact on good relations.	None
Racial group	The policy will not impact on good relations.	None

2.4 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
Religious belief	-	<p>The policy relates exclusively to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future.</p> <p>There is no realistic scope for the policy itself to be used to better promote good relations between people of different religious belief, political opinion or racial group.</p>
Political opinion	-	<p>The policy relates exclusively to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future.</p> <p>There is no realistic scope for the policy itself to be used to better promote good relations between people of different religious belief, political opinion or racial group.</p>
Racial group	-	<p>The policy relates exclusively to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future.</p> <p>There is no realistic scope for the policy itself to be used to better promote good relations between people of different religious belief,</p>

		political opinion or racial group.
--	--	------------------------------------

2.5 Additional considerations

Multiple identity

Provide details of data on the impact of the policy on people with multiple identities (e.g. minority ethnic people with a disability, women with a disability, young protestant men, and young lesbian, gay or bisexual persons). Specify relevant Section 75 categories concerned.

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.

2.6 Was the original policy / decision changed in any way to address any adverse impacts identified either through the screening process or from consultation feedback? If so please provide details.

No – However this screening will be reviewed based on responses received during the consultation

Part 3. Screening decision

3.1 How would you summarise the impact of the policy / decision?

No impact
Minor impact
Major impact

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Consider mitigation (3.4 – 3.5)

3.2 Do you consider that this policy / decision needs to be subjected to a full Equality Impact Assessment (EQIA)?

Yes - screened in
No - screened out

<input type="checkbox"/>
<input checked="" type="checkbox"/>

3.3 Please explain your reason for making your decision at 3.2.

The screening exercise identifies only minor impacts for sex and age. These are incidental to the imperative of the policy revision to remedy unlawful discrimination since 1 April 2015 and remove it for the future. There are no 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 age or gender, with the outcome that the unlawful discrimination is remedied, and they should not suffer any detriment as a consequence of its previous effects in the transitional protections which operated in schemes from 1 April 2015. All affected members will be provided with relevant appropriate information about their entitlements under both legacy and reformed scheme rules to assist in this decision.

Mitigation

If you have concluded at 3.1 and 3.2 that the likely impact is '**minor**' and an equality impact assessment is not to be conducted, you must consider mitigation (or scope for further mitigation if some is already included as per 2.6) to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

3.4 Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

Yes

No

3.5 If you responded "**Yes**", please give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

Part 4. Monitoring

Monitoring is an important part of policy development and implementation. Through monitoring it is possible to assess the impacts of the policy / decision both beneficial and adverse.

4.1 Please detail how you will monitor the effect of the policy / decision?

Information gathered from this Consultation and similar consultations being carried out for the other NHS Pension Schemes in GB will be used to monitor any potential impact.

Data in relation to scheme opt-outs will also be monitored to see if the policy directly increases those who opt-out.

4.2 What data will you collect in the future in order to monitor the effect of the policy / decision?

The Department will monitor the effect of the amendments and assess their impact on scheme members who will be moved into the new 2015 Scheme from 1 April 2022, paying particular attention in relation to members opting out of the scheme

Please note: - For the purposes of the annual progress report to the Equality Commission you may later be asked about the monitoring you have done in relation to this policy and whether that has identified any Equality issues.

Part 5. Disability Duties

5.1 Does the policy/decision in any way promote positive attitudes towards disabled people and/or encourage their participation in public life?

The policy has does not promote positive attitudes towards disabled people and/or encourage their participation in public life.

5.2 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?

There is no opportunity to promote positive attitudes towards disabled people or encourage their participation in public life by changing or introducing additional measures to the legislation.

Part 6. Human Rights

6.1 Please complete the table below to indicate whether the policy / decision affects anyone's Human Rights?

ARTICLE	POSITIVE IMPACT	NEGATIVE IMPACT = human right interfered with or restricted	NEUTRAL IMPACT
Article 2 – Right to life			✓
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment			✓
Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour			✓
Article 5 – Right to liberty & security of person			✓
Article 6 – Right to a fair & public trial within a reasonable time			✓
Article 7 – Right to freedom from retrospective criminal law & no punishment without law.			✓
Article 8 – Right to respect for private & family life, home and correspondence.			✓
Article 9 – Right to freedom of thought, conscience & religion			✓
Article 10 – Right to freedom of expression			✓
Article 11 – Right to freedom of assembly & association			✓
Article 12 – Right to marry & found a family			✓
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights			✓
1 st protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property			✓
1 st protocol Article 2 – Right of access to education			✓

6.2 If you have identified a likely negative impact who is affected and how?

No negative impacts were identified within the legislation

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).*

6.3 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.

No actions can be taken to promote or raise awareness of human rights or ensure compliance with the legislation in relation to this revised policy

Part 7 - Approval and authorisation

	Name	Grade	Date
Screened completed by	Russell McGowan	SO	1/12/21
Approved by ¹	Siobhan McKelvey	G7	3/12/21
Forwarded to E&HR Unit ²			6/12/21

Notes:

¹ The Screening Template should be approved by a senior manager responsible for the policy this would normally be at least Grade 7.

² When the Equality and Human Rights Unit receive a copy of the final screening it will be placed on the Department's website and will be accessible to the public from that point on. In addition, consultees who elect to receive it, will be issued with a quarterly listing all screenings completed during each three month period.

ADDITIONAL INFORMATION TO INFORM THE ANNUAL PROGRESS REPORT TO THE EQUALITY COMMISSION

(PLEASE NOTE: THIS IS NOT PART OF THE SCREENING TEMPLATE BUT MUST BE COMPLETED AND RETURNED WITH THE SCREENING)

1. Please provide details of any measures taken to enhance the level of engagement with individuals and representative groups. Please include any use of the Equality Commissions guidance on consulting with and involving children and young people.

The department has engaged extensively with the Scheme Advisory Board – consisting of employer and staff side representatives

2. In developing this policy / decision were any changes made as a result of equality issues raised during :
 - (a) pre-consultation / engagement;
 - (b) formal consultation;
 - (c) the screening process; and/or
 - (d) monitoring / research findings.

If so, please provide a brief summary including how the issue was identified, what changes were made, and what will be the expected outcomes / impacts for those effected.

None to date

3. Does this policy / decision include any measure(s) to improve access to services including the provision of information in accessible formats? If so please provide a short summary.

No

Thank you for your co-operation.
Equality and Human Rights Unit.