

# 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 on completion of the template can be found on the Equality Commission website at [S75 screening template 2010 \(web access checked 230920\) .docx](#)*

## Part 1. Policy scoping

### 1.1 Information about the policy

Name of the policy:

**NI Firefighters' Pension Scheme – Transitional Protection Remedy – Phase One – Prospective Remedy**

**(The Firefighters' Pension Schemes (Amendment) Order (Northern Ireland) 2022)**

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Is this an existing, revised or a new policy?

This is a revised policy

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

This policy revision addresses unlawful discrimination identified by the Courts in reformed public service pension schemes from 1 April 2015. It addresses discrimination which has already occurred by providing all eligible scheme members with a retrospective choice to receive their pension entitlements for the period 1 April 2015 to 31 March 2022 (the remedy period) under either the rules of their reformed scheme or the relevant previous legacy scheme of which they were a member i.e. as if the discrimination had not occurred. The policy revision removes unlawful discrimination for the future by ensuring that from 1 April 2022 all active members of relevant pension schemes will accrue benefits only in the reformed schemes for all future service.

The proposals will apply to members across all affected public service schemes, including the Firefighters' 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 first phase of the remedy is to make changes to the scheme regulations, in line with the Public Service Pensions & Judicial Offices

Bill, which will close the legacy pension schemes to future accrual from 31 March 2022 and ensure all members who remain in service from 1 April 2022 do so as members of the reformed scheme (“the 2015 Scheme”). This will ensure future equal treatment going forwards.

The revised policy also brings forward other minor amendments to the NI Firefighters’ Pension Schemes to align with similar changes which have been introduced to Firefighters pensions in GB.

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

The Department has not identified any adverse impact for any of the Section 75 categories or any additional benefits, costs or wider impacts flowing from the consequential Firefighters’ Pension Scheme Regulations amendments enacting phase one of the remedy, as these are consequential in nature and designed to deliver the Public Service Pension & Judicial Offices Bill (PSPJO) requirements, which have been assessed by HM Treasury. A Legislative Consent Motion (LCM) which extends the provisions of the PSPJO Bill to include Northern Ireland has been approved by the NI Assembly.

The revised policy for the prospective remedy will affect public service pension 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. The policy amending other minor amendments to the Schemes will only affect members of the NI Firefighters’ Pension Schemes. The amendments will have no adverse differential impact on equality of opportunity and will impose no additional costs on businesses, charities or the voluntary sector.

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 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.

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Who initiated or wrote the policy?

The policy was developed by the Department of Health as a consequence of the factors outlined above.

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Who owns and who implements the policy?

The Department of Health has responsibility for the policy and its introduction. Northern Ireland Fire and Rescue Service is responsible for implementing provisions resulting from this policy revision.

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## 1.2 Implementation factors

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

**No Factors**

If yes, are they (please delete as appropriate)

~~financial~~

~~legislative~~

~~other, please specify~~ \_\_\_\_\_

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## 1.3 Main stakeholders affected

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

staff

~~service users~~

~~other public sector organisations~~

voluntary/community/trade unions

other, please specify -

Firefighters who are members of the Northern Ireland Firefighters' Pension Schemes

Northern Ireland Fire and Rescue Service (NIFRS) who administer the scheme

Firefighter Trade Unions

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

- what are they?

None

- who owns them?

N/A

## 1.5 Available evidence

What evidence/information (both qualitative and quantitative<sup>1</sup>) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Details of evidence/information
Religious belief	Religious belief will have no bearing on uptake of the legislation
Political opinion	Political opinion will have no bearing on uptake of the legislation
Racial group	Racial group will have no bearing on uptake of the legislation
Age	Age will have no bearing on uptake of the legislation
Marital status	Marital status will have no bearing on uptake of the legislation
Sexual orientation	Sexual orientation will have no bearing on uptake of the legislation
Gender (Men and women generally)	Gender will have no bearing on uptake of the legislation
Disability (with or without)	Disability will have no bearing on uptake of the legislation
Dependants (with or without)	Dependent status will have no bearing on uptake of the legislation

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<sup>1</sup> \* **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 referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

<b>Section 75 category</b>	<b>Details of needs/experiences/priorities</b>
Religious belief	Religious belief will not impact needs, experiences, priorities or issues in relation to the legislation.
Political opinion	Political opinion will not impact needs, experiences, priorities or issues in relation to the legislation.
Racial group	Racial group will not impact needs, experiences, priorities or issues in relation to the legislation.
Age	Age will not impact needs, experiences, priorities or issues in relation to the legislation.
Marital status	Marital status will not impact needs, experiences, priorities or issues in relation to the legislation.
Sexual orientation	Sexual orientation will not impact needs, experiences, priorities or issues in relation to the legislation.
Gender (Men and women generally)	Gender will not impact needs, experiences, priorities or issues in relation to the legislation.
Disability (with or without)	Disability will not impact needs, experiences, priorities or issues in relation to the legislation.
Dependants (with or without)	Dependant status will not impact 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
All Groups	No impact on equality of opportunity.	None

### 2.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories? Yes/ No

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

Section 75 category	If <b>Yes</b> , provide details	If <b>No</b> , provide reasons
All Groups	-	<p>The policy mainly relates to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future. It also makes minor amendments to the NI Firefighters' Pension Schemes to align with the GB schemes.</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?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

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?**

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

Good relations category	If <b>Yes</b> , provide details	If <b>No</b> , provide reasons
Religious belief	-	<p>The policy mainly relates to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future. It also makes minor amendments to the NI Firefighters' Pension Schemes to align with the GB schemes.</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>

Political opinion	-	<p>The policy mainly relates to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future. It also makes minor amendments to the NI Firefighters' Pension Schemes to align with the GB schemes.</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>
Racial group	-	<p>The policy mainly relates to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future. It also makes minor amendments to the NI Firefighters' Pension Schemes to align with the GB schemes.</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>

## 2.5 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).*

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

The policy mainly relates to remedying the discrimination identified in public service schemes from 1 April 2015 and removing it for the future. It also makes minor amendments to the NI Firefighters' Pension Schemes to align with the GB schemes.

There is no potential impacts of the policy for persons within any 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. This screening will be reviewed based on consultation responses received.

### **Part 3. Screening decision**

#### **3.1 Would you summarise the impact of the policy as; No Impact/ Minor Impact/ Major Impact?**

Minor

#### **3.2 Do you consider that this policy/ decision needs to be subjected to a full equality impact assessment (EQIA)?**

No – Policy has been screened out

#### **3.3 Please explain your reason.**

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.

#### **3.4 Mitigation**

When the public authority concludes that the likely impact is ‘minor’ and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

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

No

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

N/A

### 3.5 Timetabling and prioritising **N/A**

~~Factors to be considered in timetabling and prioritising policies for equality impact assessment.~~

~~If the policy has been ‘screened in’ for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.~~

~~On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.~~

~~Effect on equality of opportunity and good relations — Rating \_\_\_\_\_ (1-3)~~

~~Social need — Rating \_\_\_\_\_ (1-3)~~

~~Effect on people’s daily lives — Rating \_\_\_\_\_ (1-3)~~

~~Relevance to a public authority’s functions — Rating \_\_\_\_\_ (1-3)~~

~~Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority’s Equality Impact Assessment Timetable should be included in the quarterly Screening Report.~~

~~Is the policy affected by timetables established by other relevant public authorities?~~

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~~If yes, please provide details.~~

## **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?**

There are no specific outcomes from this policy/decision that require monitoring. Information gathered from this consultation and similar consultations being carried out for the other Firefighters Pension Schemes in GB will be used to monitor any potential impact.

Data in relation to scheme opt out rates will also be used to monitor the effect of the policy.

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

Northern Ireland Fire and Rescue Service is required to review the rate of opt outs from the firefighter pension schemes and this will be used to monitor the effect 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 legislation will not discourage people with a disability from participating in public life nor will it fail to promote positive attitudes towards disabled people.

### **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 Does 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 <sup>st</sup> protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property			✓
1 <sup>st</sup> protocol Article 2 – Right of access to education			✓



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

*At this stage we would recommend that you consult with your line manager to determine whether to seek legal advice and to refer to Human Rights Guidance to consider:*

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction in order to comply with the Human Rights Act (1998).*

No negative impacts were identified within the legislation

## **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 the policy

## Part 7 - Approval and authorisation

<b>Screened by:</b>	<b>Position/Job Title</b>	<b>Date</b>
Claire McComb	SO	26/11/21
<b>Approved by:</b>		
Rebecca Morgan	G7	29/11/21
<b>Copied to EHRU:</b>		25/3/22

*The Screening Template is 'signed off' and approved by a senior manager responsible for the policy (at least Grade 7), made easily accessible on the public authority's website as soon as possible following completion and made available on request.*

