

Summary of Key Changes

Current Scheme	LGPS 2014
<p>Final Salary</p> <p>Pension benefits are based on the full time equivalent pensionable pay earned in the final year of membership</p>	<p>Career Average Revalued Earnings (CARE)</p> <p>Pension benefits accrue during the period of membership relative to the actual earnings in each year and then these are revalued to keep pace with inflation</p>
<p>Accrual Rate of 1/60th</p> <p>Scheme members get a pension based on 1/60 of their final salary for each year of membership (pro rata for PT members)</p>	<p>Accrual Rate of 1/49th</p> <p>Scheme members will be credited with 1/49 of their pay each year which is then revalued (see above)</p>
<p>Comment</p> <p>This is a significant improvement in the pension calculation with a pension of 1/60 on a salary of £20,000 being £333.00 whereas based on 1/49 it becomes £408.00.</p>	
<p>Pensionable pay</p> <p>Pensionable pay excludes non contractual payments such as overtime and additional hours worked over the contractual obligation</p>	<p>Pensionable pay will include non contractual payments such as overtime and additional hours worked over the contractual obligation.</p>
<p>Normal Retirement Age</p> <p>Normal retirement age is age 65</p>	<p>The Normal Retirement Age will be equal to the Scheme member's State retirement age, but subject to a minimum of age 65. If retirement is taken before the NRA then the pension will be reduced to take account of the early payment but likewise it will be increased if retirement takes place after NRA.</p>

Employee contribution rates average 6.5% on full time equivalent pay

From	To	% contribution
Up to £13,500		5.5%
£13,501	£15,800	5.8%
£15,801	£20,400	5.9%
£20,401	£34,400	6.5%
£34,001	£45,500	6.8%
£45,501	£85,300	7.2%
More than £85,300		7.5%

Employee contribution rates will still average 6.5% but be based on **actual** pay

From	To	% contribution
Up to £13,500		5.5%
£13,501	£21,000	5.8%
£21,001	£34,000	6.5%
£34,001	£43,000	6.8%
£43,001	£60,000	8.5%
£60,001	£85,000	9.9%
£85,001	£100,000	10.5%
£100,001	£150,000	11.4%
More than £150,000		12.5%

Entitlement to pension (the vesting period)

Under the current arrangements, a scheme member will be entitled to benefits from the Scheme once they have completed only 3 months membership (or they have transferred in membership).

From April 2014, any member with less than two years membership will receive a refund of contributions rather than having a small deferred pension (unless they have transferred in membership).

Pension protection 1

Under the Heads of Agreement the Government confirmed there should be protection of pension benefits built up before April 2014

The proposals confirm that such a protection will be contained in the new Scheme

Comment

This means that some members will have pension benefits calculated on 3 types of LGPS.

- the 1997 Scheme with pension accrual of 1/80 and an automatic lump sum on final pay, as at the date of leaving
- the 2008 scheme with 1/60 pension accrual on final pay, as at the date of leaving
- and now the 2014 Scheme with 1/49 pension accrual on career average pay

Pension protection 2

Under the Heads of Agreement the Government promised to agree to protect those current Scheme members who were within 10 years of retirement

This is to be achieved with specific 'underpin' protection. For those affected a calculation will be performed at age 65 to ensure they will get a pension at least equal to that which they would have received in the LGPS 2008 Scheme.

The 50/50 option

With pressures put upon individuals' finances, there is a tendency to forsake pension provision and opt out of the scheme

Employees will be able to elect to contribute less and receive less pension benefit. They will however retain full value of other benefits such as death in service lump sum.

LGPS: Employer Discretions

LGPS Regulations 2013 (R) & LGPS (Transitional Provisions and Savings) Regulations 2014 (TP)	
Discretions	Proposed ESCC policy
Discretion 1: R16(2) (e) Where APCs are to be paid by regular contributions, whether to fund in whole or in part a members additional pension contribution. The maximum additional pension which can be purchased from 1 April 2014 is £6,500.	Not to adopt this discretion See paras 4.3 – 4.5 of covering report.
Discretion 2: R16(4) (d) Where APCs are to be paid by a lump sum contribution, whether to fund in whole or in part members additional pension contribution. The maximum additional pension which can be purchase from 1 April 2014 is £6,500.	Not to adopt this discretion See paras 4.3 – 4.5 of covering report.
Discretion 3: R30(6) Whether to allow an active member, who has attained the age of 55 or over, who reduces their working hours or grade, to receive immediate payment of all or part of their retirement pension to which the member is entitled to in respect of that employment, subject to an actuarial reduction (flexible retirement).	Not to adopt this discretion. The Governance Committee received a report on 11 September 2012 recommending that the Council ceased to operate a Flexible Retirement Policy. The rationale in this report remains valid.
Discretion 4: TPSch 2, para 2(2) Whether to “switch on” the 85 Year Rule for a member voluntarily drawing benefits on or after age 55 and before age 60.	Agree to adopt this discretion. Agreement to be determined through the Council’s usual business case approval process.
Discretion 5a: R30(8) Whether to waive, in whole or in part, any reduction in a members pension benefits as a result of a member who has not attained normal pension age but who has attained the age of 55 or over and has elected to receive immediate payment of a retirement pension.	Agree to adopt these discretions based on compassionate grounds. Definition of compassion: - compelling domestic reasons which will affect the ability of the individual to continue with his/her present working arrangements, and/or - ill health which does not meet the criteria for ill-health retirement.
Discretion 5b: TPSch 2, para 2(3): Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits from pre 01 April 2014 membership where the employer has “switched on” the 85 Year Rule for a member voluntarily drawing benefits on or after age 55 and before age 60.	

<p>Discretion 6: R31 Whether to award additional pension up to a maximum of £6,500 to an active member or a member who was an active member who was dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency within 6 months of the date the members employment ended.</p>	<p>Not to adopt this discretion</p>
<p>NOTE: R30(2) of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007: Whether to grant application for early payment of deferred benefits on or after age 55 and before age 60</p>	<p>Although this discretion relates to the old scheme and will therefore be governed by those regulations, it will still apply for members who left the scheme on or before 31 March 2014. The Council's policy is to operate this discretion subject to an actuarial reduction.</p>

Equality impact assessment summary report for Pensions Discretions Policy 2014

Please complete this summary, which will be used to publish the results of your impact assessment on the County Council's website.

Date of assessment: 16th April 2014

Manager(s) name: Sarah Mainwaring **Role:** HR Services Manager

Proposal, project, service, strategy or policy, that was impact assessed:

Pensions Discretions Policy 2014

Summary of findings:

Due to its limited nature and focus, the Pensions Discretions Policy will apply, where discretions are adopted by the Council, to a very small minority of Council employees over the age of 55.

The policy is applied equally to all eligible employees regardless of their protected characteristics under the Equality Act 2010, or other characteristics which are recognised by the Council. However, the nature of the policy means that it has an inherent positive impact on older employees (55 years and older) compared to employees below this age group.

With the exception of Discretions 1 and 2, which are new, the discretions have been operating for the past five years and no complaints have been received, which suggests the previous policy was both reasonable and appropriate.

Where a previous Equality Impact Assessment concluded in 2012 that there was an adverse impact regarding the operation of the Flexible Retirement discretion, the Council agreed to cease adoption of this discretion.

The discretions that are being recommended for adoption have clearly defined criteria for the exercise of the discretion that will promote fairness and, in the case of Discretions 5(a) and 5(b), potentially have a positive impact on employees with caring responsibilities or other domestic responsibilities and disabled employees through the definition of compassionate grounds on which the discretion will be exercised.

Summary of recommendations and key points of action plan:

By agreeing not to adopt discretions that have the potential to have a negative impact, or to not promote equality, and by applying clearly defined, objective criteria to discretions that are recommended for adoption, the Council will promote fairness and equality between groups of employees to whom the policy is applicable.

Incorporation of the Pensions Discretions Policy 2014 into the Retirement Policy section of the Managing Change Suite of Policies will ensure that application of the pension discretions is consistently applied throughout the Council workforce and reviewed regularly.

Groups that this project or service will impact upon

Please mark the appropriate boxes with an 'x'

	Positive	Negative
Age	X	X
Disability	X	
Ethnicity		
Gender/Transgender		
Marital Status/Civil Partnership		
Pregnancy and Maternity		
Religion/Belief		
Sexual Orientation		
Other (carers, literacy, health, rurality, poverty)	X	
All		

Equality Impact Assessment

Strategy or Policy

Name of the strategy or policy
Pensions Discretions Policy 2014

File ref:		Issue No:	
Date of Issue:	1st April 2014	Review date:	16th April 2014

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Part 1 The Public Sector Equality Duty and Equality Impact Assessments (EIA)

1.1 The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An EIA is the best method by which the Council can determine the impact of a proposal on equalities, particularly for major decisions. However, the level of analysis should be proportionate to the relevance of the duty to the service or decision.

1.2 **This is one of two forms that the County Council uses for Equality Impact Assessments, both of which are available on the intranet. This form is designed for any proposal, strategy or policy. The other form looks at services or projects.**

1.3 The Public Sector Equality Duty (PSED)

The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have “due regard” to the need to

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. (see below for “protected characteristics”

These are sometimes called equality aims.

1.4 A “protected characteristic” is defined in the Act as:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race (including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and gender.

1.5 East Sussex County Council also considers the following additional groups/factors when carry out analysis:

- Carers – A carer spends a significant proportion of their life providing unpaid support to family or potentially friends. This could be caring for a relative, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems. [Carers at the Heart of 21stCentury Families and Communities, 2008]
- Literacy/Numeracy Skills

- Part time workers
- Rurality

1.6 Advancing equality (the second of the equality aims) involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristic
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people's disabilities
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

NB Please note that, for disabled persons, the Council must have regard to the possible need for steps that amount to positive discrimination, to "level the playing field" with non-disabled persons, e.g. in accessing services through dedicated car parking spaces.

1.6 Guidance on Compliance with The Public Sector Equality Duty (PSED) for officers and decision makers:

1.6.1 To comply with the duty, the Council must have "due regard" to the three equality aims set out above. This means the PSED must be considered as a factor to consider alongside other relevant factors such as budgetary, economic and practical factors.

1.6.2 What regard is "due" in any given case will depend on the circumstances. A proposal which, if implemented, would have particularly negative or widespread effects on (say) women, or the elderly, or people of a particular ethnic group would require officers and members to give considerable regard to the equalities aims. A proposal which had limited differential or discriminatory effect will probably require less regard.

1.6.3 *Some key points to note :*

- The duty is regarded by the Courts as being very important.
- Officers and members must be aware of the duty and give it conscious consideration: e.g. by considering open-mindedly the EIA and its findings when making a decision. When members are taking a decision, this duty can't be delegated by the members, e.g. to an officer.
- EIAs must be evidence based.
- There must be an assessment of the practical impact of decisions on equalities, measures to avoid or mitigate negative impact and their effectiveness.
- There must be compliance with the duty when proposals are being formulated by officers and by members in taking decisions: the Council can't rely on an EIA produced after the decision is made.
- The duty is ongoing: EIA's should be developed over time and there should be evidence of monitoring impact after the decision.
- The duty is not, however, to achieve the three equality aims but to consider them – the duty does not stop tough decisions sometimes being made.
- The decision maker may take into account other countervailing (i.e. opposing) factors that may objectively justify taking a decision which has negative impact on equalities (for instance, cost factors)

1.6.4 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty.

Part 2 – Aims and implementation of the proposal, strategy or policy

2.1 What is being assessed?

a) Proposal or name of the strategy or policy. Pensions Discretions Policy 2014

b) What is the main purpose or aims of proposal, strategy or policy? To formulate and publish how the County Council will exercise its discretionary functions under the Local Government Pension Scheme (LGPS) Regulations 2013.

c) Manager(s) and section or service responsible for completing the assessment

Head of HR Services, Personnel and Training

2.2 Who is affected by the proposal, strategy or policy? Who is it intended to benefit and how?

County Council employees over the age of 55 who are members of the LGPS.

2.3 How is, or will, the proposal, strategy or policy be put into practice and who is, or will be, responsible for it?

The Pensions Discretion Policy will be incorporated into the Council's Managing Change Suite of Policies' Retirement Policy. Where adopted, the discretions will be exercised by the Chief Finance Officer and Assistant Director, Personnel and Training in consultation with the relevant departmental Chief Officer where appropriate.

2.4 Are there any partners involved? E.g. NHS Trust, voluntary/community organisations, the private sector? If yes, how are partners involved?

No

2.5 Is this project or procedure affected by legislation, legislative change, service review or strategic planning activity?

Yes –regulations to amend the LGPS were laid before Parliament on 19th September 2013 and came into effect on 1st April 2014.

Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.

3.1 List all examples of quantitative and qualitative data or any consultation information available that will enable the impact assessment to be undertaken.

Types of evidence identified as relevant have X marked against them			
X	Employee Monitoring Data		Staff Surveys
	Service User Data		Contract/Supplier Monitoring Data
	Recent Local Consultations		Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
	Complaints		Risk Assessments
	Service User Surveys		Research Findings
	Census Data		East Sussex Demographics
X	Previous Equality Impact Assessments		National Reports
	Other organisations Equality Impact Assessments		Any other evidence?

3.2 Evidence of complaints against the strategy or policy on grounds of discrimination. None

3.3 If you carried out any consultation or research on the strategy or policy explain what consultation has been carried out.

Consultation previously carried out in relation to Discretion 3 (Flexible Retirement) in 2012 Flexible Retirement Equality Impact Assessment (EqIA). The summary of this EqIA is attached at Appendix 1.

3.4 What does the consultation, research and/or data indicate about the positive or negative impact of the strategy or policy?

The policy applies to a limited section of the Council's workforce: employees who are over 55 (22% of the non schools workforce) and who are members of the LGPS. Of the 22% employees over 55, 76% are members of the LGPS, thus limiting the scope of the policy to a minority of the workforce. The Pensions Discretions Policy is therefore inherently discriminatory against employees under 55 because of the nature of its subject matter. It is also determined by the national regulations governing the administration of the LGPS. The composition of the workforce also influences how the exercise of discretions will impact in equality terms within the minority to whom they may apply and this is explored in more detail in Section 4.

With regard to Flexible Retirement, the EqIA completed in 2012 concluded that the exercise of this discretion suggested positive impact full time male employees with more than 20 years' service and who were on LMG grades (a minority of the overall workforce) with a corresponding negative impact for employees who were female, part time and employed on Single Status grades (a majority within the workforce). See appendix 1 for the full 2012 EqIA Summary. Accordingly the

Council decided to cease exercising its discretion to grant flexible retirement in 2012.

Part 4 – Assessment of impact

4.1 Age: Testing of disproportionate, negative, neutral or positive impact.

a) **How is this protected characteristic reflected in the County /District/Borough?**

Not relevant.

b) **How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?**

Of the Council's workforce, 22% are aged 55 or over and of this population, 76% are members of the LGPS. This 76% is referred to hereafter in this assessment as the "potentially eligible workforce"

c) **Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?** The policy is only relevant to County Council employees over the age of 55 who are also members of the LGPS. The policy therefore has the potential to affect older employees only.

d) **What is the proposal, strategy or policy's impact on different ages/age groups?** The policy has the potential to affect older employees (55 +) positively and younger employees negatively, but this discrimination is inherent in the nature of the subject matter of the policy.

The Pensions Discretions Policy deals with enhancements in specific and limited circumstances (Discretions 1,2, and 6), thereby further limiting the potential population to whom they might apply, and for whom there may be a disproportionate positive financial outcome.

e) **What actions are / or will be taken to avoid any negative impact or to better advance equality?**

Recommending that discretions are not adopted by the Council where it is anticipated that this will prevent financial gain by an unrepresentative minority of the workforce and therefore better advance equality for the workforce as a whole.

Provide details of the mitigation.

Choosing not to adopt discretions that could provide financial advantage to an unrepresentative minority of the workforce.

f) **How will any mitigation measures be monitored?**

Periodic review of the implementation of the Pensions Discretions Policy.

4.2 Disability: Testing of disproportionate, negative, neutral or positive impact.

- a) How is this protected characteristic reflected in the County/District/Borough?**

Not relevant.

- b) How is this protected characteristic reflected in the reflected in the population of those impacted by the proposal, strategy or policy?**

Of the potentially eligible workforce 5% have declared a disability.

- c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?**

Generally speaking, no. See Para. 4.2 (d) below.

- d) What is the proposal, strategy or policy's impact on people who have a disability?**

The grounds for compassion in the exercise of Discretion 5 (a) and (b) include ill health, which does not meet the criteria for ill health retirement and this may potentially impact positively on disabled employees who are eligible for these discretions.

- e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

None necessary other than outlined above in 4.2 (d)

- f) Provide details of any mitigation.**

Including ill health which does not meet the criteria for ill health retirement in the definition of compassionate grounds fro adoption of Discretions 5 (a) and (b).

- g) How will any mitigation measures be monitored?**

Periodic review of the implementation of Discretions 5(a) and 5 (b) of the Pensions Discretions Policy.

4.3 Ethnicity: Testing of disproportionate, negative, neutral or positive impact.

- Nationality e.g. being a British, Australian or Swiss citizen
- Ethnic or national origins e.g. being from a Roma background or of Chinese Heritage

- a) How is this protected characteristic reflected in the County/District/Borough?**

Not relevant.

- b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?**

Statistically too small to provide robust or relevant information.

- c) **Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?**

No.

- d) **What is the proposal, strategy or policy's impact on those who are from different ethnic backgrounds?**

The policy applies to all employees who are members of the LGPS and who are over 55 years of age, regardless of nationality or ethnicity.

- e) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

None necessary.

- f) **Provide details of any mitigation.**

Not applicable.

- g) **How will any mitigation measures be monitored?**

Not applicable.

4.4 Gender/Transgender: Testing of disproportionate, negative, neutral or positive impact

- a) **How is this protected characteristic target group reflected in the County/District/Borough?**

Not relevant.

- b) **How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?**

Female employees represent 75% of the total workforce and male employees 25%. Of the potentially eligible workforce 77% are female and 23% male.

Statistics for transgender employees are too small to be relevant to this assessment or give robust information for analysis.

- c) **Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?** No. The policy applies to all employees who are members of the LGPS and who are over 55 years of age, regardless of gender.

- d) **What is the proposal, strategy or policy's impact on different genders?**

The policy will potentially impact on more female employees than male employees due to the gender split in the workforce as a whole, which is mirrored in the potentially eligible workforce.

- e) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

None necessary.

- f) **Provide details of any mitigation.**

Not applicable.

- g) **How will any mitigation measures be monitored?**

Not applicable.

4.5 Marital Status/Civil Partnership: Testing of disproportionate, negative, neutral or positive impact.

- a) **How is this protected characteristic target group reflected in the County/District/Borough?**

Not relevant

- b) **How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?**

Statistics not available for this characteristic in the workforce data.

- c) **Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?**

No. The policy applies to all employees who are members of the LGPS and who are over 55 years of age, regardless of marital status.

- d) **What is the proposal, strategy or policy's impact on people who are married or same sex couples who have celebrated a civil partnership?**

Marital status is not relevant to the exercise of the Pensions Discretions Policy.

- e) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

Not applicable.

- f) **Provide details of any mitigation.**

Not applicable.

- g) **How will any mitigation measures be monitored?**

Not applicable.

4.6 Pregnancy and maternity: Testing of disproportionate, negative, neutral or positive impact.

- a) **How is this protected characteristic target group reflected in the County/District/Borough?**

Not relevant.

- b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?**

Not relevant – employees over 55 unlikely to be pregnant.

- c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic?**

Not relevant – see above.

- d) What is the proposal, strategy or policy's impact on pregnant women and women within the first 26 weeks of maternity leave?**

None – applies to employees over 55 only.

- e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

None necessary.

- f) Provide details of the mitigation**

None necessary or appropriate.

- g) How will any mitigation measures be monitored?**

Not applicable.

4.7 Religion, Belief: Testing of disproportionate, negative, neutral or positive impact.

- a) How is this protected characteristic reflected in the County/District/Borough?**

Not relevant.

- b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?** Statistics for employees' religion and belief are too small to be relevant to this assessment or to give robust information for analysis

- c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic.**

No. The policy applies to all employees who are members of the LGPS and who are over 55 years of age, regardless of religion or belief.

- d) What is the proposal, strategy or policy's impact on the people with different religions and beliefs?**

Not relevant. The policy applies to all LGPS employees over 55 equally regardless of religion or belief.

- e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

None

- f) Provide details of any mitigation.**

None necessary or appropriate.

- g) How will any mitigation measures be monitored?**

Not applicable.

4.8 Sexual Orientation - Gay, Lesbian, Bisexual and Heterosexual: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

Not relevant.

b) How is this protected characteristic reflected in the population of those impacted by the proposal, strategy or policy?

Too few employees with declared characteristic to be statistically significant, or robust enough, for the purposes of this assessment.

c) Will people with the protected characteristic be more affected by the proposal, policy or strategy than those in the general population who do not share that protected characteristic? No. The policy applies to all employees who are members of the LGPS and who are over 55 years of age, regardless of sexual orientation.

d) What is the proposal, strategy or policy's impact on people with differing sexual orientation?

Not relevant. The Policy applies equally to all employees over 55 who are members of the LGPS regardless of their sexual orientation.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

None

f) Provide details of the mitigation

None necessary.

g) How will any mitigation measures be monitored?

Not applicable.

4.9 Other: Additional groups/factors that may experience impacts - testing of disproportionate, negative, neutral or positive impact.

a) How are these groups/factors reflected in the County/District/Borough?

Not relevant.

b) How is this group/factor reflected in the population of those impacted by the proposal, strategy or policy?

Not known for carers, rurality and literacy – data not available. However, literacy is unlikely to be an issue for the potentially eligible workforce and rurality is not relevant to the exercise of pension discretions.

Of the potentially eligible workforce, 48% are part time employees, compared to 45% in the workforce as a whole. The majority of part time employees in the potentially eligible workforce are female (83%) compared to 86% in the workforce as a whole.

c) Will people within these groups or affected by these factors be more affected by the proposal, policy or strategy than those in the general population who are not in those groups or affected by these factors?

Generally no. The Policy applies equally to all employees over 55 who are members of the LGPS regardless of the additional factors that the County Council includes in Equality Impact Assessments. However, see 4.9(e) below.

d) What is the proposal, strategy or policy's impact on the factor or identified group?

There is no disproportionate impact on part time workers or female employees as the statistics for the potentially eligible workforce are broadly in line with those for the workforce as a whole.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

The inclusion of "compelling domestic reasons " in the grounds for compassion defined in respect of the exercise of Discretions 5(a) and (b) has the potential to positively impact on carers and/or part time workers who have domestic responsibilities.

f) Provide details of the mitigation.

As above under Paragraph 4.9(e)

g) How will any mitigation measures be monitored?

Periodic review of the implementation of the pensions discretions adopted in the policy.

4.10 Human rights- Human rights place all public authorities – under an obligation to treat you with fairness, equality, dignity, respect and autonomy. **Please look at the table below to consider if your proposal, policy or strategy may potentially interfere with a human right.**

Articles	
A2	Right to life (e.g. pain relief, suicide prevention)
A3	Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)
A4	Prohibition of slavery and forced labour (e.g. safeguarding vulnerable adults)
A5	Right to liberty and security (financial abuse)
A6 & 7	Rights to a fair trial; and no punishment without law (e.g. staff tribunals)
A8	Right to respect for private and family life, home and correspondence (e.g. confidentiality, access to family)
A9	Freedom of thought, conscience and religion (e.g. sacred space, culturally appropriate approaches)
A10	Freedom of expression (whistle-blowing policies)
A11	Freedom of assembly and association (e.g. recognition of trade unions)
A12	Right to marry and found a family (e.g. fertility, pregnancy)
Protocols	
P1.A1	Protection of property (service users property/belongings)
P1.A2	Right to education (e.g. access to learning, accessible information)
P1.A3	Right to free elections (Elected Members)

None applicable.

Part 5 – Conclusions and recommendations for decision makers

5.1 Summarise how this proposal/policy/strategy will show due regard for the three aims of the general duty across all the protected characteristics and ESCC additional groups.

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups
- Foster good relations between people from different groups

The policy does not unlawfully discriminate, harass or victimise any employees.

By not adopting Discretions 1-3 and 6 the Council is eliminating the potential for some groups of workers to benefit financially more than others from discretionary policies due to their seniority and/or the length and nature of their service.

In agreeing to adopt Discretions 5(a) and (b) on clearly defined compassionate grounds the Council is potentially advancing equality of opportunity for carers, part time employees and employees with a disability.

In agreeing to adopt Discretion 4 subject to the Council's usual business case process the exercise of this discretion will be transparent and subjected to objective criteria. Therefore the process should be fair, which should foster good relations between employees from different groups.

5.2 Impact assessment outcome Based on the analysis of the impact in part four please mark below ('X') with a summary of your recommendation.

X	Outcome of impact assessment	Please explain your answer fully.
X	A No major change – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.	With the exception of Discretions 1 and 2, the discretions have been operating for the past five years and no complaints have been received, which suggests the previous policy was both reasonable and appropriate.
	B Adjust the policy/strategy – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	Where an Equality Impact Assessment concluded that there was an adverse impact regarding the operation of the Flexible Retirement discretion, the Council ceased to operate this discretion (in 2012).
	C Continue the policy/strategy - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate	By not adopting discretions that have the potential to have a negative impact or not promote equality and by applying clearly defined, objective criteria to discretions that are adopted, the
	D Stop and remove the policy/strategy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether.	

Equality Impact Assessment

	If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.	Council promotes fairness and equality between groups of employees to whom the policy is relevant.
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5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, strategy or policy?

(Give details)

Three yearly review following implementation of the policy.

5.6 When will the amended proposal, strategy or policy be reviewed? 2017

Date completed:	16 th April 2014	Signed by (person completing)	Susan Parmenter
		Role of person completing	Personnel Officer
Date:		Signed by (Manager)	

Part 6 – Equality impact assessment action plan

If this will be filled in at a later date when proposals have been decided please tick here and fill in the summary report.

The table below should be completed using the information from the equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact
4. **If no actions fill in separate summary sheet.**

Please ensure that you update your service/business plan within the equality objectives/targets and actions identified below:

Area for improvement	Changes proposed	Lead Manager	Timescale	Resource implications	Where incorporated/flagged? (e.g. business plan/strategic plan/steering group/DMT)

(a) 6.1 Accepted Risk

From your analysis please identify any risks not addressed giving reasons and how this has been highlighted within your Directorate:

Area of Risk	Type of Risk? (Legal, Moral, Financial)	Can this be addressed at a later date? (e.g. next financial year/through a business case)	Where flagged? (e.g. business plan/strategic plan/steering group/DMT)	Lead Manager	Date resolved (if applicable)



Equality impact assessment update - summary report for Flexible Retirement Policy

The results of equality impact assessments must be published. Please complete this summary, which will be used to publish the results of your impact assessment on the County Council's website.

Date of assessment update: May 2012

Manager(s) name: Gill Rogers **Role:** Workforce Development Manager

Impact assessment (project or service, strategy or policy) that was updated:

Flexible Retirement Policy

Summary of findings:

Consultation with employees currently working on flexible retirement arrangements and their managers indicated that overall the flexible retirement policy and process has worked well since its inception in 2008 and, with a minority of exceptions, has achieved its stated aims.

However, employee equalities data suggests that flexible retirement has a differential positive impact for employees who are one or more of the following: male, full time, with 20 years' plus service and employed on Local Management Grades. There is a corresponding negative differential impact for employees who are one or more of the following: female, part time, employed on Single Status grades and based in schools. The lifetime working patterns of the former group will have enabled them to accumulate more generous pension benefits than the latter group: individual choice about working patterns throughout a career will therefore influence the accessibility of this particular flexible working option.

Under the terms of the Local Government Pension Scheme, pension benefits are only available to employees aged 55 or over. Consequently there is a positive impact for older employees with a corresponding negative impact for younger employees not yet eligible to receive their pension benefits.

Note: the sample of employees currently employed on flexible retirement is numerically small (52). Therefore trends drawn from the equalities data need to be interpreted with caution as a small movement in numbers can result in a disproportionate movement in the corresponding percentage.

Summary of recommendations and key points of action plan:

The review of the Flexible Retirement Policy, of which this equality impact assessment forms part, has concluded that the policy should be rescinded for several reasons, including the inherent discrimination against female and part time employees (who form the majority of the Council's workforce) identified in this impact

assessment. Other Council policies including the Voluntary Severance Scheme and the comprehensive range of Flexible Working Policies are available to help all employees manage their work/life balance, caring responsibilities and other aspirations outside work. A recommendation will be made to the Governance Committee accordingly.

Groups that this project or service will impact upon if continued:

Please mark the appropriate boxes with an 'x'

	Positive	Negative
Race		
Gender/Transgender	x	x
Sexual Orientation		
Age	x	x
Disability		
Religion/Belief		
Carers (including pregnancy)		
Marriage or Civil partnership		
Other		
All		