



Home Office

Policy Equality Statement (PES)

Consultation on amendments to survivors' benefits in the Firefighters' Pension Scheme 1992 and the Firefighters' Compensation Scheme (England) 2006

Name of Policy/Guidance/Operational Activity: The Firefighters' Pension Scheme and Compensation Scheme Regulations

This document has been published in draft as part of a consultation process, which runs from 18 March to 13 May 2016. The Home Office intends to publish a final version of the Equality Statement following the consultation.

Policy Overview

In the event of a member's death, The Firemen's Pension Scheme Order 1992 (S.I. 1992/129) (the "1992 Scheme") provides for the payment of certain benefits and awards to that member's spouse or civil partner ("survivor benefits"). Separately, The Firefighters' Compensation Scheme (England) Order 2006 (S.I. 2006/1811) (the "Compensation Scheme"), which applies to all members (or those eligible to be members) of the firefighters' pensions schemes, compensates firefighters and specified connected employees who die or sustain injuries in the exercise of their duties, and the spouses, civil partners or dependents of such persons. Specifically, it provides awards (known as Special or Augmented awards) for spouses and civil partners of all firefighters who die in certain circumstances (set out in Part 3 of that scheme).

If a survivor is eligible for awards under both the 1992 Scheme and the Compensation Scheme then, owing to the prevention of duplication measures in both schemes, only one of the pensions or allowances shall be paid in respect of the period in question, and if the amounts are unequal, then it is the largest of them that will be paid.

Survivors of firefighters in the 1992 Scheme are currently required to forgo their survivors' benefits upon remarriage or entering into a new civil partnership. Similar provisions also apply to any benefits paid under the Compensation Scheme to the survivors of 1992 Scheme members (or the survivors of those who were eligible to join the 1992 Scheme but chose not to).

The policy currently under consultation proposes to allow survivors of firefighters who are killed in certain circumstances to retain their survivors' benefits upon remarriage or entering into a new civil partnership after 1st April 2015. This is designed to recognise the ultimate sacrifice made by firefighters and the surviving spouses or civil partners in these situations.

In the 1992 Scheme, the benefitting survivors will be those whose partners are killed:

Type A – as a result of injuries sustained performing their duties, or

Type B – as a result of injuries sustained during journeys necessary to report for duty or return home after duty.

A separate change will also be made to the Compensation Scheme to allow survivors of 1992 Scheme firefighters, or survivors of those entitled to be in the scheme, to keep any additional awards to which they are entitled upon remarriage or entering into a new civil partnership.

It should be noted, then, that this policy change does not introduce a new benefit to those qualifying, but extends a pre-existing benefit, to some individuals in certain exceptional circumstances.

The proposed changes will have effect from 1 April 2015. This date follows the March 2015 Budget announcement that all widows, widowers or civil partners of firefighters who are killed on duty will no longer lose their pension if they remarry or form a civil partnership. It also coincides with the implementation date for changes to survivors' benefits that have been introduced by the armed forces, and the date announced by the Home Secretary for changes to the police schemes.

The changes to survivors' benefits for the uniformed services (Firefighters, Police and the Armed Forces) reflect the high risks faced as an everyday part of these jobs.

Summary of the evidence considered in demonstrating due regard to the Public Sector Equality Duty

Under section 149 of the Equality Act 2010, the Home Office is required to give due regard to the impact of any policy decisions that it enacts on persons with protected characteristics. The protected characteristics are:

- Age;
- Disability;
- Gender Reassignment;
- Pregnancy and Maternity;
- Race;
- Religion or belief;
- Sex;
- Sexual Orientation; and
- Marriage and Civil Partnership (but only in respect of the first aim of the Equality Duty: eliminating unlawful discrimination).

The Home Office has considered the need to:

- a) Eliminate discrimination, harassment, victimization and any other conduct that is prohibited by or under the Equality Act 2010;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

This Statement has been produced to demonstrate the Home Office's continuing compliance with section 149 of the Equality Act 2010.

Available data

Where held, summary data which pertains to some of the protected groups is shown below:

- *Age.* At the last valuation (as at 31 March 2012), in the 1992 Scheme, 42% of members are age 45 or over, 21% are between the ages of 41 and 45, and 37% are under age 41. The Department does not hold data which distinguishes the age of firefighters by ethnicity.
- *Sex.* At the last valuation (as at 31 March 2012), in the 1992 Scheme, 97% of members are male and 3% female.

A breakdown of scheme members by age and gender can be found in the attached **Annex A**.

- *Race.* The Department does not hold specific data on the race and ethnicity of firefighters in the pension schemes. However, the Department does collect data on the firefighter workforce generally and this shows that there has been a gradual increase in the representation of minority ethnic staff in recent years, with minority ethnic staff accounting for 4.1% of all firefighters (regular and retained) at 31 March 2015, compared with 2.8% of all firefighters at 31 March 2008, and 1.5% of all firefighters at 31 March 2003.

The survivors' benefits policy changes to the 1992 Scheme and Compensation Scheme only affect active members of the 1992 Scheme. While the Department does not hold scheme specific data, workforce statistics for 31 March 2006 are held. On this date, which immediately predates the introduction of the 2006 New Firefighters' Pension Scheme (set out in the Firefighters' Pension Scheme (England) Order 2006 (S.I. 2006/3432), all firefighters would have been in the 1992 Scheme. It is therefore used as a high-end proxy, with the caveat that since this date, the number of firefighters in the cohort will have decreased, both as members retire or opt out, and as others transition to the 2015 Scheme from 1 April 2015. The data from 31 March 2006 show that 92.7% of firefighters report as white, 2.5% as from an ethnic minority (including the category 'Other White'), with 4.8% not stating.

A breakdown of the role of regular firefighters' by ethnicity as at 31 March 2015 is provided in Annex A.

- *Pregnancy and Maternity.* The Department does not hold specific data on incidences of pregnancy or maternity leave.
- *Disability/Gender reassignment/Sexual Orientation/Religion or belief.* The Department does not hold data on these specific groups.

Impacts on the Protected Groups

Age/Disability/Gender reassignment/Race/Religion or Belief. Since all strands of the policy apply equally to all firefighters and their surviving partners, the Department does not regard the policy to be discriminatory against these protected groups.

Sex/Sexual Orientation/Pregnancy and Maternity. All strands of the policy affect the surviving partners of firefighters. The Department does not hold data on the relationship status of firefighters. However, in the general population, the Office for National Statistics

(ONS) report that in 2014, 51.5% of people aged 16 and over in England and Wales were married or civil partnered.¹ The most recent valuation data reports that there were 22,296 active members in the 1992 Scheme as at 31 March 2012. From this, and the data outlined below, it is possible to estimate the number of active 1992 Scheme members on the implementation date of the policy, 1 April 2015.

22,296	(Active firefighter members as at 31 March 2012 ²)
- 8,153	(Unprotected members ³ - making transition to 2015 Scheme
14,143	on 1 April 2015)

In reality, this number will be lower as it does not take into account those members opting out of the 1992 Scheme, those retiring, those receiving tapered protection, and those being ill-health retired, all between 31 March 2012 and the implementation date. However, and for the sake of this Equality Statement, it represents a reasonable maximal number.

Using the ONS data above, and assuming that the 1992 Scheme firefighter cohort is representative of the population at large, we might therefore assume that 7,284 of the 14,143 firefighters would be married or in a civil partnership.

Table A:

		In Relationship (51.5%)
Total 1992 Scheme firefighters	14,143	7,284
Male (97%)	13,719	7,065
Female (3%)	424	218

It should be noted that only survivors of 1992 Scheme firefighters meeting the criteria of Types A and B (see Section 2 above) or in receipt of awards under the Compensation Scheme are eligible to benefit from this policy change. Therefore, the total number outlined in the table is a hypothetical maximum.

In reality, the Department expects that the total number of survivors benefiting from the policy will be very low. This is in part due to the fact that the number of deaths in the fire service has been reducing over time. Workforce statistics compiled by the Department indicate that there have been approximately 13 deaths in the past decade where a survivor might be eligible to go on to benefit if the proposed changes to the 1992 Scheme and the Compensation Scheme had been in place.

Though the Department does not collect statistics on the relationship status of firefighters, it is likely that the majority of end beneficiaries of the proposed changes to the 1992 Scheme and the Compensation Scheme will be women. This assumption is based on the

¹ ONS, *Statistical Bulletin: Population Estimates by Marital Status and Living Arrangements - England and Wales, 2002 to 2014*: <http://www.ons.gov.uk/ons/rel/family-demography/population-estimates-by-marital-status-and-living-arrangements/england-and-wales--2002-to-2014/stb-marital-status-and-liv-ar.html>

² Firefighters' Pension Scheme: membership data report, page 21:

<https://www.gov.uk/government/publications/valuation-of-the-firefighters-pension-scheme>

³ See n.2 (above).

fact that the ONS' Integrated Household survey for January to December 2013 shows that 92.7% of adults identified themselves as "heterosexual / straight".⁴ However, the Department does not consider this discrimination on the grounds of sex, sexual orientation or pregnancy and maternity, since the policy affects all qualifying firefighter members equally. The fact that the majority of end beneficiaries may be women is a reflection of the underlying gender makeup of the firefighter workforce.

Marriage and Civil Partnership (but only in respect of the first aim of the Equality Duty: eliminating unlawful discrimination). The policy change benefits those survivors of qualifying firefighters who go on to remarry or form a new civil partnership from 1 April 2015. The small number who benefit from the proposed changes will be in a marriage or a civil partnership, while the remainder who do not benefit (on account of not meeting the qualification criteria) will also be in a marriage or civil partnership. Compared to a baseline scenario, however, where the proposed changes are not introduced, this second group will receive the same entitlement. While the policy does, then, introduce different treatment for those in this protected group, that different treatment is based on an individual's particular circumstances, specifically whether their deceased partner died in conditions that meet the policy's criteria. Since this is unrelated to the individual's status as a member of the protected group, the Department considers that this different treatment is therefore a necessary consequence of the Government's intention to recognise the high risk of harm that firefighters face as an everyday part of their jobs. This is, then, deemed to be a proportionate means of achieving the policy intention set out above, and in the corresponding consultation document.

In respect of one of the protected groups – Marriage and Civil Partnership (but only in respect of the first aim of the Equality Duty: eliminating unlawful discrimination) – the Department has identified that a small number of surviving partners in a marriage or civil partnership will benefit while others will not. Those that benefit will do so since they meet the eligibility requirements for the policy (which is unrelated to their being a member of the protected group), while those who do not benefit will still receive the same entitlement (compared to a baseline scenario). The Department considers that this is a necessary consequence of the Government's intention to recognise the high risk of harm that firefighters face as an everyday part of their jobs.

Overall, then, the Department has not identified any equality issues adversely affecting the groups with protected characteristics. This is because the policy applies to all qualifying members equally. However, since the gender makeup of the workforce is predominantly male, it is likely that the end beneficiaries of the policy change will be predominantly female. The Department does not view this as discriminatory, but a result of the underlying workforce makeup. Further details on this can be found in Section 3.

⁴ Page 4: <http://www.ons.gov.uk/ons/rel/integrated-household-survey/integrated-household-survey/january-to-december-2013/stb-intergrated-household.html>

SCS sign off		Name / Title	Chris Megainey, Workforce, Pay & Pensions, DCLG
<p>I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.</p>			
Directorate / Unit	Police Workforce and Capability Unit (PWCU)	Lead contact	Philip Perry, Firefighters' Pensions
Date	18 March 2016	Review Date	

Retain the completed PES for your records and send a copy to GEDI@homeoffice.gsi.gov.uk and your relevant business area Equality and Diversity Lead.

ANNEX A

Table 1: Membership of the Firefighters' Pension Schemes by Gender
[Source: Government Actuary's Department Valuation Data 31 March 2012]

	Male		Female		Total	
	Number	%	Number	%	Number	%
1992 Firefighters' Pension Scheme	21,649	97%	647	3	22,296	100.0%

Table 2: Membership of the 1992 Firefighters' Pension Schemes by Gender and Age
[Source: Government Actuary's Department Valuation Data 31 March 2012]

Age Category	Male		Female		Total	
	Number	%	Number	%	Number	%
Under 41	7,718	95%	435	5%	8,153	100.0%
41 – 45	4,583	97%	131	3%	4,714	100.0%
45 – 50	6,333	99%	70	1%	6,403	100.0%
Over 50	3,015	100%	11	0%	3,026	100.0%
Total	21,649	97%	647	3%	22,296	

Table 3: Role of regular firefighters (total workforce) by ethnicity as at 31 March 2015
[Source: Department for Communities and Local Government Annual Returns]

Role	White		Minority ethnic		Not stated	Total	
	Number	% (of stated)	Number	% (of stated)	Number	Number	%
Brigade Manager	117	99%	*	1%	15	133	1%
Area Manager	162	95%	*	5%	13	184	1%
Group Manager	464	98%	*	2%	37	510	2%
Station Manager	1,186	97%	37	3%	136	1,359	5%
Watch Manager	3,441	97%	124	3%	344	3,909	15%
Crew Manager	3,103	96%	127	4%	353	3,583	14%
Firefighter	13,325	94%	842	6%	1,406	15,573	62%
Total	21,798	95%	1,149	5%	2,304	25,251	

* = n<5

Table 4: Role of retained firefighters (total workforce) by ethnicity as at 31 March 2015
[Source: Department for Communities and Local Government Annual Returns]

Role	White	Minority ethnic	Not stated	Total
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	Number	% (of stated)	Number	% (of stated)		Number	%
Station Manager	31	100%	-	0%	7	38	0%
Watch Manager	866	99%	7	1%	121	994	8%
Crew Manager	1,934	99%	17	1%	306	2,256	18%
Firefighter	7,748	98%	148	2%	1,607	9,503	74%
Total	10,579	98%	172	2%	2,040	12,791	

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