

## Equality Impact Assessment Initial Screening - Relevance to Equality Duties

***Before you complete an Equality Impact Assessment you must read the guidance notes and unless you have a comprehensive knowledge of the equality legislation and duties, it is strongly recommended that you attend an EIA training course.***

The EIA should be used to identify likely impacts on:

- disability
- race
- sex
- gender reassignment
- age
- religion or belief
- sexual orientation
- pregnancy and maternity
- caring responsibilities (usually only for HR policies and change management processes such as back offices)

1. Name of the proposed new or changed legislation, policy, strategy, project or service being assessed.

Pension and Savings Bill: judicial pension scheme provisions

2. Individual Officer(s) & unit responsible for completing the Equality Impact Assessment.

Duncan Ruty, Judicial Pay and Pensions, MoJ, 'phone 020 3334 3492, email duncan.ruty@justice.gsi.gov.uk

3. What is the main aim or purpose of the proposed new or changed legislation, policy, strategy, project or service and what are the intended outcomes?

| Aims/objectives  | Outcomes  |
|--|---|
| To introduce provisions into the judicial pension scheme (JPS) to allow pension contributions to be taken from judges towards the cost of providing personal pension benefits. The JPS is an unfunded scheme and members do not pay contributions towards their own pension benefits. There is a clear rationale for increasing member contributions to ensure a fairer distribution of costs between taxpayers and members. | Judges will pay pension contributions leading to a fairer distribution of costs between taxpayers and members, and the JPS remaining affordable for the tax payer |

4. What existing sources of information will you use to help you identify the likely equality on different groups of people?

*(For example statistics, survey results, complaints analysis, consultation documents, customer feedback, existing briefings, submissions or business reports, comparative policies from external sources and other Government Departments).*

Statistics held by MoJ

5. Are there gaps in information that make it difficult or impossible to form an opinion on how your proposals might affect different groups of people. If so what are the gaps in the information and how and when do you plan to collect additional information?

*Note this information will help you to identify potential equality stakeholders and specific issues that affect them - essential information if you are planning to consult as you can raise specific issues with particular groups as part of the consultation process. EIAs often pause at this stage while additional information is obtained.*

No

6. Having analysed the initial and additional sources of information including feedback from consultation, is there any evidence that the proposed changes will have a **positive impact** on any of these different groups of people and/or promote equality of opportunity?

Please provide details of who benefits from the positive impacts and the evidence and analysis used to identify them.

No. There are currently around 2,200 salaried judges, all of whom would be affected by the measure until they have either accrued full pension benefits or have retired or resigned as a judge before accruing full pension benefits.

7. Is there any feedback or evidence that additional work could be done to promote equality of opportunity?

If the answer is yes, please provide details of whether or not you plan to undertake this work. If not, please say why.

No. The measure would impact on all members of the JPS until they have either accrued full pension benefits or have retired or resigned as a judge before accruing full pension benefits.

8. Is there any evidence that proposed changes will have **an adverse equality impact** on any of these different groups of people?

Please provide details of who the proposals affect, what the adverse impacts are and the evidence and analysis used to identify them.

No. The proposed change affects all salaried judges. All salaried judges become members of the JPS on appointment and are treated equally according to Scheme rules.

The Government is seeking to reduce the cost of public sector pensions as part of its drive to reduce the fiscal deficit. Savings on pension costs will make an important contribution to overall Spending Review economies and to deficit reduction.

Lord Hutton of Furness was commissioned by the Chancellor at the June 2010 Budget to carry out a review of public service pensions, and the Independent Public Service Pensions Commission (IPSPC), headed by Lord Hutton, was subsequently set up. The IPSPC's interim report of 7 October, concludes that there is a clear rationale for public servants to make a greater contribution towards their pension costs if their pensions are to remain fair to taxpayers and employees, and affordable for the country. The report recommends that the most effective way to make short-term savings on the cost of public service pensions is to increase member contributions, with it being for the Government to decide the manner and level of any increase. The Government accepts the conclusions of the interim report. JPS are within the scope of the report. We are, therefore, seeking to take contributions from members of the JPS who have not accrued a full pension under the scheme concerned.

The legitimate aim of this policy is to reduce the cost to the taxpayer of providing judicial pensions as an important element of overall Spending Review economies and deficit reduction.

There are currently 2,234 salaried judiciary, 458 women and 1776 men. These figures may be broken down further as follows:

AGE AS AT 16/12/10

Women

70's 2

60's 99

50's 270

40's 85

30's 2

Male

70's 35

60's 907

50's 710

40's 121

30's 3

Our records show that the percentage of BAME judges is 2.8%. This figure does not include all judges, primarily because diversity data for tribunals judges is currently being updated. However, we would not expect a dramatic change to the figures once the full data is available.

The figures giving the age and gender split show that there are more male judges overall, with a more equal split of women and men among younger judges, who may be expected to pay any additional pension contributions for longer. However, these figures would not alter our aim that this measure is proportionate in pursuit of a legitimate aim.

9. Is there any evidence that the proposed changes have **no equality impacts**?

Please provide details of the evidence and analysis used to reach the conclusion that the proposed changes have no impact on any of these different groups of people.

No.

10. Is a full Equality Impact Assessment Required? Yes  No

If you answered 'No', please explain below why not?

NOTE - You will need to complete a full EIA if:

- the proposals are likely to have equality impacts and you will need to provide details about how the impacts will be mitigated or justified
- there are likely to be equality impacts plus negative public opinion or media coverage about the proposed changes
- you have missed an opportunity to promote equality of opportunity and need to provide further details of action that can be taken to remedy this

**If your proposed new or changed legislation, policy, strategy, project or service involves an Information and Communication Technology (ICT) system and you have identified equality impacts of that system, a focused full EIA for ICT specific impacts should be completed. The ICT Specific Impacts template is available from MoJ ICT or can be downloaded from the Intranet at: <http://intranet.justice.gsi.gov.uk/justice/equdiv/equal-impact.htm>, and should be referenced here.**

The proposed change affects salaried judges. Although as identified in answer to Q8 the policy does have some disproportionate impacts, these are fully justified and are proportionate in meeting a legitimate aim. A full impact assessment is therefore not required.

11. Even if a full EIA is not required, you are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts. Please provide details of how you will monitor evaluate or review your proposals and when the review will take place.

A review will take place in 2015.

12. Name of Senior Manager and date approved

You should now complete a brief summary (if possible, in less than 50 words) **setting out which policy, legislation or service the EIA relates to, how you assessed it, a summary of the results of consultation, a summary of the impacts (positive and negative) and, any decisions made, actions taken or improvements implemented as a result of the EIA.** The summary will be published on the external MoJ website.

The Independent Public Service Pension Commission's (IPSPC) interim report on the future of public service pensions, published on 7 October, recommends that the most effective way to make short-term savings on the cost of public service pensions is to increase member contributions, with it being for the Government to decide the manner and level of any increase. The judicial pension scheme (JPS) is within the scope of the IPSPC report

These clauses introduce provisions into the current judicial pension schemes to allow personal pension contributions to be taken towards the costs of providing pensions to members of judicial pension schemes. Although the policy does have some disproportionate impacts, these are fully justified are proportionate in meeting a legitimate aim.

Name (must be grade 5 or above): Ian Gray

Department: Head, Judicial Appointments and HR Division

Date: 16/12/10

Note: The EIA should be sent **by email to [anthony.shepherd@justice.gsi.gov.uk](mailto:anthony.shepherd@justice.gsi.gov.uk) of the Corporate Equality Division (CED), for publication.**

# Full Equality Impact Assessment

13. Which group(s) of people have been identified as being disadvantaged by your proposals. What are the equality impacts?

14. What changes are you planning to make to your original proposals to minimise or eliminate the adverse equality impacts? Please provide details of the proposed actions, timetable for making the changes and the person(s) responsible for making the changes.

15. Please provide details of whether or not you will consult on the proposed changes, particularly with disabled people and if you do not plan to consult, please provide the rationale behind that decision.

16. Can the adverse impacts you identified during the initial screening be justified and the original proposals implemented without making any adjustments to them? Please set out the basis on which you justify implementing the proposals without adjustments.

17. Do your proposals miss an opportunity to promote equality of opportunity? If so, do you plan to take action to remedy this and if so, when? Please provide details.

18. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place.

19. Summary details, sign off by Senior Manager and date approved.

You should now complete a brief summary (if possible, in less than 50 words) **setting out which policy, legislation or service the EIA relates to, how you assessed it, a summary of the results of consultation, a summary of the impacts (positive and negative) and, any decisions made, actions taken or improvements implemented as a result of the EIA.** The summary will be published on the external MoJ website.

Name (must be grade 5 or above):

Department:

Date:

Note: The EIA should be sent **by email to [anthony.shepherd@justice.gsi.gov.uk](mailto:anthony.shepherd@justice.gsi.gov.uk) of the Corporate Equality Division (CED), for publication.**