



Home Office

Policy Equality Statement (PES)

Consultation on minor amendments to the
Firefighters' Pension Scheme 2015

Minor amendments to the Firefighters' Pension Scheme (England) Regulations 2014

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. Please note that responsibility for firefighters' pensions transferred to the Home Office from the Department for Communities and Local Government (DCLG) in January 2016. Accordingly there are a number of deliberate references to both Home Office and DCLG throughout this paper.

Policy Overview

In 2015 the Department for Communities and Local Government ("DCLG") completed a major reform of the firefighters' pension scheme, which has seen the establishment of the "2015 Scheme", as set out in the Firefighters' Pension Scheme (England) Regulations 2014 (S.I. 2014/2848) ("the 2014 Regulations"). This has resulted in moving younger firefighters, as well as all new recruits since 1 April 2015, into a new career-average pension scheme. The remaining members will either transition to the 2015 Scheme at a later date or, in the case of firefighters who were within 10 years of retirement on 1 April 2012, will remain in one of the final salary schemes which operate under either the Firemen's Pension Scheme Order 1992 (S.I. 1992/ 129) ("the 1992 Scheme") or the Firefighters' Pension Scheme (England) Order 2006 (S.I. 2006/ 3432) ("the 2006 Scheme").

In order for DCLG to accomplish the reforms, it was necessary to make three statutory instruments in the period October 2014 – March 2015.¹ As it takes some time for the numerous and varied circumstances with which a pension scheme must deal to fully emerge, the Home Office is making consequential amendments to address such issues and to enable the scheme to operate fully as intended, particularly in relation to the transition of firefighters ("transition members") from the 1992 Scheme or the 2006 Scheme (both final salary schemes) to the 2015 Scheme.

The more substantive amendments are as follows:

- Giving "transition members", who are granted ill-health pension in respect of their final-salary scheme, the clear discretion to commute part of that pension into a lump sum (Regulation 5(4)(b) of the draft Firefighters' Pension Scheme (England) (Amendment) Regulations 2016).
- Addressing the complications of timing which arise when transition members reach their transition date at the time of being considered for ill-health retirement. Provisions have been made for members who are refused ill-health retirement, and a provision is proposed to deal with members who are granted ill-health retirement (Regulation 10(5) of the draft Firefighters' Pension Scheme (England) (Amendment) Regulations 2016).

¹ The Firefighters' Pension Scheme (England) Regulations 2014 (No. 2848); The Firefighters' Pension Scheme (England) (Transitional and Consequential Provisions) Regulations 2015 (No.589); The Firefighters' Pension Scheme (England) (Consequential Provisions) Regulations 2015 (No. 319).

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, victimisation 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

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. It refers to the ill-health commutation policy change outlined above, and therefore does not consider the provision of ill-health benefits themselves.

Age

Ill Health Commutation Payments

In both of the existing final-salary pension schemes, in cases where a member is granted lower-tier ill-health pension, part of that pension may be commuted to a lump sum. An equivalent provision was included in the 2014 Regulations. However, as a result of an omission, as regards transition members such provisions were only replicated for those who transition from the 2006 Scheme to the 2015 Scheme. The provision in the draft amending statutory instrument will ensure that the original policy intention is fulfilled, so that transition members of the 1992 Scheme are treated using the equivalent approach as their generally younger colleagues transitioning from the 2006 scheme to the 2015 Scheme.

Other Characteristics

We have given due regard to the other aforementioned protected characteristics and conclude there is no adverse impact.

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.