

DEPARTMENT OF EDUCATION POLICY SCREENING FORM

The Legal Background

Under Section 75 of the Northern Ireland Act 1998, the Department is required **to have due regard to the need to promote equality of opportunity:**

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and,
- between persons with dependants and persons without.

Without prejudice to the obligations set out above, the Department is also required **to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.**

Screening

In order to determine whether an EQIA is necessary, all policies must be screened. This form is intended to assist with the screening of any policies for which you take the lead and to record the outcome in respect of each policy. It should also be used as a prompt when considering legislative proposals.

The screening procedure should lead to one of these conclusions:

- the policy being screened has an insignificant impact on equality of opportunity; or
- the policy being screened has (or is likely to have) a significant impact on equality of opportunity. Policies falling into this category will need to be considered further and may require an Equality Impact Assessment.

Officials should complete a form for each of the new or revised policies for which they are responsible. When you have completed the form it should be retained on file in the branch for record purposes.

1. POLICY TO BE SCREENED

What is a policy?

The Equality Commission has defined 'policies' as '**all the ways a public authority carries out or proposes to carry out its functions relating to Northern Ireland**'. The Act defines 'functions' as including powers and duties.

These definitions cover all Departmental policies, strategies, schemes, procedures and functions. If in doubt please contact the Equality Unit for advice.

1.1 Title of policy to be screened:

Administration of Teachers Premature Retirement Compensation Scheme.

1.2 Brief description of policy to be screened:

The Teachers' (Compensation for Redundancy and Premature Retirement) Regulations (Northern Ireland) 1991 (as amended) provide for teachers who retire prematurely to have their pension paid early without actuarial reduction and, at the discretion of the compensating authority (in most cases the relevant Education and Library Board), to be awarded compensation in the form of added years to bring their pension up to what it would have been if they had remained in service until age 65.

From 1 April 2008, the compensating authority will be required to meet the capitalised cost of any added years enhancement which it approves and for which it is liable, in accordance with Regulation 18. While the legislation provides for such costs to fall to the compensating authority, historically they have been borne by the Teachers' Pension Scheme with the result that the Scheme's liabilities have grown at a much faster rate than current or reasonable future levels of contributions can sustain. The Government Actuary's Department advised in 2005 (since when the incidence of premature retirement has risen significantly) that an increase in contributions of over £60m would be required to restore the balance; and the present arrangements have attracted severe criticism from the Public Accounts Committee.

The cost of early payment of unreduced pension will continue to be borne by the scheme. However, further action to manage costs will be required and a working group is being established, with representation from teacher unions and employers, to consider options for the administration of the Premature Retirement Compensation Scheme from 1 April 2009 onwards.

1.3 Aims of policy to be screened:

To introduce measures to control the escalating costs of the Teachers' Premature Retirement Compensation Scheme.

1.4 Branch responsible for devising and delivering policy:

Teachers Negotiating & Pensions Policy Branch.

1.5 Name of and contact details for person carrying out screening:

Seamus Gallagher

2. SCREENING ANALYSIS

When proceeding to screening "proper", the Equality Commission has stated that there are four criteria to be considered. These are listed at 2.1 – 2.4 below. You are asked to consider the criteria/question in relation to the Section 75 groups and to answer the questions accordingly.

"Don't know?" "No Evidence?"

The questions ask for evidence in relation to the Section 75 categories. You should not think of the "don't know" column in the form as the easy option to respond to any of the questions. In cases where you don't know and you don't have data on file, you will need to make a pragmatic judgement based on experience as to whether the policy you are screening may have an impact on any of the categories. If your judgement is that the policy may have a differential adverse impact on any of the Section 75 groups (i.e. it affects them differently and less favourably than other people), you should seek to obtain evidence. You should note that evidence can be qualitative – i.e. drawn from the experience of individuals from their perspective - as well as quantitative. Officials must give consideration to steps that they could reasonably be expected to take to obtain evidence and thereby inform their decision making. Such steps could include meeting with a representative group or selective consultation.

Where there is little or no evidence, and common sense indicates that a differential impact may be expected, you should discuss this with the Equality Unit.

2.1 Is there any evidence of higher or lower participation or uptake by different groups? If so, please indicate below.

CATEGORY	YES	NO	DON'T KNOW
Gender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability (physical and learning)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race or ethnic origin (includes Travellers)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dependant responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If **YES** give details, including source:

Gender - Teachers must be over 50 years old to qualify for premature retirement. At August 2007 the age breakdown of those over 50 shows that 64.8% were female and 35.2% male. The most recent figures for premature retirement (2006/07 financial year) show uptake of premature retirement to be 60.8% female and 39.2% male. There is therefore a slightly higher take-up by male teachers when compared with the eligible field. Any impact is likely to be negligible.

Age – The premature retirement scheme is only available to those over the age of 50. Pension Schemes are by their nature age based. Accordingly the operation of different provisions for those under 50 and those above that age are likely to be objectively justifiable.

As the cost of added years compensation will no longer be borne by the Teachers' Pension Scheme, there is likely to be a sharp downturn in added years offered by employing authorities and consequently in the number of volunteers for redundancy. (This pattern was observed when hard charging for the total costs of premature retirement was introduced in Great Britain over 10 years ago.) If employers are unable to identify sufficient volunteers for redundancy, there may be an increase in the number of compulsory redundancies. The age profile of redundant teachers is therefore likely to become more mixed – or predominantly in the younger age range - rather than almost exclusively older (50+) teachers as at present. However, evidence that the Government has gathered¹ demonstrates that younger workers tend not to be out of work for long and see only a small fall in pay when switching jobs. In contrast, older workers are much more likely to become long-term unemployed and to experience a substantial fall in pay when finding a new job (although this is not typically true of teachers in Northern Ireland owing to the much-criticised practice of re-employing prematurely retired teachers).

As in Great Britain, the onus will remain on employing authorities to satisfy themselves that they can objectively justify any difference in compensation payments to individuals of different ages or sex whose employment is being terminated early.

¹ Department for Employment & Learning, Employment Rights Booklet ER3 (“Redundancy Entitlement – Statutory Rights”)

2.2 Is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy?

CATEGORY	YES	NO	DON'T KNOW
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability (physical and learning)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race or ethnic origin (includes Travellers)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependant responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If **YES** give details, including source:

2.3 Is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with others in Government or in the larger community?

CATEGORY	YES	NO	DON'T KNOW
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability (physical and learning)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race or ethnic origin (includes Travellers)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependant responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If **YES** give details, including source:

2.4 Have consultations with relevant groups, organisations or individuals indicated that particular policies create problems, which are specific to them?

CATEGORY	YES	NO	DON'T KNOW
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability (physical and learning)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race or ethnic origin (includes Travellers)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependant responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If **YES** give details, including source:

The intention to combine decision-making with accountability for costs in respect of added years compensation was the subject of discussion with the teacher unions and employing authorities through the Teachers' Superannuation Consultative Committee. Members of the Committee were first made aware in February 2006 that action was required to control the escalating costs of the Premature Retirement Compensation Scheme (PRCS). The Scheme was included on the agenda and discussed at subsequent meetings of the Committee held in June 2006, December 2006, June 2007 and November 2007, at which members were invited to suggest alternatives to hard charging. None has been received. One respondent considers that the measure may stimulate claims of age discrimination but has provided no evidence to support this. A draft Policy Screening Form was subsequently placed on the Department's website and a PRCS Review Group established for consultation with relevant parties, including teachers' unions, on the arrangements for PRCS for future years. It met on 26 February 2008 and a further meeting is scheduled for 7 April.

If the answer to **any** of the questions in respect of any of the categories is "**YES**", you – in discussion with the Equality Unit - will have to consider whether the policy has a significant impact on equality of opportunity and, therefore, should be subject to an equality impact assessment.

If the answer to **all** the questions in section 2 is **NO** an equality impact assessment is not required.

If the answer to any of the above questions is **DON'T KNOW**, and common sense and experience indicate that a differential impact may be expected, you will need to discuss this with the Equality Unit.

It may be that a policy has an adverse differential impact on certain people in one or more of the categories as a consequence of targeting or affirmative action to combat an existing or historical inequality. If this is the case, please give details below and contact the Equality Unit if you are in doubt:

--

3. EQUALITY IMPACT ASSESSMENT RECOMMENDATION

Equality Impact Assessment procedures are confined to those policies considered likely to have significant implications for equality of opportunity.

3.1 If screening has indicated that a policy is having an adverse differential impact, how would you categorise it?

Please tick.

Significant impact	<input type="checkbox"/>	
--------------------	--------------------------	--

Low impact	<input type="checkbox"/>	
------------	--------------------------	--

3.2 Do you consider that this policy needs to be submitted to a full equality impact assessment?

YES	NO
	X

If NO but the policy has significant impact, please give reasons for your recommendation:

--

Please forward a copy of this form to the Equality Unit.