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EQUALITY AND HUMAN RIGHTS SCREENING TEMPLATE

Equality Guidance and Co-Ordination Unit
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SCREENING TEMPLATE

See the Screening Template Guidance Notes for further information on the 'why' 'what' 'when', and 'who' in relation screening, for background information on the relevant legislation and for help in answering the questions on this template (follow the links).

(1) INFORMATION ABOUT THE POLICY/DECISION

1.1 Title of policy/decision

The Teachers' (Compensation for Redundancy and Premature Retirement) Regulations (NI) 2009 and the Teachers' Pensions (Amendment) Regulations (NI) 2009.

1.2 Description of policy/decision

The new legislation aims to introduce measures to control the escalating costs of the Teachers' Premature Retirement Compensation Scheme. The Government Actuary's Department advised in 2005 (since when the incidence of premature retirement has risen significantly) that a significant increase in contributions, of over £60m a year, would be needed if the cost of premature retirement was to remain as a liability of the pension scheme; and the present arrangements have attracted severe criticism from the Public Accounts Committee.

The new legislation will bring provisions for compensating teachers for premature retirement broadly into line with arrangements under the corresponding schemes in Scotland and in England and Wales. The effect of the new regulations will be to make employers liable for the cost of early payment of unreduced pension benefits in cases where they have agreed to grant premature retirement, in addition to the cost of any "added years" enhancement. This means that from 2009 the Pension Scheme will meet the cost of accrued benefits only, i.e. an actuarially reduced amount of pension and lump sum for teachers retiring prematurely. The cost of the balance of annual pension and lump sum will be met by the employer, including any additional service credit. The Scheme will require employers to make an up front payment of the entire capitalised (lifetime) cost of any compensation they wish to pay.

The regulations will also allow employers to make an enhanced severance payment of up to 104 weeks' salary as an alternative to granting premature retirement to teachers aged between 50 and 60 (55 and 65 from 2010). Such payments would count towards fulfilling the employer's statutory duty to pay redundancy compensation. Enhanced severance payments would also be available to teachers who are not eligible by reason of their age for immediate payment of pension. It is important to note that the options of Premature Retirement and enhanced severance pay would be mutually exclusive and that from April 2010 the minimum age at which pension can be paid will increase to 55.

1.3 Main stakeholders affected

The main stakeholders affected are members of the teachers' pension scheme, their employers, and their representatives.

1.4 Who is responsible for (a) devising and (b) delivering the policy

The Department of Education, Teachers Negotiating & Pensions Policy Branch devised the policy and drafted the legislation. Teachers' employers will be responsible for its delivery.

1.5 Other policies/decisions with a bearing on this policy/decision

None.

2) SCREENING THE POLICY/DECISION

2.1 In terms of groupings under Section 75, what is the make up of those affected by the policy/decision?

<i>Group</i>	<i>Please provide details</i>
Gender	The policy will affect teachers/lecturers of all genders. At August 2008 the age breakdown of those over 50 shows that 62.33% were female and 37.67% male. The figures for premature retirement (2007/08 financial year) show uptake of premature retirement to be 61.3% female and 38.7% male.
Age	As this policy is concerned with premature retirement there may be an age related impact.
Religion	There is no evidence that this policy will unduly impact on members of this group.

Political Opinion	There is no evidence that this policy will unduly impact on members of this group.
Marital Status	There is no evidence that this policy will unduly impact on members of this group.
Dependent Status	There is no evidence that this policy will unduly impact on members of this group.
Disability	There is no evidence that this policy will unduly impact on members of this group.
Ethnicity	There is no evidence that this policy will unduly impact on members of this group.
Sexual Orientation	There is no evidence that this policy will unduly impact on members of this group.

2.2 Is there any indication or evidence of higher or lower participation or uptake by different groups?

Group	Yes/No/ Don't Know	Please provide details
Gender	Yes	There is a slightly higher take-up by male teachers when compared with the eligible field. Any impact is likely to be negligible.
Age	Yes	As the cost of premature retirement will no longer be borne by the Teachers' Pension Scheme, there is likely to be a sharp downturn in compensation 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 in future 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 may therefore become more mixed – or predominantly in the younger age range - rather than almost exclusively older (50+) teachers as at present.

		<p>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.</p> <p>Enhanced severance payments would also be available to teachers who are not eligible by reason of their age for immediate payment of pension.</p> <p>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.</p>
Religion	No	
Political Opinion	No	
Marital Status	No	
Dependent Status	No	
Disability	No	
Ethnicity	No	
Sexual Orientation	No	

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

2.3 Is there any indication or evidence that different groups have different needs, experiences, issues and priorities in relation to the policy/decision?

Group	Yes/No/ Don't Know	Please provide details
Gender	No	There is no evidence that this group has different needs, experiences, issues and priorities in relation to the policy.
Age	No	There is no evidence that this group has different needs, experiences, issues and priorities in relation to the policy.
Religion	No	There is no evidence that this group has different needs, experiences, issues and priorities in relation to the policy.
Political Opinion	No	There is no evidence that this group has different needs, experiences, issues and priorities in relation to the policy.
Marital Status	No	There is no evidence that this group has different needs, experiences, issues and priorities in relation to the policy.
Dependent Status	No	There is no evidence that this group has different needs, experiences, issues and priorities in relation to the policy.
Disability	No	There is no evidence that this group has different needs, experiences, issues and priorities in relation to the policy.
Ethnicity	No	There is no evidence that this group has different needs, experiences, issues and priorities in relation to the policy.
Sexual Orientation	No	There is no evidence that this group has different needs, experiences, issues and priorities in relation to the policy.

2.4 Is it likely that the policy/decision will meet those needs?

Group	Yes/No/ Don't Know	Please briefly give details
<i>N.B. continue as appropriate</i>		

2.5 What other feedback, complaints, statistics, surveys, research reports, previous consultations or additional information is available to assess and screen the impact of this policy/function.

<p>Data has been obtained about the age profile and gender of current teachers, and teachers previously availing of the premature retirement arrangements from the teachers' payroll and pensions computer systems.</p>

2.6 Is there an opportunity to better promote equality of opportunity or good relations by altering the policy/decision or working with others in government or in the larger community?

Group	Suggestions
Age	There is no opportunity to better promote equality of opportunity or good relations by altering the policy/decision or working with others in government or in the larger community.
<i>N.B. continue as appropriate</i>	

2.7 What changes to the policy/decision – if any – or what additional measures would you suggest to ensure that it promotes good relations?

Group	Suggestions
Religion	N/A
Political Opinion	N/A
Ethnicity	N/A

2.8 Is there any evidence or have previous consultations with relevant groups, organisations or individuals indicated that particular policies create problems that are specific to them?

There is no evidence from relevant groups, organisations or individuals that have indicated that this policy creates problems that are specific to them.

2.9 Please detail what data you will collect in the future in order to monitor the effect of the policy/decision on any of the groups under Section 75?

Data will be collected on an annual basis about the effect the policy change is having on the gender, age profile and number of premature retirements.

(3) SHOULD THE POLICY/DECISION BE SUBJECT TO EQUALITY IMPACT ASSESSMENT?

Equality impact assessment procedures are confined to those policies/decisions considered likely to have significant/major implications for equality of opportunity.

**If your screening has indicated that a policy/decision is likely to have an adverse differential impact, how would you categorise it?
Please tick.**

Significant/major impact	
Low impact	x

Do you consider that this policy/decision needs to be subjected to a full equality impact assessment?

Yes	
No	x

Please give reasons for your decision.

Any impact is likely to be negligible.

(4) DISABILITY DISCRIMINATION

4.1 Does the policy/decision in any way discourage disabled people from participating in public life or does it fail to promote positive attitudes towards disabled people?

The policy/decision will not in any way discourage disabled people from participating in public life or does it fail to promote positive attitudes towards disabled people.

4.2 Is there an opportunity to better promote positive attitudes towards disabled people or encourage their participation in public life by making changes to the policy/decision or introducing additional measures?

There is no opportunity to better promote positive attitudes towards disabled people or encourage their participation in public life by making changes to the policy/decision or introducing additional measures.

4.3 Please detail what data you will collect in the future in order to monitor the effect of the policy/decision with reference to the disability duties?

N/A

(5) CONSIDERATION OF HUMAN RIGHTS

5.1 Does the policy/decision affect anyone's Human Rights? [PLEASE COMPLETE THE TABLE BELOW]

ARTICLE	POSITIVE IMPACT	NEGATIVE IMPACT = human right interfered with or restricted	NEUTRAL IMPACT
Article 2 – Right to life			X
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment			X
Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour			X
Article 5 – Right to liberty & security of person			X
Article 6 – Right to a fair & public trial within a reasonable time			X
Article 7 – Right to freedom from retrospective criminal law & no punishment without law.			X
Article 8 – Right to respect for private & family life, home and correspondence.			X
Article 9 – Right to freedom of thought, conscience & religion			X
Article 10 – Right to freedom of expression			X
Article 11 – Right to freedom of assembly & association			X
Article 12 – Right to marry & found a family			X
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights			X

1 st protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property			X
1 st protocol Article 2 – Right of access to education			X

*If the effect you have identified is positive or neutral please move on to **Question 5.3.***

5.2 If you have identified a likely negative impact who is affected and how?

At this stage we would recommend that you consult with your line manager to determine whether to seek legal advice and to refer to Equality Guidance and Co-ordination Unit to consider:

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction in order to comply with the Human Rights Act (1998).*

5.3 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.

Employers and teachers unions have been consulted about the policy changes.

Policy/Decision Screened by: **L M MAWHINNEY**
(Head of Branch)

Date: **28/01/09**

FOR COMPLETION BY EQUALITY GUIDANCE AND CO-ORDINATION UNIT

Quality Assured by: **Richard Magowan** Date: **29/01/09**

Screening Out Agreed

Comments:

Action agreed as the proposed Regulations follow similar actions in GB and respond to criticism from the PAC. As well as this, the branch will take into account responses made from the forthcoming consultation.

Date Division/Branch Informed: **29/01/09**

If Screened Out:

Start of Consultation: **20/03/09** End of Consultation:* **15/05/09**

Placed on Internet by: **Gillian Skimin** Date: **19/03/09**

The consultation period must be a minimum of 8/12 weeks.

Main Groups Relevant to the Section 75 Categories	
<u>Category</u>	<u>Main Groups</u>
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group
“Men and women generally”	Men (including boys); women (including girls); trans-gendered people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration
“Persons with a disability”	Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
“Persons with dependants”	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexuals; bi-sexuals; gays; lesbians

Please forward a copy of the completed Screening Form to:-

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