



Government
Actuary's
Department

Transitional Protection Remedy: Analysis to Support the Equalities Impact Assessment (Preliminary) Police Pension Schemes (Scotland)

DRAFT - November 2021

This report is labelled 'Preliminary' because it assesses only the impact of the 'Prospective Remedy Phase' of the Transitional Protection Remedy. The Prospective Remedy Phase relates to the policy decision to close all legacy schemes to future accrual with effect from 1 April 2022.

A further version of this report, which also covers the impact of the 'Retrospective Remedy Phase' where all members will be provided with a choice of benefits over the remedy period, will follow in due course.

Contents

1. Introduction	3
2. Approach to Assessment	7
3. Equality Impact Analysis: Age	10
4. Equality Impact Analysis: Sex	13
5. Equality Impact Analysis: Other Protected Characteristics	20
Appendix A: Data and Assumptions	22
Appendix B: Compliance and limitations	23

DRAFT

1. Introduction

Purpose

- 1.1. This report is addressed to, and has been prepared at the request of, the Scottish Public Pensions Agency ('SPPA').
- 1.2. The Public Sector Equality Duty ('PSED') was created by the Equality Act 2010 and is supported by the specific duties contained in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, as amended.
- 1.3. The PSED requires the Scottish Government to assess the impact of applying a proposed new or revised policy or practice. Scottish Ministers must have 'due regard' to the need to eliminate discrimination, advance equality of opportunity and foster good relations between people with different protected characteristics when carrying out their activities.
- 1.4. There are nine protected characteristics identified in the Equality Act 2010: (1) sex, (2) age, (3) disability, (4) race, (5) religion or belief, (6) gender reassignment, (7) pregnancy and maternity, (8) sexual orientation, (9) marital or civil partnership status.
- 1.5. **The purpose of this report is to provide analysis, specifically in relation to the Police Pension Schemes (Scotland), to support SPPA who are acting on behalf of Scottish Ministers, in considering the impact of the policy decision to close all legacy schemes¹ to future accrual with effect from 1 April 2022.**
- 1.6. This is one aspect of the proposed approach to address the age discrimination identified in the 2015 public service pension reforms, referred to as 'Transitional Protection Remedy', or 'McCloud remedy'. A further report will follow in due course, which also covers the policy decision to provide eligible members with a choice of legacy or reformed scheme benefits over the 'remedy period'.

Background

- 1.7. When public service pension reforms were introduced in 2015, the UK Government agreed to allow those closest to their retirement age to stay in their legacy schemes. These arrangements were referred to as 'transitional protection' arrangements.

¹ For the Police Pension Schemes (Scotland), the legacy schemes are the 1987 Scheme and the 2006 Scheme, and the reformed scheme is the 2015 Scheme.

1.8. For the Police Pension Schemes (Scotland), this meant:

- A. All active 1987 Scheme members who, as of 1 April 2012, had 10 years or less to age 55, or had 10 years or less to age 48 and were 10 years or less from a maximum unreduced pension, would remain in their current scheme.
- B. All active 2006 Scheme members who, as of 1 April 2012, had 10 years or less to their current Normal Pension Age (i.e. age 55), would remain in their current scheme.
- C. There would be a further period of tapered protection for up to 4 years for scheme members. Members who were within 4 years of qualifying for transitional protection, as of 1 April 2012, would have limited protection so that, on average, for every month closer to qualifying for transitional protection, they gain about 53 days of protection. The period of protected service for any member under these tapering arrangements will have finished by 31 March 2022. At the end of their protected period, they will be transferred into the 2015 Scheme.

These members fall into four categories:

- a. 1987 or 2006 Scheme members who on 1 April 2012 were aged 41 – 45 years with less than 20 years' service;
- b. 1987 Scheme members who on 1 April 2012 were aged 34 – 38 years with more than 20 years' service;
- c. 1987 Scheme members who on 1 April 2012 were aged over 38 years with 16 – 20 years' service; and
- d. 1987 Scheme members who on 1 April 2012 were aged 34 – 38 years with 16 – 20 years' service whose age plus service is at least 54 years.

1.9. In this report, members in categories A and B above are referred to as 'Protected' members, and members in category C are referred to as 'Tapered Protected' members.

1.10. Following a challenge in the Courts, however, it was found that such transitional arrangements were discriminatory on the grounds of age and, for certain schemes, gave rise to indirect sex and race discrimination.

1.11. To address the discrimination identified, it was announced that:

- In relation to service from 1 April 2015 to 31 March 2022 (known as the ‘remedy period’), all eligible members will have a choice between:
 - legacy scheme benefits (i.e. benefits in the 1987 Scheme or 2006 Scheme in Police Pension Schemes (Scotland))
or
 - benefits equivalent to those available under the reformed scheme (i.e. benefits in the 2015 Scheme in Police Pension Schemes (Scotland))
- There will not be an option to have a combination of benefits in the legacy scheme and the reformed scheme over the remedy period.
- Eligible members were defined as those who were in service on or before 31 March 2012 and who were still in service on or after 1 April 2015. This includes members who are currently active, deferred or retired and those with a non-disqualifying break in service of no more than five years.
- Members will be able to make their choice at the point at which they will receive their scheme benefits. Where a member’s benefits are already in payment, the choice will be offered as soon as practicable.
- From 1 April 2022, all members will accrue benefits in their reformed scheme, regardless of age. There will be no further benefits accrued in the legacy schemes from this point.

1.12. The [Public Service Pensions and Judicial Offices Bill](#) is the legislative vehicle that sets out the provisions that give effect to the above announcements and it will apply across all schemes in the UK in relation to the Transitional Protection Remedy. This is currently progressing through the UK Parliament. The Equality Impact Assessment (‘EqIA’) carried out alongside this Bill can be found at the link above.

1.13. Scottish Ministers are responsible for making the secondary legislation to amend the Police Pension Schemes (Scotland). This secondary legislation will be delivered in two phases:

A. *Prospective remedy phase (due to be in force for 1 April 2022):*

- Legacy schemes will close on 31 March 2022 and all members who continue in pensionable service from 1 April 2022 will do so as members of the 2015 Scheme.

B. *Retrospective remedy phase (planned for Autumn 2022):*

- From 2022, eligible members will be able to choose to receive legacy pension scheme benefits or benefits equivalent to those available under the reformed pension scheme for service between 2015 and 2022.

Policy to be assessed

1.14. **This Preliminary report is intended to support consideration of the impact of the Prospective Remedy Phase (as noted in 1.13 above) but will be updated in**

due course to consider both the prospective and retrospective remedy phases of the secondary legislation.

- 1.15. Further information on our approach to assessing this is provided in chapter 2.

Next steps

- 1.16. Chapters 3-5 consider the potential impact of the proposed measures by reference to the protected characteristics identified in the Equality Act 2010.
- 1.17. We have included commentary on the analysis of the data which SPPA may wish to use in the preparation of its EqIA. However, it is important to note that **it is for SPPA, acting on behalf of Scottish Ministers, to review this analysis and ultimately determine their view of the assessment of the equalities impact** i.e. have 'due regard' as to whether the policy treats someone less favourably due to a protected characteristic.
- 1.18. We very much welcome input into how to refine this initial analysis, by contributing further perspectives or identifying where there might be additional equality impacts to consider.

2. Approach to Assessment

We have set out below the information we will use as a basis for examining the protected characteristics.

Closing legacy schemes with effect from 1 April 2022

- 2.1. In this report, we have examined the impact of this policy decision on Protected members only. Under the Transitional Protection Remedy, Protected members will now be moved into the 2015 Scheme from 1 April 2022, whereas these members previously had an expectation from the 2015 reforms of continuing in their legacy arrangement after 1 April 2022, had they continued to be in active membership at that date. In all circumstances, Tapered Protected and unprotected members were due to accrue benefits in the 2015 Scheme from 1 April 2022.
- 2.2. The ‘final salary’ link and weighted accrual elements (where relevant) of the legacy schemes will be protected for all former legacy scheme members.
- 2.3. For the avoidance of doubt, closing legacy schemes to future accrual with effect from 1 April 2022 will only impact Protected members **who are still accruing benefits as at 1 April 2022**. Given that most Protected members will have reached age 55 or accrued a full 1987 Scheme pension on or before 31 March 2022, it is likely that the vast majority of Protected members will have retired by that point.
- 2.4. At this stage, we are not able to provide the number and characteristics of the Protected members who may still be accruing benefits as at 1 April 2022.
- 2.5. Therefore, as outlined below, we have used the most recent data available to us to consider the impact of the UK Government’s policy decision to close legacy schemes to future accrual with effect from 1 April 2022.
- 2.6. It is also worth highlighting that further consideration is being given to the approach to take in relation to members who request to retire due to ill-health ahead of 31 March 2022, but where this is not granted until after 1 April 2022. We have not analysed this situation specifically in this document, but it may be worth reassessing the protected characteristic of disability further once the approach has been clarified.

Data used

- 2.7. The most recent data available to the Government Actuary's Department (GAD) is that provided to GAD by SPPA for the purposes of the 31 March 2016 actuarial valuation.
- 2.8. The data to be used for the next actuarial valuation, as at 31 March 2020, has not yet been finalised but we can update our assessment to reflect this more recent data if and where it becomes available.
- 2.9. The table below sets out the number of Protected members as at 31 March 2016:

	1987 Scheme	2006 Scheme	Total
Protected members in service as at 31 March 2016	3,494	120	3,614
<i>Proportion of total number of Protected members</i>	97%	3%	

- 2.10. We have also shown below the total number of active members in the Scheme as at 31 March 2016:

		Number of members	Proportion of the membership (based on number of members)
Eligible for Transitional Protection remedy	<i>Protected members</i>	3,614	22%
	<i>Tapered Protected members</i>	2,313	14%
	<i>Unprotected members</i>	8,162	49%
	Total	14,089	85%
Not eligible for Transitional Protection remedy		2,510	15%
Total		16,599	100%

- 2.11. The table above shows that 22% of the active membership of the scheme as at 31 March 2016 were Protected members.
- 2.12. We acknowledge that this data is at a date which does not reflect the specific point in time at which the measure will come into place. As noted in 2.3, we expect that most of the Protected members identified as at 31 March 2016 will have retired by 1 April 2022, such that much less than 22% of the active scheme members at that date are, in reality, impacted. However, since we cannot be sure which Protected members will be continuing to accrue benefits as at 1 April 2022, we consider it is appropriate to use the 31 March 2016 actuarial valuation data for this analysis, particularly as there is currently no alternative.

- 2.13. Data on sex and age (and service, rank, and part-time status) of the membership of the Police Pension Schemes (Scotland) was provided to GAD by SPPA for the purposes of the 31 March 2016 actuarial valuation.
- 2.14. For the other protected characteristics under the Equality Act 2010, SPPA does not hold complete or up-to-date data. However, data for the whole of the Police (Scotland) workforce is available for certain protected characteristics and has been used. Given the current participation rate in the Police Pension Schemes (Scotland) is of the order of 92% (Source: SPPA), this represents a reasonable approximation to the membership of the Scheme.

DRAFT

3. Equality Impact Analysis: Age

This Chapter sets out our analysis of the equality impacts of the policy decision to close the legacy schemes to future accrual with effect from 1 April 2022 on the protected characteristic of age as identified in the Equality Act 2010.

Closing legacy schemes with effect from 1 April 2022

Introduction

- 3.1. As previously outlined, the Courts determined that the transitional protection element of the 2015 public service pension scheme reforms treated those members who were closest to retirement more favourably than younger members, and this amounted to direct age discrimination.
- 3.2. The UK Government's policy decision to no longer permit Protected members to accrue benefits in the legacy schemes after 31 March 2022 is one aspect of the approach that is to be taken to address the age discrimination identified. All Tapered Protected and unprotected members would have been accruing benefits in the reformed scheme by this point, so this decision only impacts Protected members.
- 3.3. Given that this policy decision only impacts Protected members, it is to be expected that those affected will be older than the general scheme population. However, this is deemed necessary to remove the age discrimination that had previously been identified by the Courts, and to ensure that all members are treated equitably from 31 March 2022.

Analysis: Age

- 3.4. The following table sets out the age profile of all active members in the Police Pension Schemes (Scotland), as well as the age profile of the Protected members only, as at 31 March 2016:

Age as at 31 March 2016	Active Membership as at 31 March 2016	Membership with Full Protection as at 31 March 2016
16-19	-	-
20-24	4%	-
25-29	13%	-
30-34	16%	-
35-39	17%	-
40-44	17%	4%
45-49	21%	45%
50-54	10%	45%
55-59	1%	6%
Total	16,599	3,614

3.5. The following table sets out which scheme the 3,614 Protected members as at 31 March 2016 within each age group, are accruing benefits in:

Age as at 31 March 2016	Percentage in 1987 Scheme	Percentage in 2006 Scheme	Total
40-44	100%	0%	4%
45-49	99%	1%	45%
50-54	94%	6%	45%
55-59	95%	5%	6%

To be clear, the total percentage shown represents the percentage of the 3,614 fully Protected members as at 31 March 2016 who fall within that age range. The percentages shown under the 1987 and 2006 Scheme columns represent the percentage of fully Protected members in that age group within the respective schemes.

3.6. This analysis identifies that:

- As expected, Protected members are older than the general scheme population.
- Most Protected members are between ages 45 to 55 as at 31 March 2016.
- At each age range, the vast majority of Protected members are accruing benefits in the 1987 scheme. Again, this is as expected as it is consistent with the average entry age of members into the Police Pension Schemes (Scotland) and the opening date of the 2006 Scheme being more recent.

3.7. **Commentary on analysis:**

As illustrated above, Protected members are older than the general active member population. Continuing to provide Protected members with access to the legacy schemes beyond 31 March 2022 would discriminate against younger members who are not offered these terms.

Therefore, applying a policy that removes the provision of favourable treatment to older members compared with others in the scheme is deemed necessary.

Members reaching the service cap in the 1987 scheme before age 55

- 3.8. Benefits in the 1987 scheme can be accessed at any age provided the member has completed 30 years of service (where combined scheme service (i.e. legacy and reformed scheme service) is considered for those who have service in both schemes). However, benefits in the reformed scheme cannot be accessed before the Minimum Pension Age of 55.
- 3.9. Two members may, therefore, have joined the 1987 scheme on the same date (but at different ages) and achieve the requisite number of years' service at the same time (but at different ages). Where those members have also accrued benefits in a reformed scheme, the older member is more likely to be able to access those (reformed scheme) benefits simultaneously, as they are more likely to have achieved the minimum pension age in the reformed scheme.
- 3.10. Although members can still retire from the 1987 scheme before age 55, to do this they would need to become deferred members in the 2015 Scheme, and delay accessing the 2015 Scheme benefits until age 55, or later. The actuarial reductions applied on early retirement from the 2015 Scheme to deferred members are less favourable than those applied to active members.
- 3.11. In addition, if such members opt to delay receiving their 1987 Scheme benefits beyond the age at which they first become payable, there is no actuarial uplift applied to allow for the later commencement date.
- 3.12. It has therefore been suggested by stakeholder groups that members who build up a combination of 1987 Scheme and reformed scheme benefits are penalised if they reach 30 years of combined scheme service before age 55. It must be noted however that this is a feature of overall public sector pension reforms rather than being introduced explicitly through the prospective 2015 Remedy.
- 3.13. By the construction of the protections, Protected members will either:
- have reached age 55 by 1 April 2022, so that there will be no delay between eligibility for benefits from the 1987 Scheme and the 2015 Scheme; or
 - have reached 30 years' service by 1 April 2022, and so be able to retire on a maximum 1987 Scheme pension.
- 3.14. As such, this issue is not expected to impact those Protected members impacted by the Prospective Remedy phase.
- 3.15. This issue will be assessed again in the later version of this report that will follow in due course.

4. Equality Impact Analysis: Sex

This Chapter sets out our analysis of the equality impacts of the policy decision to close the legacy schemes to future accrual with effect from 1 April 2022 on the protected characteristic of sex as identified in the Equality Act 2010.

Closing legacy schemes with effect from 1 April 2022

Introduction

- 4.1. In determining that the transitional protection arrangements discriminated on the grounds of age, the Courts also concluded that if older members in a scheme were more likely to be male, providing older members with preferential terms amounted to indirect sex discrimination.
- 4.2. The UK Government's policy decision to no longer permit Protected members to accrue benefits in the legacy schemes after 1 April 2022 is one aspect of addressing the age discrimination identified, and in turn, the indirect sex discrimination where it too applies.
- 4.3. We have analysed below the split of the Protected members by sex ².

Analysis: Sex

- 4.4. The following table sets out the sex profile of the members in the Police Pension Schemes (Scotland), as well as the sex profile of the Protected members:

	Active Membership as at 31 March 2016	Protected members as at 31 March 2016
Males	71%	81%
Females	29%	19%
Total	16,599	3,614

- 4.5. This analysis identifies that:
 - The percentage of the Protected members who are male is greater than the percentage of the overall scheme population who are male.

² The Equality Act 2010 lists 'sex' as a protected characteristic. Data for the Police Pension Scheme (Scotland) is also available by sex. However, it is important to note that sex and gender are two different concepts. A person's gender identity is not always the same as the sex assigned to them at birth, and some people may not identify as having a gender or as non-binary. Gender reassignment is also a protected characteristic under the Equality Act 2010, and this is examined in Section 5.

4.6. The following table sets out the percentage of male and female Protected members in each scheme as at 31 March 2016:

	1987 Scheme	2006 Scheme	All Protected Members
Males	81%	72%*	81%
Females	19%	28%	19%
Total	3,494	120	3,614

* Percentages are 72.5% and 27.5% but we have shown figures to nearest 1% and to ensure they total 100%, we have opted to round down the male percentage shown.

4.7. This analysis identifies that:

- The percentage of Protected members who are males and accruing benefits in the 1987 Scheme mirrors the overall percentage of Protected members.
- The percentage of Protected members who are males and accruing benefits in the 2006 Scheme is less than the overall percentage of Protected members, and more in line with the overall scheme membership where 71% are males. However, these members make up a much smaller proportion of all Protected members.

4.8. **Commentary on analysis:**

Based on the analysis above, Protected members are more likely to be male. Continuing to provide Protected members with access to the legacy schemes beyond 31 March 2022 could be deemed to be indirect sex discrimination (against females who are less likely to be a Protected member).

However, the policy decision to no longer permit Protected members to accrue benefits in the legacy schemes after 1 April 2022 aims to remove this indirect sex discrimination.

Analysis: Sex and Age

- 4.9. We have also set out below the percentage of males in both the overall scheme population and the Protected members population at each age range:

Age as at 31 March 2016	Active Membership as at 31 March 2016	Protected Members as at 31 March 2016
16-19	-	-
20-24	68%	-
25-29	66%	-
30-34	66%	-
35-39	66%	-
40-44	67%	66%
45-49	77%	79%
50-54	82%	82%
55-59	91%	91%

- 4.10. This analysis identifies that:

- The percentage of the active member population that is male is greater at older ages. Accordingly, the overall percentage of Protected members who are male is higher than seen in the overall scheme population.
- The percentage of Protected members who are males is broadly consistent with the overall scheme population at those ages.

- 4.11. **Commentary on analysis:**

The above analysis supports the comments in 4.8 that Protected members are more likely to be male.

Analysis: Sex and Officer Rank

- 4.12. Moving from a final salary legacy scheme to a career average reformed scheme for future accrual decreases the added benefit of late career pay progression.
- 4.13. This means that the policy decision to no longer permit Protected members to accrue benefits in the legacy schemes from 1 April 2022 is likely to have a negative impact on those who, in future years, achieve higher salary progression, rather than those with lower salary progression.
- 4.14. However, it is worth noting that the impact of this is likely to be limited given that:
- For Protected members who continue accruing benefits beyond 31 March 2022, their benefits in the legacy scheme will be calculated based on their 'final salary' when they leave the Scheme, rather than as at 31 March 2022.
 - It would seem unlikely many Protected members would experience significant pay progression after 31 March 2022, given how close they are to their retirement age.

- 4.15. Across the UK’s public service pension schemes, a larger proportion of males reach higher salary bands than females, and therefore, of those who may be negatively impacted by this policy decision, a higher proportion will be male.
- 4.16. We have set out below the split by rank of members in the overall active member population and the Protected members’ population as at 31 March 2016.

Rank as at 31 March 2016	Active membership as at 31 March 2016	% of overall active membership **	Protected members as at 31 March 2016	% of Protected membership
Constable	13,920	(84%)	2,179	(60%)
Sergeant	1,723	(10%)	770	(21%)
Inspector	688	(4%)	447	(12%)
Chief Inspector	170	(1%)	136	(4%)
Superintendent	68	-	58	(2%)
Chief Superintendent	20	-	18	-
Assistant Chief Constable	8	-	5	-
Deputy Chief Constable	3	-	2	-
Total	16,599		3,614	

** Percentages shown are to the nearest 1%. Therefore, percentages which are less than 0.5% have not been shown above, but it is noted that excluding these may mean the percentages do not sum to 100%.

- 4.17. This analysis identifies that:
- The highest proportion of Protected members are Constables, and a sizeable proportion are Sergeants and Inspectors.
- 4.18. This table shows the proportion of the membership at each rank that is male in both populations.

Rank as at 31 March 2016	Active membership as at 31 March 2016	Protected members as at 31 March 2016
Constable	69%	79%
Sergeant	78%	83%
Inspector	78%	80%
Chief Inspector	79%	85%
Superintendent	82%	83%
Chief Superintendent	85%	83%
Assistant Chief Constable	75%	60%
Deputy Chief Constable	67%	100%

4.19. It is difficult to draw any meaningful conclusions from the Assistant Chief Constables and Deputy Chief Constable data, given the numbers involved are so small. We have therefore ‘grey-ed’ these out above and excluded them when considering the analysis in paragraph 4.20 below.

4.20. This analysis identifies that:

- In both the overall active scheme membership and the Protected member only population, higher earners are more likely to be male.
- However, the difference in the percentage of males in the lower ranks compared with the higher ranks in the Protected member population is less significant compared with the active member population as a whole. For the Protected member population, the proportion at each rank that is male is broadly around 80% across all ranks.

4.21. **Commentary on analysis:**

The above analysis highlights that higher earning Protected members are only marginally more likely to be male compared with lower earning Protected members.

There appears to be limited evidence to suggest that this remedy could be seen as having a greater effect on males. Considered in the context of the pension schemes in their entirety however, the measure is necessary to remove the discrimination identified in the McCloud judgement and any impact within the protected members category is objectively justifiable.

Analysis: Sex and Employment Status

4.22. In Scotland, women are more likely to work part-time than men.³ It is therefore worth considering the equalities impact of those who work part-time within this protected characteristic.

4.23. The analysis below provides a split of the scheme membership into those working part-time and those not.

	Active membership as at 31 March 2016	Protected members as at 31 March 2016
Full-time	94%	97% (3,518)
Part-time	6%	3% (96)
Total	16,599	3,614

4.24. Of the 96 Protected members working part-time as at 31 March 2016:

- 91 are female (95%)
- all are accruing benefits in the 1987 scheme.

³ <https://www.closesthegap.org.uk/content/gap-statistics/>

4.25. This analysis identifies that:

- As at 31 March 2016, the percentage of the Protected members working part-time was lower than the percentage of the overall scheme population working part-time.
- Of those Protected members working part-time, the percentage that are female (95%) is much higher than percentage of active population that is female (29%) and the percentage of the Protected member population that is female (19%) – see 4.4 above.

4.26. **Commentary on analysis:**

Based on the above analysis, Protected members are less likely to work part-time. This was to be expected since Protected members are older and part-time working has become more common in recent years, particularly in the Scottish Police Authority.

Women are shown to make up the vast majority of the part-time Protected members, however, we have not identified any disproportionate impacts of the policy on this group.

Employment Status: Impact on ability to achieve maximum pension

- 4.27. In the 1987 Scheme, the maximum pension (of 2/3 of the member's final salary) is achieved after accruing 30 years of pensionable service. As part-timers' service is pro-rated, it will take these members longer than 30 years to accrue 30 years of reckonable Pensionable service.
- 4.28. There have been concerns raised by 1987 Scheme members who are part-time that they are being unfairly penalised by the policy decision to close the legacy schemes to future accrual with effect from 1 April 2022. These members will not have achieved the 1987 Scheme maximum pension by 31 March 2022, despite having worked for 30 years, because their qualifying service will have been ratioed down. They have argued that they had an expectation that they would reach the maximum pension by continuing in service beyond 1 April 2022.

4.29. We have set out below the split of the years of pensionable service that had been accrued by Protected members as at 31 March 2016.

Years of Pensionable Service as at 31 March 2016	Total Protected 1987 Scheme Members	Protected 1987 Scheme Members who are part-time	Protected 1987 Scheme Members who are part-time and female
0-12	52	1 (2%)	1 (2%)
13-18	200	4 (2%)	4 (2%)
19-24	1,031	37 (4%)	33 (3%)
More than 25	2,212	54 (2%)	53 (2%)
Total	3,494	96	91

4.30. From this analysis, it can be seen:

- The percentage of 1987 Protected members working part-time in each pensionable service range is broadly consistent with the overall percentage of Protected members working part-time (3%).
- Most part-time members (who are Protected and in the 1987 Scheme) have more than 19 years' pensionable service as at 31 March 2016.
- Of those part-time members with more than 19 years of pensionable service as at 31 March 2016, the vast majority are female. This was to be expected given the vast majority of all part-time members are female.

4.31. **Commentary on analysis:**

Similar to what has been found at 4.24 above, females make up the vast majority of the part time protected members. However, we have not identified any disproportionate impacts of the policy on this group.

5. Equality Impact Analysis: Other Protected Characteristics

This Chapter sets out our analysis of the equality impacts of the policy decision to close the legacy schemes to future accrual with effect from 1 April 2022 on the other protected characteristics as identified in the Equality Act 2010.

- 5.1. SPPA does not hold complete or up-to-date data on the other protected characteristics under the Equality Act 2010.
- 5.2. Whilst it was not feasible to acquire such data, it was also considered not necessary to do so given the close match of available data with data for the Scottish Police Authority as a whole, which has therefore been used for the remaining protected characteristics where possible.
- 5.3. We have used information in the following sources to comment on the protected characteristics of disability, religion or belief, and sexual orientation:
 - See page 40 for information as at 2013: <http://www.hatecrimescotland.org/wp/wp-content/uploads/2014/08/Equality-Diversity-in-Police-Scotland-2013.pdf>
 - See Appendix B for information as at 31 March 2018: [mainstreaming-report-2017-2019.pdf \(scotland.police.uk\)](#)
 - See this report for information as at 31 March 2020: [Police Scotland Equality and Diversity Employment Monitoring Report 2019/20](#)
- 5.4. The proposed changes will apply to all members regardless of these protected characteristics. However, we have considered the potential impact of these individually below.

Disability

- 5.5. The proportion of Police officers reporting a disability has remained unchanged over time. For example, as at 28 February 2013, the percentage of police officers where a disability has been advised was 3%, and this remained 3% at 31 March 2020.
- 5.6. This might suggest that Protected members (who must have joined before 1 April 2012) are no more likely to have a disability compared with the overall scheme population.

Religion or Belief

- 5.7. It is difficult to compare the 2013 data with that as at 2020. However, comparing the 2018 and 2020 data would suggest that there is an increasing proportion of Police Officers identifying as “none” with regards to religion.
- 5.8. This might suggest that Protected members are more likely to class themselves as religious compared with the overall scheme population.

Sexual orientation

- 5.9. The proportion of Police Officers identifying as lesbian/gay/bisexual (LGB) has increased between 2013 and 2020 by 1 percentage point (2% to 3%).
- 5.10. This might suggest that Protected members are less likely to be LGB compared with those not eligible for remedy.

Race/Ethnicity

- 5.11. Available data on this protected characteristic in relation to the Police Pension Schemes (Scotland) membership is limited. Although there is limited data available, if new data indicates that this group may suffer disproportionate adverse effects we will consider the impact further.
- 5.12. The data on this characteristic in the workforce statistics in 2013 is inconsistent with that as at 2020, so does not facilitate cross comparison.

Gender reassignment, Pregnancy and maternity, Marriage and civil partnership

- 5.13. Available data on this protected characteristic in relation to the Police Pension Schemes (Scotland) membership is limited. Although there is limited data available, if new data indicates that this group may suffer disproportionate adverse effects we will consider the impact further.

Appendix A: Data and Assumptions

Data

- The analysis shown in this report is based on the data provided by SPPA to GAD for the 2016 actuarial valuation, as detailed in our report [“Police Pension Schemes \(Scotland\) - Actuarial valuation as at 31 March 2016: Report on membership data”](#) of 15 February 2019.
- Whilst comprehensive data was received from SPPA for the 2016 actuarial valuation, some aspects of the data were incomplete and/or unreliable for certain elements of our valuation calculations. It was not possible to fully resolve those data issues in the timescale required for the valuation, and therefore, assumptions were required in respect of incomplete and/or unreliable individual member records. Further information on the steps taken to address data issues can be found in the above report.
- Please note that a member has been classed as ‘part-time’ if the part-time indicator provided by SPPA for the purposes of the 31 March 2016 actuarial valuation, was recorded as “Y”. All other members have been assumed to be full time. Please note that rigorous checks were not carried out on the part-time indicators provided.

Appendix B: Compliance and limitations

- This report is intended for the use of the Scottish Public Pensions Agency ('SPPA') for the purposes of analysing the potential impact of the Transitional Protection Remedy. The information and advice in this report should not be relied upon, or assumed to be appropriate, for any other purpose or by any other person. GAD does not accept any liability to third parties, whether or not GAD has agreed to the disclosure of its advice to the third party.
- This report has been carried out in accordance with the applicable Technical Actuarial Standard: TAS 100 issued by the Financial Reporting Council (FRC). The FRC sets technical standards for actuarial work in the UK.

DRAFT