



Government
Actuary's
Department

2015 Remedy: *Retrospective Remedy Phase*

Analysis to Support the Equalities Impact Assessment Firefighters' Pension Schemes (Scotland)

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Contents

1. Introduction.....	3
2. Approach to Assessment.....	7
3. Equality Impact Analysis: Age	14
4. Equality Impact Analysis: Sex	21
5. Equality Impact Analysis: Other Protected Characteristics	30
Appendix A: Data and Assumptions	35
Appendix B: Workforce data.....	37
Appendix C: Compliance and limitations.....	38

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. Those setting policy 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 Firefighters' Pension Schemes (Scotland), to support SPPA who are acting on behalf of Scottish Ministers, in considering **the impact of the policy decision to provide all eligible members with a choice of legacy scheme¹ or reformed scheme benefits, in relation to service from 1 April 2015 to 31 March 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 '2015 Remedy'. A separate report has already been provided, which covers the policy decision to close all legacy schemes to future accrual with effect from 1 April 2022.

¹ For the Firefighters' Pension Schemes (Scotland), the legacy schemes are the 1992 Scheme, the 2006 Scheme (Standard), the 2006 Scheme (Special) and the reformed scheme is the 2015 Scheme

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.
- 1.8. For the Firefighters' Pension Scheme (Scotland), this meant:
 - A. Active members who, on 1 April 2012, were in the 1992 Scheme and aged 45 or over (or were aged 40 or over and had at least 20 years of service) would remain in the 1992 Scheme.
 - B. Active members who, on 1 April 2012, were in the 2006 Scheme (Special) and aged 45 or over, would remain in the 2006 Scheme (Special).
 - C. Active members who, on 1 April 2012, were in the 2006 Scheme (Standard) and aged 50 or over would remain in the 2006 Scheme (Standard).
 - D. 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 would finish by 31 March 2022. At the end of their protected period, they would be transferred into the 2015 Scheme.
- 1.9. In this report, members in categories A, B and C above are referred to as 'Protected' members, and members in category D 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 1992 Firefighters' Pension Scheme, 2006 (Standard) or 2006 (Special) Firefighters' Pension Scheme (Scotland));
 - or
 - benefits equivalent to those available under the reformed scheme (i.e. benefits in the 2015 Firefighters' Pension Scheme (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 ².
- 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 Act 2022](#) is the legislative vehicle that sets out the provisions that give effect to the above announcements and it applies across all schemes in the UK in relation to the 2015 Remedy. This came into force on 1 April 2022. An [Equality Impact Assessment](#) ('EqIA') was carried out alongside this Act.

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

A. *Prospective remedy phase (in force from 1 April 2022):*

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

B. *Retrospective remedy phase (by October 2023):*

- From 2023, 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.

² As set out in 1.8 (D), members who were, as of 1 April 2012, within 4 years of qualifying for transitional protection, would have previously been eligible for what is referred to as 'tapered protection'. The effect of the judgment in the McCloud case was that this tapered protection was considered to be discriminatory, and this discrimination was unlawful. Maintaining an age-based system of tapered protection would therefore be perpetuating or indeed extending such discrimination. As a result, all eligible members are able to choose legacy scheme benefits or reformed scheme benefits for the whole remedy period. They are not able to choose a mixture of the two.

Policy to be assessed

- 1.14. **This report is intended to support consideration of the impact of (B) above.**
- 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 the SPPA may wish to use in the preparation of its EqlA. However, it is important to note that **it is for the SPPA, acting on behalf of the 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.

2. Approach to Assessment

This Chapter sets out the information we will use as a basis for examining the equality impacts of the policy decision to provide eligible members with a choice of either legacy or reformed scheme benefits in the Remedy Period.

Members eligible to choose benefits in the Remedy Period

- 2.1. As outlined in 1.11, members eligible or 'in scope' for 2015 Remedy, and therefore, eligible to choose between accruing legacy or reformed scheme benefits in the Remedy Period, are 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.
- 2.2. Ideally, we would therefore analyse the active membership as at 1 April 2015, and then identify members who were in service on or before 31 March 2012. We could then assess the characteristics of all members who are eligible for the 2015 Remedy and compare this to the characteristics of the overall scheme membership, to determine whether the policy treats a subsection of the membership less favourably, due to a protected characteristic.
- 2.3. Although the Government Actuary's Department ('GAD') does hold some Scheme membership data as at 1 April 2015, this data is not as detailed, and has not undergone as rigorous checks, as that used for quadrennial valuations of the Scheme. Therefore, it was not deemed suitable to use for this purpose.
- 2.4. The next best alternative was to analyse the active membership as at 31 March 2016, which was provided to GAD from SPPA for the purposes of the 31 March 2016 actuarial valuation.
- 2.5. From this, members who were eligible or 'in scope' for 2015 Remedy were identified. We acknowledge that analysing only active members as at 31 March 2016 may mean certain eligible members may not be included in the analysis (e.g. those who left the Scheme or retired after 1 April 2015 and before 31 March 2016). Some members who joined the scheme in the period 1 April 2015 to 31 March 2016 will be included, but these members would only ever have access to the 2015 Scheme under the changes made to introduce the 2015 Firefighters' Pension Scheme (Scotland) to new entrants from 1 April 2015. However, we do not believe that amending the dataset to include/exclude these members respectively would make a material difference to the outcomes of this analysis, given that we expect the vast majority of eligible members will be active in the Scheme as at 31 March 2016.

- 2.6. More information on the 31 March 2016 valuation data is in Appendix A.
- 2.7. Data on the membership of the Scheme as at 31 March 2020 has also been provided to GAD by SPPA for the purposes of the 31 March 2020 actuarial valuation. However, identifying eligible members within this dataset would require consideration of active, deferred and pensioner members (as well as deaths/other movements over the period since 2015). We did not believe there would be any additional benefits to analysing the membership data as at 31 March 2020, compared with analysing the active membership as at 31 March 2016.
- 2.8. In addition, the data used for the 31 March 2020 valuation would include active members who had joined the Scheme during the period 1 April 2015 to 31 March 2020. It would not be appropriate to include these members in the analysis, as these members would only ever have access to the 2015 Scheme under the changes made to introduce the 2015 Firefighters' Pension Scheme (Scotland) to new entrants from 1 April 2015.

Identifying 'in scope' members

- 2.9. We have then identified members as being 'in scope' of the 2015 Remedy (and therefore, eligible to choose between accruing either legacy or reformed scheme benefits in the Remedy Period), if they meet the following criteria:
- Date of Joining before 1 April 2012, or
 - Protected or Taper Protected Status (even if recorded Date of Joining after 1 April 2012)
- 2.10. Please note that this will not always accurately identify members in scope. For example, members may have a Date of Joining after 1 April 2012 which reflects the date they first joined the Firefighters' Pension Schemes (Scotland), but they may have had previous service in a different public sector scheme which brings them in scope for the 2015 Remedy. Again, we do not expect such limitations to have a material impact on this analysis.

- 2.11. We have therefore identified the following number of members as eligible to choose between legacy and reformed scheme benefits in the Remedy Period:

		Number of members	Proportion of the membership (based on number of members)
Eligible for 2015 Remedy	<i>Unprotected members</i>	2,644	47%
	<i>Tapered Protected members</i>	810	15%
	<i>Protected members</i>	1,414	25%
	Total	4,868	87%
Not eligible for 2015 Remedy		712	13%
Total		5,580	100%

- 2.12. The following table sets out which legacy scheme the 4,868 members who are eligible for 2015 Remedy accrued/ are accruing benefits in:

	1992 Scheme	2006 Scheme (Standard)	2006 Scheme (special)	Total
Unprotected members	1,068 (39%)*	1,513 (85%)	63 (19%)	2,644
Tapered Protected members	584 (21%)	161 (9%)	65 (20%)	810
Protected members	1,098 (40%)	113 (6%)	203 (61%)	1,414
Total	2,750	1,787	331	4,868

* This is the percentage of total in that particular scheme.

- 2.13. This analysis identifies that:
- 56% (2,750/ 4,868) of the members in this Scheme who are eligible to choose between legacy and reformed scheme benefits, are accruing or have accrued benefits in the 1992 Scheme. 37% are accruing or have accrued benefits in the 2006 Scheme (Standard) and 7% are accruing or have accrued benefits in the 2006 Scheme (Special).
 - A significant proportion of eligible members who accrued benefits in the 2006 Scheme (Standard) are Unprotected members.
 - 61% of eligible members who accrued benefits in the 2006 Scheme (Special) are Protected members. Around 40% are Unprotected or Tapered Protected members in the 2006 Scheme (Special).

- Eligible members who accrued benefits in the 1992 Scheme are split across the protection groups, with the Protected member group and Unprotected member group having similarly high proportion of members.

2.14. In this report, we have analysed the protected characteristics of all members eligible to choose between accruing either legacy or reformed scheme benefits in the Remedy Period.

Members benefitting from having a choice of benefits in the Remedy Period

- 2.15. As outlined in 1.11, all eligible members will have a choice between legacy scheme benefits or reformed scheme benefits, in relation to service in the Remedy Period. Members will be able to make their choice at the point at which they will receive their scheme benefits (e.g. retirement).
- 2.16. A member's preference for either legacy or reformed scheme benefits will depend on their individual circumstances, including the circumstances under which they are retiring (e.g. retirement due to ill-health, early retirement) and indeed their preferences for certain aspects of a particular benefits' package (e.g. dependant's pension).
- 2.17. Additionally, for active members, future experience (e.g. an individual's salary progression and whether or not they hit their legacy scheme service cap), may influence which benefits will be more appealing to them, at the point at which they are asked to make this choice.
- 2.18. Asking eligible members to choose between accruing legacy or reformed scheme benefits in the Remedy Period, at the point at which the member is due to receive benefits, allows members to consider the benefit that is best for them, with the knowledge of the circumstances under which they are retiring, and the exact benefits available to them under each option.
- 2.19. Therefore, all eligible members could be considered as 'benefitting' from being offered a choice of benefits in the Remedy Period.
- 2.20. An alternative interpretation is that members who choose different benefits to those which they had already accrued prior to 2015 Remedy, could be seen as having 'benefitted' from being offered a choice of benefits in the Remedy Period.
- 2.21. In this report, we have estimated the members who are more likely to choose alternative benefits to those which they accrued prior to 2015 Remedy, so as to analyse how the protected characteristics of these members compare with those of the members who are not expected to choose alternative benefits.

Estimating members who might choose alternative benefits

1992 Scheme and 2006 Scheme (Special)

- 2.22. The accrual rate and payment age in the 1992 Scheme and 2006 Scheme (Special) are such that the actuarial value of these schemes exceeds the actuarial value of the 2015 Scheme, at each age³.
- 2.23. Therefore, this would suggest that for 1992 Scheme and 2006 Scheme (Special) members:
- There are likely to be many scenarios where those members who accrued legacy scheme benefits prior to 2015 Remedy, will choose legacy scheme benefits at the point at which they are asked to make a choice.
 - There are likely to be few scenarios where those members who accrued legacy scheme benefits prior to 2015 Remedy, will choose 2015 Scheme benefits at the point at which they are asked to make a choice.
- 2.24. Accordingly, this would imply that Unprotected and Tapered Protected members in the 1992 Scheme and 2006 Scheme (Special) are more likely to benefit from being offered a choice of either legacy or reformed scheme benefits in the Remedy Period, compared to 1992 Scheme and 2006 Scheme (Special) Protected members.

2006 Scheme (Standard)

- 2.25. There are circumstances where the actuarial value of the 2006 Scheme (Standard) exceeds that of the 2015 Scheme, and vice versa. The age at which the member retires (early retirement terms are more generous in the 2015 Scheme) has a significant influence on the relative values of the two schemes.
- 2.26. Accordingly, this would imply that almost all 2006 Scheme (Standard) members have the potential to benefit from being offered the choice of either legacy or reformed scheme benefits in the Remedy Period, so all such members might choose alternative benefits to those that they originally accrued.

³ Please note that this is a high-level assessment under the assumptions used for the 2016 valuation. It is not a detailed member-by-member analysis, nor does it examine the comparison of benefits under each potential contingency event (e.g. withdrawal, early retirement, ill-health retirement, death, etc).

It may be that the comparison of benefits would be very different when analysing, for instance, a member retiring early, a member retiring due to ill health, or a member who has reached the maximum amount of pensionable service they can accrue in their legacy scheme. **Rather than placing any reliance on the information above, individuals should consider their own specific circumstances and possibly seek Independent Financial Advice before deciding which benefits package they will opt for.**

Approach Taken

- 2.27. In this report, when comparing those likely to benefit from the choice against those not likely to benefit, we have analysed:
- a. the protected characteristics of all eligible Unprotected and Tapered Protected members,
and compared these to
 - b. the protected characteristics of all the Protected members.
- 2.28. For the purposes of this analysis, we have not separated members in the 2006 Scheme (Standard) who are Protected from the Protected member group and added them to the eligible Unprotected and Tapered Protected (i.e. allocated these members to those members as more likely to benefit from being offered a choice of either legacy or reformed scheme benefits in the Remedy Period). Given that there are only 113 members in the 2006 Scheme (Standard) who are Protected (8% of the whole Protected member group), we believe this is a proportionate approach.
- 2.29. The following table sets out the number of members within each group. The subsequent table sets out further information on the legacy scheme those members who are most/least likely to benefit from being offered a choice of benefits in the Remedy Period are/were accruing benefits in:

Number of members		
Eligible Unprotected and Tapered Protected members	Unprotected	2,644
	Tapered Protected	810
	Total	3,454
Eligible Protected members		1,414
Total Eligible members		4,868

	1992 Scheme	2006 Scheme (Standard)	2006 Scheme (Special)	Total
Eligible Unprotected	1,068	1,513	63	2,644
Eligible Tapered Protected	584	161	65	810
Total	1,652 (60%)*	1,674 (94%)	128 (39%)	3,454 (71%)
Eligible Protected	1,098 (40%)	113 (6%)	203 (61%)	1,414 (29%)
	2,750	1,787	331	4,868

* This is the percentage of overall total in that particular scheme.

2.30. This analysis identifies that:

- 60% of 1992 Scheme members who are eligible for 2015 Remedy, might be expected to benefit from being offered a choice of legacy and reformed scheme benefits in the Remedy Period.
- 39% of 2006 Scheme (Special) members who are eligible for 2015 Remedy, might be expected to benefit from being offered a choice of legacy and reformed scheme benefits in the Remedy Period. This is a much lower proportion than expected in the 1992 Scheme due to a higher proportion of 2006 Scheme (Special) members being Protected members.
- As noted in paragraph 2.23, almost all 2006 Scheme (Standard) members have the potential to benefit from being offered a choice of legacy and reformed scheme benefits in the Remedy Period (depending on when they choose to retire).

Assessing Protected Characteristics: Data Used

- 2.31. Data on sex and age (and service, and part-time status) of the membership of the Firefighters' Pension Schemes (Scotland) was provided to GAD by SPPA for the purposes of the 31 March 2016 actuarial valuation.
- 2.32. For the other protected characteristics under the Equality Act 2010, neither GAD nor the SPPA hold complete or up-to-date data for the pension scheme members. However, data for the whole of the Fire and Rescue Service (Scotland) workforce is available for certain protected characteristics and has been used where possible. Given the current participation rate in the Firefighters' Pension Schemes (Scotland) is high⁴, this represents a reasonable approximation to the membership of the Scheme.

⁴ As at 31 March 2016, there were around 6,217 wholetime and retained firefighters in Scotland as shown in these workforce statistics. This compares with 5,580 active members in the Firefighters Pension Scheme (Scotland) as at 31 March 2016.

3. Equality Impact Analysis: Age

This Chapter sets out our analysis of the equality impacts of the policy decision to provide eligible members with a choice of either legacy or reformed scheme benefits in the Remedy Period, on the protected characteristic of age, as identified in the Equality Act 2010.

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 provide all eligible members with a choice of legacy scheme or reformed scheme benefits in the Remedy Period is one aspect of the approach that is to be taken to address the age discrimination identified.
- 3.3. We have analysed below the split by age, of both members eligible to choose between legacy and reformed scheme benefits in the Remedy Period and those expected to be more likely to benefit from having this choice.

Analysis: Age

Members eligible to choose benefits in the Remedy Period

- 3.4. The following table sets out the age profile of all active members in the Firefighters' Pension Schemes (Scotland) as at 31 March 2016, as well as the age profile of the active members eligible to choose between legacy and reformed scheme benefits in the Remedy Period, and those not:

Age as at 31 March 2016	All Active Members	Active Members Eligible for Choice	Active Members NOT Eligible for Choice
16-19	-*	-	1%
20-24	3%	1%	16%
25-29	7%	4%	24%
30-34	11%	10%	22%
35-39	16%	16%	19%
40-44	18%	19%	10%
45-49	24%	26%	7%
50-54	18%	20%	2%
55-59	3%	4%	-
60-64	1%	1%	-
Total	5,580	4,868	712

* Note this is not actually zero, but denoted '-' as less than 1%

This analysis identifies that:

- Most of the overall active scheme membership is between ages 35 and 54 as at 31 March 2016 (76%).
- Most members eligible to choose between legacy and reformed scheme benefits in the Remedy Period are also between ages 35 to 54 as at 31 March 2016 (81%).
- Most members not eligible to choose between legacy and reformed scheme benefits are between ages 20 to 39 as at 31 March 2016 (81%).
- Members eligible to choose between legacy and reformed scheme benefits are older than those not eligible to choose between legacy and reformed scheme benefits. Those not eligible to choose between legacy and reformed scheme benefits are generally younger than the overall active scheme membership.

3.5. The following table sets out the age profile of the members eligible to choose benefits in the Remedy Period, split to show their relevant legacy scheme:

	1992 Scheme	2006 Scheme (Standard)	2006 Scheme (Special)	Total
20-24	-	100%	-	1%
25-29	1%	99%	-	4%
30-34	22%	76%	2%	10%
35-39	50%	47%	2%	16%
40-44	66%	30%	4%	19%
45-49	73%	20%	6%	26%
50-54	67%	21%	12%	20%
55-59	36%	38%	27%	4%
60-64	2%	59%	39%	1%
				4,868

Due to rounding, numbers may not add to 100%.

To be clear, the percentages shown under each Scheme represent the percentage of eligible members in that Scheme, within each age group.

3.6. This analysis identifies that:

- At ages 35 - 54, the majority of members eligible to be offered a choice of benefits in the Remedy Period, have accrued benefits in the 1992 Scheme.
- At ages 20 – 34, the majority of members eligible to be offered a choice of benefits in the Remedy Period, have accrued benefits in the 2006 Scheme (Standard).
- The proportion of active members who are eligible to be offered a choice of benefits in the Remedy Period, and have accrued benefits in the 2006 Scheme (Special), is greatest at ages 55 - 64.

Firefighters' Pension Schemes (Scotland):
Retrospective Remedy Phase – Analysis to support the Equalities Impact Assessment

- 3.7. The first 2 bullet points above are as expected, as it is consistent with the average entry age of members into the Firefighters' Pension Schemes (Scotland) and the closure of the 1992 Scheme / opening of the 2006 Scheme (Standard) for new entrants from 2006 (i.e. younger members are more likely to be in the 2006 Scheme (Standard)).
- 3.8. The following table sets out the age profile of the members eligible to choose between legacy and reformed scheme benefits, split by protection status:

	Unprotected Members	Tapered Protected Members	Protected Members	Total
20-24	100%	-	-	1%
25-29	100%	-	-	4%
30-34	100%	-	-	10%
35-39	100%	-	-	16%
40-44	91%	9%	-	19%
45-49	25%	45%	30%	26%
50-54	2%	16%	81%	20%
55-59	-	-	100%	4%
60-64	-	-	100%	1%
				4,868

Due to rounding, numbers may not add to 100%.

To be clear, the percentages shown under each protection status column represent the percentage of eligible members in that protection status, within each age group.

- 3.9. This analysis identifies that:
- Of the eligible members aged 44 or below, the vast majority are Unprotected members.
 - Of the members above aged 50 and above, the vast majority are Protected members.
 - As expected, Tapered Protected members fall mainly within the 45-49 age group.
- 3.10. The age profile of the members in each protection status is as expected based on criteria for the protection status (e.g. Protected Members are closest to retirement, and Tapered Protected members are closer than unprotected members to retirement).

3.11. **Commentary on analysis:**

As illustrated above, members eligible to choose between legacy and reformed scheme benefits are older than those members not eligible for 2015 Remedy.

The eligible members in the 2006 (Standard) Scheme are generally younger than those eligible for 2015 Remedy in the 1992 Scheme.

The Protected members are older than the Unprotected and Tapered members.

The EgIA carried out as part of the Public Service Pensions and Judicial Offices Act recognised this point in section 3.6 (page 22).

Members benefitting from having a choice of benefits in the Remedy Period

- 3.12. The following table sets out the age profile of all active members in the Firefighters' Pension Schemes (Scotland) as at 31 March 2016, as well as the age profile of the active members eligible for remedy and those we have estimated are most/least likely to benefit from being offered a choice of benefits in the Remedy Period (i.e. Eligible Unprotected and Tapered Protected Members/Eligible Protected Members):

	Actives Members as at 31 March 2016	Active members Eligible for Choice	Eligible Unprotected and Tapered Protected Members	Eligible Protected Members
20-24	3%	1%	1%	-
25-29	7%	4%	6%	-
30-34	11%	10%	14%	-
35-39	16%	16%	22%	-
40-44	18%	19%	26%	-
45-49	24%	26%	26%	27%
50-54	18%	20%	5%	56%
55-59	3%	4%	-	13%
60-64	1%	1%	-	3%
Total	5,580	4,868	3,454	1,414

Due to rounding, numbers in each column may not add to 100%

- 3.13. This analysis identifies that:

- Of those that are eligible, younger members are more likely to benefit from being offered the choice of benefits in the Remedy Period.

- 3.14. This is to be expected given that Unprotected and Tapered Protected members are, by definition, younger than Protected members.

- 3.15. The following table sets out the age profile of the members eligible to choose between legacy and reformed scheme benefits and most likely to benefit from being offered this choice of benefits (i.e. the Unprotected and Tapered Protected members), split by applicable legacy scheme:

	1992 Scheme	2006 Scheme (Standard)	2006 Scheme (Special)	Total
20-24	-	100%	-	1%
25-29	1%	99%	-	6%
30-34	22%	76%	2%	14%
35-39	50%	47%	2%	22%
40-44	66%	30%	4%	26%
45-49	63%	29%	8%	26%
50-54	-*	100%	-	5%
55-59	-	-	-	-
60-64	-	-	-	-
Total	1,652	1,674	128	3,454

* Note this is not actually zero, but denoted '-' as less than 1%

Due to rounding, numbers may not add to 100%.

To be clear, the percentages shown under each Scheme represent the percentage of eligible members in that Scheme, within each age group.

- 3.16. This analysis identifies that:

- At ages 35 – 49, the majority of eligible members who are most likely to benefit from being offered a choice of benefits in the Remedy Period, have accrued benefits in the 1992 Scheme.
- At ages 20 - 34, the majority of eligible members who are most likely to benefit from being offered a choice of benefits in the Remedy Period, have accrued benefits in the 2006 (Standard) Scheme.
- Only 2006 Scheme (Standard) Unprotected and Tapered Protected members appear in the 50-54 age bracket, as 1992 Scheme and 2006 Scheme (Special) members at this age belong to the Protected group and therefore less likely to benefit from being offered the choice of benefits.

- 3.17. **Commentary on analysis:**

As illustrated above, members expected to be most likely to benefit from being offered a choice of benefits in the Remedy Period are younger than the eligible member population, and the overall active member population. Furthermore, younger members are more likely to be a member of the 2006 (Standard) Scheme.

However, given that this policy decision aims to ensure all eligible members are treated equitably with those members closest to retirement (i.e. Protected members), this was to be expected.

Members reaching the service cap in the 1992 scheme before age 55

Background

- 3.18. Benefits in the 1992 scheme can be accessed from age 50 provided the member has completed at least 25 years' service but commutation would be restricted if the member had not accrued 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) before age 55. However, benefits in the reformed scheme cannot be accessed before the Minimum Pension Age of 55.
- 3.19. Two members may, therefore, have joined the 1992 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.
- 3.20. Although members can still retire from the 1992 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.
- 3.21. In addition, if such members opt to delay receiving their 1992 Scheme benefits beyond the age at which they first become payable, there is no actuarial uplift applied to allow for the later commencement date.
- 3.22. It has therefore been suggested that members who build up a combination of 1992 Scheme and reformed scheme benefits are penalised if they reach 30 years of combined scheme service before age 55.

Relevance for this Analysis

- 3.23. As previously highlighted, our analysis has concluded that we expect that many members who previously accrued benefits in the 1992 Scheme, will choose to build up legacy scheme benefits until 2022.
- 3.24. Therefore, the 1992 Scheme members impacted by this situation are:
- Protected members who choose to remain in active service beyond reaching 30 years' service (and beyond 2022) and who subsequently wish to retire before reaching age 55.

We expect there to be very few such members.

- Tapered Protected and Unprotected members who reach 30 years of service **after 2022** and before age 55.

Therefore, members who joined the Firefighters' Pension Schemes (Scotland) before age 25 and who had less than 24 years' service as at 31 March 2016 may be impacted by this.

- 3.25. However, as this is a feature of overall public sector pension reforms rather than being introduced through the Retrospective Remedy Phase, it is out of the scope of this analysis.
- 3.26. However, we note, that the policy decision to provide members with a choice of benefits in the Remedy Period, has resulted in an expectation that many more members will reach 30 years of service with a higher proportion of their overall pension relating to their legacy scheme benefits. In turn, this would mean a lower proportion of their pension would be subject to deferred early retirement reductions noted above. Therefore, this policy decision could be argued to have had a positive impact on this issue.

4. Equality Impact Analysis: Sex

This Chapter sets out our analysis of the equality impacts of the policy decision to provide eligible members with a choice of either legacy or reformed scheme benefits in the Remedy Period, on the protected characteristic of sex, as identified in the Equality Act 2010.

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 provide all eligible members with a choice of legacy scheme or reformed scheme benefits in the Remedy Period is one aspect of the approach that is to be taken to address the age discrimination identified, and in turn, the indirect sex discrimination where it too applies.
- 4.3. We have analysed below the split by sex⁵ of both members eligible to make a choice of legacy and reformed scheme benefit in the Remedy Period and those expected to be more likely to benefit from this choice.

Analysis: Sex

Members eligible to choose benefits in the Remedy Period

- 4.4. The following table sets out the sex profile of all active members in the Firefighters' Pension Schemes (Scotland) as at 31 March 2016, as well as the sex profile of the active members eligible to choose between legacy and reformed scheme benefits, and those not:

	Active Membership as at 31 March 2016	Active members as at 31 March 2016 eligible for Remedy	Active members as at 31 March 2016 NOT eligible for Remedy
Males	95%	95%	90%
Females	5%	5%	10%
Total	5,580	4,868	712

⁵ The Equalities Act 2010 lists 'sex' as a protected characteristic. Data for the Firefighters' Pension Schemes (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.

4.5. This analysis identifies that:

- The vast majority of active members are male, and so too are the majority of active members who are eligible/ineligible to choose between reformed and legacy scheme benefits over the Remedy Period.
- The percentage of the members eligible to choose between reformed and legacy scheme benefits over the Remedy Period who are female, is the same as the percentage of female members in the overall scheme population.
- The percentage of the members not eligible to choose between reformed and legacy scheme benefits over the Remedy Period who are female, is higher than the percentage of the members eligible to choose between reformed and legacy scheme benefits over the Remedy Period. This follows because more recent joiners are more likely to be female.

4.6. The following table sets out the percentage of male and female members who are eligible, and have accrued benefits in each of the legacy schemes:

	1992 Scheme	2006 Scheme (Standard)	2006 Scheme (Special)	Total
Males	97%	93%	99%	95%
Females	3%	7%	1%	5%
Total	2,750	1,787	331	4,868

4.7. This analysis identifies that:

- The percentage of eligible members who are females and accruing/have accrued benefits in the 2006 Scheme (Standard), is more than the percentage in the overall eligible active scheme membership.
- The percentage of eligible members who are females and accruing/have accrued benefits in the 1992 Scheme and 2006 (Special) Scheme, is lower than that of the percentage in the overall eligible active scheme membership.

4.8. The following table sets out the percentage of male and female members who are eligible, in each protection status as at 31 March 2016:

	Unprotected Members	Tapered Protected Members	Protected Members	Total
Males	93%	96%	99%	95%
Females	7%	4%	1%	5%
Total	2,644	810	1,414	4,868

4.9. This analysis identifies that:

- The percentage of members who are males is greatest amongst the Protected Members, and lowest for the Unprotected Members.

4.10. **Commentary on analysis:**

Based on the analysis above, members who are eligible to choose between legacy and reformed scheme benefits in the Remedy Period are more likely to be male, compared to those not eligible to make this choice.

There is a higher proportion of male members who are eligible to choose between legacy and reformed scheme benefits in the Remedy Period in the 1992 Scheme and 2006 Scheme (Special), than in the overall eligible member population.

There is also a higher proportion of male Protected members than there is in the Unprotected and Tapered groups of members.

Members benefitting from choice of benefits in the Remedy Period

- 4.11. The following table sets out the sex profile of all active members in the Firefighters' Pension Schemes (Scotland) as at 31 March 2016, as well as the sex profile of the active members eligible for remedy and those we have estimated are most/least likely to benefit from being offered a choice of benefits in the Remedy Period (i.e. Eligible Unprotected and Tapered Protected Members/Eligible Protected Members).

	Active Membership as at 31 March 2016	Active members eligible for remedy as at 31 March 2016	Eligible Unprotected and Tapered Protected Members	Eligible Protected Members
Males	95%	95%	94%	99%
Females	5%	5%	6%	1%
Total	5,580	4,868	3,454	1,414

- 4.12. This analysis identifies that:

- Those members who are most likely to benefit from being offered a choice of benefits in the Remedy Period, are marginally more likely to be female than the general eligible member population, and the overall active member population.
- Those members who are least likely to benefit from being offered a choice of benefits in the Remedy Period, are less likely to be female than the general eligible member population.

- 4.13. The following table sets out the percentage of male and female members who are eligible and estimated most likely to benefit from being offered a choice of benefits in the Remedy Period (i.e. Eligible Unprotected and Tapered Protected Members), and have accrued benefits in each of the legacy schemes:

	1992 Scheme	2006 Scheme (Standard)	2006 Scheme (Special)	Total
Males	95%	92%	99%	94%
Females	5%	8%	1%	6%
Total	1,652	1,674	128	3,454

4.14. This analysis identifies that:

- The percentage of eligible members who are most likely to benefit from being offered a choice and are females with benefits in the 2006 Scheme (Standard), is more than the percentage in the overall eligible scheme membership (and the percentage in the overall active member population).
- The percentage of eligible members who are most likely to benefit from being offered a choice and who are females with benefits in the 1992 Scheme, is consistent with the percentage in the overall eligible membership (5%) (and the percentage in the overall active member population).
- The percentage of eligible members who are most likely to benefit from being offered a choice and who are females with benefits in the 2006 Scheme (Special), is lower than that of the percentage in the overall eligible membership.

4.15. **Commentary on analysis:**

Based on the analysis above, members who are more likely to benefit from being offered a choice of legacy and reformed scheme benefits over the Remedy Period are marginally more likely to be female, compared to the overall eligible scheme population.

The Protected members, who are less likely to benefit from being offered a choice, are more likely to be male, compared to the overall eligible scheme population.

The policy decision to provide all members with a choice aims to ensure that all members are treated equitably over the Remedy Period, and remove any previous indirect sex discrimination (against females who are less likely to be a Protected member).

Analysis: Sex and Age

Members eligible to choose benefits in the Remedy Period

- 4.16. We have also set out below the percentage of males in both the overall scheme population and the population eligible to choose benefits in the Remedy Period, at each age range:

Age as at 31 March 2016	Active Membership as at 31 March 2016	Active members as at 31 March 2016 eligible for Remedy	Active members as at 31 March 2016 NOT eligible for Remedy
20-24	93%	96%	92%
25-29	93%	94%	92%
30-34	94%	95%	89%
35-39	92%	93%	84%
40-44	92%	93%	85%
45-49	96%	96%	98%
50-54	98%	98%	100%
55-59	100%	100%	-
60-64	97%	97%	-

To be clear, the percentages shown under each protection status column represent the percentage of male eligible members within each age group.

- 4.17. This analysis identifies that:
- The percentage of the active member population that is male is very high, and it is generally increasing with age.
 - The overall percentage of members eligible to make a choice of benefits in the Remedy Period, and who are male, is marginally higher at lower ages than the active male population.
 - The percentage of members who are not eligible to make a choice of benefits in the Remedy period and who are males, is generally lower than the percentage of members who are eligible to make a choice of benefits in the Remedy period.

4.18. **Commentary on analysis:**

The above analysis supports the previous comments that members who are eligible to choose between legacy and reformed scheme benefits in the Remedy Period are more likely to be male, compared to those not eligible to make this choice.

Members benefitting from choice of benefits in the Remedy Period

- 4.19. We have also set out below the percentage of males at each age, for all active members in the Firefighters' Pension Schemes (Scotland) as at 31 March 2016, the active members eligible for remedy and those we have estimated are most/least likely to benefit from being offered a choice of benefits in the Remedy Period (i.e. Eligible Unprotected and Tapered Protected Member/Eligible Protected Members):

Age as at 31 March 2016	Active Membership as at 31 March 2016	Eligible Members as at 31 March 2016	Eligible Unprotected and Tapered Protected Members	Eligible Protected Members
20-24	93%	96%	96%	-
25-29	93%	94%	94%	-
30-34	94%	95%	95%	-
35-39	92%	93%	93%	-
40-44	92%	93%	93%	-
45-49	96%	96%	94%	99%
50-54	98%	98%	93%	99%
55-59	100%	100%	-	100%
60-64	97%	97%	-	97%

* Note this is not actually zero, but denoted '-' as less than 1%

To be clear, the percentages shown under each protection status column represent the percentage of eligible members in that protection status, within each age group.

- 4.20. This analysis identifies that:
- The percentage of members who are more likely to benefit from being offered a choice of benefits in the Remedy Period (i.e. eligible Unprotected and Tapered Protected Members), and who are male, is broadly consistent with the eligible member population up to age 44 and lower at ages 45 to 54.
 - The percentage of members who are more likely to benefit from being offered a choice of benefits in the Remedy Period, and who are male, is slightly higher than the active male population up to age 44 and lower at ages 45 to 54.
 - The percentage of Protected members (who are less likely to benefit from being offered a choice of benefits in the Remedy Period) who are male, is higher than the overall active scheme membership and the eligible member population at ages 40 – 54 and then broadly consistent with these populations from 55+.

4.21. **Commentary on analysis:**

The above analysis supports the previous comments that eligible members are more likely to be male compared to the overall scheme population. Protected Members who are less likely to benefit from being offered a choice are more likely to be male, than the overall active scheme membership.

Analysis: Sex and Employment Status

Members eligible to choose benefits in the Remedy Period

- 4.22. In Scotland, women are more likely to work part-time than men.⁶ It is therefore worth considering the equalities impact of those who work part-time within this protected characteristic.
- 4.23. We understand that the part-time indicator provided highlights members who were **currently** working part-time as at 31 March 2016, rather than identifying whether the member has any part-time service. It is therefore possible that our analysis of members who have ever had part-time service may differ to that below.
- 4.24. 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	Eligible members as at 31 March 2016	Members NOT eligible as at 31 March 2016
Full-time	65%	69% (3,352)	39%
Part-time	35%	31% (1,516)	61% ⁷
Total	5,580	4,868	712

- 4.25. Of the 1,516 members as at 31 March 2016 who are eligible to choose benefits in the Remedy Period and who work part-time:
- 100 members are female (7%)
 - 1 member is accruing benefits in the 1992 scheme.
- 4.26. This analysis identifies that:
- The percentage of those members eligible to choose benefits in the Remedy Period, and working work part-time, is less than the overall active scheme membership who work part-time.
 - The percentage of those members not eligible to choose benefits in the Remedy Period, who work part-time, is significantly more than the overall active scheme membership who work part-time.

⁶<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/employmentintheuk/march2020>

⁷ Having re-checked, this correctly reflects the information in the data supplied to us by SPPA. For the avoidance of doubt, we classify retained members as part-time members here. Members within our dataset who are deemed ineligible for remedy will generally have joined in the period 1/4/2012 to 31/3/2016. This suggests that the majority of the recruitment at that time was for on-call firefighters.

- Of those members who are eligible to choose benefits in the Remedy Period and who work part-time, the percentage that are female (7%) is higher than the percentage of overall active scheme membership and eligible population that are female (5%).

4.27. **Commentary on analysis:**

Based on the above analysis, members eligible to choose benefits in the Remedy Period are less likely to work part-time than the overall active scheme membership.

Members who are not eligible to choose benefits, are much more likely to work part-time than the overall active scheme membership.

Members benefitting from choice of benefits in the Remedy Period

- 4.28. We have also set out below the percentage of part time workers, for all active members in the Firefighters' Pension Schemes (Scotland) as at 31 March 2016, the active members eligible for remedy and those we have estimated are most/least likely to benefit from being offered a choice of benefits in the Remedy Period (i.e. Eligible Unprotected and Tapered Protected Members/Eligible Protected Members).

	Active membership as at 31 March 2016	Eligible members as at 31 March 2016	Eligible Unprotected and Tapered Protected Members	Eligible Protected Members
Full-time	65%	69%	65% (2,245)	78%
Part-time	35%	31%	35% (1,209)	22%
Total	5,580	4,868	3,454	1,414

- 4.29. Of the 1,209 members as at 31 March 2016 who are eligible to choose benefits in the Remedy Period and are most likely to benefit from being offered this choice, and work part-time:

- 97 are female (8%)
- 1 member is accruing benefits in the 1992 scheme.

4.30. This analysis identifies that:

- The percentage of those members eligible to choose benefits in the Remedy Period and expected to be most likely to benefit from being offered this choice, who work part-time, is consistent with the overall active scheme membership who work part-time.
- The percentage of the Protected members who are eligible to choose benefits in the Remedy Period (and so are least likely to benefit from being offered this choice) who work part-time, is lower than the overall active scheme membership that is eligible to make this choice and who work part-time.

- Of those eligible members who are expected to be most likely to benefit from being offered this choice and who work part-time, the percentage that are female (8%) is higher than the overall active scheme membership and eligible population that are female (5%).

4.31. **Commentary on analysis:**

Members eligible to choose benefits in the Remedy Period are less likely to work part-time than the overall active scheme membership

Eligible members expected to be more likely to benefit from being offered a choice of benefits in the Remedy Period (Unprotected and Tapered Protected members) are no more or less likely to work part-time than the overall active scheme membership.

Eligible members expected to be more likely to benefit from being offered a choice of benefit in the Remedy Period (Unprotected and Tapered Protected members) are more likely to work part-time (35%), than Protected members who are expected to be less likely to benefit from being offered this choice (22%).

5. Equality Impact Analysis: Other Protected Characteristics

This Chapter sets out our analysis of the equality impacts of the policy decision to provide eligible members with a choice of either legacy or reformed scheme benefits in the Remedy Period, on the other protected characteristics, as identified in the Equality Act 2010.

- 5.1. The proposed changes will apply to all members regardless of these protected characteristics. However, we have considered the potential impact of these individually below.

Data Analysed

- 5.2. SPPA does not hold complete or up-to-date data on the other protected characteristics under the Equality Act 2010.
- 5.3. Data on some of the remaining protected characteristics is held by the Scottish Fire and Rescue Service. Given the participation rate in the Firefighters' Pension Schemes (Scotland) was 90%⁸ as at 31 March 2016, it is our view that the overall statistics in relation to serving firefighters represents a reasonable approximation to the active membership of the Scheme.
- 5.4. Eligible members are those who were in service on or before 31 March 2012 and who were still in service on or after 1 April 2015.
- 5.5. Therefore, comparing how the characteristics of the serving firefighters at 31 March 2012, compares with the characteristics of the serving firefighters at 31 March 2015, might provide us with an indication as to whether the protected characteristics of the eligible membership (who joined before 1 April 2012) differs to the membership as whole as at 31 March 2015.
- 5.6. It would also be useful to assess characteristics of the serving firefighters after 31 March 2015, to understand if any trends over the period between 31 March 2012 and 31 March 2015 are sustained.
- 5.7. To analyse the protected characteristics of disability and race/ethnicity, we used information that was publicly available in the following source:
https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.firescotland.gov.uk%2Fmedia%2F1144140%2Fsfrs_fso_tables_and_charts_2020_21.xlsx&wdOrigin=BROWSELINK
- 5.8. For the remaining protected characteristics, the Scottish Fire and Rescue Services (SFRS) provided us with data as at 31 December 2016 (earliest date they hold equality

⁸ As at 31 March 2016, there were around 6,217 wholetime and retained firefighters in Scotland: [SFRS Workforce Statistics](#). This compares with 5,580 active members in the Firefighters Pension Scheme (Scotland) as at 31 March 2016.

data) and 31 December 2022. Further information on the data provided is included in Appendix B.

- 5.9. None of the information available is detailed enough to analyse the characteristics of those members most likely to benefit from being offered a choice of benefits in the Remedy Period

Disability

- 5.10. The table below sets out the proportion of firefighters' who reporting a disability recent years.

	2011- 2012	2015-2016*	2017-2018	2019-2020	2020-2021
Wholetime Firefighter	0.4%	0.0%	0.3%	0.7%	0.8%
Retained Firefighter	0.3%	0.1%	0.3%	0.4%	0.5%

** The source of this statistic shows that the disability status was unknown for all the Wholetime firefighters' and 98% of the Retained firefighters in this year. On this basis we have opted to disregard this figure from our analysis below.*

- 5.11. The proportion of firefighters reporting a disability has increased over the period 2012 to 2021 for both Wholetime and Retained firefighters.
- 5.12. This might suggest that members eligible to make a choice of legacy or reformed scheme benefits over the Remedy Period (who must have joined before 1 April 2012) might be less likely to have a disability compared with the overall scheme population.

Race/Ethnicity

- 5.13. The table below sets out the proportion of firefighters' identifying as from an ethnic minority in recent years.

	2011- 2012	2015-2016	2017-2018	2019-2020	2020-2021
Wholetime Firefighter	0.8%	0.5%	1.2%	1.2%	1.3%
Retained Firefighter	0.2%	0.6%	1.2%	1.1%	0.9%

- 5.14. There appears to be an increasing trend in the proportion of firefighters identifying as from an ethnic minority over the period 2012 to 2021.
- 5.15. This might suggest that members eligible to make a choice of legacy or reformed scheme benefits over the Remedy Period (who must have joined before 1 April 2012) may be less likely to identify as from an ethnic minority compared with those not eligible to make a choice.

Religion or Belief

- 5.16. The table below sets out the proportion of firefighters' identifying as 'none' with regards to religion in recent years. This information is not shown individually for Wholetime and Retained firefighters but grouped together.

	31 December 2016	31 December 2022
Christian Religions ⁹	22.09%	18.50%
Other Religions/ Other ¹⁰	1.49%	1.09%
None	14.09%	19.45%
Choose not to disclose/ Not Stated	62.34%	60.96%

- 5.17. Given that in 2016 and 2020, such a large proportion of those questioned opted not to answer this question (c. 60%), it is difficult to draw any meaningful conclusions from comparisons between these 2 datasets.
- 5.18. However, with that in mind, we note that there is a notable increasing proportion of firefighters identifying as "none" with regards to religion, when comparing data as at 31 December 2016 and 31 December 2022 (c. 5% increase).
- 5.19. We acknowledge that some caution must be exercised in identifying trends from analysing statistics at only 2 points in time only. However, the increase between the 2 dates shown above might suggest that members who joined the Scheme earlier are more likely to class themselves as having a religion or belief, compared with the overall scheme population.
- 5.20. In turn, this might suggest that members eligible to make a choice of legacy or reformed scheme benefits over the Remedy Period (who must have joined before 1 April 2012) are more likely to class themselves as having a religion or belief, compared with the overall scheme population.
- 5.21. The proportion of firefighters identifying as "other religions" or "other" with regards to religion or belief, has decreased slightly over the period 31 December 2016 and 31 December 2022. However, given the change is less than 0.5%, and in light of the high proportion of non-respondents, we would be hesitant about drawing any potential conclusions from this.

⁹ 'Christian Religions' include those who have self-classified as Church of Scotland, Roman Catholic or Other Christian.

¹⁰ 'Other religions' include those who have self-classified as Buddhist, Hindu, Muslim and Sikh. 'Other' include those who have self-classified as a specific religion or belief which was not specified within the options available.

Sexual orientation

- 5.22. The table below sets out the proportion of firefighters' identifying as lesbian/gay/bisexual (LGB) in recent years. This information is not shown individually for Wholetime and Retained firefighters but rather grouped together.

	31 December 2016	31 December 2022
Heterosexual / Straight	39.07%	40.31%
Lesbian/Gay/Bisexual	0.50%	0.83%
Other	0.18%	0.12%
Prefer Not To Answer	0.99%	0.89%
Not Stated	59.25%	57.86%

- 5.23. Given that in 2016 and 2020, such a large proportion of those questioned opted not to answer this question (c. 60%), it is difficult to draw any meaningful conclusions from comparisons between these 2 datasets.
- 5.24. This is particularly the case when noting that the change over the period in those identifying as LGB is less than 0.5%.

Gender reassignment

- 5.25. The table below set out the proportion of firefighters identifying as Transgender at each date shown. This information is not shown individually for Wholetime and Retained firefighters but rather grouped together.

	31/12/2016	31/12/2022
No	16.21%	17.44%
Yes	0.05%	0.08%
Prefer Not To Answer	0.75%	0.55%
Not Stated	83.00%	81.94%

- 5.26. Given that in 2016 and 2020, such a large proportion of those questioned (over 80%) opted not to answer this question, it is difficult to draw any meaningful conclusions from comparisons between these 2 datasets.
- 5.27. This is particularly the case when the change over the period in those identifying as Transgender is less than 0.1%.

Pregnancy and Maternity

- 5.28. The table below sets out the proportion of firefighters' taking maternity leave in 2016 and 2022. This information is not shown individually for Wholetime and Retained firefighters but rather grouped together.

31 December 2016	31 December 2022
0.3%*	0.2%**

*calculated using a workforce population of 6,557 on 31 December 2016

** calculated using a workforce population of 6,051 on 31 December 2022

- 5.29. The proportion of firefighters taking maternity leave has remained broadly unchanged, when comparing data as at 31 December 2016 and 31 December 2022.
- 5.30. We acknowledge that some caution must be exercised in identifying trends from analysing statistics at 2 points in time only. However, the comparison between the 2 dates shown above might suggest that members who joined the Scheme earlier are no more or less likely to have taken maternity leave, compared with the overall scheme population.
- 5.31. In turn, this might suggest that members eligible to make a choice of legacy or reformed scheme benefits over the Remedy Period (who must have joined before 1 April 2012) are no more or less likely to have taken maternity leave, compared with the overall scheme population.

Marriage and Civil Partnership

- 5.32. The table below sets out the proportion of firefighters' who are married or in a civil partnership in 2016 and 2022. This information is not shown individually for Wholetime and Retained firefighters but rather grouped together.

31 December 2016	31 December 2022
45.94%	35.10%

- 5.33. There is a decreasing proportion of firefighters who are married or in a civil partnership, when comparing data as at 31 December 2016 and 31 December 2022.
- 5.34. We acknowledge that some caution must be exercised in identifying trends from analysing statistics at 2 points in time only. However, the comparison between the 2 dates shown above might suggest that members who joined the Scheme earlier are more likely to be married or in a civil partnership, compared with the overall scheme population.
- 5.35. In turn, this might suggest that members eligible to make a choice of legacy or reformed scheme benefits over the Remedy Period (who must have joined before 1 April 2012) are more likely to be married or in a civil partnership, compared with the overall scheme population.

Appendix A: Data and Assumptions

Data

- The analysis shown in this report is based on the data provided to GAD by SPPA for the 2016 actuarial valuation, as detailed in our report ["Firefighters Pension Schemes \(Scotland\) - Actuarial valuations as at 31 March 2016: Report on membership data"](#) of 28 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.

Assumptions

- In order to estimate whether a member's reformed or legacy scheme benefits over the Remedy Period have a 'higher actuarial value', we have used assumptions consistent with those used for the 2016 actuarial valuation of the Scheme.
- Further information on the assumptions are detailed in our report ["Firefighters Pension Schemes \(Scotland\) - Actuarial valuation as at 31 March 2016: Advice on assumptions"](#) of 28 February 2019.

Appendix B: Workforce Data

- The data set out below, was provided by the Scottish Fire and Rescue Services in February 2023. The data relates to both Wholetime and Retained firefighters only.
- As stated earlier, we have used alternative sources for information on disability and race/ethnicity statistics.

Religion or Belief

Firefighters	31/12/2016	31/12/2022
Another religion or body	0.63%	0.43%
Buddhist	0.09%	0.07%
Church of Scotland	13.85%	11.32%
Hindu	0.03%	0.03%
Muslim	0.08%	0.07%
None	14.09%	19.45%
Other	0.63%	0.46%
Other Christian	2.61%	2.45%
Prefer Not To Answer	1.20%	1.12%
Roman Catholic	5.63%	4.73%
Sikh	0.03%	0.03%
Not Stated	61.14%	59.84%

Sexual Orientation

Firefighters	31/12/2016	31/12/2022
Heterosexual / Straight	39.07%	40.31%
Bisexual	0.24%	0.35%
Gay	0.12%	0.18%
Lesbian	0.14%	0.30%
Other	0.18%	0.12%
Prefer Not To Answer	0.99%	0.89%
Not Stated	59.25%	57.86%

Gender Reassignment

Firefighters	31/12/2016	31/12/2022
No	16.21%	17.44%
Yes	0.05%	0.08%
Prefer Not To Answer	0.75%	0.55%
Not Stated	83.00%	81.94%

Marital or Civil Partnership Status

Firefighters	31/12/2016	31/12/2022
Divorced	1.65%	1.21%
Living with partner	6.33%	8.00%
Married / Civil Partnership	45.94%	35.10%
Other	0.17%	0.13%
Separated	1.60%	1.32%
Single	13.18%	15.30%
Widowed	0.20%	0.15%
Prefer Not To Answer	0.35%	0.40%
Not Stated	30.59%	38.39%

Maternity and Pregnancy

The number of Wholetime and Retained employees absent from work due to Maternity/Adoption leave within each calendar year are:

2016	20
2022	14

Appendix C: Compliance and limitations

- This report has been prepared for the use of the Scottish Public Pensions Agency ('SPPA') and must not be reproduced, distributed or communicated in whole or in part to any other person without GAD's prior written permission. Other than SPPA, no person or third party is entitled to place any reliance on the contents of this report, except to any extent explicitly stated herein. GAD has no liability to any person or third party for any action taken or for any failure to act, either in whole or in part, on the basis of this report.
- GAD are not lawyers and our advice does not constitute legal advice. Advice in this area should be sought from an appropriately qualified person or source.
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- 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.