



Government  
Actuary's  
Department

# **2015 Remedy:** *Retrospective Remedy Phase*

## **Analysis to Support the Equalities Impact Assessment Police Pension Schemes (Scotland)**

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Rachael Henry  
Anne-Marie Pettie

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# 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 provide all eligible members with a choice of legacy scheme<sup>1</sup> 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.

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<sup>1</sup> 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.

## 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 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 <sup>2</sup>.
- 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 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.

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<sup>2</sup> As set out in 1.8 (C), 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.

- 1.13. Scottish Ministers are responsible for making the secondary legislation to amend the Police Pension Schemes (Scotland). This secondary legislation was/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 continuing in pensionable service from 1 April 2022 did 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.

## 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 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.

## 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**

#### ***Data used***

- 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 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. Therefore, the next best alternative was to analyse the active membership as at 31 March 2016, which was provided to GAD by SPPA for the purposes of the 31 March 2016 actuarial valuation. 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 Police Pension Scheme to new entrants from 1 April 2015. However, we do not believe that amending the dataset to include/exclude these members 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.

- 2.5. 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.
- 2.6. 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 2016 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 Police Pension Scheme to new entrants from 1 April 2015.

### **Identifying ‘in scope’ members**

- 2.7. 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)
- 2.8. 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 Police 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.
- 2.9. 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>       | 8,162             | 49%   |
|                              | <i>Tapered Protected members</i> | 2,313             | 14%   |
|                              | <i>Protected members</i>         | 3,614             | 22%   |
|                              | <b>Total</b>                     | <b>14,089</b>     | <b>85%</b>  |
| Not eligible for 2015 Remedy |                                  | <b>2,510</b>      | <b>15%</b>  |
| <b>Total</b>                 |                                  | <b>16,599</b>     | <b>100%</b>   |



2.10. The following table sets out which legacy scheme the 14,089 members who are eligible for 2015 Remedy accrued/ are accruing benefits in:

|                           | 1987 Scheme     | 2006 Scheme    | Total         |
|---------------------------|-----------------|----------------|---------------|
| Unprotected members       | 4,039<br>(42%)* | 4,123<br>(92%) | <b>8,162</b>  |
| Tapered Protected members | 2,060<br>(21%)  | 253<br>(6%)    | <b>2,313</b>  |
| Protected members         | 3,494<br>(36%)  | 120<br>(3%)    | <b>3,614</b>  |
| <b>Total</b>              | <b>9,593</b>    | <b>4,496</b>   | <b>14,089</b> |

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

2.11. This analysis identifies that:

- Around 70% 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 1987 Scheme (9,593 /14,089). Around 30% are accruing or have accrued benefits in the 2006 Scheme.
- Eligible members who accrued benefits in the 2006 Scheme are predominantly Unprotected members.
- In contrast, of the eligible members who accrued benefits in the 1987 Scheme, the proportion who are Unprotected and the proportion who are Protected members is broadly similar, with around half of those amounts Taper Protected.

2.12. 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

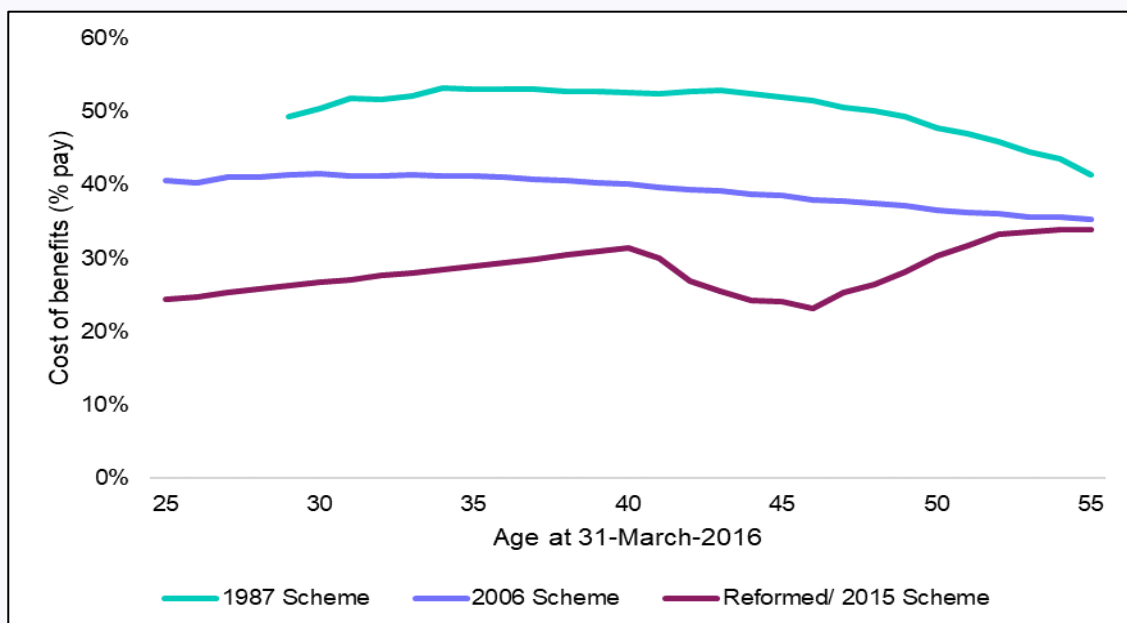
2.13. As outlined in 2.1, all eligible members will have a choice between legacy scheme benefits or reformed scheme benefits, in relation to service in the Remedy Period. Members will be able to make their choice at the point at which they will receive their scheme benefits (e.g. retirement).

2.14. 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) and indeed their preferences for certain aspects of a particular benefits' package (e.g. dependant's pension).

- 2.15. 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.
- 2.16. 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.
- 2.17. Therefore, all eligible members could be considered as ‘benefitting’ from being offered a choice of benefits in the Remedy Period.
- 2.18. 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.
- 2.19. 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 the protected characteristics of these members.

*Estimating members who might choose alternative benefits*

- 2.20. In the following graph, we have used the assumptions adopted for the 31 March 2016 actuarial valuation of the Scheme<sup>3</sup> to estimate the cost of the legacy scheme benefits (as a percentage of pensionable pay) and the cost of the reformed scheme benefits of the Police Pension Schemes (Scotland), at each age.



\* The line for ‘1987 Scheme’ starts at age 29, as accordingly to the data, there were no members of age 25-28 in the 1987 Scheme as at 31 March 2016 that were eligible for Remedy.

<sup>3</sup> Further information on the assumptions are detailed in our report [“Police Pension Schemes \(Scotland\) - Actuarial valuation as at 31 March 2016: Advice on assumptions”](#) of 15 February 2019.

- 2.21. Please note that this is a high-level assessment. 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).
- 2.22. As a result, 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.**
- 2.23. Broadly speaking, however, this analysis indicates that, under the assumptions chosen, the overall benefits in the legacy schemes have a higher actuarial value, compared to the reformed scheme benefits, at all ages.
- 2.24. Therefore, this would suggest that
- There are likely to be many scenarios where those members who accrued reformed 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 reformed scheme benefits at the point at which they are asked to make a choice.
- 2.25. Accordingly, this would imply Unprotected and Tapered Protected members are more likely to benefit from being offered a choice of either legacy or reformed scheme benefits in the Remedy Period, compared to Protected members.
- 2.26. In this report, we have therefore analysed the protected characteristics of the eligible Unprotected and Tapered Protected members, and compared these to the protected characteristics of the Protected members.
- 2.27. 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 likely to benefit from being offered a choice of benefits in the Remedy Period are/were accruing benefits in:

|   |                   | Number of members |
|---|-------------------|-------------------|
| <b>Eligible Unprotected and Tapered Protected members</b> | Unprotected       | 8,162             |
|   | Tapered Protected | 2,313             |
|   | <b>Total</b>      | <b>10,475</b>     |
| <b>Eligible Protected members</b>                         |                   | <b>3,614</b>      |
| <b>Total Eligible members</b>                             |                   | <b>14,089</b>     |

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|                                   | 1987 Scheme            | 2006 Scheme           | Total                  |
|-----------------------------------|------------------------|-----------------------|------------------------|
| <b>Eligible Unprotected</b>       | 4,039                  | 4,123                 | <b>8,162</b>           |
| <b>Eligible Tapered Protected</b> | 2,060                  | 253                   | <b>2,313</b>           |
| <b>Total</b>                      | <b>6,099</b><br>(64%)* | <b>4,376</b><br>(97%) | <b>10,475</b><br>(74%) |
| <b>Eligible Protected</b>         | <b>3,494</b><br>(36%)  | <b>120</b><br>(3%)    | <b>3,614</b><br>(26%)  |
|                                   | <b>9,593</b>           | <b>4,496</b>          | <b>14,089</b>          |

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

2.28. This analysis identifies that:

- Around 65% of 1987 Scheme members and 97% of 2006 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.
- It is to be expected that there would be a higher proportion of the eligible members who had accrued benefits in the 2006 scheme benefitting, as it reflects there being a lower proportion of Protected members within the 2006 Scheme population.

## Assessing Protected Characteristics: Data Used

2.29. Data on sex and age (and service, 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.

2.30. 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 (and specifically for police officers for certain characteristics) is available for certain protected characteristics and has been used. Given the recent participation rate in the Police Pension Schemes (Scotland) is of the order of 91%<sup>4</sup> (Source: SPPA), we believe this represents a reasonable approximation to the membership of the Scheme.

<sup>4</sup> From participation rate information over the period Q1 2020/21 to Q3 2022/23, provided by SPPA to the Scheme Advisory Board

## 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 Police 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                   | 4%                 | - *                                | 27%                                    |
| 25-29                   | 13%                | 8%                                 | 44%                                    |
| 30-34                   | 16%                | 16%                                | 17%                                    |
| 35-39                   | 17%                | 19%                                | 8%                                     |
| 40-44                   | 17%                | 20%                                | 3%                                     |
| 45-49                   | 21%                | 25%                                | 2%                                     |
| 50-54                   | 10%                | 12%                                | -                                      |
| 55-59                   | 1%                 | 2%                                 | -                                      |
| <b>Total</b>            | <b>16,599</b>      | <b>14,089</b>                      | <b>2,510</b>                           |

\* Note this is not actually zero, but denoted '-' as less than 1%  
Due to rounding, numbers in each column may not add to 100%

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3.5. This analysis identifies that:

- Most of the active scheme population is between ages 25 and 49 (c. 85%).
- Most members eligible to choose between legacy and reformed scheme benefits in the Remedy Period are between ages 30 to 49 as at 31 March 2016 (c. 80%).
- Most members not eligible to choose between legacy and reformed scheme benefits are between ages 20 to 34 as at 31 March 2016 (c. 90%).
- Members eligible to choose between legacy and reformed scheme benefits are therefore generally older than the overall active membership. This is to be expected as the majority of new joiners since 1 April 2012 are expected to be below age 30, and these members are not eligible for Remedy.

3.6. 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:

|              | 1987 Scheme | 2006 Scheme | Total      |
|--------------|-------------|-------------|------------|
| <b>25-29</b> | 4%          | 96%         | <b>8%</b>  |
| <b>30-34</b> | 23%         | 77%         | <b>16%</b> |
| <b>35-39</b> | 66%         | 34%         | <b>19%</b> |
| <b>40-44</b> | 84%         | 16%         | <b>20%</b> |
| <b>45-49</b> | 93%         | 7%          | <b>25%</b> |
| <b>50-54</b> | 94%         | 6%          | <b>12%</b> |
| <b>55-59</b> | 95%         | 5%          | <b>2%</b>  |

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

3.7. This analysis identifies that:

- At ages 25 - 34, the majority of members eligible to be offered a choice of benefits in the Remedy Period, have accrued benefits in the 2006 Scheme.
- At ages 35 - 59, the majority of members eligible to be offered a choice of benefits in the Remedy Period, have accrued benefits in the 1987 Scheme.

3.8. 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 (i.e. younger members are more likely to be in the 2006 Scheme).

3.9. The following table sets 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      |
|--------------|---------------------|---------------------------|-------------------|------------|
| <b>25-29</b> | 100%                | -                         | -                 | <b>8%</b>  |
| <b>30-34</b> | 98%                 | 2%*                       | -                 | <b>16%</b> |
| <b>35-39</b> | 100%                | -                         | -                 | <b>19%</b> |
| <b>40-44</b> | 75%                 | 20%                       | 5%                | <b>20%</b> |
| <b>45-49</b> | 4%                  | 50%                       | 46%               | <b>25%</b> |
| <b>50-54</b> | -                   | -                         | 100%              | <b>12%</b> |
| <b>55-59</b> | -                   | -                         | 100%              | <b>2%</b>  |

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.

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

\* Having re-checked, this correctly reflects the information in the data supplied to us by SPPA.

3.10. This analysis identifies that:

- Of the eligible members aged 40 or below, the vast majority are Unprotected members. Of the members above aged 50 and above, all are Protected members.
- As expected, Tapered Protected members fall mainly within the 45-49 age group.

3.11. 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).

3.12. **Commentary on analysis:**

*As illustrated above, members eligible to choose between legacy and reformed scheme benefits are older than the overall active member population, and older than those members not eligible for 2015 Remedy. As expected, the eligible members in the 2006 Scheme are younger than those eligible for 2015 Remedy in the 1987 Scheme. The Protected members are much older than the Unprotected and Tapered members.*

*The [EqIA](#) 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**

3.13. The following table sets out the age profile of all active members in the Police 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 likely to benefit from being offered a choice of benefits in the Remedy Period (i.e. Eligible Unprotected and Tapered Protected Members):

|              | Actives<br>Members as at<br>31 March 2016 | Active<br>members<br>Eligible for<br>Choice | Eligible<br>Unprotected and<br>Tapered<br>Protected<br>Members | Eligible<br>Protected<br>Members |
|--------------|---|---|--|----------------------------------|
| <b>20-24</b> | <b>4%</b>                                 | -   | -  | -                                |
| <b>25-29</b> | <b>13%</b>                                | 8%  | 10%  | -                                |
| <b>30-34</b> | <b>16%</b>                                | 16%   | 21%  | -                                |
| <b>35-39</b> | <b>17%</b>                                | 19%   | 25%  | -                                |
| <b>40-44</b> | <b>17%</b>                                | 20%   | 25%  | 4%                               |
| <b>45-49</b> | <b>21%</b>                                | 25%   | 18%  | 45%                              |
| <b>50-54</b> | <b>10%</b>                                | 12%   | -  | 45%                              |
| <b>55-59</b> | <b>1%</b>                                 | 2%  | -  | 6%                               |
| <b>Total</b> | <b>16,599</b>                             | <b>14,089</b>                               | <b>10,475</b>  | <b>3,614</b>                     |

3.14. This analysis identifies that:

- Although we have identified that younger members are less likely to be eligible to make a choice of legacy and reformed scheme benefits, of those that are eligible, younger members are more likely to benefit from being offered this choice.

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



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- 3.16. The following table sets 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), but split by applicable legacy scheme:

|              | 1987 Scheme  | 2006 Scheme  | Total         |
|--------------|--------------|--------------|---------------|
| <b>25-29</b> | 4%           | 96%          | <b>10%</b>    |
| <b>30-34</b> | 23%          | 77%          | <b>21%</b>    |
| <b>35-39</b> | 66%          | 34%          | <b>25%</b>    |
| <b>40-44</b> | 84%          | 16%          | <b>25%</b>    |
| <b>45-49</b> | 87%          | 13%          | <b>18%</b>    |
| <b>50-54</b> | -            | -            | -             |
| <b>55-59</b> | -            | -            | -             |
| <b>Total</b> | <b>6,099</b> | <b>4,376</b> | <b>10,475</b> |

- 3.17. This analysis identifies that:

- At ages 25 - 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 Scheme.
- 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 1987 Scheme.

- 3.18. This is as expected and consistent with analysis in 3.7.

- 3.19. **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. Furthermore, younger members are more likely to be a member of the 2006 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 1987 scheme before age 55***

### *Background*

- 3.20. 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.
- 3.21. 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.
- 3.22. 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.
- 3.23. 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.
- 3.24. It has therefore been suggested 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.

### *Relevance for this Analysis*

- 3.25. As previously highlighted, our analysis has concluded that we expect that many members who previously accrued benefits in the 1987 Scheme (and indeed the 2006 Scheme), will choose to build up legacy scheme benefits until 2022.
- 3.26. Therefore, the 1987 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 Police Pension Schemes (Scotland) before age 25 and who had less than 24 years' service as at 31 March 2016 may be impacted by this.

- 3.27. 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.
- 3.28. 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 sex<sup>5</sup> 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 Police 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 |
|----------------|---------------------------------------|--|--|
| <b>Males</b>   | 71%                                   | <b>71%</b>   | 68%  |
| <b>Females</b> | 29%                                   | <b>29%</b>   | 32%  |
| <b>Total</b>   | <b>16,599</b>                         | <b>14,089</b>  | <b>2,510</b>   |

<sup>5</sup> The Equalities 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.

4.5. This analysis identifies that:

- The majority of active members are male, and so too are the majority of active members who are eligible to choose between reformed and legacy scheme benefits over the Remedy Period.
- The percentage of the eligible members who are male is the same as the percentage of the overall scheme population who are male (71%).
- The percentage of the members not eligible to choose between reformed and legacy scheme benefits over the Remedy Period who are female is slightly higher than the percentage of female members eligible to make this choice. 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:

|                | 1987 Scheme  | 2006 Scheme  | Total         |
|----------------|--------------|--------------|---------------|
| <b>Males</b>   | 73%          | 66%          | <b>71%</b>    |
| <b>Females</b> | 27%          | 34%          | <b>29%</b>    |
| <b>Total</b>   | <b>9,593</b> | <b>4,496</b> | <b>14,089</b> |

4.7. This analysis identifies that:

- The percentage of eligible members who are females and accruing/have accrued benefits in the 2006 Scheme, is more than the percentage in the overall eligible member population, or percentage accruing/have accrued benefits in the 1987 Scheme.

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         |
|----------------|---------------------|---------------------------|-------------------|---------------|
| <b>Males</b>   | 66%                 | 73%                       | 81%               | <b>71%</b>    |
| <b>Females</b> | 34%                 | 27%                       | 19%               | <b>29%</b>    |
| <b>Total</b>   | <b>8,162</b>        | <b>2,313</b>              | <b>3,614</b>      | <b>14,089</b> |

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.*

*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 1987 Scheme than in the overall eligible member population.*

*There is also a much 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 Police 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 likely to benefit from being offered a choice of benefits in the Remedy Period (i.e. Eligible Unprotected and Tapered 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 |
|----------------|---------------------------------------|--|--|----------------------------|
| <b>Males</b>   | 71%                                   | <b>71%</b>   | 68%  | 81%                        |
| <b>Females</b> | 29%                                   | <b>29%</b>   | 32%  | 19%                        |
| <b>Total</b>   | <b>16,599</b>                         | <b>14,089</b>  | <b>10,475</b>                                      | <b>3,614</b>               |

- 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 more likely to be female than the general eligible member population.
- They are also more likely to be female than the eligible Protected member population, where members are less likely to choose alternative benefits to those which they had accrued prior to 2015 Remedy.

- 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:

|                | 1987 Scheme  | 2006 Scheme  | Total         |
|----------------|--------------|--------------|---------------|
| <b>Males</b>   | 69%          | 66%          | <b>68%</b>    |
| <b>Females</b> | 31%          | 34%          | <b>32%</b>    |
| <b>Total</b>   | <b>6,099</b> | <b>4,376</b> | <b>10,475</b> |

4.14. This analysis identifies that:

- Those members who are most likely to benefit from being offered a choice of benefits in the Remedy Period, and who have previously accrued benefits in the 2006 Scheme, are more likely to be female than the general eligible member population.

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 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 |
|-------------------------|---------------------------------------|--|--|
| <b>20-24</b>            | <b>68%</b>                            | -  | 67%  |
| <b>25-29</b>            | <b>66%</b>                            | 64%  | 68%  |
| <b>30-34</b>            | <b>66%</b>                            | 66%  | 70%  |
| <b>35-39</b>            | <b>66%</b>                            | 66%  | 61%  |
| <b>40-44</b>            | <b>67%</b>                            | 67%  | 69%  |
| <b>45-49</b>            | <b>77%</b>                            | 77%  | 70%  |
| <b>50-54</b>            | <b>82%</b>                            | 82%  | -  |
| <b>55-59</b>            | <b>91%</b>                            | 91%  | -  |

4.17. This analysis identifies that:

- The percentage of the active member population that is male is greater at older ages. Accordingly, the overall percentage of members eligible to make a choice of benefits in the Remedy Period, and who are male, is also greater at older ages.

- The percentage of members who are not eligible to make a choice of benefits in the Remedy period and who are males, is broadly consistent with the overall scheme population at those ages.

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, since we have seen that they are more likely to be older.*

**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 Police Pension Schemes (Scotland) as at 31 March 2016, the active members eligible for remedy and those we have estimated are most likely to benefit from being offered a choice of benefits in the Remedy Period (i.e. Eligible Unprotected and Tapered 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                   | 68%                                   | -                                    | -  | -                          |
| 25-29                   | 66%                                   | 64%                                  | 64%  | -                          |
| 30-34                   | 66%                                   | 66%                                  | 66%  | -                          |
| 35-39                   | 66%                                   | 66%                                  | 66%  | -                          |
| 40-44                   | 67%                                   | 67%                                  | 67%  | 66%                        |
| 45-49                   | 77%                                   | 77%                                  | 76%  | 79%                        |
| 50-54                   | 82%                                   | 82%                                  | -  | 82%                        |
| 55-59                   | 91%                                   | 91%                                  | -  | 91%                        |

- 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, and who are male, is consistent with the overall scheme population and the eligible member population.
- Similarly, 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 also consistent with the overall scheme population and the eligible member population.

4.21. **Commentary on analysis:**

*The above analysis supports the previous comments that members who are more likely to benefit from being offered a choice are more likely to be female, since they are more likely to be the younger members within the eligible member population.*



## 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.<sup>6</sup> 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<br>as at 31 March 2016 | Eligible members<br>as at 31 March<br>2016 | Members NOT<br>eligible as at<br>31 March 2016 |
|------------------|--|--|--|
| <b>Full-time</b> | 94%                                      | 93%  | 99%  |
| <b>Part-time</b> | 6%                                       | 7%   | 1%   |
| <b>Total</b>     | <b>16,599</b>                            | <b>14,089</b>                              | <b>2,510</b>                                   |

- 4.24. Of the 928 members as at 31 March 2016 who are eligible to choose benefits in the Remedy Period and who work part-time:
- 872 are female (94%)
  - 697 are accruing benefits in the 1987 scheme (75%).
- 4.25. This analysis identifies that:
- The percentage of those members eligible to choose benefits in the Remedy Period, and working work part-time, is marginally more than the overall active member population who work part-time.
  - The percentage of those members not eligible to choose benefits in the Remedy Period, who work part-time, is much less than the overall active member population who work part-time.
  - Of those members who are eligible to choose benefits in the Remedy Period and who work part-time, the percentage that are female (94%) is much higher than percentage of overall active member population that is female (29%) and the percentage of the eligible member population that is female (29%).
- 4.26. **Commentary on analysis:**  
*Based on the above analysis, members eligible to choose benefits in the Remedy Period are marginally more likely to work part-time. Members not eligible to choose benefits in the Remedy Period are less likely to work part-time.*

<sup>6</sup> <https://www.closesthegap.org.uk/content/gap-statistics/>

**Members benefitting from choice of benefits in the Remedy Period**

4.27. We have also set out below the percentage of part time workers, for all active members in the Police Pension Schemes (Scotland) as at 31 March 2016, the active members eligible for remedy and those we have estimated are most likely to benefit from being offered a choice of benefits in the Remedy Period (i.e. Eligible Unprotected and Tapered 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 |
|------------------|---------------------------------------|--------------------------------------|--|----------------------------|
| <b>Full-time</b> | <b>94%</b>                            | <b>93%</b>                           | 92%  | 97%                        |
| <b>Part-time</b> | <b>6%</b>                             | <b>7%</b>                            | 8%   | 3%                         |
| <b>Total</b>     | <b>16,599</b>                         | <b>14,089</b>                        | <b>10,475</b>                                      | <b>3,614</b>               |

4.28. Of the 831 members as at 31 March 2016 who are eligible to choose benefits in the Remedy Period and most likely to benefit from being offered this choice, and work part-time:

- 781 are female (94%)
- 601 are accruing benefits in the 1987 scheme (72%).

4.29. 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 marginally more than the overall active member population and the eligible member population 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 (94%) is much higher than the percentage of overall active member population that is female (29%) and the percentage of the eligible member population that is female (29%).
- The percentage of the Protected members eligible to choose benefits in the Remedy Period who work part-time, is much lower than the overall member population that is eligible to make this choice and who work part-time.

4.30. **Commentary on analysis:**

*Based on the above analysis, members expected to be most likely to benefit from being offered a choice of benefit in the Remedy Period (Unprotected and Tapered Protected members), are marginally more likely to be part-time than the overall eligible population.*

*However, eligible Unprotected and Tapered Protected members are more likely to work part-time than Protected members who are expected to be less likely to benefit from being offered this choice.*

## 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 Police Authority. Data in relation to serving police officers is, in most cases, separately identified. Given the current participation rate in the Police Pension Schemes (Scotland) is of the order of 91%<sup>7</sup> (Source: SPPA), it is our view that the overall statistics in relation to serving police officers 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 police officers at 31 March 2012, compares with the characteristics of the serving police officers 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 police officers after 31 March 2015, to understand if any trends over the period between 31 March 2012 and 31 March 2015 are sustained.
- 5.7. We initially explored information that was publicly available in the following sources:
  - See page 40 to 47 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](http://mainstreaming-report-2017-2019.pdf) ([scotland.police.uk](http://scotland.police.uk))

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<sup>7</sup> From participation rate information over the period Q1 2020/21 to Q3 2022/23, provided by SPPA to the Scheme Advisory Board.

- See this report for information as at 31 March 2020: [Police Scotland Equality and Diversity Employment Monitoring Report 2019/20](#)

5.8. The Equality, Diversity and Inclusion team in the Scottish Police Authority also provided us with data as at 31 March 2015 (earliest date this particular team holds equality data) and as at 31 March 2022. Further information on the data provided is included in Appendix B. This information was used to supplement the data available from the publicly available source noted above.

## Disability

5.9. The table below sets out the proportion of police officers reporting a disability, based on data between 2010 and 2022:

| 31 March 2010 | 28 February 2013 | 31 March 2015 | 31 March 2018 | 31 March 2020 | 31 March 2022 |
|---------------|------------------|---------------|---------------|---------------|---------------|
| 2%            | 3%               | 2%            | 3%            | 3%            | 3%            |

5.10. The proportion of police officers reporting a disability appears to have remained broadly unchanged over the period 2010 to 2015 (and beyond).

5.11. 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 a disability compared with the overall scheme population.

5.12. The information available is not detailed enough to analyse the characteristics of those members most likely to benefit from being offered a choice of benefits in the Remedy Period.

## Religion or Belief

5.13. The table below sets out the proportion of police officers identifying as “none” with regards to religion between 2010 and 2022:

|  | 31 March 2010 | 28 Feb. 2013 | 31 March 2015 | 31 March 2018 | 31 March 2020 | 31 March 2022 ** |
|--|---------------|--------------|---------------|---------------|---------------|------------------|
| <b>Christian Religions</b> <sup>8</sup>    | Not available | 40%          | 44%           | 35%           | 33%           | 31%              |
| <b>Other Religions/ Other</b> <sup>9</sup> | 1%            | 5%*          | <2%           | 2%            | 2%            | 2%               |
| <b>None</b>                                | Not available | 32%          | 38%           | 46%           | 48%           | 52%              |
| <b>Choose not to disclose</b>              | 13%           | 13%          | 14%           | 16%           | 14%           | 13%              |
| <b>Not recorded/ Unknown</b>               | Not available | 10%*         | 2%            | 1%            | 3%            | 1%               |

\* This information appears unusual/inconsistent compared to the data in relation to the other years reported. On this basis, and due to a lack of available additional data for verification, we have opted to disregard this figure from our analysis below.

\*\* We note the figures in this column do not sum to 100%. This reflects the information provided to us by the Scottish Police Authority.

- 5.14. There is an increasing proportion of police officers identifying as “none” with regards to religion over the period 2010 to 2015 (and beyond).
- 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) might be more likely to class themselves as having a religion or belief, compared with the overall scheme population.
- 5.16. The proportion of police officers identifying as “other religions” or “other” with regards to religion or belief, has increased slightly over the period 2010 to 2022.
- 5.17. 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 less likely to identify as “all other religions” or “other” with regards to religion, compared with the overall scheme population.

<sup>8</sup> ‘Christian Religions’ include those who have self-classified as Church of Scotland, Roman Catholic or Other Christian.

<sup>9</sup> ‘Other religions’ include those who have self-classified as Buddhist, Hindu, Jewish, Muslim and Sikh. ‘Other’ include those who have self-classified as a specific religion or belief which was not specified within the options available.

- 5.18. The information available is not detailed enough to analyse the characteristics of those members most likely to benefit from being offered a choice of benefits in the Remedy Period.

## Sexual orientation

- 5.19. The table below sets out the proportion of police officers identifying as lesbian/gay/bisexual (LGB) at each date shown.

| 31 March 2010 | 28 February 2013 | 31 March 2015 | 31 March 2018 | 31 March 2020 | 31 March 2022 |
|---------------|------------------|---------------|---------------|---------------|---------------|
| 1%            | 2%               | 2%            | 3%            | 3%            | 4%            |

- 5.20. There is an increasing proportion of police officers identifying as LGB over the period 2010 to 2022.
- 5.21. 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 be LGB compared with those not eligible to make a choice. (Although we acknowledge this may reflect individuals being more open about their actual sexual orientation in recent years).
- 5.22. The information available is not detailed enough to analyse the characteristics of those members most likely to benefit from being offered a choice of benefits in the Remedy Period.

## Race/Ethnicity

- 5.23. The table below sets out the proportion of police officers identifying as Black and Minority Ethnic (BME) in recent years.

| 31 March 2010 | 28 February 2013 | 31 March 2015 | 31 March 2018 | 31 March 2020 | 31 March 2022 |
|---------------|------------------|---------------|---------------|---------------|---------------|
| 1% *          | 1% *             | 1%            | 1%            | 1%            | 1.6%          |

\* The available categories for selection appear to have been different in the compilation of the 2010 and 2013 workforce statistics, compared to that at more recent time points. The 2010 and 2013 figures shown above relate to the proportion of individuals self-identifying as 'Minority Ethnic' in these periods. This may mean that these figures may be inconsistent with that in other periods, so some caution should be exercised when cross comparing. When referencing this categorisation of self-identification below, we have used the used the current category title of Black and Minority Ethnic (BME)

- 5.24. The proportion of police officers identifying as BME appears to have remained broadly unchanged between 2010 and 2020, and then increased between 2020 and 2022 (although we acknowledge that the inconsistent rounding/ decimal places that have been displayed, has meant that the extent of the increase is not clear).

- 5.25. Given there has not been a trend of an increasing proportion of staff identifying as BME over 2010 to 2015 (and beyond), it is difficult to draw any meaningful conclusions about what this could mean in relation to the characteristics of the members eligible to make a choice of legacy or reformed scheme benefits over the Remedy Period.

## Gender reassignment

- 5.26. The Scottish Police Authority collect data in relation to Transgender Identity, but due to the small number of individuals who identify as Yes to the question “*Do you currently or have you previously considered yourself as transgender?*”, the profile is provided as one overall profile for all staff groups, not just police officers.
- 5.27. The table below set out the proportion of police officers, police staff and special constables identifying as Transgender at each date shown.

| 31 March 2010 | 28 February 2013 | 31 March 2015 | 31 March 2018 | 31 March 2020 | 31 March 2022 |
|---------------|------------------|---------------|---------------|---------------|---------------|
| Not available | Not available    | <1%           | <1%           | <1%           | <1%           |

- 5.28. The proportion of the overall workforce identifying as Transgender has remained unchanged over 2015 to 2022.
- 5.29. 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 be transgender compared with the overall scheme population.

## Pregnancy and maternity

- 5.30. The Scottish Police Authority have confirmed that “*there is no specific equality and diversity data held in relation to maternity, other than the pattern is generally around 7-9% p.a. and has remained fairly stable in recent years*”.
- 5.31. 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. There is no available data on these protected characteristics in relation to the Police (Scotland) workforce or Police Pension Schemes (Scotland) membership.

# 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.

## 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 [“Police Pension Schemes \(Scotland\) - Actuarial valuation as at 31 March 2016: Advice on assumptions”](#) of 15 February 2019.



## Appendix B: Workforce Data

- The data set out below, was provided by the Equality & Diversity Team, in the Scottish Police Authority, in November 2022.
- Unless otherwise stated, it relates to police officers only. Data as at 31 March 2015 and as at 31 March 2022 has been provided. The earliest date this team held data was as at 31 March 2015.

### 1. Disability

| Police Officers        | 31/03/2015 |        | 31/03/2022 |        |
|------------------------|------------|--------|------------|--------|
| Disability             | %          | No:    | %          | No:    |
| Yes                    | 2%         | 383    | 3%         | 589    |
| No                     | 90%        | 15,790 | 86%        | 14,698 |
| Choose not to Disclose | 6%         | 1,019  | 9%         | 1,527  |
| Not Recorded           | 2%         | 358    | 1%         | 226    |

### 2. Religion or Belief

| Police Officers        | 31/03/2015 |       | 31/03/2022 |       |
|------------------------|------------|-------|------------|-------|
| Religion or Belief     | %          | No:   | %          | No:   |
| None                   | 38%        | 6,759 | 52%        | 8,783 |
| Church of Scotland     | 29%        | 5,095 | 18%        | 3,134 |
| Roman Catholic         | 12%        | 2,069 | 11%        | 1,899 |
| Other Christian        | 3%         | 514   | 2%         | 397   |
| All Other Religions    | <1%        | 124   | 1%         | 167   |
| Other                  | 1%         | 189   | 1%         | 184   |
| Choose not to disclose | 14%        | 2,424 | 13%        | 2,232 |
| Not Recorded           | 2%         | 376   | 1%         | 244   |

### 3. Sexual orientation

| Police Officers                   | 31/03/2015 |        | 31/03/2022 |        |
|-----------------------------------|------------|--------|------------|--------|
| Sexual Orientation                | %          | No:    | %          | No:    |
| <b>Lesbian/Gay/Bisexual (LGB)</b> | 2%         | 416    | 4%         | 683    |
| <b>Heterosexual</b>               | 85%        | 14,908 | 82%        | 14,053 |
| <b>Choose not to Disclose</b>     | 10%        | 1,800  | 12%        | 2,063  |
| <b>Other</b>                      | <1%        | 52     | 0%         | 0      |
| <b>Not Recorded</b>               | 2%         | 374    | 1%         | 241    |

### 4. Race/Ethnicity

Due to some ethnic origin categories having very small numbers they have been categorised as follows.

**BME** - Mixed or Multiple Ethnic Group, Asian Pakistani, Asian Indian, Asian Bangladeshi, Asian Chinese, Asian Other, African, African Other, Caribbean, Black, Caribbean or Black Other, Arab and Other Ethnic Group.

**All Other White British** - White English, White Northern Irish, White Welsh and White Other British.

**White Minority** - White Irish, White Gypsy/Traveller, White Polish and White Other.

| Police Officers                | 31/03/2015 |        | 31/03/2022 |        |
|--------------------------------|------------|--------|------------|--------|
| Ethnic Origin                  | %          | No:    | %          | No:    |
| <b>White Scottish</b>          | 83%        | 14,517 | 79.50%     | 13,547 |
| <b>All Other White British</b> | 8%         | 1,463  | 8.44%      | 1,439  |
| <b>White Minority</b>          | 1%         | 226    | 2.21%      | 376    |
| <b>BME</b>                     | 1%         | 213    | 1.62%      | 276    |
| <b>Choose not to Disclose</b>  | 4%         | 765    | 6.86%      | 1,169  |
| <b>Not Recorded</b>            | 2%         | 366    | 1.37%      | 233    |

## 5. Gender reassignment

Data is collected in relation to Transgender Identity and due to the small number of individuals who identify as Yes to the following question “Do you currently or have you previously considered yourself as transgender?”, the profile is provided as one overall profile for all staff groups.

| All Staff Groups              | 31/03/2022 |        | 31/03/2015 |        |
|-------------------------------|------------|--------|------------|--------|
| Transgender Identity          | %          | No:    | %          | No:    |
| <b>Yes</b>                    | <1%        | 24     | <1%        | 35     |
| <b>No</b>                     | 92%        | 21,225 | 92%        | 22,194 |
| <b>Choose not to Disclose</b> | 6%         | 1,336  | 4%         | 954    |
| <b>Not Recorded</b>           | 2%         | 386    | 4%         | 944    |

## 6. Pregnancy and maternity

Unfortunately, there is no specific equality and diversity data on maternity other than the pattern is generally around 7-9% p.a. and has remained fairly stable.

## 7. Marital and civil partnership status

The Scottish Police Authority do not undertake equality and diversity monitoring of marital or civil partnership status.

## 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.
- In preparing this report, GAD has relied on data and other information supplied by SPPA described in the report detailed above. Any checks that GAD has made on this information are limited to those described in the report, including any checks on the overall reasonableness and consistency of the data. These checks do not represent a full independent audit of the data supplied. In particular, GAD has relied on the general completeness and accuracy of the information supplied without independent verification.
- 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.