

Equality Impact Assessment

The Teachers' Pension Scheme (Scotland) (Amendment) Regulations 2024

Summary of Aims and Desired Outcomes of Policy

The Scottish Teachers' Pension Scheme (STPS) forms a key part of the teachers remuneration package in Scotland, providing a guaranteed income in retirement for members who have contributed to the scheme throughout their career.

These regulations will introduce a number of changes which intend to:

- Provide clarification over who is eligible for STPS membership
- Extend scheme eligibility to additional roles whose salaries are determined by the Scottish Negotiating Committee for Teachers but are currently unable to join the STPS
- Provide continuity of STPS membership where an individual moves from a teaching role into a researcher role, a secondment or supervisory / management roles.

Executive Summary

This Equalities Impact Assessment (EqIA) has been developed to accompany The Teachers' Pension Scheme (Scotland) (Amendment) Regulations 2024 and, as such, will consider the changes that these regulations will make to the STPS.

The primary purpose of the amendment regulations is to provide clarity over roles that are eligible for STPS membership. They will extend and align eligibility criteria with roles whose salaries are determined by the Scottish Negotiating Committee for Teachers but are currently ineligible to join the scheme. They will also provide continuity of membership should an individual move from a teaching role to a researcher role; a secondment; or supervisory / management roles.

In developing The Teachers' Pension Scheme (Scotland) (Amendment) Regulations 2024, SPPA acknowledge the three needs of the Public Sector Equality Duty as set out in Section 149 of the Equality Act 2010. This duty requires that when carrying out their activities, public authorities pay due regard to eliminating discrimination, advancing equality of opportunity, and fostering good relations between people who share a protected characteristic and those who do not.

The Equality Act 2010 identifies nine protected characteristics: (1) age; (2) disability; (3) gender reassignment; (4) marriage and civil partnership; (5) pregnancy and maternity; (6) race; (7) religion or belief; (8) sex; (9) sexual orientation. This EqIA considers the potential impact of the proposals on each group individually.

We are mindful that the equality duty is not just about mitigating or removing negative impacts, as we also have a duty to promote equality; we are, therefore, considering how best to work with employer groups and other key stakeholders to ensure that employees can be appropriately informed of the proposed changes. More broadly, fostering good relations is reflected in SPPA's strategic aim of delivering excellent services for our

members, and in the vision of helping to protect members' financial futures by giving them greater understanding and control of their pension.

Having considered the protected characteristics identified in the Equality Act, the assessment finds that the policy changes will not disproportionately benefit or harm protected groups, and will ensure that the scheme remains a valuable part of the reward package for all teachers in Scotland.

The equality duty is an ongoing one, and we will continue to monitor and update this assessment until the final amendment regulations are laid.

Background

The Scottish Teachers' Pension Scheme (STPS) continues to be an integral part of the remuneration package for teachers in Scotland. The Scheme offers the security of a guaranteed income in every year of retirement for all its members, on some of the most generous terms available from a pension scheme.

Membership of the scheme is provided for individuals who are employed by a participating employer, predominantly in a teaching role, and where they are between the ages of 16 and 75. Participating employers in the STPS include Local Authorities, Colleges, Universities, Independent and Special Schools.

The STPS regulations do not expressly define what a 'teaching role' is, however, traditionally it is expected to be frontline teaching and for timetabled classes or lectures to take up most of the role the individual performs.

There are circumstances where other individuals may be eligible for membership of the Scheme, without necessarily being directly engaged in a teaching role. In the legacy Scottish Teachers' Superannuation Scheme (STSS) individuals were previously described as 'organisers' and 'advisers'. The legacy STSS has now closed to active members from 1 April 2022, however, and the STPS does not include the term 'adviser'. This has led to uncertainty about who can be a member of the STPS.

Whilst scheme eligibility is clear for the majority of scheme members there are a number of areas where clarity is required and others which could usefully be updated to make them relevant to the present-day education system.

The consultation seeks views on proposals to prospectively amend the eligibility criteria for membership of the STPS with the aim of providing clarity on who can be a member of the scheme.

Scope of the EqIA

This EqIA considers the impact of The Teachers' Pension Scheme (Scotland) (Amendment) Regulations 2024 on people with one or more protected characteristics.

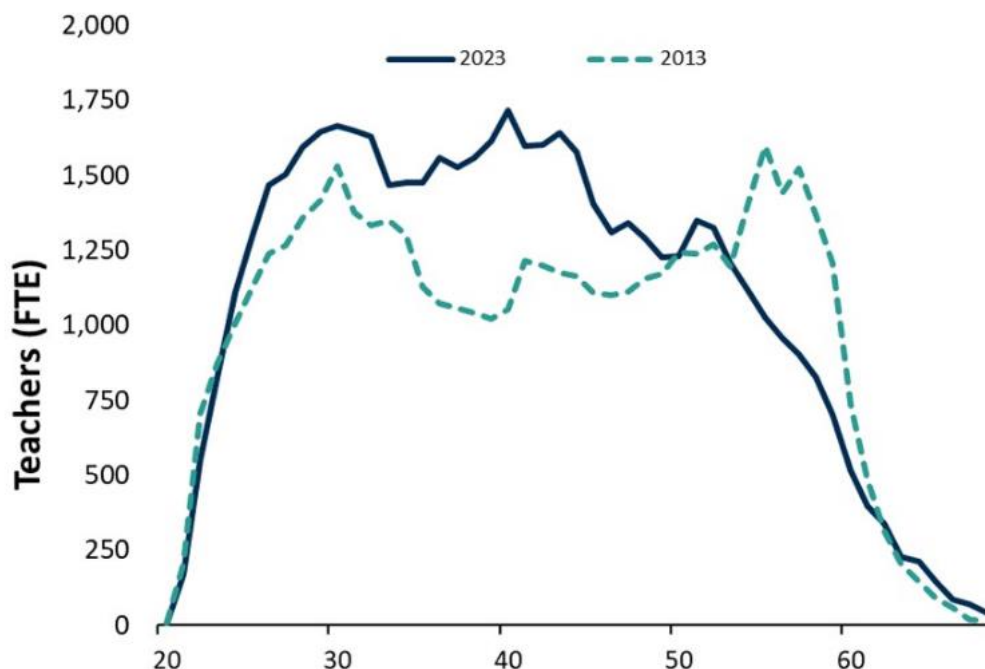
Key Findings

Age

The Scottish Government estimates that in 2023, the average age of teachers in Scotland was 41 years old, compared to 42 years old in 2013,

indicating a younger workforce on average. Further data indicates that across the same 10 year period, the age profile of teachers has changed as shown below, with more teachers aged between twenty and forty than in previous years, and a lower number of teachers in their fifties and sixties.

Chart 1: Age profile of teachers, Scotland, 2013 and 2023¹



While this trend may continue in the coming years due to societal and demographic changes, the primary age requirement that individuals can join the scheme between the ages of 16 and 75 years of age remains in place.

As the amendment regulations will make no changes to the ages at which employees can join or remain in the scheme, it will not restrict the ability of older employees to join the scheme; we therefore do not consider that the amendments to the regulations will disadvantage any employee on grounds of age.

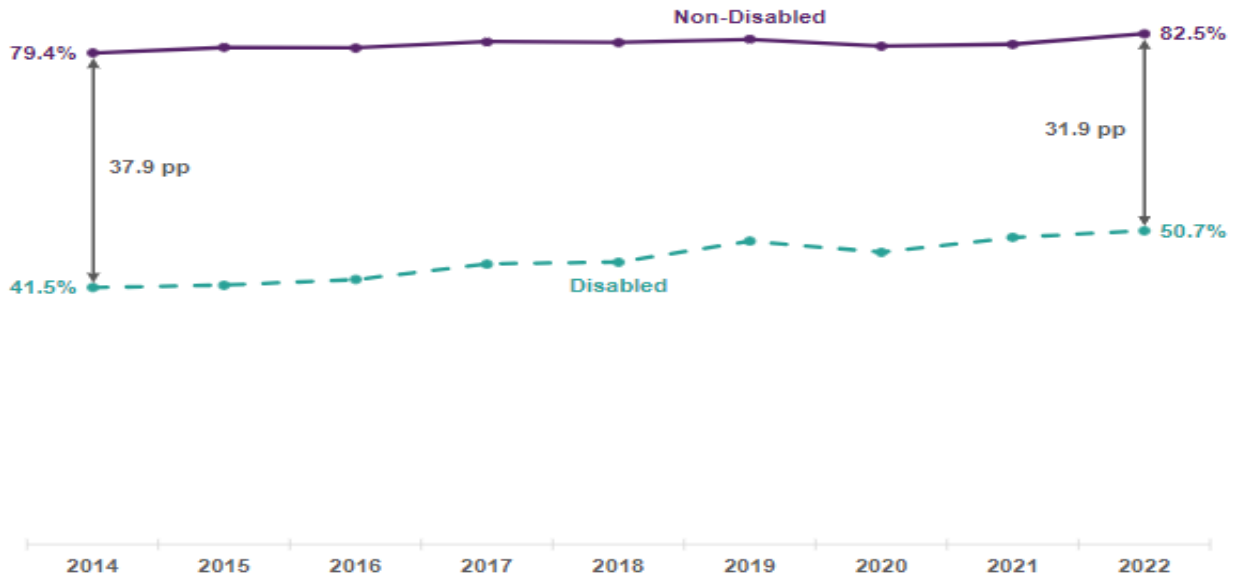
Disability

The Office for National Statistics (ONS) estimated that in 2022, approximately 436,400 disabled people in Scotland aged 16 to 64 were in employment, equating to an estimated employment rate among this group of 50.7%. While this was an increase from 49.6% in 2021, and the first time that employment had passed 50%, this remained significantly below employment rates of 82.5% across non-disabled groups.

Chart 2: Employment rate for disabled and non-disabled people in Scotland aged 16 to 64, 2014 to 2022 (all employment sectors)²

¹ Source: [Summary statistics for schools in Scotland 2023 - gov.scot \(www.gov.scot\)](https://www.gov.scot/summary-statistics-for-schools-in-scotland-2023)

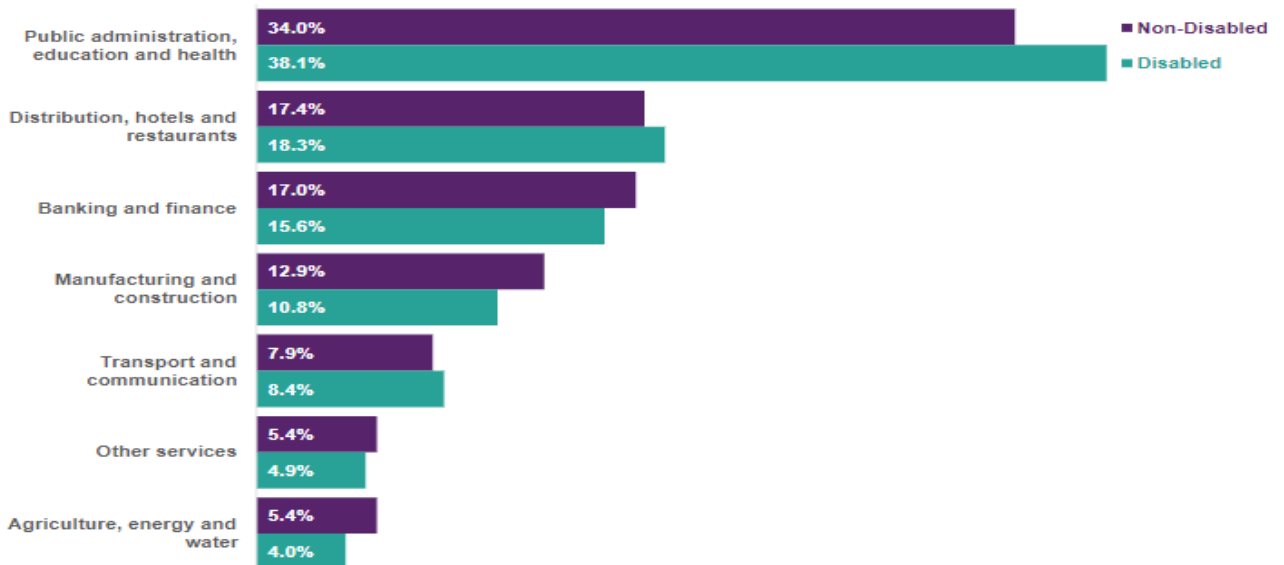
² Source: [Labour Market Statistics for Scotland by Disability: January to December 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/labour-market-statistics-for-scotland-by-disability)



While the figures are taken across all employment sectors and are not restricted to teaching roles only, this data demonstrates that increasing numbers of people with disabilities are entering the workforce.

When considered by employment sector, the data indicated that a larger proportion of disabled and non-disabled people aged from 16 to 64 worked in public administration, education and health than any other industry, with a higher proportion of disabled people in these industries than non-disabled people as seen in Chart 4.

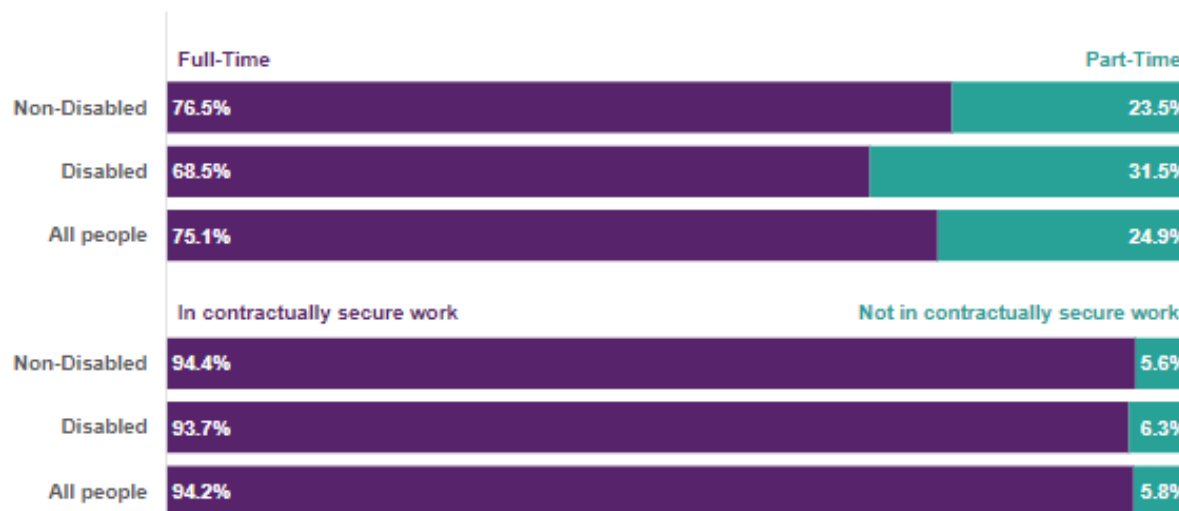
Chart 3: Employment by disability and industry, Scotland 2022³



³ Source: [Overview - Labour Market Statistics for Scotland by Disability: January to December 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultations-published/2022/01/20220101-overview-labour-market-statistics-for-scotland-by-disability-january-to-december-2022/)

While the percentage of disabled and non-disabled people in permanent, contractually secure employment was similar at 93.7% and 94.4% respectively, disabled people were more likely to work part-time, with 31.5% of disabled employees working part-time as opposed to 23.5% of non-disabled employees as shown in Chart 5.

Chart 4: Employment by disability and types of work, Scotland 2022⁴



The proposed amendments will apply to all employees regardless of disability, therefore we do not consider that anyone will be disadvantaged by the policy on grounds of disability. Additionally, given that disabled employees are more likely to be employed on a part-time basis than non-disabled individuals, the extended eligibility and additional clarity may serve to increase part-time employment levels and allow more disabled people to access permanent employment.

Race and Ethnicity

At approximately 92% of the workforce, White employees make up the largest ethnic group among teachers in Scotland, with White – Scottish the largest sub-group at 68%, 21% identifying as White – Other British and a further 3% identifying as White – Other. Approximately 2% of teachers in Scotland reported being from a minority ethnic group, while ethnicity was either not known or not disclosed for 6% of teachers as shown in Table 2 below.

⁴ Source: [Overview - Labour Market Statistics for Scotland by Disability: January to December 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultations-policies/economic/overviews/overview-labour-market-statistics-for-scotland-by-disability-january-to-december-2022)

Table 1: Teacher ethnicity by sector, Scotland, 2023 (% of FTE)⁵

Ethnicity	Primary	Secondary	Special	Centrally Employed	Total
White- Scottish	71	65	68	57	68
White - other British	20	22	19	25	21
White - other	2	4	6	5	3
Minority ethnic group	1	2	2	4	2
Not known	2	3	1	6	3
Not disclosed	3	4	4	4	3

As the proposed changes to scheme eligibility will apply to all members regardless of ethnicity, we do not believe that members will be adversely impacted on this basis.

Religion or belief, sexual orientation, gender reassignment and marital or civil partnership status

The information available was not detailed enough to analyse the characteristics with regards to religion or belief; sexual orientation; gender reassignment and marital or civil partnership status. Despite this, as the proposals will apply to all members equally, we do not believe that members will be adversely affected on any of these bases.

Sex

The proposals will apply to all members regardless of sex, however, the potential impact of the new proposals has been considered.

It is important to note, however, that sex and gender are two different concepts. A person’s gender identity is not always the same as their sex recorded at birth and some people may identify as not having a gender, or as non-binary. Under the Equality Act 2010, gender reassignment is also a protected characteristic and the potential impact of the proposals on this cohort have been considered.

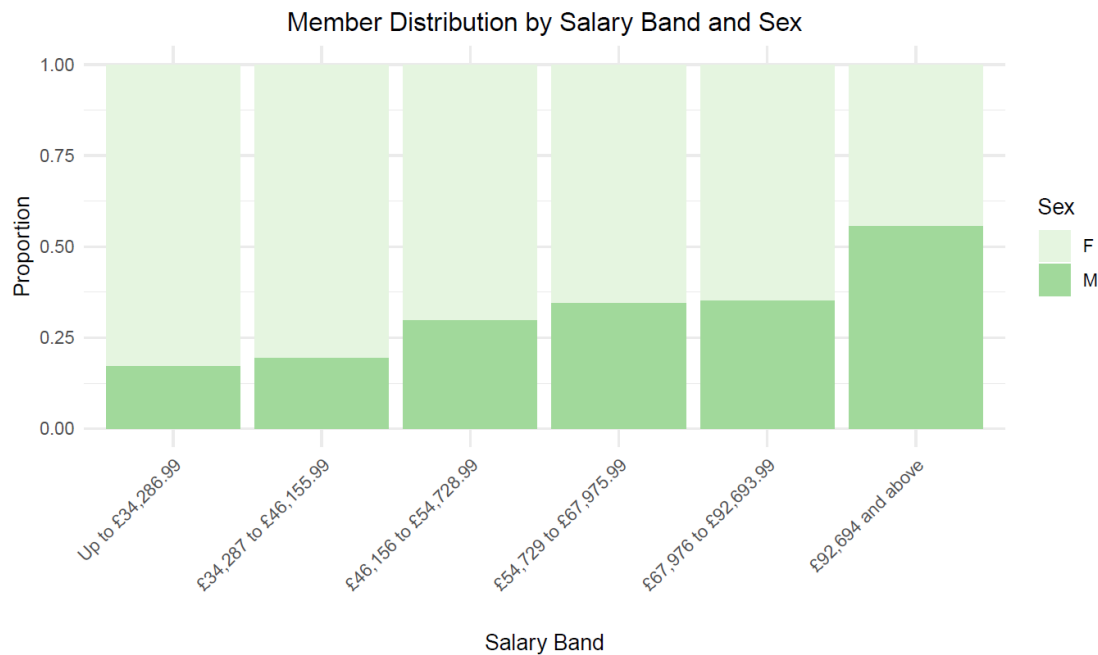
Analysis by the Scottish Government indicates that in 2023, females made up a significantly larger proportion of teaching staff than males, especially in Primary schools; while this trend continued across most sectors, the difference was smaller within Secondary schools. Further consideration of STPS salary data indicates that despite the higher proportion of teachers across most salary bandings being female, a larger proportion of males tended to be in the highest earning positions as outlined in Chart 2.

⁵ Source: [Summary statistics for schools in Scotland 2023 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/collections/documents/Summary-statistics-for-schools-in-Scotland-2023.pdf)

Table 2: Teacher sex by sector (percentage of FTE)⁶

Sex	Primary	Secondary	Special	Centrally Employed	Total
Female	89	65	78	83	77
Male	11	35	22	17	23

Chart 5: Member Distribution by Salary Band and Sex⁷



There is no data available on members whose gender identity is not the same as their sex at birth, or on Pregnancy or Maternity in relation to teachers in Scotland and STPS membership. The potential impact on members in this group has been considered however, and we do not believe that any member will be disadvantaged on grounds of sex, gender identity or pregnancy/maternity.

Conclusion

The EqIA process has identified that The Teachers' Pension Scheme (Scotland) (Amendment) Regulations 2024 have the potential to positively impact current, and future teachers across Scotland who share protected characteristics.

The regulations will [provide clarity on, and expand the roles which](#) are eligible to take up, or retain, membership of the Scottish Teachers' Pension Scheme, allowing more employees to take steps to safeguard their retirement with the guaranteed income offered by an STPS pension.

⁶ Source: [Summary statistics for schools in Scotland 2023 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/publications/2023/04/summary-statistics-for-schools-in-scotland-2023/)

⁷ Data from Government Actuaries' Department 2020 STPS scheme valuation as at 31 March 2024

Furthermore, as this will apply to all existing and future employees once the legislation has been implemented we conclude that the changes to scheme eligibility will not give rise to direct, or indirect, discrimination against individuals with protected characteristics.

A significant risk to the desired outcomes being achieved is if individuals are not aware of their potential entitlement to join the scheme. To ensure that awareness is raised among teaching staff, a communication and engagement strategy is being developed alongside the regulations which will include working with the Scheme Advisory Board and employer groups to ensure that appropriate signposting of the amendments and extended eligibility is made available.

As the equality duty is an ongoing one, we will continue to monitor and update the EqIA following the consultation, and as required until the final amendment regulations are laid.