

ARDS AND NORTH DOWN BOROUGH COUNCIL

Policy Screening Form

1.	Policy Reference (Equality use only)	E40
2.	Policy Name	Local Government Pension Scheme Policy Statement on Employer's Discretions
3.	Existing / Revised / New Policy	New
4.	Responsible Officer	Head of Human Resources and Organisational Development
5.	Description of policy to be screened	<p>Ards and North Down Borough Council is required to make, publish and keep under review a Statement of its Policy on the discretions, which it can exercise under the following regulations;</p> <ul style="list-style-type: none">• The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2007• The Local Government Pension Scheme Regulations (NI) 2014 (Note: applicable from 1 April 2015)• The Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (NI) 2014• The Local Government Pension Scheme (Administration) Regulations (NI) 2009 – in respect of leavers between 1 April 2009 and 31 March 2015• The Local Government Pension Scheme Regulations (NI) 2002 – in respect of leavers between 1 February 2003 and 31 March 2009• The Local Government Pension Scheme Regulations (NI) 2000 – in respect of leavers before 1 February 2003• The local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003.

	<p>Aims and Expected Outcomes – what is the Policy expected to achieve?</p>	<p>The purpose of this document is to provide the Council's policy on particular discretions permitted under the above listed regulations.</p> <p>The policy sets out the rationale and guiding principles under which the Council will exercise its discretions.</p> <p>In formulating this Policy Statement the Council has ensured that it's discretionary powers:</p> <ul style="list-style-type: none"> • have been exercised reasonably and equitably • will not be used for ulterior motive • will be used with regard to all relevant factors • will be duly recorded when used.
6.	<p>Section 75 categories which might be expected to benefit and how they may benefit.</p>	<p>All Section 75 categories will benefit from the clarity the policy provides.</p>
7.	<p>Factors which could contribute to / detract from the intended aims / outcomes of the Policy when being implemented</p>	<p>It is necessary to ensure consistency of policy delivery across the Council to ensure the intended aims and outcomes of this policy are achieved.</p>
8.	<p>The main stakeholders on which the policy will impact. For example, Employees, Potential Service Users and Community Groups</p> <p>Consider the internal and external impacts (either actual or potential) and comment, or list, information where appropriate</p>	<p>The Council, existing employees, potential employees, and service users.</p>

9.	Please provide details of other policies which have a bearing on this one.	
	E 13 Capability Policy E 36 Flexible Working Arrangements E 37 Managing Absence Policy and Procedure E 38 Dignity at Work Policy and Procedure	Owned by : Council

10.	Available evidence (quantitative and qualitative) considered as important to encourage completion in relation to :	
	Religious Belief	This policy is applied to all employees aged 55 years of age and over equitably irrespective of their Section 75 dimensions. The age limit is set within legislative pension regulations.
	Political Opinion	
	Racial Group	
	Age	
	Marital Status	
	Sexual orientation	
	Men & Women generally	
	Disability	
	Dependents	

11.	Based on data previously provided what are the needs, experiences and priorities for each of the following categories, in relation to this policy/decision?	
	Religious Belief	The policy and procedure sets out how all employees who meet the criteria of the policy will be treated equitably to ensure that all requests are treated in a consistent manner.
	Political Opinion	
	Racial Group	
	Age	
	Marital Status	
	Sexual orientation	
	Men & Women generally	
	Disability	
	Dependents	

Does this Policy require an Equality Impact Assessment?

1.	What is the likely impact on equality of opportunity for each of the Section 75 categories?		
		Detail of Impact	Level of Impact Minor/Major/None
	Religious Belief		None
	Political Opinion		None
	Racial Group		None
	Age	This policy can only be accessed by an employee 55 years of age and over due to legislative pension regulations.	Minor
	Marital Status		None
	Sexual orientation		None

	Men & Women generally		None
	Disability		None
	Dependents		None

2.	Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?		
		If "Yes", provide details	If "No", provide details
	Religious Belief	<p>Yes - this policy is accessible for employees who are 55 years of age or over defined by legislative pension regulations.</p> <p>In relation to accessing the policy there is an option within the Flexible Retirement policy Regulation 31 (6) which states; 'The Council will only consider requests for flexible retirement as a means to ease employees into full retirement for a period of normally no more than two years.'</p> <p>The potential impacts are;</p> <p>a. Direct discrimination on the grounds of age</p> <p>The concern is that the qualified restriction of not normally more than 2 years could be directly discriminatory as the Council is potentially requiring older people to resign within a specified time, thus contravening the Employment Equality (Age) Regulations (NI) 2006.</p> <p>b. Indirect discrimination on the grounds of age, dependents and disability</p> <p>Eg An older person with a disability or a special needs dependent</p> <p>If the employee wished to reduce hours and carry out some adjustments to their home to help disability/dependent, then flexible retirement would probably be the preferred choice financially (due to early pension), however indirect discrimination on the grounds of disability/dependents may be claimed due to the potentially limited time period of 2 years.</p> <p>The Council's Flexible Working Policy does not place a time restriction; on the contrary changes to working patterns are deemed permanent.</p>	
	Political Opinion		
	Racial Group		
	Age		
	Marital Status		
	Sexual orientation		
	Men & Women generally		
	Disability		
Dependents			

3.	To what extent is the Policy likely to impact on Good Relations between people of different religious belief, political opinion or racial group?		
		Details of Impact	Level of Impact Minor/Major/None
	Religious Belief	This policy is not intended to promote Good Relations.	
	Political Opinion		
Racial Group			

4.	Are there opportunities to better promote Good Relations between people of different religious belief, political opinion or racial group?		
		If "Yes" provide details	If "No" provide details
	Religious Belief	No	
	Political Opinion		
Racial Group			

Additional Considerations

	Multiple Identity Considerations	Details of Impact or potential impact (Positive/Negative)	
	Are there any potential impacts of the policy decision on people with multiple identities? (e.g. disabled minority ethnic persons)	Yes. Although the policy is based on pension regulations for employees of 55 years of age and over – it is anticipated that older employees who have caring responsibilities or have an acquired disability will be more likely to access the policy. This assertion is based on the opportunity to access pension funds, whilst the Flexible Working arrangements policy does not provide access to pension funds nor has it specified time restrictions.	
	Where appropriate provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.	The NISRA statistics indicate that 20% of the population of NI have a disability. As approximately 5% are born with a disability, the balance acquire a disability, the higher percentage being in the older age group. The NISRA statistics also indicate that 65% of carers in the North Down and Ards area are aged 50 or over, therefore the majority of carers are in the older age group.	
	Does this proposed policy provide an opportunity to:	Yes / No	Explain your reasoning:
	<ul style="list-style-type: none"> - <u>better promote positive attitudes</u> towards disabled people - <u>increase participation</u> by disabled people in public life 		<p>This policy is available to all employees aged 55 years and over.</p> <p>However, where an employee requires the financial support of this policy, as opposed to Flexible Working or Ill-health retirement, they may consider they are disadvantaged due to the potential restriction on the time period for flexible retirement.</p>

Monitoring Arrangements

Section 75 places a requirement on the Council to have equality monitoring arrangements in place in order to assess the impact of policies and services, help identify barriers to fair participation and to better promote equality of opportunity.

Outline what data you could collect in the future in order to monitor the impact of this policy / decision on <u>equality</u> , <u>good relations and disability duties</u>	Data on each applicant and each successful application in relation to the Section 75 data monitored on employees of the Council.
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Consideration of Human Rights

The Human Rights Act 1998 brings the European Convention on Human Rights (ECHR) into UK and, therefore, Northern Ireland. Indicate below any potential adverse impacts that the policy / decision may have in relation to human rights issues

Right to Life	Article 2	<input type="checkbox"/>
Prohibition to torture, inhuman or degrading treatment	Article 3	<input type="checkbox"/>
Prohibition of slavery and forced labour	Article 4	<input type="checkbox"/>
Right to Liberty and Security	Article 5	<input type="checkbox"/>
Right to a Fair and Public Trial	Article 6	<input type="checkbox"/>
Right to no punishment without due legal process	Article 7	<input type="checkbox"/>
Right to respect for private and family life, home and correspondence	Article 8	<input type="checkbox"/>
Right to freedom of thought, conscience and religion	Article 9	<input type="checkbox"/>
Right to freedom of Expression	Article 10	<input type="checkbox"/>
Right to freedom of peaceful assembly and association	Article 11	<input type="checkbox"/>
Right to marry and found a family	Article 12	<input type="checkbox"/>
The prohibition on discrimination	Article 14	<input type="checkbox"/>
Protection of property and enjoyment of possessions	Protocol 1 Article 1	<input type="checkbox"/>

Right to education	Protocol 1 Article 2	<input type="checkbox"/>
Right to free and secret election	Protocol 1 Article 3	<input type="checkbox"/>

	Please explain any adverse impacts on human rights that you have identified?	
	Please indicate any ways in which you consider the policy positively promotes Human Rights.	

I can confirm that the proposed policy / decision have been screened for:-

x	Equality of opportunity and good relations
x	Disabilities duties; and
<input type="checkbox"/>	Human rights issues

On the basis of the answers to the screening questions, I recommend that this policy / decision is:-

<input type="checkbox"/>	Screened Out – No EQIA necessary (no impacts)
x	Screened Out – Mitigating Actions (minor impacts)
<input type="checkbox"/>	Screened In – Necessary to conduct a full EQIA
	<p>Please detail actions to be taken:</p> <p>Based on the screening of the policy and the data on people with acquired disabilities in the older age group it is recommended that the following clause (bold type) is included into the policy.</p> <p>‘The Council will only consider requests for flexible retirement as a means to ease employees into full retirement for a period of normally no more than two years; each case will be considered on its own merits and based on the need to deliver services effectively and efficiently together with the financial implications of granting the application.’</p>

Screening assessment completed by:-

Name: Samantha Rea
Title: Human Resources Manager
Date: 04.09.15
Signature:

Director/Head of Service decision approved by:

Name: Wendy Monson
Title: Director of Organisational Development and Administration
Date:
Signature:

If an Equality Impact Assessment is required

Priority Rating for Timetabling an Equality Impact Assessment. (1-3)	Priority Criterion	Rating
	Effect on equality of opportunity and good relations	
	Social need	
	Effect on people's daily lives	
	Relevance to a public authority's functions	

Is this Policy Affected by Timetables established by other relevant Public Authorities?	
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Monitoring Recommendation	
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Approval and Authorisation		
Screened by :	Position/Job Title:	Date:
	Human Resources Manager	
Approved by:	Director of Organisational Development and Administration	