



## Home Office

### Policy equality statement (PES)

#### Name of Policy:

#### Introduction

Ministers and officials are required by Section 149 of the Equality Act 2010 to have due regard to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **Foster good relations** between people who share a protected characteristic.

#### Policy aims - Police and Firefighter pensions

*Amendments to the Police Pensions Regulations 1987 & Firefighters' Pension Scheme Order 1992:*

The aim of the policy is to remedy the calculation of service to be taken into account for same-sex civil partner or spouse's survivor benefits. These changes are to reflect a direction from HM Treasury to amend the public sector pension schemes following a Supreme Court's ruling on 12 July 2017 in the Walker v Innospec case where it was concluded that Mr Walker's male spouse should be entitled to a pension calculated on the basis of all the years of his service with Innospec, provided that at the time of Mr Walker's death they remained married.

To implement these changes the current restriction on same-sex survivor benefits is to be lifted for all members in the firefighter's pension scheme and in the 1987 police pension scheme for male members only and not female members who will be given an option to uprate their survivor benefits. Before 1990 in the 1987 police pension scheme, female and male members paid different contribution rates that results in different entitlements to survivor benefits. In order to address this issue, the Home Office allowed female members opportunities in the past to uprate their survivor benefits should they choose. The Home Office will now provide a new opportunity to active female members to uprate all their past service.

#### Amendments – Police and firefighter pensions

##### Police

*Amendments to the Police Pensions Regulations 1987:*

Regulation F1 and Schedule C are being amended to ensure all service is

counted for the calculation of survivor benefits for same sex civil partners and spouses where it states that only service since April 1988 should be taken into account. Further amendments to regulation G6 are required to allow female police officers a further opportunity to uprate their survivor benefits.

### Firefighter

#### *Firefighters' Pension Scheme 1992 and the Firefighters' Compensation Scheme 2006*

Amendments will be made to parts C and J of part 3 of the Firefighters' Pension Scheme 1992 and the Firefighters' Compensation Scheme 2006 where it states that only service since April 1988 should be taken into account, so this limitation is abolished.

### Policy aim – Police Pensions

#### *Police Pensions Regulations 2006:*

The aim of this policy is to allow police officers to buy back unpaid maternity support leave from 3 April 2011. The Home Office previously made amendments to the 1987 and 2006 schemes from 1 September 2014, on the basis that there was a reasonable expectation that officers would have been able to buy back this family leave from that date. This amendment will enable officers to buy back, for pension purposes, unpaid maternity support leave from the earlier date of 3 April 2011 from which it could be taken as set out in determinations made under regulation 33 of the Police Regulations 2003). As maternity support leave, while open to both male and female officers, is likely to be taken predominantly by male officers this amendment aims further to eliminate discrimination between men and women (as the latter are able to take maternity leave following pregnancy and the birth of their child).

### Amendments – Police pensions

#### *Regulation 10 of the Police Pensions Regulations 2006 and Regulation F1 of the Police Pensions Regulations 1987:*

These regulations will be amended to allow the buyback for pension purposes of unpaid maternity support leave from 3 April 2011 when police officers were first entitled to this type of leave.

### Policy aim - police pensions

#### *Police Pensions Regulations 2015:*

The aim of this policy is to continue the lawful collection of employee contributions after the current provision expires on 1 March 2019. The date will be extended by one year to 31 March 2020.

### Amendment - police pensions

#### *Police Pensions Regulations 2015:*

The end date in the heading of the table setting out employee contribution rates at Regulation 170 will be amended to 31 March 2020 to permit the lawful collection of employee contributions from scheme members until that date.

## Implementation

The changes will come into force on the 1 April 2019. However, the amendments on unpaid maternity support leave for police officers will have an effective date from 3 April 2011.

## **Summary of the evidence considered in demonstrating due regard to the Public Sector Equality Duty.**

In December 2018 the Home Office consulted on making these policy changes ensuring the necessary persons and representatives had an opportunity to comment.

Throughout the development of these policies consideration was given to the potential impact on groups with protected characteristics under the Equality Act 2010.

### Survivor benefits for same-sex civil partnerships and marriages - Police and Firefighter pensions

The Home Office is satisfied that it has discharged its equality responsibilities in making these amendments. The amendments ensure that all service of scheme members is taken into account as appropriate in the calculation of survivor benefits for their civil partner or spouse.

For the 1987 police pension scheme, all survivors (spouses and civil partners) of female members will have their survivor benefits based on contributions paid by the member. There will be a further option for female members to uprate their survivor benefits for the period they paid a lower rate before 1990.

One of the consultation responses for the police pension scheme asked if female officers in receipt of their pension would come under the option to uprate their survivor benefits. As the options exercise is only open to active members concerns were raised at the 14 January 2019 Scheme Advisory Board meeting that new inequalities would open up if retired female officers were not also given the choice. Once a pension is crystallised and comes into payment then retirees are not given opportunities to make additional contributions to improve their benefits.

A further query raised in the consultation was whether all female members, even those in heterosexual marriages, would be entitled to uprate their survivor benefits. It is intentional that all active female members will be given an option to uprate their survivor benefits if they choose, as no previous opportunity has ever been limited in such a way.

An additional consultation response raised the point that female survivors of female members would not benefit from the amendments. They would like the regulations amended as it would be consistent with the judgement. The Home Office is satisfied that the amendments comply with the Walker v Innospec Judgment to allow all service of members to be used in the calculation of survivor benefits. As set out above, as female members paid lower contributions than men for the service that did not have associated survivor benefits we do not consider that it would be fair for them to be given additional

survivor benefits without paying to uprate (as female officers have done for their male survivors). We are giving all women with service that currently does not have associated survivor benefits another opportunity to uprate it.

Eight of the responses to the consultation on firefighters pensions addressed equality issues. Of these, seven said there were not any aspects that had not been dealt with. The remaining response highlighted an unrelated concern with cohabiting partner benefits.

#### Police officer unpaid Maternity support leave

The Home Office is satisfied that there are no equality issues when making these amendments. The option to buyback unpaid maternity support leave is more likely to be taken up by male members but not exclusively and is available to both male and female officers.

#### Employee contribution - 2015 Police pension scheme

The Home Office is satisfied that there are no equality issues when making these amendments. All active scheme members are required to pay the same amount of employee contribution rates regardless of any protected characteristics.

#### Consideration in relation to specific protected characteristics

On establishing the scope of the policy, the impact on those with protected characteristics has been considered.

*Age* – This policy does not treat those persons of different ages differently in any way.

*Disability* – This policy does not treat those persons with disabilities differently in any way.

*Gender reassignment* – This policy has no impact on a person who has undergone, is undergoing or will undergo gender reassignment.

*Marriage and Civil Partnership* – This policy does not treat those individuals that are married, in a civil partnership or single differently in any way.

*Pregnancy and Maternity* - This policy has no impact on pregnancy or maternity.

*Race* – The policy will apply to all scheme members in the aforementioned circumstances regardless of race.

*Religion or Belief* – The policy will apply to all scheme members in the aforementioned circumstances regardless of religion or belief.

*Sex* – This policy applies to male and female scheme members in a way that seeks to eliminate discrimination between sexes.

*Sexual Orientation* – The policy will apply to all scheme members in the aforementioned circumstances regardless of sexual orientation.

<b>SCS sign off</b>	Rachel Watson	<b>Name/Title</b>	Rachel Watson / Head of Unit
<p><b>I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.</b></p>			
<b>Directorate/Unit</b>	Police Workforce and Professionalism Unit	<b>Lead contact</b>	Simon Glenville
<b>Date</b>	28 February 2019	<b>Review Date</b>	

**Retain the completed PES for your records and send a copy to  
[Diversity team@homeoffice.gsi.gov.uk](mailto:Diversity.team@homeoffice.gsi.gov.uk) and your relevant business area  
 Equality and Diversity Lead.**