



Staffordshire Police Equality Impact Assessment



The purpose of this EIA is to ensure you consider any equality issues as part of your decision making when developing / reviewing your policy / procedure.

Please complete the sections below and send to the Equality and Diversity unit to be quality assured. New / revised policies cannot be published on the policy database until the EIA has passed the quality assurance process.

Title of process:	Injury Benefit Reviews
Department:	People Services
Date:	20 June 2017

1.0 **Identify the aims and purpose of this process** – In accordance with Regulation 37 of the Police (Injury Benefit) Regulations 2006, to review injury benefit pensioners at such intervals as may be suitable, to consider if the degree of the pensioner's disablement has substantially altered.

2.0 **Identify the individuals and organisations who are likely to have an interest in, or be affected by this** – Injury benefit pensioners, the Police Federation, the National Association of Retired Police Officers (NARPO).

3.0 **Data** – Summarise the findings of any monitoring data / information which you have considered regarding the impact of this policy on people from all or any of the protected groups. This could include national or local data.

3.1 **Age** – All of the people subject to this process are retired police officers under the age of 72. The youngest is currently 42 years old. Any injury benefit pensioner who is within six months of their 72nd birthday will not be subject to review unless they request one. Of the 269 injury benefit pensioners listed for review, 12 come into this category during 2017.

3.2 **Disability** – Any injury benefit pensioner diagnosed with a terminal illness will not be subject to a review. Of the 269 injury benefit pensioners listed for review, so far only one is known to be exempted from review due to terminal illness.

3.3 **Race** - No known impact.

3.4 Religion or Belief - No known impact.

3.5 Sex – Of the 269 injury benefit pensioners listed for review, 39 are female.

3.6 Sexual Orientation – No known impact.

3.7 Gender reassignment – No known impact.

3.8 Marriage and civil partnership – No measurable impact; clearly an increase or decrease in injury benefit pension will impact upon overall household income. However, entitlement to injury benefit is not a means-tested benefit and is not contingent upon other household income. Although some injury benefit pensioners are married or in a civil partnership, injury benefit is not payable to adult survivors, except where an officer has been killed on duty. Injury benefit is not an occupational pension, and ceases on the death of the pensioner.

3.9 Pregnancy and maternity – No known impact.

4.0 Research - Summarise the findings of any research you have considered regarding this process for all or any of the protected groups. This could include information you have obtained from other sources e.g. NPCC, Home Office.

4.1 Age – The Police (Injury Benefit) Regulations 2006 provide a level of minimum income guarantee which increases for those with longer service at the date of their retirement. The regulations also provide a higher level of minimum income guarantee for people assessed at a higher degree of disablement. The Regulations, of which this Injury Benefit review is a process, are designed therefore to provide greater benefits for those who became entitled to Injury Benefit at a later point in their police service career and for those who have a higher degree of disablement. There is, however, no published data available of any analysis of the process of Injury Benefit reviews by protected characteristics. The process of Injury Benefit review is based upon the Regulations as they currently stand, but the Home Office has stated that the Normal Pension Age of 60 for police officers will be subject to regular review, based on pension scheme data and experience. Any change arising from such a review would in turn affect the age up to which an officer may be considered for ill-health retirement (and therefore Injury Benefit). The process will therefore be subject to change to reflect any Home Office review of the Regulations.

4.2 Disability – In order to qualify for an Injury Award, each of the injury benefit pensioners have been found on assessment (usually around the time of their retirement) to have a disablement likely to be permanent under the Regulations, arising from an injury on duty. It does not necessarily follow that such a finding constitutes a “disability” under the

Equality Act. The decision to carry out a review under Regulation 37 is not a breach of the Public Sector Equality Duty under the Equality Act. A review could result in no change or even an increase in the injury benefit pension, neither of which would amount to a detriment.

4.3 Race – No relevant research data known to be available.

4.4 Religion or Belief – No relevant research data known to be available.

4.5 Sex – Women are more likely to have worked part-time than men prior to being injured on duty. The assessment of their Injury Benefit, and any reassessment of quantum arising from an Injury Benefit review, disregards the negative impact of potential uninjured earnings for anyone who had worked part-time before being injured and retired.

4.6 Sexual orientation – No relevant research data known to be available.

4.7 Gender reassignment – No relevant research data known to be available.

4.8 Marriage and Civil partnership – No relevant research data known to be available.

4.9 Pregnancy and Maternity – No relevant research data known to be available.

5.0 Consultation - Summarise the opinions of any consultation for all or any of the protected groups.

Staffordshire Police has given due regard to equalities issues throughout the consideration of this process. We have worked closely in consultation with representatives of those affected by this process.

5.1 Age – There have been lengthy and detailed consultations with NARPO by discussions with the local branch chair and secretary. NARPO proposed that those whose injury benefit pension predated 1 January 2008 should be exempt from review in accordance with an agreement reached in 2008 between the Force, NARPO and the Police Federation. Consultations with Joint Legal Services for West Midlands Police and Staffordshire Police resulted in legal advice that the 2008 Agreement is not lawful nor binding, and would discriminate against those who qualified for an injury benefit pension after 1 January 2008 who are likely to be younger pensioners. The Police Federation has also been consulted by discussions with the local branch chair, who has raised no objections.

5.2 Disability - See 5.1 above. NARPO and the Police Federation representatives support the Force's intention to not proceed with a review of any individual who has been diagnosed with a terminal illness. As a result of a review, if an injury benefit pensioner is found to have a substantial alteration to their disablement, their disability benefit banding (and therefore their pension) will either increase or decrease. No injury benefit pensioner can have their banding reduced below Band 1, or increased above Band 4, however.

5.3 Race - No consultation as there is no known impact.

5.4 Religion or Belief - No consultation as there is no known impact.

5.5 Sex - No consultation as there is no known impact.

5.6 Sexual orientation – No consultation as there is no known impact.

5.7 Gender reassignment – No consultation as there is no known impact.

5.8 Marriage and Civil Partnership – No consultation as there is no known impact.

5.9 Pregnancy and Maternity – No consultation as there is no known impact.

6.0 Conclusions - Taking into account the results of the monitoring, research and consultation, set out how the process impacts or could impact on people from the following protected groups? (Include positive and/or negative impacts).

6.1 Age – Neutral impact overall. Those aged 72 and over will not have a review unless they request one (which they are entitled to do). Those who come within six months of their 72nd birthday before their review is commenced will be treated as if they are 72. Those aged under 72 will be reviewed regardless of their age. Reduced potential earnings capacity (both injured and uninjured) for those over the national Compulsory Retirement Age (CRA) for police officers (60) will have current Annual Survey of Hours and Earnings (ASHE) used as potential uninjured earnings, in accordance with Home Office Guidance. Those under CRA will have the current salary at the top of their substantive rank at retirement used as the potential uninjured earnings comparator. Individuals will be reviewed by alphabetical order of their surname rather than by age group or by the length of time they have been in receipt of Injury Benefit.

6.2 Disability – Neutral impact overall. The review of Injury Benefit pensioners is not intrinsically detrimental in that it does not presuppose the outcome. Quantum will not be reassessed unless the Selected Medical Practitioner (SMP) first decides that there has been a substantial alteration in the person's disablement. If quantum is reassessed, it may increase (to no more than Band 4) or decrease (to no less than Band 1). If a person to be reviewed has difficulty in travelling to an appointment with the SMP, which for example may be due to mobility problems, they may be interviewed by the SMP via Skype. If the person is unable to attend an appointment with the SMP due to hospitalisation, their appointment will be postponed and rearranged. If the person to be reviewed has been diagnosed with a terminal illness, the review will not take place. Individuals will be reviewed by alphabetical order of their surname rather than by the level of their Injury Benefit banding.

6.3 Race – No known impact. The race of individual injury benefit pensioners is unknown.

6.4 Religion or Belief – No known impact. The religion or belief of individual injury benefit pensioners is unknown.

6.5 Sex – No known impact. Individuals will be reviewed by alphabetical order of their surname rather than by their sex.

6.6 Sexual Orientation – No known impact. The sexual orientation of individual injury benefit pensioners is unknown.

6.7 Gender reassignment – No known impact. It is unknown whether any injury benefit pensioners have undergone or are in the process of gender reassignment.

6.8 Marriage and Civil Partnership – No known impact. In accordance with the Regulations, the level of Injury Benefit paid does not take account of whether the person is or is not in a marriage or civil partnership. The review equally treats a person's marital status as irrelevant to the level of their entitlement to Injury Benefit.

6.9 Pregnancy and Maternity – No known impact.

7. Decisions If the process will have a negative impact on members of one or more of the protected groups, explain how the process will change or why it is to continue in the same way. If no changes are proposed, the process needs to be objectively justified.

The process is designed so as to be impartial and the Regulations allow individuals to appeal against the decision of the SMP if they are dissatisfied with the outcome. The process is objectively justified in that as a result some individuals will see no change to their Injury Benefit, whilst others will see an increase or reduction in their Injury Benefit. It is inevitable that the review is likely to result in some changes in Injury Benefit paid, as intended and permitted by the Regulations. The objectivity is maintained by the various rights of appeal plus the right of Injury Benefit pensioners to request a further review at a later date if they believe that there has been a substantial alteration in their disablement. As a result of their review, each Injury Benefit pensioner will receive a pension to which they are entitled.

8. Monitoring arrangements

If the process is new what consideration has been given to piloting the process?

If monitoring is not already in place what arrangements have been made to monitor the effects of the process on equality and diversity?

The process of reviewing Injury Benefit pensioners is being rolled out in manageable numbers and will be refined or revised if necessary as the review progresses. Outcomes and analysis of injury benefit reviews will be reported (anonymised) at six-monthly intervals for scrutiny to the Executive and to the Police Pension Board.

Senior management sign off: *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.*

Caroline Coombe, Head of People Services, date: 29 June 2017

Lead contact: Andrew Coley, HR Support, People Services.

This equality impact assessment will be published on the force website.