



**All Wales Pension
Flexibilities Policy
Equality Impact Assessment**

Section One – Preparation

Define the policy or decision that affects people

1. What is the policy or decision that you are conducting an EQIA for?

All Wales Pension Flexibilities Policy

2. Who owns it?

This All Wales Policy is being developed by a working group led by NHS Employers. The work is being carried out on behalf of the Welsh Partnership Forum. The Policy will then be communicated out to NHS Wales organisations for adoption through their local governance processes.

3. What is the aim of the change(s)?

Consistent with its commitment to ensuring all staff are able to access the benefits of flexible working, NHS Wales is committed to supporting and enabling staff to utilise the flexible pension benefits offered by the NHS Pension Scheme.

The flexible pension options can benefit NHS Wales by:

- Supporting employees to work flexibly later in their careers can help them to achieve a healthy work-life balance and enable experienced staff to stay in the NHS for longer and pass their valuable skills and knowledge to colleagues.
- Retaining experienced staff is critical to ensure the delivery of high-quality patient care.
- By enabling employees to access their pension, employers can support the health and wellbeing of employees who are later on in their careers. This can help to improve sickness absence rates and productivity, while reducing rates of stress, fatigue and burnout.
- Offering retired staff the option to re-join the NHS Pension Scheme after full or partial retirement is a way of supporting the financial wellbeing of employees, as it allows staff to build up further pension for a more comfortable retirement and may help to bridge any gap between taking their NHS Pension and State Pension benefits.
- Partial retirement can be used by employers as a tool to support staff affected by annual allowance, as the ability to take all or part of their pension and continue working may help some staff to control their pension growth.

4. Who is affected most by the change?

- All NHS Wales members of the NHS Pension Scheme as they are eligible to access pension flexibility options
- Line Managers who are required to approve flexibility requests unless there are clear business reasons in policy and law to decline.
- NHS Service managers who must take account of opportunities and challenges posed by flexibility arrangements when planning and running services
- Service Planners / Workforce Planners who must build scenarios into their work to take account of opportunity for staff to access pension flexibilities

5. How does this topic fit into the wider context of the organisation?

This policy will allow consistent application of flexibilities offered under the NHS Pension Scheme. The All Wales Flexible Working Policy can be used in support of application of some of the options available under this Policy.

In addition offerings and interventions available in support of employee wellbeing could be aligned to the use of this policy.

6. What data is available to help inform the EQIA?

NHW Wales Employment Data categorised by age and protected characteristics from October 2023 was used to inform the EQIA process. In addition data and analysis from 'Is Wales Fairer' published in November 2023 by the Equality and Human Rights Commission in Wales.

7. Who is undertaking the EQIA

This EQIA has been completed by the All Wales Pensions Flexibility Policy Development Group which has representatives from NHS Wales, Trades Unions and NHS Wales Employers.

The Development of the EQIA has been led by Sarah Morley, Executive Director of OD & Workforce at Velindre University NHS Trust on behalf of the group.

The EQIA will be subject to consultation alongside the Policy itself, across service in NHS Wales.

8. When will you start and end the EQIA

This EQIA process has begun in November 2023 just following the agreement of the scope of the Pensions Flexibility Policy.

The Draft EQIA was issued to the Policy Development Group on 22nd December 2023 for first review.

This review will be followed with a consultation phase alongside the Policy itself in January 2024.

Section Two – Assessment of Impact

| Protected Characteristic | Potential Impact [Please tick column(s)] | | | Details | Recommendations |
|---|---|----------|------|--|--|
| | Positive | Negative | None | | |
| Age <i>Younger people</i> <i>Middle age people</i> <i>Older people</i> <i>Other...</i> | ✓ | | | Members of the NHS Pension Scheme can see in one place all the options available to them to access their pension. Pensions flexibility arrangements are available to NHS Pension scheme members who meet certain age criteria. The age at which individuals can access the options described within the policy depend in some circumstances on staff group, age at joining the scheme and which NHS Pension Scheme they are members of. | |
| Disability <i>Physical</i> <i>Learning needs</i> <i>Neurodiversity</i> <i>Sensory Loss</i> <i>Mental Health issue</i> <i>Other...</i> | | ✓ | | There may be certain staff groups who don't have access to the pensions flexibility options because they can't access the language in the policy in a way that enables them to make effective choices in regard to their pension flexibility choices, these include: <ul style="list-style-type: none"> • BSL Users • Dyslexic • Neurodivergent • Those who use English as a second language • Those who can't read | <ol style="list-style-type: none"> 1. Ensure the policy has easy to follow diagrams for each option 2. Create an easy-read version of the policy 3. Create an audio version of the policy |
| Gender re-assignment <i>Would this affect those in/post-transition differently?</i> | | | ✓ | | |

| Protected Characteristic | Potential Impact [Please tick column(s)] | | | Details | Recommendations |
|---|---|----------|------|--|-----------------|
| | Positive | Negative | None | | |
| Marriage or civil partnership <i>Are single people affected differently?</i> <i>Are married people or civil partners treated differently?</i> | | | ✓ | | |
| Pregnancy or Maternity <i>Whilst pregnant</i> <i>On maternity leave</i> <i>Returning to work</i> <i>Other...</i> | | | ✓ | Staff going on maternity leave will effectively have a reduction in pension contributions for that time frame thus potentially reducing their options at the time of retirement. Males who have not taken a break as would those who take maternity leave, will therefore be better provided for when accessing their pension and therefore have more options available to them as a result. As a result some men will find some of the options available under the policy more or less attractive than some females. | |
| Race <i>Colour</i> <i>Nationality</i> <i>Ethnic group</i> <i>National origins</i> <i>Other...</i> | | | ✓ | | |
| Religion <i>Affects one religious group more?</i> <i>Clashes with religious holidays?</i> <i>What about groups with no religion?</i> | | | ✓ | | |
| Sex/Gender | | | ✓ | 76% of NHS Wales staff are female and 24% male. This gender split is maintained in staff in | |

| Protected Characteristic | Potential Impact [Please tick column(s)] | | | Details | Recommendations |
|---|---|----------|------|---|-----------------|
| | Positive | Negative | None | | |
| <p><i>Does it only apply to men / women?</i></p> <p><i>Could this affect one group more than others?</i></p> | | | | <p>over 50 age groups. There is a gender pay gap across NHS Wales in favour of males and women are on average paid 14.1% less than men in Wales as a whole.</p> <p>The proportion of women working part-time in Wales remains far higher (39.0%) than the proportion of men (12.1%), this data for NHS Wales is women (47.1%) and Men (19%). Factors such as career breaks, part-time work, or other gender-related considerations disproportionately impact females, and men as a whole are better provided for through their employment. Males will therefore be better provided for when accessing their pension and therefore have more options available to them as a result. As a result some men will find some of the options available under the policy more or less attractive than some females.</p> | |
| <p>Sexual Orientation</p> <p><i>Would this affect any group from LGBTQ+ communities differently?</i></p> | | | ✓ | | |
| <p>Socio Economic Duty</p> <p><i>Low income / no income groups?</i></p> <p><i>Rural locations affected differently?</i></p> <p><i>Those with caring responsibilities?</i></p> | | ✓ | | <p>Staff who are less socio-economically well-equipped than others pay opt out of NHS Pension membership during times in their employment. They may also have less ability to take advantage of flexibilities that require a 10% reduction in pensionable pay.</p> <p>The Pension Recycling option only applies to members of the scheme who can prove they will be subject to a pension tax charge which in turn will only apply to higher earners. This will allow staff to opt out of the Pension Scheme and be paid their employer contributions separately. This option is not available for</p> | |

| Protected Characteristic | Potential Impact [Please tick column(s)] | | | Details | Recommendations |
|---|---|----------|------|--|-----------------|
| | Positive | Negative | None | | |
| | | | | <p>lower paid staff who opt out the NHS Pension Scheme for reasons of affordability.</p> <p>The aim of the Pension Recycling Option within the policy is to seek to persuade senior staff to continue to work and provide their services to NHS patients as opposed to retiring and has been subject to separate legal scrutiny to ensure this is not discriminatory</p> | |
| <p>Welsh Language <i>Will everything be available bilingually?</i></p> <p><i>How many staff might need to know Welsh?</i></p> | | | ✓ | <p>In order to comply with the Welsh Language Standards, the Policy, QIA and any accompanying documents must be provided in Welsh and English.</p> | |

Section Four – Recommendations

1. You will need to evidence and recommend one of four policy implementation options:

1. No major change
2. Adjust the policy
3. Continue the policy
4. Stop and remove the policy

2. If the change will be implemented regardless of the presence of a negative impact, you must be able to evidence:

- The implementation was necessary to carry out specific functions
- There is no way of achieving the aims of the policy that has less negative impact
- The means employed to achieve the aims of the policy are necessary and appropriate

No Major Change

3. Could the policy be implemented in a different way to avoid negative impact?

- Establish why the policy has a negative impact, what components are causing this?
- Consider alternatives to the policy that may eliminate the aspects which create a negative impact
- Is there something that could be changed to enhance positive impact

The policy should be implemented with organisations in a way that is consistent across all staff.

4. How will this change promote equality of access and equality of opportunity?

- Evidence how this policy change will promote equality
- Use this evidence to start creating an action plan
- There still may be room for further promotion of equality within the structure, explore these options
- Explore the positive and negative outcomes of each option
- Consider how the change may impact all protected characteristic groups

5. Is it possible to implement a different policy which achieves practice aims but avoids adverse impact?

- Determine what policy aspects need to be changed or altered
- Options for change should directly address the adverse impact found
- It may be helpful to undergo risk assessment for the proposed change
- Examine how to alleviate any existing barriers
- Develop ideas into an action plan
- Could anything further be done to promote equality?
- Consider piloting a new policy, and carefully monitoring new impacts and reactions

There is no adverse impact from the application of the policy