PUBLIC SERVICE PENSIONS BILL

OUTCOME OF CONSULTATION AND PROPOSALS ON THE WAY FORWARD

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Date: **20 MAY 2013**

Summary

Business Area: Corporate HR

Issue: Public Service Pensions Bill – Outcome of Consultation and Proposals on the Way Forward

Restrictions: None

Action Required: To note

BACKGROUND

1. The proposed Public Service Pensions Bill will give legislative effect to the Executive's decision of 8 March 2012 to introduce major changes to public service pension schemes. In particular the Executive agreed to:

- **i.** commit to the policy for a new career average revalued earnings (CARE) scheme model with pension age linked to State Pension Age to be adopted for general use in the public service schemes; and

- **ii.** to adopt this approach consistently for each of the different public sector pension schemes in line with their equivalent scheme in Great Britain and not to adopt different approaches for Northern Ireland.

2. The agreed policy is formulated on recommendations made by the Independent Public Service Pensions Commission for reform of public service pension schemes as part of its fundamental structural review of public service pension provision. The Commission reported that the public service pension structure in the United Kingdom has not responded flexibly to rising pension costs and increases in longevity in the past few decades and it is not tenable in the long-term.

3. The Department informed the Committee on 13 December 2012 that the Executive had declined to agree to the proposed legislative consent motion at its meeting on 22 November 2012. Accordingly, the Minister announced his intention to introduce an Assembly Bill to give effect to pension reform in Northern Ireland.

4. Two DFP Evidence Sessions on the Public Service Pensions Bill have taken place thus far. On 9 January 2013, Corporate HR officials provided information on the core provisions of the Bill, timescales and the financial implications of any delay in its implementation. Officials also provided information on the proposed consultation it would undertake. At a further Evidence Session on 24 April 2013, officials provided a further briefing on the initial findings of the consultation.

5. Supplementary information was requested and provided to the Committee on 9 May 2013. This included the full details of equality screening, all responses to the public consultation, an assessment of the implications of the agreed amendments to the Westminster Bill, detail of the legislative provisions which allow for the transfer of staff from one scheme to another, and detail of DFP communication with other Departments in relation to the full scheme triennial assessments.

6. The Committee has requested that officials attend the meeting on 22 May 2013 to provide information on the outcome of the consultation on the Public Service Pensions Bill and proposals on the way forward.

OUTCOME OF CONSULTATION

7. The Department launched the policy consultation document on 21 January 2013 with a closing date of 15 April 2013. A copy of the consultation document is attached at **Annex A**. The purpose of the consultation document was to seek views on the policy underpinning the proposal for the introduction of a Public Service Pensions Bill in the Northern Ireland Assembly. Views were invited on the relative merits of the core provisions in achieving the objectives for pension reform agreed by the Northern Ireland Assembly on 8 March 2012.

8. Civil Service Pensions co-ordinated the consultation on behalf of the Northern Ireland Public Service Pension Schemes. When the consultation document was published, the Department issued notification of the consultation to relevant Civil Service Groups in line with the guidance produced by OFMDFM for distribution of departmental publications and consultation documents. The other Public Service Pension Scheme officials confirmed their Departments utilised their communication resources to bring the consultation to the attention of their relevant groupings.

9. A collective total of 52 responses including 36 individual public service member responses and 7 organisation responses, 8 individual trade union responses and one collective NIC-ICTU response on behalf of all trade unions were received by the Department.

10. A copy of all the consultation responses was sent to the Committee on 9 May 2013.

11. The Department's analysis is as follows:

A collective total of 46 responses were received to the consultation by the close of the Consultation on 15 April and are broken down as follows:

Individual scheme members	35
Organisational bodies	4
Trade Unions	6

Collective Trade Unions	1

A total of 6 late responses were received following the closing date however the Department accepted these responses as best practice and consider accepting these responses supports the view that the Departments are dedicated to ensuring that as many views as possible are considered for future policy formulation. They are broken down as follows:

Individual scheme members	1
Organisational bodies	3
Trade Unions	2

12. The Departmental response is attached at **Annex B** and will be published on the Civil Service Pensions website at:

www.dfpni.gov.uk/civilservicepensions-ni

13. The Departmental analysis of the responses received is:

i. the vast majority of respondents submitted their views on aspects of the public service pension reforms that are outside the remit of this particular consultation and indicated their general disapproval and rejection to overall austerity reforms;

ii. some individual employees' comments specific to the policy are endorsements to Trade Union responses;

iii. the composite submission from NIC-ICTU on behalf of the individual unions raises a number of issues which are addressed in the response document; and

iv. overall the substance of the responses received was anticipated by the Department.

14. The main issues cited, although not exhaustive, raised by the Trade Union Side are as follows:

- the overall need for reform of public service pension schemes;
- managing pension costs and the actuarial analysis;
- the core provisions and the impact on public servants;
- the move to the Career Averaged Revalued Earnings (CARE) scheme;
- the linking of normal retirement age to state pension age; and
- the screening out of a full Equality Impact Assessment.

15. The Departmental response also sets out the key issues raised by respondents to the consultation and the response to these issues.

WAY FORWARD

16. The Department has concluded that the case for change still stands. The costs of pensions are increasing as people live much longer than previous generations. These additional costs have generally been funded by other taxpayers, which is unsustainable. Although an increase in life expectancy is good news, the position where more and more years are being spent in retirement is simply not affordable. A long term solution is required that will last a generation and that will be fair to public service workers and fair to other taxpayers.

17. HM Treasury published the Coalition Government's preferred pension scheme design in November 2011 and following discussions with trades unions, scheme-specific alternatives/models based on the principles contained in the Coalition Government's preferred design were developed.

18. The Northern Ireland Executive has already agreed, on 8 March 2012 to adopt this approach to pension reform for the public service in Northern Ireland.

19. The Northern Ireland Public Service Pension Schemes have also given careful consideration to the issues raised in the consultation and have provided comments where relevant. They have noted that the introduction of the Public Service Pensions Bill in the Northern Ireland Assembly, as proposed in the consultation document published on 21 January 2013, should be implemented with the following core provisions:

- a move to a Career Average Revaluated Earnings (CARE) scheme model of pension saving;

- a direct link to equalise schemes' Normal Pension Ages with the State Pension Age (except for the police and fire and rescue services);

- a Normal Pension Age of 60 (subject to regular review) for the police and fire and rescue services;

- a final salary link for any final salary pension accrued prior to the date at which the new schemes will commence;

- a scheme cost cap with a default mechanism to maintain costs within set cost floor and ceiling limits;

- transitional protection measures for scheme members who were within 10 years of their existing Normal Pension Age on 1 April 2012; and,

- revised measures for scheme governance.

20. The Department of Finance and Personnel will now proceed with the introduction of the Public Service Pensions Bill in the Northern Ireland Assembly.

21. The response to the consultation will be issued to individuals and groups listed in the current OFMDFM guidance on the distribution of Departmental publications and consultation documents which includes representatives of the main political parties in the NI Assembly.

22. The response to the consultation will be issued to the main Northern Ireland public service trades unions. Civil Service Pensions will inform Northern Ireland Civil Service employers and employees of the response to the consultation.

ANNEX A

Civil Service Pensions
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Department of Finance and Personnel
www.dfpni.gov.uk

Northern Ireland Public Service Pensions Reform

Consultation on proposals to Reform Public Service Pensions from April 2015

21 January 2013

Purpose

The purpose of this consultation document is to seek views on the policy underpinning the proposal for the introduction of a Public Service Pensions Bill in the Northern Ireland Assembly. This bill will reform public service pension schemes in Northern Ireland in line with pension reforms currently planned in the United Kingdom, based on the recommendations of the Independent Public Service Pension Commission (IPSPC).

Background

Why are reforms needed?

People are living longer, meaning that public service pensions are being paid for much longer than was expected when schemes were designed. As a result the cost of providing current pensions benefits has been increasing, with the bulk of this extra cost falling to the taxpayer.[1] Although an increase in life expectancy is good news, the position where more and more years are being spent in retirement is simply not affordable. A long term solution is required that will last a generation and that will be fair to public service workers and fair to other taxpayers.

At budget 2010 the Conservative Liberal Democrat Coalition Government announced the establishment of an Independent Public Service Pension Commission (IPSPC) to undertake a fundamental structural review of public service pension provision. The Commission was tasked with making recommendations on pension arrangements that are sustainable and affordable in the long term, fair to both the public service workforce and the taxpayer and consistent with the fiscal challenges ahead, while protecting accrued rights which would form the basis of long-term structural reform of public service pension schemes in the United Kingdom. The Commission published its final recommendations on 10 March 2011 and in the same month the Coalition Government accepted the IPSPC recommendations as the basis for consultation with public service workers, trades unions and other representative bodies.

In November 2011, HM Treasury published *'Public Service Pensions: good pensions that last'* setting out the Government's preferred pension scheme design and, following discussions with trades unions, scheme-specific alternatives/models based on the principles contained in the Government's preferred design were developed.

Managing Pension Costs

The Coalition Government has estimated that its reform programme will cut the cost of public service pensions by 40 per cent over the next fifty years, with net costs falling from 1.5 per cent of Gross domestic Product in United Kingdom (GDP) without reform, to 0.9 per cent with reform by 2061-62.[2]

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[1] Recent HM Treasury figures show the cost of public service pensions paid out in the United Kingdom has risen by more than a third over the last ten years to £32 billion a year. ('Public Service Pensions: good pensions that last' www.hm-treasury.gov.uk)

[2] The Office for Budget Responsibility (OBR)'s Fiscal Sustainability Report 2012 (published 12 July 2012)

The Department of Finance and Personnel has commissioned its own actuarial analysis to estimate the potential impact of the Government's programme for pension reform in terms of the proportional level of savings which the programme will require to be made by the Northern Ireland public service pension schemes.

The savings which will be forgone for the Health and Social Care Scheme in Northern Ireland if the core provisions for pension reform are not implemented are estimated to be in the region of £100m per year. This would be effective from 2015/16 which is when the Government expects these reforms to be implemented. Analysis for the Civil Service pension scheme gives a figure of £60m a year. For the Northern Ireland Teachers Pension Scheme the estimate is £62m. For the Police Service pension scheme the estimated saving is £18m and for the Northern Ireland Fire and Rescue Service the estimate is £23m. The total figure therefore would exceed £262m per year.[3]

These figures are estimates however they indicate the extent of the potential financial impacts for funding for the Northern Ireland public service pension schemes if the pension reform policy is not applied.

Urgent action by the Department of Finance and Personnel is required to manage these costs and any consequential losses for Northern Ireland block funding. HM Treasury has confirmed to the Minister of Finance and Personnel that where the reforms are not implemented a commensurate reduction will be applied to Northern Ireland block funding.

The Public Service Pensions Bill in Westminster

A Public Service Pensions Bill was introduced in the House of Commons on 13 September 2012 and is expected to achieve Royal Assent in May 2013. This Bill will establish a legislative framework for the introduction of new public service pension schemes. New schemes reflecting the core provisions of the Bill will be introduced from April 2015 for most schemes with the exception of local government schemes which will implement the reforms from 1 April 2014.

The core provisions which are contained in the Bill are:

- a move to a Career Average Revaluated Earnings (CARE) scheme model of pension saving;
- a direct link to equalise schemes' Normal Pension Ages with the State Pension Age (except for the police and fire and rescue services);
- a Normal Pension Age of 60 (subject to regular review) for the police and fire and rescue services;

[3] Figures are based on analysis provided by the Government Actuary's Department of estimated savings in respect of pension rights earned after 2015, and based on a seven percent saving of the pensionable payroll per year specified the OBR Fiscal Sustainability Report for 2012.

- a final salary link for any final salary pension accrued prior to the date at which the new schemes will commence;

- a scheme cost cap with a default mechanism to maintain costs within set cost floor and ceiling limits;

- transitional protection measures for scheme members who were within 10 years of their existing Normal Pension Age on 1 April 2012; and,

- revised measures for scheme governance.

HM Treasury has confirmed that the policy intent is for the provisions in the Westminster Bill to apply to all public sector schemes, including bespoke schemes which make pension provision for employees of public bodies not captured by the main schemes, although in some cases this may be to a longer timescale.

The Position in Northern Ireland

Responsibility for pension arrangements for public service employees in Northern Ireland is devolved. However, a longstanding convention of parity of provision in this area has meant that in effect, public service pension policy is developed centrally and the main provisions of Northern Ireland schemes are practically identical to the equivalent schemes in Great Britain. The IPSPC report recommended that this policy of parity should be maintained and that the key design features of the proposed new schemes should be part of a UK-wide policy framework that extends to each of the Devolved Administrations, including Northern Ireland. While the Government expects the policy for reform to be implemented UK wide, it will be for the individual schemes within the Devolved Administrations to implement the policy and take forward legislation to implement these reforms at scheme level. Devolved administrations which do not adhere consistently to the policy framework for all their public service schemes will have to bear the cost of any exceptions from the block finances allocated from Central Government.

This is a cross cutting policy with policy and legislative responsibility for public service schemes in Northern Ireland resting with a number of Northern Ireland Assembly Ministers. Details are set out in the table overleaf.

Pension Scheme	Minister	Department
Northern Ireland Teachers' Pension Scheme	John O'Dowd MLA	Department of Education
Local Government Pension Scheme (Northern Ireland)	Alex Attwood MLA	Department of the Environment
Principal Civil Service Pension Scheme (Northern Ireland)	Sammy Wilson MP MLA	Department of Finance and Personnel
Health and Social Care Pension Scheme Firefighters Pension Scheme (Northern Ireland)	Edwin Poots MLA	Department of Health, Social Services and Public Safety
Police Service of Northern Ireland Pension Scheme	David Ford MLA	Department of Justice

Following the establishment of the Independent Public Service Pension Commission, the Department of Finance and Personnel hosted a visit to Northern Ireland by the Commission in September 2010. A number of bilateral meetings between representatives from Northern Ireland public service pension schemes, employers and trade unions and the Commission were held at which issues central to the reform of public service pensions which will be carried in the proposed Bill were considered.

Some Northern Ireland public service pension schemes have closed final salary schemes and may already provide either a CARE model of pension saving for new employees and/or introduced a higher pension age for new employees. The Local Government Pension Scheme (Northern Ireland) already operates a pension age of 65 for all staff. The Northern Ireland Civil Service introduced a CARE pension scheme, with a pension age of 65 (nuvos) for all new entrants from 30 July 2007. The Northern Ireland Teacher's Pension Scheme introduced a pension age of 65 for all new staff from 1 April 2007. The Health and Social Care Pension Scheme has a pension age of 65 for new staff employed on or after 1 April 2008. Both the new Police Service of Northern Ireland Pension Scheme and the Firefighters Pension Scheme (Northern Ireland) currently operate a normal pension age of 55.

However all of the Northern Ireland public service pension schemes currently operate a final salary pension arrangement and/or pension age below current state pension age for some or all of their existing staff.

On 8 March 2012 the Northern Ireland Executive agreed to:

(i) Commit to the policy for a new career average revalued earnings (CARE) scheme model with pension age linked to State pension Age to be adopted for general use in the public service schemes; and,

(ii) Adopt this approach consistently for each of the different public sector pension schemes in line with their equivalent scheme in Great Britain and not to adopt different approaches for Northern Ireland.

This policy will require all staff in final salary pensions to be moved to new CARE schemes for future service as soon as is practical. The Executive considered and decided against utilising a legislative consent motion that could allow provisions for the reform of Northern Ireland public service pension schemes to be accounted for in the Westminster Bill. Subsequently, on 26 November 2012, the Minister of Finance and Personnel, Sammy Wilson, announced his intention to introduce a Public Service Pensions Bill in the Assembly. The purpose of the Bill will be to implement the Executive decision made on 8 March 2012.

The proposed Bill will implement the policy for the reform of public service pensions made for the following classes of public service employees in Northern Ireland:

- civil servants;
- local government workers;
- health service workers;
- teachers;
- fire and rescue workers; and
- members of the police force.

The reforms are scheduled to take effect for each of the schemes from April 2015 with the exception of the scheme for local government workers where the reforms will be introduced in April 2014.

The Local Government Pension Scheme (Northern Ireland) is a ‘funded’ scheme which means that contributions from employees and employers are paid into a fund, which is then invested, and from which the cost of pension benefits is met. The other main public service schemes are unfunded which means employer and employee contributions paid to the sponsoring government department are not invested but netted off by the sponsoring government department which pays benefits to pensioner members as an expenditure.

Local Government schemes reached an agreed position with the Coalition Government that the programme for increasing member contribution rates which has applied for other public service schemes from April 2012 should not apply for those schemes but that local Government schemes would instead agree an alternative reform package to deliver the required level of savings from that would have been realised had contribution increases been applied. As part of the alternative package of reform the Northern Ireland Local Government Pension Scheme, it is intended that the main provisions for pension reform will be introduced in Northern Ireland from April 2014.

It should be noted that the reform proposals carried in the proposed Bill remain separate to the programme for increased member contribution rates for public service pension schemes in general.

As in the Westminster Bill, the Public Service Pensions Bill to be introduced in the Northern Ireland Assembly will be a framework Bill and so will not contain detail on individual scheme designs. These designs will be set out in the regulations and scheme rules for each scheme under their secondary legislation. This approach is: in line with previous pensions legislation; provides the flexibility needed to establish scheme designs appropriate for the different workforces; and ensures that schemes can be amended to reflect new regulatory requirements without primary legislation.

This consultation does not consider matters that vary between schemes but instead focuses on those common features which the Bill will contain that will broadly apply to all public service pension schemes. Consideration of scheme-specific impacts will be undertaken separately by each of the relevant Ministerial Departments which have legislative responsibility for the Northern Ireland public service schemes.

Core Provisions

The core provisions of the proposed Bill are set out below.

A move to a Career Average Revalued Earnings (CARE) scheme model of pension saving.

In a final salary scheme, a pension is typically calculated as a fraction of the final salary for each year of service. 'Final Salary' is generally calculated at the highest level of pay within the member's last few years of employment. In a career average scheme, a member builds up a slice of pension based on their salary in that year. At the end of the year the 'slice' is increased – typically either to reflect price or earnings increases. When the member finally leaves, their total pension is calculated by adding up the slices that they have built up.

In its final report, the IPSPC concluded that final salary pension schemes did not provide the "right design for future public service schemes" and that final salary schemes:

"unfairly benefit high flyers who can receive up to twice as much in pension payments per £100 of contributions. It exposes taxpayers to salary risk (the risk that higher than expected salary rises increase the cost of providing pensions), which should be borne by the scheme member who benefits from the salary rise. And final salary creates a barrier to employees moving from the public to private sector. These inherent problems of final salary schemes impact on fairness and sustainability and have led the Commission to conclude that an alternative model should be chosen for the future".[4]

The Commission's report concluded that CARE schemes can provide more equitable outcomes for lower and moderate earners, are fairer for the taxpayer and less costly for future employers to provide.

[4] The recommendations of the Independent Public Service Pensions Commission are contained in its final report which was published on 10 March 2011. www.hm-treasury.gov.uk/indreview_johnhutton_pensions.htm

A direct link to equalise schemes' Normal Pension Ages with State Pension Age (except for the police and fire and rescue services.

The Commission's final report also recommended, that for future accruals in the new CARE pension schemes, the normal scheme pension age for most public service employments (but not those for the uniformed services) should be linked to the State Pension age and that the link between the State Pension Age and Normal Pension Age should be regularly reviewed, to make sure it is still appropriate. The reference to the uniformed service related specifically to the Armed Forces, the Police and Firefighters. It was not just those in a uniform (such as Prison Officers, Immigration Officers etc, who are not excepted from the link to state pension age), nor those with a potentially physically demanding role (such as paramedics). The Commission concluded that:

"The introduction of the link to the State Pension Age, which will initially move Normal Pension Ages to 65, will move the proportion of adult life in retirement for public service pension scheme members back to about a third: roughly where it was in the 1980s. The current State Pension Age of 65 is already the Normal Pension Age for most new entrants to public service pension schemes. Moving to this for future accrual will more fairly distribute the benefits between scheme members. In the long term, the timetabled increases in State Pension Age should help to keep the proportion of adult life in retirement for members around this level, on current life expectancy projections".[5]

A Normal Pension Age of 60 (subject to regular review) for the police and fire and rescue services.

The IPSPC recommended the Government consider a normal pension age of 60 for those fire and rescue workers who are firefighters, members of police forces, and also members of the armed forces whose current normal pension age is below that figure, subject to regular review. Therefore, the Bill excepts fire and rescue workers who are firefighters, members of police forces, and members of the armed forces from the requirement to link normal pension age to state pension age. It provides that their normal pension age should be 60. These groups historically have lower pension ages than other public servants in recognition of the unique characteristics of the work they do.

A final salary link for any final salary pension accrued prior to the date at which the new schemes will commence.

The IPSPC recommended that pension rights already accrued in the unreformed schemes up until the date of commencement of the new arrangements should be protected.

This means that the final salary link would be maintained for all years of reckonable service earned in the old final salary based schemes prior to its closing date, and up to the date the member is awarded all his or her benefits from that scheme. This could be before at or after the normal pension age associated with the scheme.

[5] Independent Public Service Pensions Commission Final Report published on 10 March 2011. www.hm-treasury.gov.uk/indreview_johnhutton_pensions.htm

A scheme cost cap with a default mechanism to maintain costs with set cost floor and ceiling limits

The IPSPC recommended that the Coalition Government introduce a mechanism to ensure that public service pensions remain affordable and sustainable in the long term. It suggested a mechanism be introduced to act as a safety valve should costs within the new scheme increase due to factors not taken account of in the new scheme design. The Coalition government will therefore introduce an employer cost cap to cover any unforeseen events or trends that lead to significantly increased scheme costs. The policy to be reflected in a framework Bill will therefore introduce a legal requirement for scheme regulations to set an employer cost cap.

Transitional protection measures for scheme members who were within 10 years of their existing Normal Pension Age on 1 April 2012.

Transitional protection measures will apply for scheme members who are within 10 years of their existing Normal Pension Age on 1 April 2012. These groups would remain in the existing schemes (except for the local government scheme, where transitional protection is to be provided by means of an underpin). In most schemes, those within a further 3-4 years of normal pension age would have an option for a delayed transition to the new scheme; however the transitional arrangements for each scheme vary within the parameters that were set centrally by Government.

Revised measures for scheme governance

The IPSPC identified a great variety of governance arrangements in the public service schemes. They flagged that the position contrasts with that of the trust based schemes in the private and public sector, which are required to have pension boards that are responsible for the operations of the schemes. The Pension regulator in turn plays an active role in overseeing the operation of trust based schemes and ensuring their compliance with pension's legislation.

The Commission recognised that there are valid reasons for the different governance models, but considered that lessons can be learned from the trustee model. They recommended that every public service pension scheme (and individual Local Government Pension Scheme fund) should have a properly constituted, trained and competent pension board, with member nominees, responsible for meeting good standards of governance, including effective administration. The Commission also recommended that a framework should be established to ensure independent oversight of governance, administration and data transparency of the public service pension schemes.

The Coalition Government accepted these recommendations. The intention is that every public service pension scheme with two members or more will be required to establish a pension board to ensure that the schemes are managed and administered effectively and efficiently. The Pension regulator will be given a more active role in defining and regulating good standards of governance and administration in the public service pension schemes. Where the Pensions Regulator's existing powers relating to the administration and governance of pensions do not currently apply to the public schemes, they will be given equivalent powers.

Equality Screening

The Department of Finance and Personnel is in the process of conducting an equality screening exercise to determine any potential impact on Section 75 groups and any subsequent equality impact assessments required. To enable a complete equality screening exercise Civil Service Pensions is required to gather collective data covering all the schemes which they previously did not retain and as this exercise is still ongoing a further notification will be issued when the screening document is completed and available.

Members of public service pension schemes in Northern Ireland will continue to receive a high quality pension with a guaranteed payment in retirement that is protected against inflation regardless of gender, race, age, disability, persons with dependents and persons without, political opinion, religion or belief, sexual orientation or marital/civil partnership status.

Civil Service Pensions invites your views on:

The relative merits of the core provisions in achieving the objectives for pension reform agreed by the Northern Ireland Executive on 8 March 2012.

What next?

Civil Service Pensions intends to co-ordinate a central formal consultation with public service trade unions on the proposed pension reforms and will accept responses to this consultation exercise until **noon on the 15 April 2013**.

Civil Service Pensions will then publish its response, which will give final details of the framework for pension reform to be adopted across all public service pensions schemes.

Responses should be emailed to pensionspolicycsp@dfpni.gov.uk or posted to:

Consultation on Proposals for Public Service Pensions Reform
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Confidentiality

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ATTACHED SEPERATELY