



Section 75 Screening Form

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

The Occupational Pension Schemes (Administration, Investment, Charges and Governance) (Amendment) Regulations (NI) 2023.

Is this an existing, revised or a new policy?

Revised

What is it trying to achieve? (intended aims/outcomes)

The proposed Statutory Rule make amendments to the requirements relating to the administration and governance of occupational pension schemes.

In the last few years, there has been a noticeable increase in Defined Contribution (DC) pension schemes' considerations of the benefits that may arise from a more diversified investment strategy. The proposed Rule introduces requirements for relevant occupational DC schemes to report their

policies on illiquid investment and to publicly disclose their asset allocations in their annual Chair's Statement. For most DC pension schemes with 12 or more members, the proposed regulations will require them to report their policy on illiquid investments in their default Statement of Investment Principles (SIP) and disclose the allocation of assets in their default funds.

Collective Money Purchase (CMP) pension schemes do not have default funds, so they will be required to report their policy on illiquid assets in their main SIP. This requirement will only apply to CMP schemes with 100 or more members, as smaller schemes are not required to produce a main SIP. CMP schemes with 12 or more members will be required to disclose the allocation of assets held in the scheme as a whole.

By disclosing schemes' illiquid policies and asset allocations, the aim of the Rule is to improve the availability of information to members and employers and provide them with certainty that trustees are giving proper consideration to the full range of investment opportunities on offer, fulfilling trustees' fiduciary duty requirements to create an investment approach that aligns with members' best interests.

The Rule amends:

- The Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997 to require trustees or managers of occupational money purchase schemes to report on specified performance-based fees incurred by the scheme and on the different classes of assets in which they invest in their annual chair's statement.
- The Occupational Pension Schemes (Investment) Regulations (Northern Ireland) 2005 to require schemes to include an explanation of their policy about investing in illiquid assets in their default Statement of Investment Principles or, in the case of qualifying collective money purchase schemes, in their Statement of Investment Principles.
- The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 2014 to ensure that the new disclosures about specified performance-based fees and asset allocation, which will be required in the annual chair's statement, are included within the list of disclosures that must be made publicly available free of charge on a website.

- The Occupational Pension Schemes (Charges and Governance) Regulations (Northern Ireland) 2015 to exclude specified performance-based fees from the charge cap that applies to limit the charges that can be passed on to members of most occupational money purchase pension schemes. It also removes provisions allowing schemes to smooth or prorate the effects of performance-based fees for the purposes of the charge cap, as these are no longer required if most performance-based fees will be excluded from the charge cap.

The Rule makes in relation to NI provisions, corresponding with Regulations made by the Secretary of State for Work and Pensions for Great Britain.

The Occupational Pension Schemes (Administration, Investment, Charges and Governance) (Amendment) Regulations (NI) 2023 will come into operation on 6 April 2023.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

No

If Yes, explain how.

Who initiated or wrote the policy?

The Department for Work and Pensions initiated the policy.

Who owns and who implements the policy?

The Department for Work and Pensions owns the policy. The Department for Communities implements the policy in Northern Ireland.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? **No**

If yes, are they

- financial
- legislative
- other, please specify _____

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

- staff
- service users
- other public sector organisations
- voluntary/community/trade unions
- other, please specify Trustees and managers of certain personal and occupational pension schemes.

Other policies with a bearing on this policy

What are they and who owns them?

The existing overarching UK-wide policy in relation to occupational pension schemes. Governed in NI by the Pensions Schemes (NI) Act 1993, the Pensions (Northern Ireland) Order 1995, the Pensions (Northern Ireland) Order 2005 and the Pensions Act (Northern Ireland) 2015. The Department for Communities owns the policy in Northern Ireland

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for **each** of the Section 75 categories.

Section 75 categories	Details of evidence/information
All categories	<p>The proposed Statutory Rule make amendments to the requirements relating to the administration and governance of occupational pension schemes. It introduces requirements for relevant occupational pension schemes to report their policies on illiquid investment and to publicly disclose their asset allocations in their annual Chair's Statement.</p> <p>By disclosing schemes' illiquid policies and asset allocations, the aim of the Rule is to improve the availability of information to members and employers and provide them with certainty that trustees are giving proper consideration to the full range of investment opportunities on offer, fulfilling trustees' fiduciary duty requirements to create an investment approach that aligns with members' best interests.</p> <p>The Department considers this policy to be technical in nature and as such, there is no relevant evidence or information available to inform this screening.</p> <p><u>This policy does not offer opportunities to better promote equality of opportunity for people within the Section 75 equalities categories.</u></p>

Note to reader - If you are aware of and would like the Department to take into account any further evidence or information relevant to this policy, please send this to SSPLD@communities-ni.gov.uk

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details for **each** of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
All categories	<p>The proposed Statutory Rule make amendments to the requirements relating to the administration and governance of occupational pension schemes. It introduces requirements for relevant occupational pension schemes to report their policies on illiquid investment and to publicly disclose their asset allocations in their annual Chair's Statement.</p> <p>By disclosing schemes' illiquid policies and asset allocations, the aim of the Rule is to improve the availability of information to members and employers and provide them with certainty that trustees are giving proper consideration to the full range of investment opportunities on offer, fulfilling trustees' fiduciary duty requirements to create an investment approach that aligns with members' best interests.</p> <p>The Department considers this policy to be technical in nature and as such, there is no relevant evidence or information available to inform this screening.</p> <p>There is no evidence of any different needs, experiences and priorities for people within any of the Section 75 categories in relation to this policy.</p>

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are

concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none

Section 75 category	Details of policy impact	Level of impact? minor/major/none
All categories	No impact identified	None

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

Section 75 category	If Yes , provide details	If No , provide reasons
All categories		<p>The proposed Statutory Rule make amendments to the requirements relating to the administration and governance of occupational pension schemes. It introduces requirements for relevant occupational pension schemes to report their policies on illiquid investment and to publicly disclose their asset allocations in their annual Chair’s Statement.</p> <p>By disclosing schemes’ illiquid policies and asset allocations, the aim of the Rule is to improve the availability of information to members and employers and provide them with certainty that trustees are giving proper</p>

Section 75 category	If Yes , provide details	If No , provide reasons
		<p>consideration to the full range of investment opportunities on offer, fulfilling trustees' fiduciary duty requirements to create an investment approach that aligns with members' best interests.</p> <p>The Department considers this policy to be technical in nature and as such, there is no relevant evidence or information available to inform this screening.</p>

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none

Good relations category	Details of policy impact	Level of impact minor/major/none
All good relation categories	No impact identified.	None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	If Yes , provide details	If No , provide reasons
All categories		<p>The proposed Statutory Rule make amendments to the requirements relating to the administration and governance of occupational pension schemes. It introduces requirements for relevant occupational pension schemes to report their policies on illiquid investment and to publicly disclose their asset allocations in their annual Chair’s Statement.</p> <p>By disclosing schemes’ illiquid policies and asset allocations, the aim of the Rule is to improve the availability of information to members and employers and provide them with certainty that trustees are giving proper consideration to the full range of investment opportunities on offer, fulfilling trustees’ fiduciary duty requirements to create an investment approach that aligns with members’ best interests.</p> <p>The Department considers this policy to be technical in nature and as such, there is no relevant evidence or information available to inform this screening.</p>

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

N/A

Part 3. Screening decision

In light of your answers to the previous questions, do you feel that the policy should: (please underline one)

1. **Not be subject to an EQIA**
2. **Not be subject to an EQIA (with mitigating measures /alternative policies)**
3. **Be subject to an EQIA**

If 1 or 2 (i.e. not be subject to an EQIA), please provide details of the reasons why:

By disclosing schemes' illiquid policies and asset allocations, the aim of the Rule is to improve the availability of information to members and employers and provide them with certainty that trustees are giving proper consideration to the full range of investment opportunities on offer, fulfilling trustees' fiduciary duty requirements to create an investment approach that aligns with members' best interests.

The Department considers this policy to be technical in nature and as such, there is no relevant evidence or information available to inform this screening.

This policy does not offer opportunities to better promote equality of opportunity for people within the Section 75 equalities categories.

This policy is not expected to have any significant impact on Equality of Opportunity or Good Relations for any of the Section 75 Groups, therefore an EQIA is not required

If 3. (i.e. to conduct an EQIA), please provide details of the reasons:

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

N/A

Part 4. Monitoring

Effective monitoring will help identify any future adverse impacts arising from the policy which may lead you to conduct an EQIA, as well as help with future planning and policy development.

You should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, then you should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Please detail proposed monitoring arrangements below:

As no adverse impacts have been identified, no section 75 monitoring arrangements will be put in place.

Part 5 - Approval and authorisation

Screened by:	Position/Job Title	Date
Richard Jordan Officer of the Department for Communities	DP	10/01/23
Approved by:		
Anne McCleary A senior officer of the Department for Communities	Grade 5	15/03/23

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made

easily accessible on the public authority's website as soon as possible following completion and made available on request.