

REPORT TO THE PERSONNEL, LICENSING & ADMINISTRATION COMMITTEE Report No.11

Date of Meeting	21 May 2007
Title of Report	Gender Equality Scheme
Link to Corporate Priorities	Equality and Diversity underpins all corporate priorities
Public Report	Yes

Summary of Report

The gender equality duty is a new legal requirement on all public authorities to pay due regard in all their functions to the need to:

- eliminate unlawful discrimination and harassment on the grounds of sex and
- promote equality of opportunity between women and men in all of its functions.

This 'general duty' is supported by a set of 'specific duties', which set out steps to meet the general duty. These specific duties, which apply to public bodies listed in the Codes of Practice for the duty, include a requirement to develop gender equality objectives and to publish a scheme containing those objectives, along with various other information.

A Gender Equality Scheme and Action Plan for North Wiltshire District Council that will satisfy the requirements of the duty is attached to this report as Appendix 1.

Officer Recommendations

That the Personnel, Licensing & Administration Committee adopt the Gender Equality Scheme and Action Plan at (Appendix 1).

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	Yes	Yes	Yes	Yes

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1. Introduction

- 1.1 The Equality Act 2006, introduces the Gender Equality Duty for all public authorities, when carrying out their functions, to have due regard to:

- **eliminate unlawful discrimination and harassment**
- **promote equality of opportunity between men and women**

The Gender Equality Duty comprises of both 'General' and 'Specific Duties'.

The Equality Act inserts new provisions into the Sex Discrimination Act.

- 1.2 The draft Gender Equality Scheme was submitted to the Local Joint Consultative Committee on the 18th April 2007. At that meeting the Committee agreed to recommend, to the Personnel, Licensing & Administration Committee, that the draft scheme and action plan be approved and adopted.
- 1.3 The consultation period on the draft Scheme ended on the 30th April 2007. The Scheme has now been amended as a result of the feedback received from a number of organisations.

2. Options and Options Appraisal

- 2.1 Option 1: That the Personnel, Licensing & Administration Committee endorses the attached Gender Equality Scheme
- 2.2 Option 2: That the Personnel, Licensing & Administration Committee amends the Gender Equality Scheme before endorsing it
- 2.3 Option 3: That the Personnel, Licensing & Administration Committee does not endorse the Gender Equality Scheme

3. What is the Gender Equality Duty?

- 3.1 The Gender Equality duty is similar to the existing duties on race and disability equality and all three have the same spirit and intention behind them:-
 - to take action to tackle discrimination
 - to prevent harassment
 - to ensure that our work promotes equality of opportunity across all functions
- 3.2 The 'general' duty is a set of broad obligations applying to all public authorities.

Under the 'general' duty, public authorities will need to:-

- **have due regard to the need to eliminate unlawful discrimination & harassment** – be aware of their obligations under the Sex Discrimination Act (SDA) and Equal Pay Act (EqPA). Eliminating discrimination and harassment rather than waiting for individuals to take cases against them
- **have due regard to the need to promote equality of opportunity between men and women** – taking active steps to promote gender equality when carrying out their functions and activities.

Transsexual people

The gender equality duty requires public authorities to have due regard to the need to eliminate unlawful discrimination and harassment against transsexual people in the fields of employment and vocational training. This covers not only those who have undergone gender reassignment in the past but also those who intend to undergo gender reassignment and those who are undergoing it. The scope of legal protection

to have due regard to the need to eliminate unlawful discrimination and harassment against transsexual people will be extended to cover the provision of goods and services by 21 December 2007

3.3 What are the 'Specific Duties'?

The specific duties are a list of duties that public authorities must implement in order to meet the general duty, they are:

- To prepare and publicise a gender equality scheme showing how it intends to fulfil the general and specific duties and setting out its gender equality objectives
- To consult stakeholders (i.e. employees, service users and others, including trade unions) and take account of relevant information in order to determine its gender equality objectives
- In formulating its overall objectives, consider the need to include objectives to address the causes of any gender pay gap
- To gather and use information on how the public authority's policies and practices affect gender equality in the workforce and in the delivery of services
- To assess the impact of its current and proposed policies and practices on gender equality
- To implement the actions set out in its scheme within 3 years
- To report against the scheme every year and review the scheme at least every 3 years.

The first scheme must be published by 30 April 2007.

3.4 Equal Pay

The duties relating to equal pay actually go beyond equal pay and include, for example, the provision of family friendly working arrangements. A public authority must develop and publish a policy on developing equal pay arrangements – including measures to promote equal pay, ensure fair promotion and development opportunities and tackle occupational segregation between women and men which must be reviewed for example, every 3 years.

3.5 Procurement

The duty covers all the functions of a public authority. Public authorities will need to ensure that, where relevant, their procurement policies and procedures reflect the requirements of the duty and employees are made aware and are appropriately trained.

3.6 Gender Impact Assessments

Public authorities must conduct and publish gender impact assessments. The purpose of an impact assessment is two fold:-

- to ensure that neither sex is disadvantaged by an authority's decisions and activities
- to identify where public authorities can promote equality of opportunity between men and women

Where a negative impact or a missed opportunity to promote equality of opportunity are identified, this will indicate that, in order to meet the general gender equality duty, the authority should have due regard to the need to modify the policy or practice.

4. What will be the outcomes of the Gender Equality Duty?

The duty should help public authorities to understand and address the different needs of women and men. Here are just some of the suggested outcomes:-

- customers noticing that services are more accessible and better tailored to their needs
- women and men are making greater use of services that their sex had previously under-used
- women and men are represented at all levels of the workforce and in all areas of work
- transsexual people feel supported and valued as employees and potential employees
- employees are aware of the gender equality duty, understand how it will affect their work, and have the skills to implement the duty in their work
- it is easy to find a wide variety of data and information to assess effectively how certain actions will affect women and men
- employees with caring responsibilities are receiving greater support from the public authority, including flexible and part-time working opportunities at all levels of work

5. How will the duty be enforced?

The extent to which a public authority has complied with the duty is likely to be assessed by the Equal Opportunities Commission (EOC) and subsequently the CEHR on the following criteria:-

- **Information:** does the public authority have the information which allows it to understand the impact of its work on women and on men (including transsexual women and men). For example, is it collecting gender disaggregated data?
- **Consultation:** have the relevant people (internal and external) been involved in providing information and identifying gender equality priorities?
- **Transparency:** has information about the gender equality scheme been made widely available through appropriate channels and in a variety of formats? This should include details of decision-making processes, priorities, actions as

well as updates on progress.

- **Proportionality:** in addressing the duty, has the public authority put its effort and resources where they will have most impact on gender equality (and have they done enough to find out what the most significant issues are)?
- **Effectiveness:** has action been taken and has it delivered the required outcomes, leading to less discrimination and greater gender equality?

6. Consultation

6.1 A wide selection of internal and external stakeholders have contributed to the Gender Equality Scheme that which was on the consultation section of the Council web site until the end of April. The Council’s wider management team have had input into the action plan.

7. Legal Implications

7.1 The Equal Opportunities Commission can serve a compliance notice on an authority that is failing to comply with either the general or specific duty.

8. Human Resources Implications

8.1 The Human Resources implications have been covered within the main body of the report

9. Community and Environment Implications

9.1 The adoption of the Gender Equality Scheme will portray the Council in a positive light in terms of being a major local employer and demonstrating that Equality and Diversity issues underpin all services that the Council is responsible for delivering.

10. Equality and Diversity Implications

10.1 The adoption of the Gender Equality Scheme will strengthen this key area of work for the Council, as well as delivering a specific action within the Equality and Diversity Policy and Action Plan.

Appendices:	Appendix 1 Gender Equality Scheme
Background Documents Used in the Preparation of this Report:	www.eoc.org.uk Gender Equality Duty – Code of Practice

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
None		