



COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE

Committee Report

Date of Meeting: 15 February 2007

Title: GENDER EQUALITY DUTY

Report of: Head of Policy and Performance

Report reference: PPP 20/07

Summary:

The report is to brief Overview and Scrutiny Members on the Gender Equality Duty and what the Council needs to do in order to meet its requirements before the 30 April 2007. A plan of action is included for information (appendix 1).

Recommendations:

The Committee is requested to:

- Note the Councils' requirements to meet the Gender Equality Duty by 30 April 2007
- Note and comment upon the plan of action in order to meet the duty
- Consider how it wishes to be involved in future monitoring

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Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1. BACKGROUND INFORMATION AND OPTIONS

What is the Gender Equality Duty?

The Gender Equality Duty comes into force in April 2007 and requires public authorities to promote gender equality and eliminate sex discrimination. Rather than depending on individuals to make complaints about sex discrimination, the duty places a legal responsibility on public authorities to demonstrate that they treat men and women fairly. The duty will have implications for the ways in which the Council develops policy, for public services such as transport, and for employment practices such as recruitment and flexible working.

Why do we need the Gender Equality Duty?

30 years following the introduction of the Sex Discrimination Act, discrimination based on gender remains an issue. The Gender Equality Duty will mean that organisations have to promote equality, rather than rely on individuals to highlight discrimination.

What difference will it make to the general public and our employees?

The Gender Equality Duty should lead to improvements in how the Council acts as an employer, and improve customer service as women and men receive services that meet their needs more closely.

Who has to comply with the Gender Equality Duty?

The general duty applies to all functions of every public authority. This includes councils, schools, hospitals and police authorities, as well as central government departments.

The gender duty applies directly to certain private or voluntary sector bodies when they are carrying out public functions on behalf of the state. Public bodies are still covered by the duty when services are contracted out to external organisations.

What does the Council need to do?

The Council needs to challenge its policies and service provision considering the different needs of women and men. We will need to look at who uses our services and ask questions such as:

- What are the different issues and priorities for women and men who use the services we provide?

- Do they have different requirements that need to be met by our services?
- Will women or men be put off using a service because of for example, lack of childcare or an unsafe or unwelcoming environment?
- Are there some services which are more effectively delivered as women-only or men-only services?

We will also have to challenge our employment policies to see how they affect women and men. Some gender issues we may have to think about are:

- Is there a pay gap between men and women doing the same job or jobs of similar value?
- How could flexible working help staff and how will it benefit men and women?
- How do we recruit staff and are we likely to get a good gender balance of candidates?
- Do we have a gender imbalance? If so, how could we address this?
- Do we have a good return rate from maternity leave? If not, why, and how can we improve?

Many of these issues will be taken into consideration in the Pay and Workforce Strategy, currently being developed.

We will also need to look at how our employment policies affect transsexual men and women. Some issues we may have to think about are:

- Does our Equal Opportunities policy and harassment policy cover transsexual people?
- Do our practices and procedures support the dignity and privacy of transsexual people?
- Do we have a policy on supporting employees who are undergoing gender reassignment?
- Do we encourage job applications from the transsexual community?

Work has begun on challenging what we currently do and information is being gathered to answer these and many more questions in the form of a data audit.

General and Specific Duties

The Equality Act, 2006 amends the Sex Discrimination Act and places a statutory duty on the council, when carrying out its functions, to have due regard to the need to:

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

This is known as the '**general duty**' and will come into effect on 6 April 2007.

We also have to follow a series of steps known as '**specific duties**'. These include setting our own gender equality goals, and consulting service users, citizens and employees. We will then have to re-design or tweak services to make sure we achieve our goals.

The Council will have to develop a Gender Equality Scheme and action plan using gathered data and consultation results.

The specific duties we have are:

- To prepare and publish a Gender Equality Scheme, showing how we will meet our general and specific duties and setting out our gender equality objectives
- In formulating our overall objectives, to consider the need to include objectives to address the causes of any gender pay gap
- To gather and use information on how our policies and practices affect gender equality in the workforce and in the delivery of services
- To consult stakeholders (i.e. employees, service users and others, including trade unions) and take account of relevant information in order to determine our gender equality objectives
- To assess the impact of our current and proposed policies and practices on gender equality
- To implement the actions set out in our scheme within three years, unless it is unreasonable or impractical to do so
- To report against the scheme every year and review the scheme at least every three years

A plan of action to achieve the above has been included at appendix 1. This includes a data audit, workshop, communications, reporting dates, consultation, using information to develop the scheme, and publishing the scheme by the deadline of 30 April 2007.

What are the benefits for public authorities and organisations covered by the duty?

Any successful business strives to satisfy its customers and retain good staff. By taking gender into consideration we could:

On services:

- Understand what women and men really need from our services
- Improve customer satisfaction by tailoring services to meet actual needs
- Achieve better quality and more cost effective services
- More effectively target resources
- Improved services mean fewer complaints and potentially higher levels of satisfaction
- Less time dealing with complaints means staff have more time to address other responsibilities, thus increasing efficiency

On employment:

- Improve recruitment. Considering gender could help us fill any skills gaps we may have
- Flexible working and improving the work – life balance means higher staff retention
- Equal pay for similar jobs will prevent costly tribunal cases
- Increasing numbers of staff returning from maternity leave saves us money on recruitment

2. CONSULTATION

2.1 Consultation to Date:

The Corporate Equality Group has been consulted on the plan of action.

2.2 Consultation proposed:

Included in the plan of action.

3. IMPLICATIONS

- Staffing/Resources – The plan of action includes setting up a working group in order to spread the workload across the council.
- Financial – The Council's current research budget will be used to fund the consultation that is required. The equality budget will fund the printing of the scheme and action plan.
- Legal – The Council is required by 30 April 2007 to prepare and publish a Gender Equality Scheme showing how it intends to fulfil its duty under Section 76A (1) (the elimination of unlawful discrimination and harassment and the promotion of equal opportunity between men and women) under the Sex Discrimination Act 1975.
- Corporate – The Gender Equality Scheme and action plan will form part of the Council's corporate policy framework.
- Risk Management – The general duty is enforceable by judicial review. Any person or body affected by a failure to comply with the general duty by a public authority may take action through judicial review proceedings. Failure to comply exposes the Council to financial and reputational risk.

From late 2007, the Commission for Equality and Human Rights will have the power to conduct formal assessments and to issue compliance notices in connection with a breach of the general duty, which will be enforceable in the courts.¹

- Equality Issues – The plan of action will enable the Council to meet the statutory requirements of the Gender Equality Duty.
- Environmental – The Gender Equality Scheme and action plan will be published on the website; a small number will be made available in hard copy.
- Crime and Disorder – Will be considered as part of the impact assessment programme.
- Impact on Customers – Customer benefits have been identified in report.

¹ Gender Equality Duty Code of Practice England and Wales

Plan of action for development of Carlisle City Council's Gender Equality Scheme

Action	Deadline
Set up a working group to develop scheme – approx. 6 people Corporate Equality Group nominate representatives including: <ul style="list-style-type: none"> - Personnel - Policy and Performance - Elected Member - Procurement/contracts - Community Development - Trade union? 	Complete.
Invite suggested individuals to be involved in working group	Complete.
Data audit for employment and service delivery <ul style="list-style-type: none"> - What information do we collect? - What are we already doing? 	Draft Version Complete. Final version for February 2007
Liase with CN Research to carry out a number of focus groups Feb 2007	Complete. Focus Groups for Staff and Public in mid-Feb 2007
Organise date and venue for Working Group Day at end of Jan 2007 – ask CN Research to attend	Complete
Ideas session <ul style="list-style-type: none"> - What information could we collect? - What could we do? - How could we resource? 	Complete
Identify who we would like to consult with e.g. employees, service users, women and male groups, LGBT, Press for Change	Complete
Decide how to select/sample from groups	Complete
Draw up list of consultation questions from code of practice and outcomes of ideas session – ask CN Research to assist	Complete
Allocate tasks to members of working group	In Progress
Organise consultation focus groups/workshops for end of Feb <ul style="list-style-type: none"> - Venue and refreshments - Identify individuals - Invitations 	Complete
Communication: <ul style="list-style-type: none"> - Management briefing presentation - Include information in staff focus? 	February 2007

Action	Deadline
- Include information in members briefing	
Report to Executive and Community Overview and Scrutiny Committee <ul style="list-style-type: none"> - What is the gender duty - What are our requirements - Plan of action - Ask how they would like to be further involved 	Community Overview and Scrutiny 15 Feb (papers required 5 Feb)
Write a draft outline Gender Equality Scheme	Feb 2007
Consultation <ul style="list-style-type: none"> - Male group – ask community development services to run? - Women’s group – ask community development services for contacts - Male/Women group from community – CN Research to facilitate - Members workshop – ask Members how they would like this to be run e.g. separate male and female workshops? - Staff workshop – male and female – CN Research to facilitate 	Feb 2007
Write report on consultation feedback – CN Research	End of Feb 2007
Develop draft Gender Equality Scheme and action plan using information from consultation including prioritisation of objectives	Weeks beginning 5 and 12 March 2007
Report to Executive and Community Overview and Scrutiny – draft Gender Equality Scheme and consultation results Version sent on 7 March won’t include consultation feedback – this will be presented on 19 March	Executive 19 March (papers required 7 March) Community Overview and Scrutiny Committee 29 Mar (papers required 19 Mar) Or request special meetings in April?
Report Community Overview and Scrutiny comments to Executive	Executive 23 April (papers required 11 April)
Make amendments following Executive	Between 23 and 30 April 2007
Publish Carlisle City Council’s Gender Equality Scheme and action plan with note to say that it is	30 th April 2007

Action	Deadline
subject to Councils approval on 1 May 2007	
Council	1 May 2007
Write to consultees to let them know how we have used information from consultation and where they can find a copy of published scheme	May 2007