

RIBBLE VALLEY BOROUGH COUNCIL PERSONNEL COMMITTEE

Agenda Item No.

meeting date: WEDNESDAY, 20 JANUARY 2010
title: GENDER EQUALITY SCHEME
submitted by: HR MANAGER
principal author: MICHELLE SMITH

1 PURPOSE

1.1 To ask Members to approve a Gender Equality Scheme for the council.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions - Our overarching aim is to be a well-managed Council, which provides efficient services based on identified Customer needs. Our work on Gender Equality will contribute to the achievement of this aim.
- Community Objectives - Actions to monitor the gender profile of Ribble Valley staff and citizens will enable us to meet the needs of our diverse communities.
- Corporate Priorities - The actions proposed contribute to Objective 2 of our Corporate Plan "To deliver high quality, efficient, cost effective, customer focussed services".
- Other Considerations – None.

2 BACKGROUND

2.1 Public bodies in England, Wales and Scotland are subject to the 'public sector duties' (PSDs) that place on them a series of legal obligations. The duties are the race equality duty, the disability equality duty, and the gender equality duty.

2.2 The race, disability and gender duties are known as public sector duties. They are statutory duties, meaning that they are legally enforceable. All public bodies that are subject to the duties are legally obliged to pay 'due regard' to the need to take action on race, disability and gender equality.

2.3 The duties require public bodies to pay due regard - this means that the weight given to race, disability, gender equality needs to be in proportion to its relevance. In practice this means that in order to meet the duties, public bodies need to prioritise action to address the most significant areas of race, disability and gender inequality in their remit and focus their efforts where they can have most impact.

2.4 The legislative framework has two main components: the general duty and the specific duties. The general duty sets out the main objectives of each of the duties, whilst the specific duties are the steps that public bodies have to take to help them to meet the general duty. Although the specific and general duties vary for race, disability and gender, all three duties share a common vision: for public services to mainstream equality to ensure that all individuals are able to benefit equally from

public services, regardless of their race or gender, or whether or not they are disabled.

2.5 The gender equality duty was introduced into legislation in the Equality Act 2006, amending the Sex Discrimination Act. It means that public bodies must have 'due regard' to the need to:

- to eliminate unlawful sex discrimination and harassment (including for transsexual people)
- to promote equality of opportunity between men and women

2.6 The specific duties require all listed public bodies to produce a gender equality scheme showing how it intends to fulfil the general and specific duties. It should also set out the gender equality objectives that the authority has identified for meeting the duty.

In preparing a scheme, public bodies should:

- Consult employees, service users and others (including trade unions)
- Take into account any information it has gathered on how its policies and practices affect gender equality in employment and the delivery of services
- In formulating its gender equality objectives, consider the need to have objectives to address the causes of any gender pay gap.

The scheme should:

- Set out how the authority will gather information on the gender equality in employment, services and performance of its functions
- Use this information to review the implementation of the scheme's objectives
- Assess the impact of its current and future policies and practices on gender equality
- Consult relevant employees, service users and others (including trade unions)
- Ensure implementation of the scheme objectives.

The scheme should be implemented within three years of the legislation coming in to place. Public authorities should report on progress annually and review and revise the scheme at least every three years.

2.7 Guidance on the implementation of the Gender Equality duties can be found at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/guidance-and-codes-of-practice/codes-of-practice>

3 ISSUES

3.1 In March 2009 the Equality and Human Rights Commission wrote to us with regard to the provision of violence against women services. They reported that they had carried out research in 2007 (updated 2008) to ascertain what support services for violence against women were in place in each local authority in the UK; the results of which were published in the report – 'Map of Gaps: The Postcode Lottery of Violence Against Women Support Services'.

- 3.2 The commission took the view that each local authority had an important role in tackling violence against women and in supporting those that have experienced violence. It pointed out that as the Gender Equality Duty required all public bodies to actively promote equality of opportunity between men and women and to eliminate all forms of unlawful discrimination and harassment, it followed that the duty therefore required Ribble Valley to consider the extent of the need for violence against women services to be provided by the council and to plan our provision accordingly, with a view to ensuring that all services provided were readily accessible to women in the borough.
- 3.3 The Commission asked us to inform them of our current and planned provision of violence against women services, and also to show how our Gender Equality Scheme took into account the need for such services in our area. They provided a questionnaire for us to complete in order to understand our current position. Our response to the questionnaire is attached at Appendix 1.

When we developed our Comprehensive Equality Policy in 2007 we included a section on the Gender Equality duties but did not publish a specific Gender Equality Scheme.

- 3.5 Having considered our response the Commission declared that the council was not compliant with the legal requirements of the Gender Equality Duty because the Comprehensive Equality Policy which we submitted to them did not meet the minimum requirements for a Gender Equality Scheme, as it did not contain the council's overall objectives for meeting the Gender Equality Duty.
- 3.6 As a result, we were required to take a number of actions:
- a) Revise either a Gender Equality Scheme or our Corporate Equality scheme, showing how we would meet our general and specific duties, and set out some gender equality objectives. This had to be done by 22 December 2009.
 - b) Produce a timeline to show how the authority intended to complete the preparation of a compliant scheme by 22 December 2009.
- 3.7 We wrote to the commission in October 2009 to confirm that we would respond to the actions by the deadline. In November the Commission extended the deadline to February 2010 in order for us to complete meaningful consultation on our Equality Scheme.
- 3.8 The draft scheme at Appendix 2 has been forwarded to Unison for comments, and has been reviewed by the Equality and Diversity Steering Group. External consultation is also planned.
- 3.9 Members are asked for their views on the scheme, to approve it in principal, and agree to the inclusion of any necessary amendments following the completion of the consultation exercise.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:

- Resources – No financial implications at present.
- Technical, Environmental and Legal - Our legislative responsibilities are highlighted at section 2, if we fail to carry out these responsibilities we may be subject to enforcement action by the Equalities Commission.
- Political – None.
- Reputation - Failure to acknowledge our responsibilities, or take action in relation to gender equality could damage our reputation as a fair and responsible employer. Any legal measures taken against the Council for failure to act in accordance with the legislative framework could result in damaging publicity.

5 RECOMMENDED THAT COMMITTEE

5.1 Receive the report.

5.2 Approve a Gender Equality Scheme for the council with the inclusion of any appropriate amendments following consultation with relevant parties.

HUMAN RESOURCES MANAGER

For further information please ask for Michelle Smith, ext 4402