

Meeting
26/01/07

Agenda Item
11

Reference No
HEFCW/07/07

INTRODUCTION

- 1 This paper advises Council on its responsibilities pertaining to Gender Equality under the 2006 Equality Act legislation.

BACKGROUND

- 2 Information about the Gender Equality Duty (GED) and the Gender Equality Scheme (GES) were included in December's Equal Opportunities report to Council.
- 3 It is likely that our approach to the GED will be similar to that of the Race Relations (Amendment) Act 2000 and the 2005 Disability Discrimination Act, which are already in place.

LEGISLATIVE BACKGROUND

- 4 The 2006 Equality Act amends the 1975 Sex Discrimination Act to place a statutory duty on all public authorities, when carrying out their functions, to have due regard to the need to:
 - eliminate unlawful discrimination and harassment and
 - promote equality of opportunity between men and women.
- 5 This is known as the 'general duty' and will come into force in April 2007.
- 6 The requirements of the general duty are the core of the gender equality duty. To support progress in delivering these, there is also a series of specific duties which apply to major public authorities. These set out the exact steps the authorities, including HEFCW and HEIs, should take to help them meet the general duty.
- 7 The 'specific duties' require authorities to set gender equality goals, produce and publish a gender equality scheme containing an action plan and to report on progress. They are required to:
 - draw up a scheme identifying gender equality goals and showing the action it will take to implement them;
 - consult employees and stakeholders as appropriate in drawing up their gender equality scheme;
 - publish the scheme setting out goals and planned outcomes;
 - monitor progress and publish annual reports on progress;
 - review their gender equality scheme every three years;
 - develop and publish a policy on developing equal pay arrangements between women and men – including measures to promote equal pay, ensure fair promotion and development opportunities and tackle occupational segregation – which must be reviewed at regular intervals;
 - conduct and publish gender impact assessments, consulting appropriate stakeholders; and
 - develop and publish arrangements for identifying developments that justify conducting a formal gender impact assessment.

THE WELSH CONTEXT

- 8 The Equality Challenge Unit (ECU) has reported that the Welsh Assembly Government is presently considering the best approach for Wales in respect of the specific duties and is currently seeking a Transfer of Functions Order to enable the drafting of specific duties for public authorities in Wales.
- 9 At the moment, no timetable is available for the introduction of specific gender duties in Wales but we understand that Welsh HEIs may not be required to produce a Gender Equality Scheme by the original April deadline. However if, and when, the requirement is introduced it is likely that Gender Equality Schemes in Wales will have to include more stringent equal pay measures than in England.
- 10 The Equal Opportunities Commission (EOC) recommends that public authorities in Wales continue their preparations to publish a Gender Equality Scheme by the deadline. This should outline the authority's gender equality objectives and the action that is being taken to achieve them. Thirty public authorities in Wales – of which HEFCW is one – are already carrying out Gender Equality Duty projects in advance of the implementation date for the duty.

HEFCW'S GENDER EQUALITY SCHEME

- 11 Officers are in the process of drafting a Gender Equality Scheme, based on our race and disability equality schemes, with the aim of bringing the document to the March Council, in advance of the publication date. It is planned that we consult on the document in February/March. Delegated authority is sought for the CEO to approve a draft version for consultation.
- 12 HR Staff met with EOC representatives – initially in February 2006 and then again in August 2006 – to consider the possibility of being involved in their Gender Equality Duty Pilots Project. It was proposed that an Equal Pay Audit may be a useful project for HEFCW to undertake as part of the pilot study.
- 13 Management Board has approved HEFCW's involvement in an EOC pilot study. This involves conducting an Equal Pay Audit, using the EOC's Equal Pay Review Model, to ensure that any Job Evaluation Scheme used within the organisation is free of gender bias. It is envisaged that this would be completed by end of March 2007. This would satisfy the EOC in terms of HEFCW's involvement in their pilot study and also demonstrate our commitment to act in advance of the Duty becoming law in April 2007.
- 14 We are currently evaluating the benefits of integrating all HEFCW Equality Schemes into a Single Equality Scheme (SES).

MONITORING PROGRESS

- 15 Once produced, HEFCW's Gender Equality Scheme and action plan will be reviewed and revised annually, each time drawing on feedback and guidance from stakeholders internally and externally and responding to feedback.
- 16 Enforcement of the specific duties of the Gender Equality Duty in Wales will be the responsibility of the Welsh Assembly Government. Unlike the arrangements in the Race Relations (Amendment) Act, it does not fall to the Council to formally monitor gender equality within the sector. However, the Council may decide, in order to assist the sector in developing good practice, to invite institutions to submit their schemes and plans for analysis and feedback or take other action to support institutions in meeting their statutory responsibilities.

- 17 The impact and performance of the Gender Equality Scheme will be monitored regularly by the Management Board and its Equal Opportunities Sub-Group. We will report on this annually to the Council.

FINANCIAL IMPLICATIONS

- 18 It is unlikely that there will be significant financial implications arising from this legislation unless our equal pay audit raises issues that need urgent attention, which would have implications for the running costs budget. Any additional programme costs relating to gender equality matters can be met by the Equality Initiatives budget line.

PUBLICITY IMPLICATIONS

- 19 The scheme and consultation outcomes will be published, and the Scheme and Action Plan will be included on the Council's web site, as well as transcribed on request into a range of alternative and accessible formats.

RISK ASSESSMENT

- 20 The principal risks associated with the drafting and publication of the GES are:

Risks	Managing the Risks
<ul style="list-style-type: none"> Not producing a GES, Action Plan and/or Equal Pay Scheme will leave the Council vulnerable to legal action. 	<ul style="list-style-type: none"> Publishing the GES and Action Plan by 30th April 2007 will ameliorate this risk.
<ul style="list-style-type: none"> Not providing the GES in a range of accessible formats contravenes our Disability Equality Scheme and may also leave the Council vulnerable to prosecution. 	<ul style="list-style-type: none"> Transcribing the document into a variety of accessible formats on request will negate this possibility.
<ul style="list-style-type: none"> Not effectively assessing our policies and procedures for their impact on gender equality. 	<ul style="list-style-type: none"> Implementing an impact assessment timetable to assess our policies and procedures will manage this. However, staff will require further training on impact assessing to do this effectively.
<ul style="list-style-type: none"> The sector does not adhere to their statutory responsibilities. 	<ul style="list-style-type: none"> Although it does not fall to HEFCW to monitor the sector's performance, officers will support HEIs via institutional visits and the ECU Welsh Liaison Group etc. in the time leading up to the implementation of the legislation.

DIVERSITY AND EQUAL OPPORTUNITIES IMPLICATIONS

- 21 The GES is intended to foster and develop gender equality. Ensuring that the scheme is available in a variety of formats – electronically, large print and in Braille/audio tape on request – will ensure that the document is accessible to people with visual impairments. Writing the document in easy, straight-forward language will aid comprehension for those with specific learning difficulties and literacy problems and/or reading with English as a second or other language.
- 22 Wherever possible, the GES should link in with and complement other Council policies pertaining to equality matters, including the Race and Disability Equality Schemes and Action Plans.

RECOMMENDATIONS

23 The Council is invited to:

- i) Note the legislative requirement on HEFCW to produce a GES by 30th April 2007;
- ii) Note the contents of this paper and the timescales involved;
- iii) Agree to delegate authority to the Chief Executive to approve a draft GES for consultation.

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