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Guidance on the Gender Equality Duty for the FE Sector

April 2007

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Foreword

I am delighted to share with you the resources and guidance from the recent LSC Gender Equality Duty project. The resources will support the implementation of the Duty and help you move towards a coherent approach in equality and diversity within the sector.

The resources have been researched and developed on behalf of the LSC for the sector to help you to fulfil your own statutory duties to promote equality of opportunity and avoid discrimination, placing the promotion of equality and diversity at the centre of your responsibilities to deliver learning provision to all.

The LSC has recently published its *Single Equality Scheme* and want it to be a model for colleges and providers we work with. We encourage you, whether you are required to have schemes or not, to develop your own inclusive and coherent approach to promoting equality and diversity, and to see it as integral to your mission, as we do.

Our own scheme gives a clear direction of travel, and sets out deliverables on both equality and diversity and the priorities that the LSC is working with a range of partners to deliver. Your contribution to the implementation of this scheme and meeting your own obligations under the public duties is crucial to meeting the objective of a world-class workforce by removing barriers, eliminating discrimination, addressing disadvantage and raising the aspirations of both present and potential learners.

I hope you find the resources useful to help drive forward the equality and diversity agenda while responding to your own public sector duties.

Lee Probert
Director, Equality and Diversity
Learning and Skills Council

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Introduction

This document has been designed to support providers, in particular those from further education (FE) and adult and community learning (ACL), in understanding and acting on the implications of the Gender Equality Duty (GED), in force from 6 April 2007. This reference work:

- § describes the duty and associated legal responsibilities
- § places the duty within a wider legal framework and compares gender, race and Disability Equality Duties
- § provides substantial practical information and both general and sector-specific examples of effective practice
- § details relevant research and other literature on gender equalities and inequalities
- § gives reference, bibliography and website links to extensive other resources, which together provide comprehensive information and guidance about aspects of both the general and specific gender equality duties.

This document will be useful for principals, heads of services, chief executive officers, managers, staff, learner and staff representatives and working groups. It will also be of value to boards of governors, trustees and directors, as well as to sector bodies. It can be used as a practical handbook, a professional development resource and a source of background reading.

Mini-case studies and good practice recommendations, practical checklists, top tips and key action points are included throughout the document.

How to use this guidance

This document is intended to be drawn on as a reference source and practical handbook, rather than a work to read from beginning to end. It is suggested that the user would find it useful to:

- § read this introductory section
- § review the contents and skim the whole document to gain an overall sense of what it contains
- § read section A, particularly A2–A4 which details the general and specific duties of the GED and the types of organisations to which they apply, so as to check and clarify provider responsibilities
- § thereafter draw on specific sections of the document as needed, using the detailed contents listing as a guide for reference.

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This document is structured as follows:

Section A: Gender legislation

- The Gender Equality Law – its background, the general and specific duties of the Gender Equality Duty, including timescales.
- The GED and other duties- similarities and differences.

This section provides an overview of gender-related legislation since 1975 (A1). It then outlines the purpose and general nature of the GED, details the general and specific duties of the GED and explains their scope, for example, the types of organisations to which the duties apply (A2-A4).

Section A also contains information on gender equality schemes (A5) and impact assessments (A6), both of which are GED requirements. The section continues with a table (A7) summarising the similarities and distinctions between the Disability, Gender and Race Equality Duties, which provide a useful basis for thinking through how to build on work already progressed with respect to Disability and Race Equality Duties. Section A concludes with source references including website links (A8).

Section B: Gender equality in the educational sector

- Putting things into practice:
 - How to get started – a general checklist
 - Gender equality objectives and the gender equality scheme
 - Gathering information
 - Undertaking consultation
 - Employment issues and gender – the pay gap and other employment factors
 - Impact assessment
 - Transsexualism.

Section B takes a practical approach to considering the GED in the context of the educational sector. It begins with a checklist to help to assess the current position, and a list of key actions (B2.2) for getting started. There is then a sub-section (B3) on the importance of identifying appropriate gender equality objectives at an organisational level and step-by-step guidance for developing gender equality objectives and schemes. Subsection B4 focuses on the 'gathering information' aspects of the duty and again provides a step-by-step guide. B4 also briefly considers other issues, including lack of evidence, multiple discrimination, confidentiality, and data protection and provides a data check-list (B4.7) and 'top tips' (B4.8). Subsection B5 focuses on the consultation aspect of the duty, explaining what is required (B5.1 and B5.2), identifying ways to encourage involvement (B5.3) and again providing practical 'top tips' (B5.4).

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There is then an important sub-section (B6) on employment issues, which identifies some key issues for the public sector and possible success measures (B6.2). B6.3 considers the collection of data with reference to a range of topics including pay, job types, recruitment, working hours, development, discipline, grievance, harassment, transsexuality, pregnancy, caring responsibilities and reasons for leaving employment. B6.4 provides a number of practical diagnostic checklists for assessing gender-related barriers, pay and visibility issues for women and men, barriers experienced by transpeople, and general employment issues.

Sub-section B7 considers the nature, role and requirements for impact assessments, their value in improving and planning services, and issues of embedding and integration with existing systems. Sub-section B8 provides guidance on transsexualism, including clear explanations about duty requirements (B8.1) and (B8.3), the gender reassignment or transition process (B8.2), issues of due regard, recruitment and monitoring (B8.4), a section on appropriate language and useful terms (B8.5) and a section on useful organisations (B8.6). B8 also has a helpful list of facts and myths, as well as key action points. Sub-section B9 summarises section B's practical guidance in the form of a checklist to help prepare for and implement the GED. The section then concludes with a list of relevant references and websites (B10).

Section C: Further information

- Bibliography and resource list – key texts and information sources.

Section C is a themed resource which identifies many sources of further information. It is organised into the following themed topic areas for ease of reference:

- § Career progression and management (C1)
- § Civic participation (C2)
- § Crime and justice (C3)
- § General employment and economics (C4)
- § Family (C5)
- § The Gender Equality Duty (C6)
- § Gender roles and stereotypes – background and information (C7)
- § General resources (C8)
- § Health (C9)
- § Men (C10)
- § Nurture, education, training and apprenticeships (C11)
- § Occupational segregation (C12)
- § Pay and the pension gap (C13)
- § Social inclusion and voluntary issues (C14)
- § Transsexualism (C15)
- § Women and self-employment (C16)

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- § Women and other equality issues (C17)
- § Women in science and engineering (C18)

Appendices

In addition to the main body of the guidance, the resource includes six appendices which give additional practical guidance and information (Appendices A, B, C and D), an overview of gender research and other relevant literature (Appendix E) and informational copies of relevant Joint National Agreements between the Association of Colleges and Joint Unions (Appendix F).

The specific appendices are as follows

- A: Gender equality schemes – getting started
- B: Summary table of responsibilities re the GED
- C: Roles and responsibilities in a college re GED
- D: Similarities and distinctions between the Disability, Gender and Race Equality Duties
- E: Gender research and wider studies
- F: Joint National Agreements between Association of Colleges and Joint Unions.

Section A: Gender legislation

A1 Gender and discrimination

A1.1 Before 2007

In 1975, the Sex Discrimination Act [SDA] was introduced and, for the first time, discrimination on the grounds of sex became unlawful. It was a ground-breaking law and many legal cases followed as women and men fought to achieve equality as employees and as service users.

Before this, there was the Equal Pay Act 1970. By providing equal pay for work of equal value, this aimed to end discrimination in pay between men and women; for example, with respect to terms and conditions of employment. However, the reality since has been far different, with women taking home 83% of the hourly pay of men (EOC 2006).

What do we mean by the pay gap? According to the EOC, 'The gender pay gap is determined by calculating women's overall average pay as a percentage of men's. So, for example, the pay gap is said to be 17% where women's pay is 83% of men's. The gender pay gap is said to 'narrow' as women's average pay moves closer to men's. To arrive at a figure for the gender pay gap most official statistics compare the average hourly earnings of men and women working full-time, as the best way to compare 'like with like' (EOC, 2006).

For example, in the housing sector, which has a predominately female workforce (over 70%), it was reported in 2006 that fewer than 10% of women had the most senior jobs (Chartered Institute of Housing SW and National Housing Federation SW 2006).

In 2003 it became unlawful to discriminate against employees and service users on the grounds of sexual orientation. Sexual orientation is defined as the following:

1. A person whose sexual orientation is towards the same sex, for example, gay men or lesbian women.
2. Men and women who have a sexual orientation towards the opposite sex.
3. Men and women who are bisexual, that is have a sexual orientation towards both sexes.

The Employment Equality (sexual orientation) Regulations 2003 gave sexual orientation the same status as gender in regards to discrimination. Previously, it was very difficult to prove discrimination on the grounds of sexual orientation. Now, sexual orientation is specified in the law to protect gay, lesbian, bisexual and heterosexual people equally.

The Gender Recognition Act 2004 (which grew out of the Gender Reassignment Act 2003) is a law which allows transsexual people to apply for legal recognition of that gender they have reassigned to.

'Transsexual people have until now lived in a state of legal limbo, between the gender in which they were registered at birth and the gender in which they are now living'¹..

The law grants people who have reassigned their genders (from being male to female or vice versa), the same legal rights as exists all for men and women in the Sex Discrimination Act.

Previously, transsexual people remained in a very ambiguous position legally. The Gender Recognition Act is designed to protect transsexual or transgender men and women from the worst excesses of employment and other forms of discrimination, such as work place bullying.

Further information:

A historical timeline from 1975, with the introduction of the Equal Pay Act, the Sex Discrimination Act and the Equal Opportunities Commission (EOC), through to the 2007 Gender Equality Duty is presented on the Equal Opportunities Commission website *Past and present, key dates in equality* (<http://www.eoc.org.uk/Default.aspx?page=19302>)

The timeline is accompanied with pictures of public information posters from time period.

A1.2 The Equality Act 2006

The Equality Act 2006

The Equality Act 2006 received Royal Assent on 17th February 2006. Its main purposes are:

- To establish the Commission for Equality and Human Rights (CEHR) and define its purpose and functions.
- To make unlawful (subject to exemptions set out in the Bill) discrimination on the grounds of religion or belief in the provision of goods, facilities and services, the disposal and management of premises, education, and the exercise of public functions.

¹ UCL Human Resources webpage, *Gender recognition: update on equality*. Available at http://www.ucl.ac.uk/hr/equalities/gender_recognition.php, accessed April 2007.

- To provide the Secretary of State with order making powers to prohibit discrimination on grounds of sexual orientation in the provision of goods, facilities and services and the exercise of public functions.
- To create a duty on public authorities to promote equality of opportunity between women and men, and to prohibit sex discrimination in the exercise of public functions (the Gender Duty).

This Act is a direct result of the European Union's Directive (2006) to harmonize equality legislation among members of the European Union. This includes the Gender Equality Directive 2003. The underlying philosophy behind such legislation is the fundamental belief that all equality legislation ensures the human rights in civil society of all groupings, regardless of age, sexuality, gender, race, nationality, religion and marital status.

Its three functions are:

- To create a single commission which will replace the Equal Opportunities Commission (EOC), the Commission for Racial Equality (CRE) and the Disability Rights Commission (DRC). This single commission will be called the Commission for Equality and Human Rights (CEHR).
- To make unlawful (apart from certain exemptions) discrimination on the grounds of religion or belief or sexual orientation in the provision of goods, facilities and services, the management of premises, education and the exercise of public functions.
- To create a duty on public authorities to promote equality of opportunity between men and women and to prohibit sex discrimination in the workplace (Commission for Equality and Human Rights 2006).

A2 The Gender Equality Duty

A2.1 Purpose

The Gender Equality Duty is intended to address the causes of persistent gender inequality for women and men, girls and boys. It should help to target and tackle stereotyping, discrimination and sexism.

Women are more frequently disadvantaged by policies and procedures which do not recognise:

- their greater caring responsibilities
- the differing pattern of their working lives (maternity leave, career breaks, part-time working)
- their more limited access to resources (occupational segregation, training opportunities, low pay)

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- their vulnerability to domestic abuse.

Men are disadvantaged by, for example, workplace cultures which do not recognise their caring role within the family, and by health and education services which do not meet their needs.

There is a wide range of sites and publications that highlight the inequalities which exist in relation to gender. For example, the following statistics illustrate why a duty is needed.

- Average hourly earnings for women working full-time are 17% lower than for men working full-time. Average hourly earnings for women who work part-time are 38% lower than for men working part-time (EOC 2006).
- 45% of pregnant women experience discrimination in the workplace (EOC 2005).
- Men under 45 years of age visit their GPs less than 50% less often than women (Men's Health Forum 2006).
- UK fathers work the longest average weekly hours in the European Union (O'Brien, Shermilt 2003).
- 71% of women whose youngest child is 5–10-years-old are working (EOC 2006).
- Women are much more likely than men to work part-time and this holds true for all ethnic groups (EOC 2006).
- Discrimination against pregnant employees is still widespread (EOC 2005).
- Pensions are designed for a traditionally male career path and parents and carers lose out as a result².

A2.2 The legislation

The Gender Equality Duty, in effect from 6 April 2007, has two main purposes. The duty, which can be found in Part 4, Section 84 of the Equality Act 2006, states:

'A public authority shall, in carrying out its functions, have due regard to the need

Ø to eliminate unlawful discrimination and harassment

and

Ø to promote equality of opportunity between men and women'.

² Equal Opportunities Commission. *History and background of the Gender Equality Duty*. Available at <http://www.eoc.org.uk/Default.aspx?page=19301>, accessed April 2007.

The Gender Equality Duty is different from previous sex equality legislation in two ways:

1. There is a positive requirement for the organisation itself to take action, rather than waiting for individuals to take cases against it.
2. There is a positive requirement to act to promote gender equality, not just to avoid discrimination.

This means service providers and public sector employers will need to be more proactive and will have to design employment and services with the different needs of women and men in mind. It will require public bodies to set their own gender equality goals in consultation with their service users, and employees and to take action to achieve them.

Public service providers will need to look at who uses their services, and ask:

- What are the priority issues for women and men in the services we provide?
- Do they have different needs within some services?
- Will women or men be put off using a service because of lack of childcare or an unsafe or unwelcoming environment?
- Are there some services which are more effectively delivered as women-only or men-only?

The Duty, which seeks to challenge the wider causes of inequality, has the potential to deliver more responsive and effective public services and help to deliver gender equality for employees working in the educational sector.

The GED represents a significant shift from the current individual and complaints-driven approach of tackling discrimination once it has happened. It will employ a more positive, proactive approach where the burden will henceforth rest with the public body to address inequality in the first place.

Transgender people are also covered by the Duty, in as far as public bodies are required to have due regard to the need to eliminate unlawful discrimination and harassment in employment and vocational training for people who intend to undergo, are undergoing, or have undergone gender reassignment.

Public sector employers would also need to look at their employment practices and consider the needs of all their staff, including those who are transgender or transsexual.

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A3 The General Duty

A3.1 What is it?

The two main purposes of Gender Equality Duty (see A2.1) are translated and explained within The General Duty.

The general duty has two strands:

- that which applies to all the public authorities in respect of all their functions, such as policy making, service provision, employment and contracted-out services and functions
- that which applies to private and voluntary bodies which are carrying out public functions, but only in respect of those specific functions.

More specifically, the general duty intends to promote and to improve gender equality in a number of areas, namely:

- employment issues – such as promotion, the pay gap, maternity-related discrimination and sexual harassment
- improved access to services and more focus on the different needs of female and male service users
- improved data collection and monitoring as a basis for action
- more effective targeting of resources.

A3.2 Who does it apply to?

To be effective, the general duty will apply to any organisation that has functions of a public nature, including parts of private or voluntary sector organisations that carry out public functions. Examples of public establishments covered by the duty include major public organisations, such as:

- schools, colleges and higher educational establishments
- passenger transport executives
- police authorities
- local authorities
- NHS trusts.

Examples of the private sectors carrying out public functions include:

- the privatised utilities
- GPs, when providing services under contract to Primary Care Trusts
- private companies brought in to run state schools
- registered social landlords.

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A3.3 Why comply with the general duty?

There is a compelling case for gender equality in employment and service delivery, some of which includes the following benefits:

Benefits of gender equality at work include:

- Improved recruitment and competitiveness in the war for talent.
- Greater staff retention and associated reduction of turnover.
- Reduced absenteeism due to sickness and stress.
- Increased productivity, motivation and commitment
- Diverse teams mean diverse thinking, which creates more innovative products and services, critical for meeting a diverse customer base.
- Getting gender equality right for women could raise output in the UK's economy by over £13 billion or 2% of GDP.
- Every year, the public sector spends more than £100 billion in procuring public goods, works and services. Public authorities when contracting out goods, works and services will need to ensure that private sector organisations delivering their work also promote gender equality, but only if relevant to the goods/services being contracted-out.

A3.4 How can an educational institution comply with the general duty?

The Gender Equality Duty has to be implemented. This will not happen overnight. Indeed, it will require a considerable culture change and commitment.

Notwithstanding this, public authorities must show that they have fulfilled each part of the Code of Practice (EOP 2006b) by paying '*due regard*' to equality issues.

This may require prioritising the most significant inequalities in employment or service delivery. The efforts will not be just about the number of people affected; most significantly, the seriousness and extent of the discrimination, harassment or inequality should also be looked at, even if the number of people affected is small.

It is highly unlikely that action can be taken to improve every policy or function in the 3-year life of the first equality scheme. But, because the duty is a statutory requirement, a public authority cannot simply claim that it does not have enough resources to change.

Where this is the case, such an organisation will have to re-deploy existing resources. In situations where the best course of action cannot be followed, the organisation must still have '*due regard*' to the requirement to promote equality alongside other competing requirements.

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Case Study

Ashton Sixth Form College

Ashton Sixth Form College has a whole-college approach to equality and diversity, and gender is part of this approach. They have, over a number of years, targeted males and females where they have been under-represented in a curriculum area.

For example, the Child Care the Early Years course has 80-110 learners each year and, until recently, was gravely under-represented by male students. In 2005, however, the course recruited six boys as a direct result of robust marketing and partnership working. They also ran a competition for positive images of males in Early Years and this was used as a marketing tool. Overall, the initiative raised awareness of the need for male students in Early Years and generated interest from some which they had not had in the past.

The college recognises that increasing participation of learners into non-traditional courses does not happen overnight and that the college has to introduce specific initiatives to reach and inform learners about different career choices and the benefits to learners.

A3.5 Good practice

A good practice procedure will help fulfill the general duty

Good practice procedures include:

- gathering and analysing information
- consulting stakeholders
- carrying out impact assessments
- prioritising and implementing equality objectives
- reporting and reviewing.

Most public bodies will also be subject to more detailed requirements, which are known as specific duties.

A4 Specific Duty

A4.1 What is it?

The specific duty gives a framework for achieving the general duty. Although this builds on existing law and good practice, it goes further by requiring action to prevent inequalities.

A4.2 Who does it apply to?

The specific duties apply to most public authorities, including schools, colleges and higher education establishments, but not to private contractors. Authorities are obliged to legally fulfill every element of each general and specific duty.

A4.3 What does it say?

Specific duties have been set out to help public authorities meet the general duty, namely:

- To prepare and publish a gender equality scheme showing how the public authority will meet its general and specific duties and set out its gender equality objectives.
- In formulating its overall gender equality objectives the college/adult education service/work-based learning institution must:
 - § consult employees, service users and others, including trade unions
 - § take into account any information gathered or considered relevant as to how its policies and practices affect gender equality in the workplace and in the delivery of its services
 - § consider the need to have objectives to address the causes of any gender pay gap.
- To ensure that the scheme sets out the actions the college/adult education service/work-based learning institution intends to:
 - § gather information on the effect of its policies and practices on men and women in employment, services and performance of its functions
 - § use the information to review the implementation of the scheme objectives
 - § assess the impact of its current and future policies and practices on gender equality
 - § consult relevant stakeholders (ie service users, employees and others, including trade unions) and take account of relevant information in order to determine its gender equality objectives
 - § ensure implementation of the scheme objectives.
- To gather and use information on how the public sector's policies and practices affect gender equality in respect of their staff and their service users.

- To review and revise the impact of current and proposed policies and practices on gender equality.

A4.4 Recommendations and good practice

Recommendations and good practice procedures to help fulfill the specific duty would be:

- To implement the actions set out in the organisation's gender equality scheme within three years, unless it is unreasonable or impracticable to do so.
- To report on progress every year and review the scheme at least every three years.
- To devise, publish and regularly review an equal pay policy, stating how the organisation plans to deal with promotion, development and career segregation.
- To carry out and publish gender impact assessments of all legislation and major changes in policy and procedure, and publish findings.
- To ensure that contractors carrying out public functions on behalf of the body also implement the new duties.
- To take account of any evidence that men and women have different needs, experiences, concerns or priorities when developing policies and services.
- To collect data on service user needs, satisfaction and outcomes broken down by gender.
- To ensure that women and men make greater use of services that their sex had previously under-used.
- To ensure all relevant staff understand the new duties and their implications.

The implementation of the Gender Equality Duty should see positive changes in a wide range of policies and services.

Key dates:

The Gender Equality Duty comes into force on 6th April 2007.

Gender equality schemes must be in place by 30th April 2007.

The law protecting transsexual people against discrimination in the provision of goods, facilities and services was not changed, but a recent European Directive (2006) means that discrimination will be prohibited in these areas from December 2007.

The Gender Recognition Act 2004, strengthened Sex Discrimination protection for those transsexual people who have obtained legal recognition through the granting of a Gender Recognition Certificate by disapplying the aforementioned Workplace Genuine Occupational Qualifications in those circumstances.

In spite of these advances, trans people in the UK still remain vulnerable to discrimination and harassment in many forms - most notably the continued absence of formal legal protection against discrimination in the provision of goods, services, facilities and housing. On record, the Government has promised that it intends to legislate in this regard within the forthcoming Single Equality Act, planned for late 2007. Legislation MUST also be in place by 21st Dec 2007 in order to comply with the deadline for the relevant [EC directive](#), which is already in force elsewhere in Europe. The Discrimination Law Review has been set the task of investigating the implications and framing the necessary legislative clauses.

(<http://www.pfc.org.uk/node/234>)

A5 Gender equality scheme

A5.1 What is it?

Within the specific duties, institutions have to publish an Equality Scheme showing how they intend to fulfill their general and specific duties (ie the 'action plan'), and setting out their overall objectives.

Such an educational institution should consult relevant employees, service users, trade unions and others in preparing the scheme. This includes people facing inequalities covered by the scheme. Trade unions should also be consulted. At all times priority issues must be of paramount importance.

The scheme should take into account any information the organisation has gathered or considers relevant as to how its policies and practices affect equality in the workplace and in the delivery of its services.

A5.2 What does it involve?

The scheme should set out:

- The way in which people facing inequalities covered by the scheme have been consulted in the development of the scheme.
- The actions the authority has taken or intends to take to equality impact assess its current and future policies and practices, including its method for impact assessment.
- The actions the authority has taken or intends to take to gather information about the effect of its policies and practices on people facing inequalities

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- covered by the scheme in the performance of its functions, including employment, education and other services.
- The arrangements for using the information gathered, in particular in reviewing the effectiveness of its action plan and in preparing subsequent equality schemes.
 - The actions the authority has taken or intends to take to:
 - § use the information to review the implementation of the scheme objectives
 - § ensure implementation of the scheme objectives.

A5.3 What should be included?

The authority should report annually on:

- The results of information gathering (including monitoring), what this evidence indicates, and what use has been made of this information.
- What the authority has done over the past year to fulfill its equality scheme, eliminate discrimination and promote equality of opportunity, and if it is meeting its targets.

The organisation should implement the scheme, including its actions for gathering and using information, within three years of publication of the scheme, unless it is unreasonable or impracticable to do so.

The organisation should review the scheme at least every three years.

A6 Implementing the Duty

A6.1 Impact assessments

A6.1.1 Purpose

The purpose of an impact assessment is to ensure that neither sex is disadvantaged by the sector's decisions and activities.

Equality Impact Assessments (EIAs), therefore, play a key role in implementing the duties. They are a basic procedure and a legal requirement for authorities covered by specific duties. They aim to:

- ensure no groups are disadvantaged on equality grounds by an authority's decisions and activities
- identify where public authorities can promote equality of opportunity between women and men.

Where a negative impact or a missed opportunity to promote equal opportunities is identified, the specific duties say the public authority must have 'due regard' to the need to modify the policy or practice.

A6.1.2 Preliminary and full assessments

A preliminary 'screening' is useful to decide if a full impact assessment is needed. This should look at the aims of the policy or practice and existing evidence. Even if there is little data, action may still be required. The screening should consider if:

- the college or learning centre's scheme sets out the actions it has taken or intends to take to assess the impact of its policies and practices, or their likely impact, on gender equality
- 'policies and practices', which covers all the proposed and current activities which the college/sector undertakes.

The specific duty requires the assessment of existing policies and practices as well as ones which are developed subsequently.

Assessments are most effective when they are carried out early in the decision-making process in order to inform the process of policy-making and enable any necessary changes. The specific duties do not prescribe a particular method of impact assessment.

A6.2 Enforcement powers

The new Commission for Equality and Human Rights (CEHR), the body that will succeed the current separate commissions for different equality areas, will have powers of enforcement on all public sector duties. If a public authority fails to implement specific duties, as a final step the CEHR could seek a compliance notice from a county court requiring the public authority to take action.

The new duties are enforceable by law. Instead of depending on individuals making complaints about sex discrimination, the duty places the responsibility on public bodies to demonstrate that they treat men and women fairly and are taking active steps to promote gender equality.

A step-by-step approach may be taken for non-compliance to assist failing organisations. However, should a public authority persist in failing to comply with the general duty, the CEHR can either:

- conduct an assessment of the public authority's compliance with the duty before issuing a compliance notice; or
- seek a judicial review of the body's actions.

A6.3 Targets and outcomes

A6.3.1 Measuring progress

The implementation and enforcement of the Duty should lead to measurable progress in gender equality. Examples of such progress are likely to include the following range of improvements³:

- pensions – which are currently designed for men
- education – non-traditional educational routes can be created
- employment – women and men represented equally at all levels of the workforce and in all areas of work
- pay – the elimination of the gender pay gap
- public sector pay gap – reducing gender based employment segregation and making the most of the talents in the workforce
- transport – increased focus on commuters' needs and safety, etc
- health – tailoring the provision of health care and the approach of health practitioners towards men and women (since men do worse in many areas of health, specific actions are needed to improve male health.)
- crime – men and women have different experiences of crime
- zero tolerance of sexual harassment, and effective processes to prevent harassment
- support for those with caring responsibilities, flexible and part-time working opportunities for women and men at all levels in the workforce, an end to discrimination against pregnant women and those returning from maternity leave
- transgender people being valued, supported and protected from harassment and discrimination.

³ Nottingham City Council webpage, *The Equality Act 2006*. Available at http://www.nottinghamcity.gov.uk/sitemap/psg_the_equality_act_2006, accessed April 2007.
Women and Equality webpage, *Legislation*. Available at, <http://www.womanandequalityunit.gov.uk/legislation>, accessed April 2007.

Case Study

Oxford Women's Training

Oxford City Council founded the Oxford Women's Training Scheme in 1988. Originally, the purpose of the scheme was to deliver training on the use of computers in a women-only training environment. The scheme merged with Oxford & Cherwell Valley College in November 2005 and is now called Oxford Women's Training (OWT). OWT moved to the Blackbird Leys campus in August 2006 where it continues to offer women-only courses.

Current courses offered by OWT include basic skills (embedded in all programmes), computer software and hardware, digital media, painting and decorating, construction skills and introductory automotive mechanics. Current projects include Change Partners, Jobs for the Girls, JIVE, SE Women, and South East Enterprise. Samples of publicity and leaflets were collected on a site visit.

Women have historically been under-represented in science, engineering, construction, and technology. OWT allows adult women the opportunity to explore knowledge areas that they would not attempt in mixed gender learning situations.

A6.3.2 Gender mainstreaming

The new duties require a significant change in policy and practice and what has been described as 'gender mainstreaming'⁴. This means fully integrating an awareness of male and female education needs strategically and operationally throughout an organisation. It means moving beyond the assumption that 'gender' is limited to occasional awareness campaigns on courses usually favoured more by people of one gender than the other.

The Equality Act requires education organisations to develop and deliver effective work to improve equality of opportunity for both men and women on a wide-ranging and systematic basis. While some organisations have a good track record in this area, for many it represents a new area of activity that will require significant support.

⁴ Women and Equality webpage, *Legislation*. Available at, http://www.womanandequalityunit.gov.uk/equality/mainsteaming_explained.htm, accessed April 2007.

Case Study

College of North West London

The College of North West London runs a Women in Construction initiative. The faculty has 164 female students, 115 of them on Construction courses.

A specially funded personal assistant provides support within the Technology department faculty. Marketing of college provision addresses changing attitudes, with an approach which is broadening from Women in Construction to Technology for Everyone.

A7 Similarities and distinctions between the Disability, Gender and Race Duties

A7.1 General Duty

Gender Equality Duty	Disability Equality Duty	Race Equality Duty
<p>Due regard to the need to:</p> <ul style="list-style-type: none"> • Eliminate unlawful discrimination and harassment • Promote equality of opportunity between men and women 	<p>Due regard to the need to:</p> <ul style="list-style-type: none"> • Promote equality of opportunity between disabled persons and other persons • Eliminate discrimination that is unlawful under the Disability Discrimination Act 1995 • Eliminate harassment of disabled persons that is related to their disabilities • Take steps to take account of disabled persons' disabilities, even where that means treating disabled persons more favourably than other persons • Promote positive attitudes towards disabled people • Encourage participation by disabled people in public life 	<p>Due regard to the need to:</p> <ul style="list-style-type: none"> • Eliminate unlawful racial discrimination • Promote equality of opportunity • Promote good relations between persons of different racial groups

A7.2 Specific Duties

Gender Equality Duty	Disability Equality Duty	Race Equality Duty
<p>A listed public authority must prepare and publish a Gender equality scheme.</p> <p>The Scheme must set out the overall objectives the public body has set to allow it to meet its general duty. The public body must consider the need to have an objective to address the causes of any unequal pay for male and female staff related to their sex. The scheme must also set out the actions it has taken or intends to take to:</p> <ul style="list-style-type: none"> • Gather information on: <ul style="list-style-type: none"> • the effect of its policies and practices on men and women, in particular the extent to which they promote equality between male and female staff • the extent to which the services it provides and the functions it performs take account of the needs of men and women 	<p>A listed public authority must involve disabled people in the development of a Disability Equality Scheme which demonstrates how it intends to fulfill its general and specific duties and which includes a statement of:</p> <ul style="list-style-type: none"> • The way in which disabled people have been involved • The methods for impact assessment • Steps which the authority will take towards fulfilling its general duty (the Action Plan) • The arrangements for gathering information in relation to employment and, where appropriate, its delivery of education and its functions • The arrangements for putting the information gathered to use, in particular in review the effectiveness of its action plan and in preparing subsequent DES. <p>Within 3 years of the Scheme being published, take the steps set out in its action plan and put into effect the arrangements for gathering and making use of information.</p>	<p>Listed public authorities must publish a Race Equality Scheme setting out functions and policies that are relevant to the general duty on race and arrangements for:</p> <ul style="list-style-type: none"> • assessing and consulting on the likely impact of proposed policies on the promotion of race equality • monitoring policies for any adverse impact on the promotion of race equality • publishing the results of such assessments, consultation and monitoring • ensuring public access to information and services which it provides • training staff in connection with the duties imposed by the Race Equality Duty

<ul style="list-style-type: none"> • Make use of the information it has gathered to meet the duty and review the effectiveness of its scheme and the actions taken • Assess the impact of its policies and practices on men and women, and use the results to inform its work • Consult employees, service users, trade unions and others • Achieve the objectives it has set. <p>The public authority must put the scheme, and the actions identified, into effect within three years. It must report annually on the actions it has taken.</p> <p>It must review the scheme and publish a revised scheme within three years.</p> <p>Ministers must publish reports every three years, in addition to an equality scheme and equal pay statement.</p> <p>These reports will set out the priority areas which Ministers have</p>	<p>Publish an annual report containing a summary of the steps taken under the action, the results of its information gathering and the use to which it has put the information.</p> <p>From December 2008, Ministers will have to publish reports every 3 years that:</p> <ul style="list-style-type: none"> • Give an overview of the progress made by public authorities in relation to disability equality • Set out proposals for co-ordination of action by public authorities so as to bring about further progress on disability equality 	<p>Employers are required to monitor by reference to racial group staff in post and applicants for employment, training and promotion.</p> <p>Where the employer employs 150 or more full-time staff it must also monitor the numbers who receive training, benefit or suffer detriment from performance assessment reviews, are involved in grievance procedures, are the subject of disciplinary procedures or cease employment.</p> <p>Listed education authorities must prepare a race equality policy, and have and fulfill arrangements to:</p> <ul style="list-style-type: none"> • assess the impact of its policies, including its race equality policy, on pupils, staff and parents of different racial groups, including, in particular, the impact on attainment levels of pupils • monitor the impact of the operation of such policies on such pupils, staff and parents,
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<p>identified for advancement of equal opportunities across the public sector, and provide a summary of progress made in these priority areas by the public sector.</p>		<p>including, in particular, their impact on attainment levels of pupils</p> <ul style="list-style-type: none"> • take steps to publish annually the results of its monitoring. <p>Where the race equality policy is prepared by an education authority, that authority should ensure that each school under its management complies with the arrangements in the race equality policy.</p> <p>Further and higher education institutions must prepare a race equality policy, and have and fulfill arrangements to:</p> <ul style="list-style-type: none"> • assess the impact of its policies, including its race equality policy, on students and staff of different racial groups, including, in particular, the impact on attainment levels of students • monitor, by reference to those racial groups, the admission and progress of students and the recruitment and career
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		<p>progress of staff</p> <ul style="list-style-type: none">• include in its written statement of its race equality policy an indication of its arrangements for publishing the statement and results of assessment and monitoring• take steps to publish annually the results of its monitoring
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A8 References

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Section B: Gender equality in the educational sector

B1 Practical issues

The following sub-sections detail some of the key elements in undertaking gender equality work within the education and college sector and should be read alongside material on the EOC website relating to the pay gap, employment, gender stereotypes, etc.

B2 How to get started – a general checklist

B3 Gender equality objectives and the Gender equality scheme – *A consideration of how to develop key objectives and undertake the development of a GES, especially target setting and action planning*

B4 Gathering information

B5 Undertaking consultation

B6 Employment issues and gender

The pay gap and other employment factors

B7 Impact assessment.

B8 Transsexualism

B2 General gender equalities checklist

B2.1 Checklist

The following would be useful in assessing the extent of gender equality within an organisation.

Key questions

- Does the college have an equality committee/forum with trade union representation?
- Is there a gender equality policy?
- Were members of staff actively involved in writing the policy?
- Has the policy been updated to take into account the Equalities Act 2006?
- Do all members of staff have copies of the policy?
- Has the college begun to monitor the staff profile by gender?
- Has the college begun to publish the results of staff monitoring?
- Has the college set targets for recruitment where the staff population is under-representative of key groups?
- Have members of staff been invited to contribute to a public discussion on what 'the general duty to promote equality between women and men' means for all areas of the college's work, including budgeting, work with contractors, maintenance of buildings, curriculum, etc?
- Have groups of students been actively involved in assessing the college's general progress towards achieving equality between women and men?
- Have you checked the national joint agreements on guidance for gender equality in employment, equal pay, and transgender equality in employment in further education colleges (Association of Colleges and Joint Trade Unions 2005a, 2005b, 2007)?
- Have all members of staff received training on the implementation of the Gender Equality Duty?

B2.2 How to get started

Key actions

- Ask if the college has liaised with the staff, including the trade union representatives, about the Gender Equality Duty (GED) and Gender equality scheme (GES).
- Ask the governing body to assign a lead/link governor on the GED.
- Write to students and parents via a college/service newsletter to let them know about the new duty and the steps the organisation needs to take in order to put the GES in place. Seek volunteers from staff, students and parents.
- Liaise with the students on this through the NUS.
- Assign the responsibility of coordinating the development of the GES to a senior member of staff.
- Check out the training events that NIACE, LSN, LSC and others are running.
- Set up a working group. This need not be large, but we would recommend that it be made up of all the representative members of staff (for example, both teaching and support staff) and relevant stakeholders, such as the recognised staff unions and the governing body.
- Set up a working group to write the GES. The scheme will contain the monitoring data, positive action targets and any other information considered relevant.
- It is recommended that the GES is an active policy and that the college should take steps to begin implementing the actions set out in the Gender equality scheme, with a view to having implemented them by the end of the three year period.
- Look at sharing good practice; perhaps arrange to twin with another college that already has the GES in place.
- Use the advice available from the Equal Opportunities Commission webpages (www.eoc.org.uk).
- Look at the Association of Colleges (AoL) and UNISON webpages. They have detailed advice available and downloadable copies of the national joint agreements (www.aoc.co.uk/Members/employment/joint_agreements www.unison.org.uk).

B3 Gender equality objectives and the Gender equality scheme

B.3.1 The importance of gender equality objectives in the gender duty

The development and implementation of gender equality objectives are at the heart of the gender equality duty. This is in order to ensure that, when an organisation implement the duty, it focuses on taking action to achieve specific outcomes in gender equality. The objectives must be kept abreast by information collection and chosen in consultation with stakeholders. They must then be implemented within three years.

Most colleges and education bodies are likely to find that they have a range of issues in gender equality which could be prioritised for action.

Key action point

The requirement to set specific objectives means that you will have to make it very clear in your scheme what your priorities are, and precisely what action you intend to take to achieve them.

This is a more exact requirement than under the race or disability duties, and if you are developing an equality scheme to meet all three duties, you will need to take particular care that the gender equality objectives are clearly identifiable.

The key legal requirement of the duty is that, in all the organisation's functions, it should pay 'due regard' to the need to:

- eliminate unlawful discrimination and harassment (on grounds of sex and of gender reassignment)
- promote equality between men and women.

The legal meaning of 'due regard' is that, the more relevant each function is to gender equality, the greater emphasis an organisation should give to it and the greater the action it should take. This means in practice that the organisation should prioritise for action the most significant issues for gender equality. An organisation should test its proposed objectives against the contribution the actions are likely to make to the core requirements of the general duty.

Also to be included is the elimination of discrimination and harassment for transsexual people in employment and vocational training (including further and higher education). From December 2007, the duty will also require a college to eliminate harassment and discrimination against transsexual service users.

Recommended action

It would also be good practice to promote equality between transsexual people and non-transsexual people, although that is not a legal requirement under the duty.

The UNISON website provides useful guidance on promoting equality for trans people in the workplace.

www.unison.org.uk/out/index.asp

The EOC recommends that, like any objective, gender equality objectives should be specific, measurable, achievable, realistic and time-bound (EOC 2007a). The specific duties require public authorities to set objectives for a (maximum) 3-year period (with the option to review earlier), although they may also wish to set interim objectives for

each year to allow them to measure progress. They should be focused on achieving gender equality outcomes; specific, identifiable improvements in policies as well as in the way services are delivered, in the exercise of public functions and in outcomes for employees and service users.

An objective does not necessarily need to contain a numerical target for it to be measurable. One could aim for 'a significant improvement' in an area, measured by service user feedback or other qualitative means. Even if hard quantitative data is available, public authorities do not have to predict a precise number by which take-up will improve. They do need to think, however, when objectives are set, about how to track progress during the three years and establish whether the objectives are met at the end of that time.

Key action point

When objectives are set, think about how progress will be tracked during the three years and how to establish whether the objectives are met at the end of that time.

In its advice, the EOC emphasises the importance of outcome over process objectives and suggests that some objectives that may be appropriate for the education sector (EOC 2007a).

Appropriate objectives may include:

- increasing representation of women on decision-making bodies
- increasing numbers of girls and boys opting for non-traditional work placements
- increasing numbers of women taking up small business loans and support services
- increasing numbers of male and female staff taking up flexible working options
- ensuring transsexual staff have confidence in your procedures and feel supported.

Case Study

North Devon College

North Devon College has worked with employers to address the gender imbalance in construction and motor vehicle by focusing on encouraging the recruitment of girls and women who are under-represented in these traditionally male dominated courses.

The college hosted taster sessions, which provided an opportunity to consider construction and motor vehicle as a career option. As a direct result of the women into construction and motor vehicle drive, the college recruited 34 women onto these two courses.

Feedback from women and the evaluation of the learning experience of women has enabled the college to address issues of gender inequality in learning and employment. The college has planned to extend the programme in 2007/8.

Case Study

Lancaster and Morecambe College

Lancaster and Morecambe College continually seeks ways to break down gender barriers in course applications. The college has encouraged some of its male and female learners to spend time tasting non-traditional courses. This has been achieved by providing support and flexibility for tutors to work in partnership and arrange a course swap.

The initiative was designed to encourage male and female learners to make informed choices about career choices not usually selected by either sex. Feedback from both sets of learners identified the issues of men and women in non-traditional areas of work and suggested what tutors would need to do to sustain retention. In addition, learners also said that they would certainly have considered these career paths if they had been able to experience them before making a career choice.

B3.2 Gender equality schemes

B3.2.1 Content

All colleges and organisations subject to the specific duties are required to produce a gender equality scheme. A gender equality scheme sets out its gender equality objectives and lays out an action plan describing how the organisation will meet them, and by what date. It may form part of another document, such as a general equality scheme or a business plan.

When developing and implementing the scheme, the organisation should bear in mind that the scheme is not an end in itself, but a means of taking action to meet the general and the specific duties. When it is being assessed on whether or not it have met the duty, the existence of a scheme will not be in itself enough. The organisation will need to demonstrate what action it has taken and the outcomes it has achieved.

In order to meet the specific duties, the organisation needs to publish a scheme which sets out how it intends to meet the general and the specific duties.

Key action point

To meet the requirements of the specific duties, the organisation must include clear information on the following areas:

- What its gender equality objectives are, including any pay objectives.
- A rationale for the choice of its objectives, including:
 - § an overview of the remit and functions (including those delivered in partnership with, or contracted out to, external organisations)
 - § the major findings of the information gathering exercise
 - § the major findings of the consultation exercise
 - § how it has considered the need to have objectives to close the gender pay gap (and the reason why it hasn't included one if that is the case).

The organisation must also set out:

- how it has collected information on gender equality
- how it has used, and will use, this information to set objectives and meet the duty overall
- how it will take the information into account to conduct a regular review of progress against your objectives
- how it intends to assess the impact of existing and new policies on gender equality
- how it has consulted stakeholders including employees, service users and trade unions
- how it will implement the objectives in its scheme
- how it will use its information to assess progress on implementation and to develop later schemes.

Recommended Action

In addition, the EOC recommends (EOC 2007a) that the organisation also include:

- evidence of commitment from its senior leaders
- evidence of the link between its gender objectives and its main business plan
- named individuals with clear responsibilities for taking action on the scheme or elements of the scheme
- the allocation of any specific budgets (for example, for consultation or information gathering)
- measurable and time-bound indicators of progress towards the objectives
- measures to strengthen the capacity of its authority to meet the objectives (such as training staff or improving data collection systems)
- separate action plans for individually identifiable departments, if applicable
- details of how impact assessments will be incorporated into its planning
- details of how the public authority will ensure the duty is met in procurement and partnerships, if applicable.

Within these requirements and recommendations, the degree of detail an organisation goes into will obviously depend on the size and complexity of its organisation.

B3.2.2 Step-by-step guide to developing objectives and a scheme

Although many organisations will have experience of developing equality schemes on race and disability, setting gender equality objectives and producing a gender equality scheme will be a new task for many public bodies. To help, the EOC has published a seven step guide (EOC 2007a), which is summarised as follows.

Step 1: Understand the gender equality issues for your college

The first step in identifying gender equality objectives is to develop a broad understanding of the major gender equality issues within your functions. This includes your policy, services, public functions and your employment practices. You will need to use a variety of methods in order to be able to do this:

- consult with your stakeholders
- look at the in-house and local information that you have available
- review national sector information on key gender issues
- start the process of gender impact assessment of your policies and practices.

Consultation, information and impact assessments should underpin this process.

Step 2: Develop possible objectives

Your next step should be to develop a number of possible objectives, including any pay objectives. For example:

- In policy, you could set an objective to ensure that, during the development of a named major forthcoming policy, you will fully analyse and incorporate the different needs of women and men.
- In services, you could aim to promote gender equality in college careers services, or address issues of gender bias within the curriculum.
- In representation, you could aim to promote gender equality on the Board of Governors.
- In employment, you could set an objective of delivering equal pay, improving access to part-time working, tackling pregnancy discrimination or sexual harassment or harassment of transsexual staff.

You may find that you put together far more possible objectives than you can achieve within a 3-year timescale, and will need to prioritise these.

Step 3: Prioritise and select objectives

Once you have a comprehensive list of ideas, you need to work this list down to a number of priority objectives. Although it is up to your organisation to decide what your objectives are, you need to provide evidence in your scheme of why these are the most important areas for you to focus on. In your selection of priorities, it is likely that staff and stakeholders will have differing views on which objectives have the most significance for the promotion of gender equality. The objectives should reflect a strategic overview of the most significant priorities for your college as a whole.

You may wish to develop your own criteria for choosing objectives for action. You might take into account any of the following.

Recommended action

When prioritising objectives, ask yourself:

- How major a gender equality issue is this?
How will it contribute to the three aims of the duty, including the promotion of gender equality?
 - How many women and/or men are affected by the issue?
 - How significant is the disadvantage/potential to promote equality?
This is particularly important for issues affecting transsexual people whose numbers are likely to be small, or for issues such as violence against women, which have such a serious impact on every sector.
 - What do stakeholders think the priorities should be?
 - What does your local information tell you about the importance of this issue?
- Does national level information tell you this is a significant issue?

In making your final selection of objectives:

- Have you addressed all three parts of the general duty (elimination of discrimination, harassment and promotion of equality)?
- What can you realistically deliver in a 3-year period?

Once you have your list of draft objectives, the EOC would strongly recommend that you consult again, simply by circulating your draft objectives to representatives of a reference group (EOC 2007a).

Case Study

South Birmingham College

South Birmingham College consulted learners, collected data and identified that some women needed a women-only space to study. The college consulted with both learners and local communities – including men – to assess the impact of developing a women-only venue locally.

After successful consultation, the college moved learning from one venue to another and utilised the vacated space to create a women's centre. This has proved to be successful and to meet the needs of a number of women. In addition, it has met cultural and religious needs of some groups.

Step 4: Action planning and mainstreaming

You are required to include in your scheme evidence of action being taken in your organisation, and we recommend you include in the scheme named individuals or post-holders against specific actions, in order to ensure accountability and action.

Case Study

Warwickshire College

Warwickshire College offers the Family Learning Works project, which supports the Gender Equality Duty by addressing areas that also work towards the issue of widening the participation of men in their own and in their children's learning.

The aim of the project is to provide family learning courses which support the educational needs of families who are marginalised from the education and employment sectors by the double disadvantage of low income and low educational achievement.

The programme is based on the principle that awareness of opportunities for learning in everyday home and community activities can contribute to successful literacy and numeracy development.

We also recommend that organisations set up a small steering committee to track and coordinate progress, and to integrate action on the duty into the mainstream planning and implementation mechanisms of their organisation. Even in a very small organisation, a steering group will develop ownership and help drive forward progress.

Recommended action

Action planning could include:

- agreeing how your senior leaders will make clear to staff the importance of GED
- linking your objectives and action plan to your business priorities and plan, and budgeting process
- allocating responsibility for taking action on each of the objectives
- agreeing mechanisms for reporting and reviewing to ensure action is taken
- allocating budgets, for example, for consultation or information gathering
- agreeing indicators of progress towards the objectives
- taking measures to improve your capacity to meet the duty, for example, training
- developing action plans for individual departments/building them into existing departmental action plans
- ensuring all policy-making processes have the gender impact assessment requirement built into them
- making sure the duty is met in procurement and in partnership working.

Step 5: Publication

You need to make sure your scheme is published in a readily accessible format, such as in a clearly signposted area of your website. It can be published as part of another document, such as a business plan or within an equality scheme which also covers disability and race. You will need to make sure that the gender equality scheme is easily identifiable, however, so you can show how you are meeting the gender duty.

In order to maximise staff and stakeholder knowledge of and commitment to the gender duty, the EOC recommends that you ensure that your gender equality objectives are also publicised to staff and stakeholders, through mainstream organisational documents such as the annual report, integration into press work and major announcements from senior staff (EOC 2007a).

Step 6: Reporting

Under the specific duties you have to publish a report annually, summarising the actions you have taken to implement your scheme objectives. This can be published as a separate document or within another published document such as your annual report.

Step 7: Reviewing and revising the scheme

Under the specific duties you need to review and revise your scheme at least every three years. You have scope to do this earlier if you would find it useful, or want to bring the review in line with other equality duties or planning processes.

The review should include a review of progress to date and of the appropriateness of the previous scheme objectives. Evidence for this process would include information gathered to date, results of impact assessments, and any feedback from stakeholders on the effectiveness of the preceding scheme. In preparing the new scheme, public authorities are required to collect and make use of information, and to consult stakeholders as before.

B4 Gathering information

B4.1 The requirement to gather information

The specific duties of the GED require all listed organisations to:

- Gather information on the effect of their policies and practices on men and women; in particular:
 - § the extent to which they promote equality between male and female staff
 - § the extent to which the services it provides and the functions it performs take account of the needs of men and women.
- Make use of this information and any other relevant information for the development of gender equality objectives and impact assessments.

For colleges and education establishments this will mean establishing what data is already being collected and identifying the gaps in such data collection.

Information collection for the gender duty is not a stand-alone obligation. It is one of the steps under the specific duties which support public authorities in meeting the general duty: to eliminate unlawful discrimination and harassment and to promote equality. This means that the information collected has to be used in order to meet the duty and has to be integrated with other specific duties, particularly the duty to consult stakeholders when developing gender equality objectives. We recommend that an organisation use its information to inform its consultation, and vice versa.

Key action point

Information gathering (or monitoring) is the process used to collect, store, analyse and use data. The gender duty does not prescribe what information should be collected or in what form.

Equality information can include a person's sex, caring responsibilities, gender identity, race, age, disability, religion and sexual orientation. It can be used to highlight possible inequalities, investigate their underlying causes and track progress in removing any disadvantage. Sound evidence will also enable you to use your resources more effectively.

The EOC recognises that although many organisations will have significant experience of gathering information on race and disability as part of the race equality and disability equality duties, many colleges and education bodies will have less information on gender equality.

The EOC has developed a nine step programme to assist in gender information gathering (EOC 2007b). This recognises that larger colleges may have a substantial staff resource and budget for information collection and analysis, while smaller organisations, such as schools, will not have an equivalent capacity, but will need to follow similar processes on a smaller scale.

It is important to stress that the gender duty does not prescribe what information should be collected, or in what form. It would, therefore, be inappropriate for every college to be collecting and collating identical data. Indeed, such a scenario would suggest that there had been inadequate contextualisation of the duty and would indicate an inappropriate off-the-shelf approach. The focus is on taking action to achieve priority outcomes in gender equality and ensuring that information is collected and used to support that goal.

It should also be noted that not all of the information relevant to gender equality can be found simply by disaggregating by sex. Comparing information for part and full-time workers may also identify issues that are relevant to gender equality, as women are disproportionately represented among part-time workers. The same is true for employees and service users with caring responsibilities, who are more likely to be women.

The duty covers transsexual people, and you will need to gather information on issues related to their equality in employment and vocational training, including higher and

This GED Guidance has been developed for the Learning and Skills Council by the Learning and Skills Network

further education. It would also be good practice to gather information on service issues, as this will be a legal requirement under the gender duty after December 2007.

B4.2 The key steps

Step 1: In-house and local information

What gender data do you already have in the college? For example, are your exam results or student recruitment broken down according to gender?

Employment data is often more easily available than information on service use, so human resource departments are also a good place to start. You need to look at information across all of the college's work, for example, your services, employment, procurement and representation/decision-making structures.

Step 2: Gender disaggregation

While you may have a lot of local and national information, it may not be disaggregated by gender. This stage involves disaggregating your existing information by gender as much as you can.

Step 3: National information

This stage involves working out what existing national information you have. This should normally be from national statistics, such as from LSN, LSC, etc. Or it could be information for the whole of the public sector, such as for curriculum content regarding societal attitudes.

Recommended action

To help you identify key information sources in your sector, take a look at the EOC-commissioned research study on the availability of gender disaggregated information in different sectors. The report, *Gender statistics: an evaluation* by Esther Breitenbach, sets out the key sources of national-level data in local government, transport, health, education and criminal justice.

A copy of the report can be downloaded at
www.eoc.org.uk/PDF/wp51_gender_statistics_evaluation.pdf

Your central government department or other national or regional umbrella organisation may already have useful information on key gender issues. If your department does not make this information readily available, you may need to make them aware of the need for this information to be provided.

Step 4: Identifying gaps

When you are familiar with the information that you already have locally and nationally you can start to identify any gaps. This could include, for example: a lack of data on outcomes by sex, or a lack of information on the sex of unsuccessful college applicants.

One of the key areas where information may be missing is for non-users. For example, a college has a predominantly female student population in an area with a higher percentage of men and boys.

Step 5: Taking stock

This is a critical step as it involves you making an assessment of your existing information, and deciding which further information you need to collect to fill the gaps you have identified.

Recommended action

Use the following questions to help you plan your next steps:

- Do you have enough information to help you decide which functions are most relevant to gender equality?
- Do you have good baseline information on those key areas?
- Do you have enough information to help you choose the policies and services you need to gender impact assess?
- Do you have enough detailed information on the most relevant policies and services to enable you to undertake your gender impact assessments?

This may be a good point at which to consult with stakeholders, to ensure you are focusing on the issues which are most relevant to gender equality. Sharing your information with them will also make for better informed consultation and discussion of which issues to focus on in your objectives.

Step 6: Information collection

When you have identified which information you need to collect, you should consider which methods you will use to gather the data required. You will need to gather information across your work.

Step 7: Analysis

Once you have collected your information, you need to analyse it in order for it to be useful. Analysis should enable you to identify inequality within your policies, services, employment, and representation/decision-making processes.

Step 8: Interpretation

Interpreting information should help you to understand the possible causes of any discrimination or inequality on the grounds of gender. The reality is that a range of reasons will underlie these processes so you need to ensure your analysis is rigorous enough to be able to identify them all. Only then can you begin to develop a plan to address these problems.

Step 9: Using the information

The final step is using the information. Information will be used in a variety of ways to help you identify objectives and actions in your gender equality scheme, conduct

gender impact assessments, and develop performance indicators to track and report on progress in meeting your objectives.

B4.3 Lack of evidence

A lack of evidence is not a valid excuse for inaction on the duty. Although it may take some time for good quality information to be collected across all functions, many key gender issues are self-evident through sources like internal complaints procedures, know-how of equality staff, tribunal cases, staff or student feedback. In these cases, it is important that the organisation does start to take action based on the information it has, while also taking steps to develop information in other areas.

B4.4 Multiple discrimination

There may be many causes of inequality or discrimination. For example, an Asian woman could have difficulties accessing education services because of factors related to her gender and her race. It is therefore recommended that the systems in place allow the organisation to cross reference information by ethnicity, disability, age, sexual orientation and other equality categories so it can get a full picture of issues affecting different groups of women and men.

B4.5 Sensitivity, privacy and confidentiality

Some information will be of a sensitive nature, such as data about transsexual people or about grievances or harassment. Issues about chronic illness or disability might also be sensitive, as could a person's ethnic origin or sexual orientation.

Recommended action

It is always worth seeking advice on these issues. For example:

- ACAS can provide advice on transgender issues (www.acas.org.uk).
- Transgender organisations can provide information, advice and support, for example:
The Gender Trust (www.gendertrust.org.uk)
Press for Change (www.pfc.org.uk).
- More information on information collection for transsexual staff is available in the EOC guidance on transsexual staff and the gender duty (EOC 2007c).
- The TUC produces a guide on *Monitoring LGBT Workers* (TUC 2005).
- Ethical guidelines which could be helpful are produced by organisations such as:
Market Research Society (www.mrs.org.uk)
Social Research Association (www.the-sra.org.uk)
European Social Research Council (www.esrc.ac.uk/ESRCInfoCentre/index.aspx).
- Your own organisation may also have some guidelines.

B4.6 Data protection

When collecting, storing, analysing and publishing information, an organisation must take full account of the Data Protection Act 1998. When publishing employment information, remember that if it is possible to identify an individual from the data (because of small numbers of one sex at a certain grade), then this might breach the Act.

For further information on the Act and on monitoring for equality, see the Commission for Racial Equality's guidance on Ethnic Monitoring (Commission for Racial Equality 2002).

Also, note that when dealing with a transsexual employee who has obtained a gender recognition certificate, the Gender Recognition Act 2004 prevents disclosure of this information. A violation of that confidentiality is a criminal act subject to a maximum fine of £5,000.

B4.7 Data checklist

It may be helpful to use the following checklist when planning your information gathering activities (EOC 2007b).

- Develop data management systems for collecting quantitative data on the position of women and men across the organisation, including providing an analysis of this on an annual basis.
- Link equality and diversity objectives into performance management and appraisal systems.
- Develop performance indicators on equality and diversity and review these regularly.
- Ensure that data is comprehensive and covers all aspects of women's and men's employment, pay and working time arrangements.
- Provide comparable data so that workforce composition can be monitored and compared over time.
- Update data on a regular basis and track it over time so that progress to achieving equality can be monitored.
- Present data in an accessible and clear way so that employees and their trade unions can understand it.
- Disseminate the data widely to ensure that it can be used as a tool to promote equality.
- Consult with employees regularly through focus groups and employee surveys to gain feedback on the organisation and its policies. Qualitative data, through focus groups, interviews and case studies, can also help identify the experience of discrimination by women and men, particularly if it is indirect and hidden.
- Consult with trade unions on the design and implementation of data systems.
- Put in place realistic timescales for data collection and reporting.

B4.8 Top tips and things to remember

It may be helpful to use the following list as a reminder of the key points relating to information gathering (EOC 2007b).

Key points

1. The gender equality duty is not just about collecting information, it is about analysing and using it to identify priorities, set and monitor objectives and assess impact.
2. Good information is crucial to your ability to conduct effective gender impact assessments of policies and procedures.
3. Collecting and using information is an ongoing process to help deliver the duty, not just something you have to do to set your objectives and write your scheme.
4. You are required to collect information across all your work including services, representation/decision-making, procurement and employment.
5. When collecting information on pay you need to look at all three causes of the gender pay gap: pay systems discrimination, occupational segregation and caring responsibilities.
6. It's not just about information by sex; to identify gender inequality issues, you need to collect and analyse information on caring responsibilities, part-time working and issues for transsexual people as well.
7. Check to see what information already exists. Remember to look at national information from your sector, as well as local and in-house information.
8. Remember that your systems should allow you to cross reference information across equality areas such as age, disability, race, religion and sexuality.
9. Be clear on why you want information and how you are going to use it. Collection methods should be determined by the type of information you are seeking. Ensuring people understand why you are collecting information is a critical step.
10. Seek advice on handling information of a sensitive nature if you are unsure.

B5 Undertaking consultation

B5.1 The requirement for consultation

The specific duties require an organisation to consult stakeholders and to take into account any relevant information in choosing its gender equality objectives for its school or college. It should be noted that a key specifically delineated group to be consulted is trade unions within a college or establishment. Their role is central and crucial in the development of a GES and the fulfillment of the GED.

B5.2 What is consultation?

Consultation is defined by the Audit Commission as 'a process of dialogue that leads to a decision' (Audit Commission 1999).

Defining consultation as 'a process of dialogue that leads to a decision' highlights four important aspects of consultation. These are:

- Consultation is about a dialogue (the sharing, publicising, informing and promoting of interest) in order to ensure that all relevant persons, bodies, organisations, agencies and groups are sufficiently aware to engage in consultation. Consultation is therefore educative and inclusive.
- Consultation is a process. It is an ongoing activity, rather than a one-off duty. In the context of audits and strategies, this means that consultation is more than a statutory duty carried out once every three years. Consultation is therefore iterative and ongoing.
- Consultation is a dialogue among people. Consultation involves a wide range of individuals from within communities, social groups and stakeholders, and these groups should reflect the composition of the population as well as its agencies and organisations of the local area. Consultation is therefore participatory and inclusive.
- Consultation is about action and outcome. It is an important process of decision-making about policy and service development. Consultation must ensure that the views of those consulted inform the decision making of colleges and schools. Consultation is therefore action and outcome orientated.

The specific duties of the GED require listed public authorities to consult stakeholders when identifying their gender equality objectives. The requirement is to consult employees, service users and others (including trade unions) who appear to the authority to have an interest in the way the authority carries out its functions. In addition, the scheme itself must include an outline of the actions which the authority intends to take, or has taken, in order to consult.

Key action point

In a college, the stakeholders would include:

- staff
- students
- parents
- potential students
- governors
- employers
- the local community
- unions
- people who use the premises for other activities.

Effective and well developed consultation can bring many benefits to an educational establishment and its work on the gender equality duty, including:

- building a better picture of the most important gender issues in the work of the establishment
- gathering evidence to use in determining priorities
- gathering evidence for the impact assessment process
- receiving feedback on draft objectives
- improving ownership of gender equality objectives
- improving accountability to staff, students and the general public
- building a useful baseline for use in monitoring.

The Local Government Association identifies a range of principles that should 'guide the development of strategies for consulting and involving communities' (Local Government Association 2000), and although the principles articulated relate to consultation about the development of structures of governance that work locally, such principles are relevant to doing consultation on gender and education.

These principles are that consultation must be:

- inclusive
- involving
- open
- joined-up
- impartial
- resourced
- informative
- professional
- understandable
- timely.
- strategic
- appropriate
- reported
- listened to

Case Study

Northern College

Northern College has developed a women's equality forum for students and staff. During the last 18 months, the college equality and diversity committee has supported the development of a race and a disability equality and diversity forum.

The forum members made a significant contribution to developing and implementing the college race equality scheme and the disability equality scheme. The college intends to build on this practice and extend it to the development of its gender equality scheme.

The college has established a women's forum and has plans to listen to learner voices through the development of a gender equality forum which will include staff, governors and learners. This group's work will also be used to inform the writing of a gender equality scheme.

B5.3 Methods to encourage women and men to get involved in consultation

The GEM project in Manchester has developed guidance on engaging with women and men which an organisation may find useful in developing its consultation process, in particular during formal consultation meetings⁵. Some of their recommendations are set out below.

Key action point

To encourage both women and men to get involved in consultation:

- Use different methods of consultation (such as focus groups, surveys or interviews as well as formal consultation meetings).
- Rotate the chair of meetings so men and women have this role.
- Try different meeting formats (such as including small group discussions in addition to large plenary sessions which can be intimidating for many people).
- Make sure there is a good balance of men and women being consulted.
- Analyse men and women's contribution to meetings to ensure a better balance (so you can take steps to change consultation methods and meeting formats if it is clear that one group are less willing or able to participate in your current structures).
- Use male and female images in non-stereotypical roles in marketing material.

⁵ Manchester Women's Network (2007). *Some ideas for considering gender in community engagement activities*. Available at <http://www.eoc.org.uk/Default.aspx?page=19997>, accessed April 2007.

- Hold meetings at varied times so men and women can attend.
- Hold women and men-only meetings where appropriate.

B5.4 Top tips on consultation and the GED

It may be helpful to use the following list as a reminder of the key points relating to consultation (EOC 2007e).

Key points

1. **You are required to consult stakeholders and take into account any relevant information in choosing your gender equality objectives under the specific duties.**
2. Your gender equality scheme must include an outline of your plans for consultation.
3. Many organisations will have well-established consultation systems in place that they can build on to meet the gender duty.
4. Consulting under the duty means consulting both women and men, making sure your consultation process asks questions about gender equality issues and ensuring both women and men are able to contribute to consultation processes.
5. In some situations it may be appropriate to hold consultations for specific groups or in a single-sex environment.
6. Where women or men have been under-represented or disadvantaged in a policy or service area, you may need to make special efforts to encourage participation.
7. Many voluntary and community organisations have valuable insights into gender equality issues.
8. The gender equality duty does not prescribe the number of people who should be involved in your consultation, but we recommend that you consult a representative sample of stakeholders.
9. Your consultation findings should feed into your information gathering processes, your gender impact assessments and your gender equality objectives. You are required to consult stakeholders and take into account any relevant information in choosing your gender equality objectives under the specific duties.

B6 Employment issues and gender

B6.1 Key gender equality issues for the public sector

These include:

Pay

Delivering equal pay for like work, work rated as equivalent and work of equal value by eliminating discrimination in pay systems.

Pregnancy or maternity discrimination

Each year, 30,000 women still lose their jobs due to pregnancy discrimination. The best employers achieve return rates from pregnancy of over 90%, enabling them to retain valued staff and reducing staff turnover costs⁶

Harassment

Harassment is still prevalent in UK workforces and is one of the top five reasons for calls to the EOC helpline⁷. Public sector employers must consider the steps they need to take to prevent harassment and sexual harassment occurring to all their staff, including transsexual staff, and must implement effective procedures for addressing complaints and appropriate disciplinary actions.

Occupational segregation

Many areas of public sector employment are highly gender segregated; high levels of occupational segregation may put public authorities at higher risk of equal pay claims. Reducing segregation with fair and objective recruitment processes and removing barriers to employment will enable public sector employers to reduce this risk and may help to fill vacancies

Flexible working

Over a third of mothers and more than one in 10 fathers have given up or turned down a job due to their caring responsibilities (EOC 2004). Making work more flexible will enable all staff to balance their work and caring responsibilities.

⁶ EOC (undated). *What will the Gender Equality Duty mean for employment in the health sector?* Leaflet available at http://www.eoc.org.uk/PDF/GED_employment_health_leaflet.pdf, accessed April 2007.

⁷ EOC (10 June 2006). 20 years after Jean Porcelli's landmark case, sexual harassment is all too common. Press release available at <http://www.eoc.org.uk/Default.aspx?page=18844>, accessed April 2007.

The EOC has published guidance on employment issues (EOC 2003).

Key action point

For colleges, the likely list of issues which are pertinent will include:

- ensuring fair recruitment practices, including progression
- work-based training and development opportunities
- avoiding the concentration of women and men into particular areas of work and addressing this where it exists
- tackling pay discrimination
- promoting and managing flexible working
- widening access to part-time work at all levels within the organisation and supporting part-time workers
- managing leave for parents and carers
- eliminating discrimination towards pregnant women and successfully managing pregnancy and return from maternity leave
- eliminating harassment, including sexual harassment
- eliminating discrimination against, and harassment of, transsexual staff and potential staff
- grievance and disciplinary procedures
- redundancy.

B6.2 Measures of success

Success will be measurable by:

- the extent to which an organisation has sufficient information to understand the impact of its employment policies and practices on men and women
- the extent to which an organisation has identified the key gender equality issues in employment its your organisation
- the effectiveness of the action that an organisation has taken to address these.

And when:

- the gender pay gap in a college narrows and is eventually eliminated
- women and men are proportionately represented at all levels in the workforce and in all areas of college work
- the college accommodates different working patterns at all levels enabling all staff, both male and female, to balance their caring roles with work and flexible working becomes the norm rather than the exception
- an increasing number of jobs at senior levels are available on a part-time basis.
- the return rate after maternity leave increases

- the incidence of, and tolerance towards harassment, including sexual harassment, reduces through demonstrably effective policy and procedures and initiatives to promote a culture of respect for the dignity of individuals.

B6.3 Data collection

B6.3.1 Monitoring for pay

Monitoring for pay is a key element within the Gender Equality Duty and involves looking at the three main causes of the gender pay gap for full and part-time staff, namely: occupational segregation, discrimination and caring responsibilities.

A key aspect of this will be collecting information on pay structures. This can be used to assess how transparent and consistent they are.

An organisation will also need to find out whether its employees know how their pay is determined. This includes knowing what they have to do to get performance payments or to progress through a pay scale. The EOC *Code of Practice on equal pay* and the supporting toolkit (EOC 2007d) provide further information on the type of information it will need in order to carry out a review of its pay system.

Key action point

You need to gather information about:

- whether all employees (full and part-time) are covered by the same pay structure
- whether you use an analytical job evaluation scheme to assess job demands and whether it has been checked for sex bias
- whether men and women doing equal work are paid the same starting salaries
- whether women and men are paid the same for doing the same job
- whether women are paid the same as men for doing jobs involving similar levels of skills and knowledge
- whether women and men have equal access to work related benefits or bonuses
- whether you have any arrangements for pay protection that favour one sex over the other.

B6.3.2 Job types and areas

The information process should track where men and women are within an organisation; this includes information on the types of job that staff are performing. The organisation should find out whether women and men are concentrated in different areas (horizontal segregation) and to what extent men and women are concentrated at different grades (vertical segregation).

The organisation should try to identify any possible barriers to progression for women and for men, including caring responsibilities.

Key questions

- Are women and men concentrated in different areas of work?
- Are women and men staying in certain grades for different periods of time?
- If so, what are the reasons for any differences?
- What are the barriers to progression?

The following case study (EOC 2007b) provides an example of tackling job segregation.

Case study: using data to tackle segregation

Edinburgh University undertook an analysis of staff data and they identified the low success rate of male applicants to clerical posts as a priority. Overall, 34% of applicants were male, yet just 22% of successful candidates were male. This proportion was lower in a number of departments. This information suggested attention needs to be paid to recruitment processes to ensure equality of opportunity. Actions included developing publicity materials, holding open days, supporting new staff, reviewing job titles and descriptions and training staff in gender equality.

(Gathering and using information on gender equality Guidance for GB public authorities Feb 2007, available at www.eoc.org.uk/default.aspx?page=20028).

B6.3.3 Recruitment and promotion

This involves gathering information on the overall numbers of male and female applicants for jobs and internal promotions. To assess the impact of an organisation's procedures, it should compare the proportion of male and female applicants with national data for your sector. You should collect information to enable you to assess the success rates of different groups of applicants.

The same processes should be carried out for external recruitment and for internal promotions. In terms of promotion, the organisation should gather information on how many applications men and women made before they got promoted. It should collect information about how long it took different groups to move from one grade to another.

Key questions

- How do your figures compare with national averages for the sector?
- How successful are different groups of applicants?
- How many applications do men and women make before they get promoted?
- How long does it take different groups to move from one grade to another?

B6.3.4 Working hours

Working time arrangements have a significant impact on the recruitment, progression and retention of staff with caring responsibilities (of which women take a disproportionate share). Collecting information on whether staff work part-time or flexibly at all levels and in all types of jobs is an important step in assessing equality in the workplace. Find out whether managers receive training on opening up flexible working to meet the needs of the business and the employee.

Case Study

Essex Adult Education Service

Essex Adult Education Service's organisational culture is one of flexible working; the outcomes have been flexibility in start and finish times for staff and learners with care and parental responsibilities.

Class start and finish times are set in relation to pre-school and school times. In addition, evening classes are set to enable partners to return home and for people finishing work.

B6.3.5 Training and development

An organisation's information should show the overall numbers of employees who apply for, and undergo, training. This could involve looking at what it means by 'training' and 'application' and what kind of procedures it may need to set up to help it to do this. It could look at what kind of training is key to career development. Not all career progression is the result of formal training and some of the most significant opportunities may come from project work or temporary promotion.

Effective monitoring of training means monitoring access to the full range of training and development opportunities. An organisation's systems should enable it to establish how easily part-time workers are able to access training and development opportunities in comparison to full-time staff.

B6.3.6 Grievances

Grievance patterns can indicate how strongly certain groups feel they have been unfairly treated or discriminated against. An organisation should gather information on how often grievances are made by women and men, and how they are resolved.

It should collect information about complaints made under a grievance procedure, within bullying, harassment or sexual harassment complaints or within appeals against appraisal or promotion decisions.

B6.3.7 Sexual harassment

An organisation should collect information on the incidence and outcome of sexual harassment complaints. It should assess whether managers and staff have received training in order to be able to deal complaints if they arise.

B6.3.8 Disciplinary action and dismissal

We recommend an organisation collect data on the incidence and outcomes of disciplinary actions against men and women, and the rates of appeal (including their results). It should look at whether penalties (including dismissal) are used consistently.

B6.3.9 Transsexual staff

As a matter of good practice, the EOC recommends that public authorities should ensure that their policies and procedures cover transgender people (those who do not intend to undergo gender reassignment) as well as those who are transsexual (EOC 2007c).

Monitoring should only be carried out where there is a clear purpose to the data collection. Trans people will not 'out' themselves unless they can see some demonstrable benefit to themselves and their peers.

It must also be clear how the information is to be stored and reported. Confidentiality and compliance with the Data Protection and Gender Recognition Acts may also be important issues. Data must not be stored in personnel files or in any other way that identifies the individual. For this reason, extreme care must be taken in cross-collating results with other categorisation criteria.

For instance, reporting that an organisation of 5,000 staff includes two trans people would be fine but reporting that this broke down to include one in, say, the finance department would put their privacy at risk if the department had only a small number of people.

Because of the small numbers involved, quantitative data is likely to be of limited value and the emphasis should be on working closely with trans staff and voluntary sector trans support groups. For further information on this, see EOC guidance on *Meeting the Gender Equality Duty for transsexual staff* (EOC 2007c) and Press for Change campaign guidance on *Trans equality monitoring*⁸.

An organisation should collect information to try to identify any issues and barriers faced by existing and potential trans staff. This may include recruitment, harassment, occupational pensions, access to training and development, as well as leaving rates.

Monitoring for trans people should not be undertaken during the recruitment process. Even after a decision is taken, any monitoring data should remain anonymous. The experience of trans people obtaining employment can be difficult enough and anything that raises the issue of trans status in the recruitment process is likely to drive trans people away from seeking to join the organisation.

⁸ Press for Change (2006). *Trans equality monitoring*. Available at <http://www.pfc.org.uk/node/1408>, accessed April 2007.

Trans people are a widely discriminated against group who guard their privacy jealously; and consequently, even if monitoring is anonymous, this could lead to massive under reporting. Monitoring during the recruitment process could undermine the reason for monitoring, and even worse, may imply there is no need for protection from discrimination or harassment.

Questions on gender identity must always be optional and use language that trans people find acceptable.

There may be a zero response to the monitoring. This could be because the trans people in the organisation do not feel confident enough to respond, or because the sample size is too small to contain any trans people. A zero response should not be taken as a reason to do nothing in respect of protections or policies in support of trans people.

A positive result should be the basis for doing some act to better support trans people but, because of the privacy and fear issues, a negative should never be the basis for deliberate actions to exclude or ignore trans people in the belief that none are in the organisation.

Key action point

Don't

- Offer transgender as a 'third sex' for an alternative to a male/female question. Most trans people do not consider themselves to be a 'third sex' and are likely to take offence at this suggestion
- Offer transgender as an alternative in a question about sexual orientation. Being trans has nothing to do with who you are attracted to and trans people can be gay/lesbian, bisexual, asexual, as well as heterosexual, just like any other individual.
- Ask whether individuals have a Gender Recognition Certificate. This may suggest that you will discriminate against those that have not had their gender identity recognised in law.

Do

- Put questions on gender identity in a separate section.
- Use descriptive questions that do not rely on a particular terminology or 'label, for example:
 - Is your gender identity the same as the gender you were assigned at birth?
 - Do you live and work full-time in a gender role other to that assigned at birth?
 - Do you feel able to discuss your gender identity with colleagues at work?

Public sector employers have a duty to promote equality on the basis of gender. Organisations may wish to enhance their monitoring, not only by monitoring trans

people's presence, but by monitoring the attitudes of all staff to trans people who may be in their midst or who they may come into contact with as service users.

B6.3.10 Pregnancy and caring responsibilities

Monitoring for staff with caring responsibilities involves identifying complaints made by staff during pregnancy, staff returning to work after maternity leave (and whether they are returning to jobs at the same level of pay and responsibility).

It involves assessing how many male staff take up paternity and parental leave. An organisation should monitor the number of staff with caring responsibilities (including eldercare) to establish whether this is a barrier to progression for male or female staff.

B6.3.11 Reasons for leaving

Reasons for leaving can give useful insights into gender equality in your workplace. An organisation should gather information on the mechanisms for leaving (for example, redundancy, dismissal, resignation, retirement) as well as the underlying causes (such as moving for a partner's job, unhappiness with pay and conditions, caring responsibilities, harassment or discrimination).

B6.4 Checklists

An organisation might find it useful to undertake the following checklists in relation to your college.

B6.4.1 Checklist: assessing the barriers experienced by women in the workplace

- What are the main barriers that prevent women and other under-represented groups from taking up senior or non-traditional positions?
- Have you consulted with women to find out, from their experience, what are the main barriers?
- Do women have equal opportunities for promotion/career development as men?
- Is there gender balance at all levels of the organisation and are women employed at all occupational levels?
- Can staff balance work and family life and do all employees have access to flexible working hours?
- Are your recruitment procedures equality proofed?
- Do you have measures in place to encourage more job applications, including those for senior positions, from women?
- Do women returning to the company after maternity leave experience demotion or relocation to jobs below their skills level?
- Do women who work flexible hours have equal access to training, promotion and career development?

B6.4.2 Checklist: assessing the barriers experienced by men in the workplace

- What are the main barriers that prevent men and other under-represented groups from taking up non-traditional positions?
- Have you consulted with men to find out, from their experience, what are the main barriers?
- Do men have equal opportunities for promotion/career development as women?
- Is there gender balance at all levels of the organisation and are men employed at all occupational levels?
- Can staff balance work and family life and do all employees have access to flexible working hours?
- Are your recruitment procedures equality proofed?
- Do you have measures in place to encourage more job applications, including those for non-traditional positions, from men?
- Do men who work flexible hours have equal access to training, promotion and career development?

B6.4.3 Checklist: issues to consider on women's pay

- Talk to women in the workplace and find out what their concerns are, how they rate their work and whether they experience pay discrimination.
- Suggest ways in which pay systems can be made more visible with accessible information and data about pay and grading.
- Enhance the value placed on women's jobs through job evaluation. This can address discriminatory grading schemes and reveal hidden assumptions made about the value of women's and men's skills and jobs.
- Tackle occupational segregation where women are clustered into female-dominated and low-paid job categories or grades.
- Improve access to higher-paid jobs that are typically carried out by men through skills training and career development for women.
- Promote equality in collective bargaining and ensure that negotiations between employers and unions incorporate a gender perspective.
- Identify any elements of pay that discriminate against women; for example, bonuses, non-monetary payments, pay increments, criteria for performance-related pay, etc.
- Investigate whether particular groups of workers are discriminated against in their pay, for example, part-time or temporary/contract workers.
- Ensure that there is an ongoing collection of statistics and monitoring of the progress in reducing the gender pay gap.

B6.4.4 Checklist: issues to consider on men's pay

- Talk to men in the workplace and find out what their concerns are, how they rate their work, and whether they experience pay discrimination.
- Suggest ways in which pay systems can be made more visible with accessible information and data about pay and grading.
- Enhance the value placed on men's jobs through job evaluation. This can address discriminatory grading schemes and reveal hidden assumptions made about the value of women's and men's skills and jobs.
- Tackle occupational segregation where men are clustered into male-dominated job categories or grades.
- Improve access to jobs that are typically carried out by women through skills training and career development for men.
- Promote equality in collective bargaining and ensure that negotiations between employers and unions incorporate a gender perspective.
- Identify any elements of pay that discriminate against men; for example, bonuses, non-monetary payments, pay increments, criteria for performance-related pay, etc.
- Investigate whether particular groups of workers are discriminated against in their pay, for example, part-time or temporary/contract workers.
- Ensure that there is an ongoing collection of statistics and monitoring of the progress in reducing the gender pay gap.

B6.4.5 Checklist: measures to support the visibility of women in senior positions

- Present positive images of women in senior positions, for example, in college reports and publicity.
- Show senior level commitment to women at senior levels.
- Identify and support women who have potential for leadership positions.
- Provide professional coaching for women with potential to enable them to realise their goals and to support them through the process of applying for senior positions.
- Consult with women managers to identify what barriers exist and develop policies and procedures to address these problems.
- Develop women managers' networks to enable women to share experiences, identify goals and gain experience.

B6.4.6 Checklist: measures to support the visibility of men in non-traditional positions

- Present positive images of men in non-traditional positions, for example, in college reports and publicity.
- Show senior level commitment to men in non-traditional positions.
- Identify and support men who have potential in non-traditional positions.
- Provide professional coaching for men with potential to enable them to realise their goals and to support them through the process of applying for non-traditional positions.
- Consult with men in non-traditional positions to identify what barriers exist and develop policies and procedures to address these problems.
- Develop networks of men in non-traditional positions to enable men to share experiences, identify goals and gain experience.

B6.4.7 Checklist: assessing the barriers experienced by trans people in the workplace

- What are the main barriers that prevent trans people from taking up senior or other positions?
- Have you consulted with trans people and support groups to find out, from their experience, what are the main barriers?
- Do trans people have equal opportunities for promotion/career development as other groups?
- Are your recruitment procedures equality proofed?
- Do you have measures in place to encourage more job applications, including those for senior positions, from trans people?
- Talk to trans people in the workplace and find out what their concerns are, how they rate their work and whether they experience pay or benefit discrimination.
- Promote equality in collective bargaining and ensure that negotiations between employers and unions incorporate a transgender perspective.
- Identify any elements of pay and benefits that discriminate against trans people; for example, bonuses, non-monetary payments, pay increments, criteria for performance-related pay etc.
- Show senior level commitment to supporting trans workers.
- Support trans people who have potential to progress.
- Consult with trans people to identify what barriers exist and develop policies and procedures to address these problems.

B6.4.8 Checklist: general employment issues

- 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?
- Do we have a policy on supporting employees who are undergoing gender reassignment? Do we have a system to support existing staff who intend to 'transition' while at work? Have we thought about the issues this could raise?
- Do we encourage job applications from the trans community? Have we got policies and procedures that would put obstacles in the path of prospective employees who may want to work for us? 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 try and rectify the situation?
- Do we have a good return rate from maternity leave? If not, why not and how can we improve?
- Do our equal opportunities policy and harassment policy cover trans people?
- Do we promote 'positive action' training initiatives?
- Do our practices and procedures support the dignity and privacy of trans people?
- When our organisation requests identification from employees, does it restrict it to items such as birth certificates? If so, a transgender person may have to inadvertently reveal their original sex against their wishes, as they may not have been able to obtain a corrected birth certificate.

B7 Impact assessment

B7.1 The requirement

We have already noted above the central importance of impact assessment and how this is a continual and iterative process.

All colleges are now required to carry out impact assessments. All relevant institution policies, procedures and practices will be assessed for impact in relation to gender.

Key action point

Policies which are relevant to staff and students may include (although this list is not exhaustive):

- the college budget
- all employment policies and procedures
- the location or the moving of staff or students
- health and safety procedures
- the building and environmental practices
- the provision and diversity of curriculum
- library policies
- canteen practices.

The purpose of an impact assessment is both to ensure that a college's decisions and activities do not disadvantage people, and to identify opportunities to actively promote equality, including consideration of where the different parts of the gender equality duty can be actively built into those policies, procedures and practices.

The college needs to set out a timetable for assessing the impact of its policies, procedures and practices over the period covered by the Gender equality scheme. The information published from impact assessments must be made available in an accessible format.

The policies/practices/services to be reviewed will need to be prioritised in order of relevance and a timetable should be drawn up for the assessments to be completed within the lifetime of the scheme(s).

B7.2 How equality impact assessments help improve services

Equality impact assessments are an opportunity to promote inclusive and fair service delivery and employment practices. They will help organisations deliver services that are accessible and which meet the varied needs of their staff and service users.

In its simplest form the equality impact assessments process can be seen as a foundation tool for measuring the effect of policy and practice on people, and should encourage greater openness about policymaking.

They will help organisations:

- Consider the needs, circumstances, and experiences of the people (staff and service users) who will be affected by the main functions and policies.
- Identify inequalities in outcomes, including unlawful discrimination, which can be real or potential.

- Consider other ways of delivering a service, or achieving the aims of the policy, so that the impact is removed or minimised.

The benefits from carrying out equality impact assessments are many. The process will help to avoid claims of unlawful discrimination, as it provides a framework that ensures that providers meet legislative duties with regard to policy development and implementation. It helps organisations to anticipate problems and make informed decisions.

Equality impact assessments enable organisations to demonstrate core values and leadership through:

- embedding equality and diversity in all its strategies, policy development and service delivery
- ensuring the principles and values of the organisation are inclusive
- demonstrating openness, partnership and participation
- addressing the needs of communities through listening to people
- actively promoting equal opportunities, equality and respect for diversity
- developing good and best practice
- enabling a change management process that will guide the journey from 'where we are now to where we want to be'.

B7.3 Building the equality impact assessment into existing systems and processes

Equality impact assessments must be undertaken through both the development and implementation stage of policies and practice. They must also be reviewed at regular stages throughout implementation, in order to ensure that they continue to promote equality.

Assessing a function or policy will help to identify:

- if it has the potential to impact on certain groups differently
- whether any groups may have particular needs
- if it will provide an opportunity to promote equality of opportunity and good relations, or whether this could be hindered.

As soon as an organisation knows that it has to develop a policy or proposal for an area of service delivery, it should establish whether this is relevant to equality. This is the first stage of an equality impact assessment. If it is relevant, a full impact assessment will be needed.

It is important that the process starts at the point where the aims and objectives are being decided. Time needs to be factored into the development of any policy, or service, for undertaking an impact assessment. This will ensure that the potential for impact on people is considered from the outset.

B7.4 Impact assessing existing functions and policies

As well as the requirement to impact assess new functions and policies, organisations will have existing arrangements that will need to be assessed. All current policies,

processes and functions must be continuously monitored and reviewed for relevance and checked for their impact.

The difference between assessing present policies and assessing future policies is that existing information about the implementation of a present policy should indicate any adverse impact.

B7.5 Determining whether a full impact assessment is required

This first stage of an equality impact assessment should include asking a set of screening questions.

Key questions

- What is the purpose of the proposed function or policy?
- Who is affected by it?
- Who is the policy intended to benefit and how?
- Is there any evidence that groups have different needs, experiences and priorities in relation to this particular proposal?
- Is there any evidence that the proposal could lead to any quantitative or qualitative differences in impact on certain groups?
- Does the proposal provide an opportunity to promote equality of opportunity and good relations more effectively?
- Is any additional information needed to help reach an informed decision?

If the answer to any of these questions is 'yes', then a full impact assessment should be undertaken. If it were considered that the proposal is not relevant to equality, then it would be advisable to get sign-off to this effect. This will be necessary if, for example, the decision is questioned in the future.

Other considerations may include:

- how the policy/service relates to the strategic vision of the organisation
- identification of who will own the function or policy and how involvement, consultation and partnership working will be managed
- presentation, language and accessibility of the policy
- determination of any environmental factors which are significant
- information about the service or policy provided by staff, service users and/or members of the public.

B7.6 Embedding equality impact assessments into organisational culture

Equality impact assessments that are included as a component part of performance management, change management programmes and improvement cycles, will contribute to organisational development.

They enable organisations to assess the effectiveness, appropriateness and consequences of its policy implementation and therefore help to steer future direction.

Recommended action

- Development an overarching equality strategy that is subject to regular review to guide policy development and the ensuing equality impact assessments.
- Lead by example: through taking action to ensure that equality and diversity are integrated into all policies and practices.
- Develop a comprehensive and inclusive HR strategy that covers recruitment, retention and development of a diverse workforce, and collect authoritative data.
- Undertake a review of consultation and involvement processes to ensure that capacity is built to engage the public, particularly those relevant to minority groups.
- Consider the use of needs assessment and participatory appraisal methods as tools in the development of community-based solutions.
- Compile and publicise an annual report on the progress of the equality strategy and the outcomes of consultations, including impact assessments.

B7.7 Using impact assessments to plan services

The Gender Equality Duty should mean that women and men get services that meet their needs more closely. When planning services in college, think about the following issues – they may help to set gender targets (19).

Key action point

- What are the different issues and priorities for women and men who use the services we provide?
- Do they have different requirements and needs to be met by our service?
- Will women or men be put off using a service because of lack of childcare or an unsafe or unwelcoming environment?
- Are there some services which are more effectively delivered as women-only or men-only?
- If there is enough evidence to show that services are needed for men-only or women-only, it will still be legal to provide single sex services. Where there is a clear need to preserve decency or privacy?
- Have we got suitable breast-feeding and baby changing facilities?
- Are we encouraging men and women to take non-traditional courses?

B8 Transsexualism

B8.1 Introduction

The Gender Equality Duty means that from April 2007 the education sector will be required to have due regard to the need to eliminate discrimination and harassment on grounds of gender reassignment in the fields of employment and vocational training (including further and higher education). The scope of the legal protection against discrimination and harassment on the grounds of gender reassignment will, however, be extended within the Sex Discrimination Act (by the Goods and Services Directive). From the date of implementation of the Directive (21 December 2007), public authorities will be under a duty to have due regard to the need to eliminate unlawful discrimination and harassment on grounds of gender reassignment in the provision of goods, facilities and services and in the disposal and management of premises.

Transgender people are those people who identify their gender to be different from the physical sex at birth. Transgenderism, sometimes known as gender dysphoria, is recognised as a medical condition. It is accompanied by a sense of discomfort with one's physical body and a wish to go through a process known as gender reassignment or transition.

Some transgender people undergo medical treatment – gender reassignment – which can include cosmetic treatment, such as electrolysis for hair removal, hormone therapy and/or reconstructive surgery. Some people elect not to undergo medical treatment and simply live their life in their new gender role. It is very much an individual decision.

The term transsexual is usually used to describe a person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve

hormone therapy or surgery). This group of people is currently offered legal protection by UK sex discrimination law, and so is covered by the provisions of the Gender Equality Duty. Throughout this guide the term 'transsexual person' is used to indicate those who are specifically covered by the legislation. As a matter of good practice, the EOC recommends that public authorities should ensure that their policies and procedures cover transgender people as well as those who are transsexual (EOC 2007c).

Trans people often experience harassment, including verbal abuse and physical violence by other employees, customers, clients or suppliers, and discrimination in recruitment, promotion, remuneration, benefits and other aspects of employment.

Key points

Facts (20)

- There are estimated to be about 5,000 transsexual people in the UK. Globally it is estimated that about 1 in 11,500 adults is trans.
- Trans men (transitioned from female to male) have been particularly invisible in society, but you are almost as likely to encounter a transsexual man as a transsexual woman (male to female).
- Transsexual people come from all walks of life and all levels within society, often working in responsible and well-paid positions prior to transition. Research shows that most transsexual people have found themselves working at one or two levels below their capability following 'transition' because of hostile or discriminatory conditions in employment.
- Experience shows there are no insurmountable 'problems' in handling the transition of an existing employee, and education, planning and a positive management approach are the key success factors in eliminating workplace fears and hostility.

Myths (20)

- 'You can always pick them out'
In fact, most transsexual people want and succeed in being invisible, provided that people respect their privacy. The idea that transsexual women are easily picked out is an urban myth that probably arose from stereotypes in the media and from confusing transsexual women with male cross-dressers.
- 'It's all about sex'
People transition in order to express their identity as gendered people in everyday life, not to perform in a particular way in the bedroom and the sexual orientations of transsexual people are as varied as everyone else's.
- 'They are unemployable – other staff and customers will never accept them'
In fact most transsexual people go on to have very good careers, so long as employers or co-workers don't sabotage their efforts.

B8.2 The process of gender reassignment or transition

The term gender reassignment or transition refers to the process that a person goes through to present themselves permanently in their new gender. This usually includes a regime of specialist psychiatric evaluation, hormone treatment, real-life experiences and sometimes reconstructive surgery.

The process of diagnosis and treatment can take anything from a matter of months to a period of years. The initial diagnosis is usually followed by hormone therapy, after which an individual may proceed to one or more reassignment surgeries. If the individual opts to undertake any irreversible surgical intervention, he or she may live and work in their new gender for a period prior to the surgery, this is referred to as a real life test. A real life test is a prerequisite to obtaining a gender recognition certificate and to obtaining gender reassignment surgery in the UK.

At some point in this process, the individual will start to live and work full-time in their chosen gender and at this point their name and other records will be changed. A person may choose to live full-time in their new name and gender without having previously undergone any surgical intervention. Surgical intervention is not a requirement and some people may choose not to undergo surgery due to age or other health factors.

It is important to remember that both the precise content and timescale for this process will be different in each individual case and could vary quite significantly. It will depend on the circumstances of the individual, waiting times for treatment and, to a certain extent, on whether treatment is being privately funded or carried out by the NHS.

Some examples of discrimination on the grounds of gender reassignment may include:

- refusing to associate with or ignoring someone because they are transsexual
- refusing to address the person in their acquired gender or to use their new name
- probing into the person's private life and relationships
- spreading malicious gossip about that person
- failing to keep confidential information about that person's transsexual status
- indefinite refusal to allow use of sanitary facilities appropriate to their gender after a reasonable transition period
- treating that person less favourably than others in regard to sickness or other absences.

B8.3 Meeting the gender equality duty in employment

B8.3.1 Outcomes to aim for

From April 2007, when the Gender Equality Duty comes into force, public authorities will have a statutory duty to pay due regard to the need to eliminate discrimination and harassment of transsexual staff or potential staff, and in-vocational training (including further and higher education) of transsexual trainees.

The following are suggested indicators from the EOC of whether a college or public authority has been successful (EOC 2007c).

Key action point

- Transsexual people feel supported and valued as employees/trainees.
- Transsexual employees, trainees and apprentices undergoing transition are retained as valued members of staff.
- Transsexual trainees undergoing transition on training courses, complete the training.
- Barriers to the recruitment and retention of transsexual staff have been identified and removed.
- There is a clear and workable policy for dealing with harassment of transsexual staff/trainees.
- Support mechanisms are in place to protect the health and welfare of transsexual people in the workplace, and in vocational training.
- There is evidence that the public authority promotes and maintains a culture of respect for the dignity of individuals and difference.
- There are appropriate protocols for management of sensitive and confidential information about a person's transsexual status.
- Practical matters related to transition such as access to changing and toilet facilities are resolved quickly and respectfully.

B8.3.2 Due regard and transsexual people

Transsexual people are a small percentage of the population and so, statistically, an organisation may deal with transsexual staff or trainees very rarely. Despite the small numbers, however, public authorities are under a duty to have due regard to the need to eliminate discrimination and harassment on the grounds of gender reassignment. Having due regard means that the weight given to the need to eliminate discrimination and harassment is proportionate to its relevance to a particular function.

Public authorities will need to take into account the seriousness or extent of the discrimination or harassment, even if the number of people affected is small. This would often be the case where, for example, transsexual people were affected, as the seriousness or extent of discrimination and harassment might be significant.

The following steps will assist public authorities to ensure that they have due regard in this area.

Key action point

- Ensure that equal opportunities policies, employment policies and practices do not discriminate against transsexual people, especially in terms of dignity at work and harassment policies, recruitment and monitoring. Larger organisations may wish to develop specific policies on gender identity.
- Keep up-to-date on the current legislation in this area and where more information and advice is available.
- Provide training for staff on how the Gender Equality Duty applies to transsexual people.
- Larger organisations may want to set up a support network for staff or trainees.
- Produce effective guidance for managers on dealing with the process of transition.

B8.4 Particular issues

B8.4.1 Recruitment

There is no obligation for a trans person to disclose their status as a condition of employment. In particular, it should not be expected that applicants and interviewees will want to disclose their trans status; some people consider it a very private matter and may have experienced prejudice and harassment in the past. Questioning an applicant about their transgender status may actually amount to unlawful discrimination.

The interviewee may choose to disclose their trans status, however, especially if relevant references or publications that they have published are listed under a different name. In the event that an individual does disclose, the issue should be dealt with the same sensitivity as any other personal disclosure.

B8.4.2 Monitoring

Monitoring numbers of transsexual staff is a very sensitive area and opinion continues to be divided on this issue. Many trans staff have been bullied, harassed and marginalised, and could be very negatively affected by disclosure of their trans status.

As employers, public authorities have a duty to protect an individual's right to privacy. However, without gathering some form of evidence, it may be difficult to monitor the impact of policies and procedures on trans people or employment patterns such as recruitment, training, promotion or leaving rates.

Because many trans people have had negative experiences in the workplace, however, they may be reluctant to disclose or may not trust their employers fully. If possible, it is recommended that monitoring is conducted through a neutral organisation under a guarantee of anonymity.

If this is not possible, monitoring should take place within the usual monitoring arrangements, though it is essential that public authorities ensure that trans staff are not identifiable. For example, diversity statistics should not be linked to IT-based personnel records that indicate grade or job title, as the small number of transsexual employees in the organisation may be identified by these or other variables, compromising confidentiality.

When monitoring, it is important to recognise that transsexual people will identify as men or women, as well as transsexual people, and therefore it is not appropriate to offer a choice between identifying as male, female OR transsexual. Confidentiality is paramount and public authorities should guarantee that the responses given are not disclosed or linked to any other identifying feature.

The EOC recommends that public authorities, especially larger public authorities, should try and carry out some form of monitoring, otherwise they will be unable to identify where discrimination may be occurring or to identify any appropriate action to take (EOC 2007c). In small public authorities, however, it may be difficult to protect an individual's right to privacy and so small public authorities may for this reason feel that monitoring is not appropriate.

Public authorities need to think this decision through carefully, as they would with other forms of monitoring, such as race, disability or sexual orientation. They may also find it helpful to discuss their approach with staff, including trans staff networks and trade unions.

The EOC recommends that public authorities take the following steps when monitoring (EOC 2007c).

Key action point

- Ensure that any equal opportunities policy expressly covers transsexual staff so that staff are confident about the framework within which they are operating.
- Be clear about how the information will be used and only collect information that will be used.
- Be clear that all monitoring questions related to gender identity are optional.
- Ensure that the data is anonymous. Build in additional safeguards where necessary.

For further information on monitoring and trans people, see section B6.3.9.

B8.5 Language

B8.5.1 Some useful terms.

Trans

A generic term generally used by those who identify themselves as transgender, transsexual or transvestite. The term should only be used as an adjective.

Transgender

An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. The term may include, but is not limited to, transsexual people and others who define as gender-variant. Many transgender people can identify as female-to-male (FtM) or male-to-female (MtF).

Transgender people may or may not choose to alter their bodies hormonally and/or surgically. Some people have not and do not intend to undergo gender reassignment and are not covered by the gender reassignment provisions in the SDA. However, they are still protected from discrimination on the basis of their birth sex by the SDA. This term should only be used as an adjective; individuals should be referred to as 'transgender people', not 'transgendereds'.

Transsexual

This term is used to describe a person who intends to undergo, is undergoing or has in the past undergone gender reassignment (which may or may not involve hormone therapy or surgery).

Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the acquired gender. Some take hormones and cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their acquired gender. This term should only be used as an adjective; individuals should be referred to as 'transsexual people, not 'transsexuals'.

Transvestite

The term used to describe a person who dresses in the clothing of the opposite sex. Generally, transvestites do not wish to alter their body and do not necessarily experience gender dysphoria.

B8.5.2 Appropriate language

Because this is about self-definition, none of it is entirely prescriptive and people choose variants they feel more comfortable with. The only reliable thing to do is to ask how someone would like to be described.

The nearest thing to a global consensus is that the simple adjective 'trans' is preferred. 'Trans' has the vital semantic importance of removing the suffix 'sexual', which has been responsible for the root of much discrimination⁹.

⁹ Press for Change (not available). *Why 'Phrasebook Diversity' is not enough*. Available at http://www.pfc.org.uk/files/Why_Phrasebook_Diversity_is_Not_Enough.pdf, accessed April 2007.

Key action point

- The words transgender and transsexual should be used as adjectives, not as nouns.

It is appropriate to say 'Bill is a transgender person' but not to say 'Bill is a transgender'. Likewise, 'Sally is a transsexual woman', but not 'Sally is a transsexual'.

- It is not appropriate to add 'ed' at the end of the word transgender; the word transgender is an adjective, not a verb.
- It is not appropriate to use the terms 'sex change' or 'pre/post-operative'. These imply that the process of transition must involve some form of surgery, which is not the case.
- It is good practice and respectful to use a transgender person's chosen name, not their birth name. They should be afforded the same respect for their chosen name as anyone else who lives by a name other than their birth name.
- Ask transgender people which pronoun they would like you to use. A person who identifies as a certain gender, whether or not they have taken hormones or had surgery, should be referred to using the pronouns appropriate for that gender.
- If it is not possible to ask the person which pronoun he or she prefers, use the pronoun that is consistent with the person's appearance and gender expression.
For example, if the person wears a dress and uses the name 'Susan', feminine pronouns are appropriate.
- It is never appropriate to put quotation marks around either the transgender person's chosen name or the pronoun reflecting their gender identity. Some terms are also considered discriminatory and offensive and should not be used. These include: 'she-male', 'he-she', 'it', 'trannie', 'tranny' and 'gender-bender'.

B8.6 Useful organisations

Press for Change

www.pfc.org.uk

Political lobbying and educational organisation which campaigns to achieve equal rights and liberties for all trans people in the UK through legislation and social change. Unison is affiliated to this

BM Network, London WC1N 3XX

letters@pfc.org.uk

Information on the Gender Recognition Act and Gender Recognition Panels including 'Frequently asked questions' and application forms for gender recognition

www.grp.gov.uk

Gender Trust

PO Box 3192, Brighton BN1 3WR

Phone: 07000 790347

info@gendertrust.org.uk

www.gendertrust.org.uk

Support for transgender women and men.

B9 Summary of key actions

Checklist: preparing for the Gender Equality Duty

This checklist has been designed to help organisations prepare for the Gender Equality Duty, and to make sure that they have carried out all of the necessary tasks in order to comply with the duty.

Task	Action
Establish steering group with senior level representation, trades union membership and clear terms of reference.	
Establish working group (reporting regularly to the steering group) with human resource, finance, curriculum management, estates, corporation board, general management and principalship representation.	
Identify outcomes required for action plan in relation to both employment and service provision issues. Ensure progress against the action plan is reported regularly to and monitored by the steering group	
Identify your key stakeholders and who to involve, both internal and external to the organisation.	
Identify what data is available and how to obtain data in the future.	
Identify measures for gathering information.	
Establish arrangements for impact assessing new policies and functions.	
Establish arrangements for impact assessing existing policies and functions.	

Task	Action
Establish arrangements for assessment of services that are outsourced.	
Agree monitoring arrangements at organisational, directorate and service level.	
Draft Gender equality scheme and action plan for corporation board approval.	
Identify methods of consultation and involvement.	
Identify methods of publishing Gender equality Scheme and equality impact assessments and reporting progress internally and externally.	

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Press for Change (2006). *Trans Equality Monitoring*. Leaflet available at <http://www.pfc.org.uk/node/1408>, accessed 28th March 2007.

Press for Change (undated). *Why 'Phrasebook Diversity' is not enough*. Available at http://www.pfc.org.uk/files/Why_Phrasebook_Diversity_is_Not_Enough.pdf, accessed 28th March 2007.

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Sheffield City Council (undated) *Setting gender equality targets*. Available at <http://www.sheffield.gov.uk/your-city-council/equality-and-diversity/gender>, accessed 28th March 2007.

Trades Union Congress (2005). *Monitoring LGBT workers*. Available at <http://www.tuc.org.uk/equality/tuc-9303-f0.pdf>, accessed 28th March 2007.

Section C: Gender equality resource list and bibliography.

C1 Career progression and management.

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Available at

http://www.eoc.org.uk/cseng/research/women_in_senior_management_in_wales_findings.pdf, accessed 31st January 2007.

Equal Opportunities Commission (2002). *Women & Men in Britain: Management*.

Available at <http://www.eoc.org.uk/cseng/research/management.pdf>, accessed 31st January 2007.

Works4me (www.works4me.org.uk).

Walker E, Davis C, Deane H (2006). *Gender related factors in career progression: interim report of research for the Centre for Excellence in Leadership and the Women's Leadership Network*. Draft interim report, London: Learning and Skills Network.

Introduction and purpose:

The Centre for Excellence in Leadership (CEL) was set up as a leadership college for the post-16 sector in 2003, with the remit to 'improve the standard of leadership, and the diversity and talent pool of leaders' in the sector. The Women's Leadership Network (WLN, formerly NWM, Network for Women Managers) has recently re-launched their networking activities in order to address the response from a recent online survey by CEL1, which indicated that 55% of the 320 respondents expressed an interest in joining a network to support their professional development and career progression. In this context, CEL has commissioned research to:

- provide information about the numbers and profiles of managers in FE
- explore gender-related enablers and barriers to career progression
- identify interest in and possible roles for, the re-launched WLN.

This interim report presents the findings from stage 1, the survey stage of the research.

Women and Equality Unit (2003). *Equality, diversity and managerial career progression*. Available at

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Women and Equality Unit (2006). *Women at the top*. Available at

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Strategies of Inclusion: Gender and the information Society (SIGIS) (2006). *Information society, the internet, and gender: a summary of pan-European statistical data*. Available at http://www.rcss.ed.ac.uk/sigis/public/displaydoc/full/D02_Part2, accessed 31st January 2007.

New Start – Community Regeneration Online (www.newstartmag.co.uk).

Queens University, Belfast, Centre for the Advancement of Women in Politics (<http://www.qub.ac.uk/cawp/>).

C3 Crime and justice

Barking college is willing to make available examples of the following human resources policy documents: maternity, maternity leave, adoption leave, parental leave, job share and flexible working. For more information, please contact Joanne Dean, e-mail: joanne.dean@barkingcollege.ac.uk.

They also have available a report on a childcare voucher salary offsetting scheme. For further information contact Equal Opportunities Commission (2002). *Reading list on sexual harassment*. Available at http://www.eoc.org.uk/cseng/research/sexual_harassment.asp, accessed 31st January 2007.

Home Office (2000). *Statistics on women and the Criminal Justice System: a home office publication under section 95 of the Criminal Justice Act 1991*. Available at <http://www.homeoffice.gov.uk/rds/pdfs/s95women00.pdf>, accessed 31st January 2007.

Home Office (2004). *Gender differences in offending: implications for risk-focused prevention*. Available at <http://www.homeoffice.gov.uk/rds/pdfs2/rdsolr0904.pdf>, accessed 31st January 2007.

Home Office (2004). *Gender differences in risk factors for offending*. Available at <http://www.homeoffice.gov.uk/rds/pdfs2/r196.pdf>, accessed 31st January 2007.

C4 Employment and economics (general)

Equal Opportunities Commission (1999). *Women and men in Britain: the labour market*. Available at http://www.eoc.org.uk/cseng/research/wm_labour_market.pdf, accessed 31st January 2007.

Equal Opportunities Commission (2001). *Women and men in Britain: professional occupations*. Available at http://www.eoc.org.uk/cseng/research/wm_professional_occupations.pdf, accessed 31st January 2007.

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C5 Family

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Joseph Rowntree Foundation (1997). *Lone mothers, employment and well-being*. Available at <http://www.jrf.org.uk/knowledge/findings/socialpolicy/sp129.asp>, accessed 31st January 2007.

Joseph Rowntree Foundation (2003). *The impact of mothers' employment on family relationships*. Available at <http://www.jrf.org.uk/knowledge/findings/socialpolicy/773.asp>, accessed 31st January 2007.

C6 The Gender Equality Duty

Association of Colleges and Joint Trade Unions (2007). *Joint agreement on guidance for gender equality in employment for further education colleges, 1st March 2007*. Available at http://www.unison.org.uk/education/further/pages_view.asp?did=4909 http://www.aoc.co.uk/Members/employment/joint_agreements, accessed 28th March 2007.

Association of Colleges and Joint Trade Unions (2005). *Joint agreement on guidance for transgender equality in employment in further education colleges, 21st March 2006*. Available at <http://www.unison.org.uk/file/A4909.doc> and http://www.aoc.co.uk/Members/employment/joint_agreements, accessed 28th March 2007.

Association of Colleges and Joint Trade Unions (2005). *Joint Agreement on guidance for equal pay in further education, 21st March 2006*. Available at http://www.natfhe.org.uk/temp_downloads/y126o14x11e59a38i109d110z125l59s108t24t35y42j51b65/fejageqpay.doc and http://www.aoc.co.uk/Members/employment/joint_agreements, accessed 28th March 2007.

Department for Communities and Local Government (2006). *Advancing equality for men and women: government proposals to introduce a public sector duty to promote gender equality*. Available at http://www.communities.gov.uk/pub/411/Advancingequalityformenandwomenpublicsectordutytopromotegenderequality_id1504411.pdf, accessed 24 November 2007.

In October 2005, the government launched a consultation document on its proposals to introduce a public sector duty to promote gender equality - commonly referred to as the 'gender equality duty'. This document summarises the main responses to the consultation exercise, which ended on 20 January 2006 and set out the government's approach in relation to the specific duties to apply to England and Wales.

Equal Opportunities Commission (2006). *Delivering quality services, meeting different needs. Promoting sex equality in the public sector*. Available at http://www.eoc.org.uk/PDF/psduty_english.pdf, accessed 24 November 2007.

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This document is a basic introduction to the duty. It explains what public sector organisations will be expected to do and what it will mean for people who use their services.

Equal Opportunities Commission (2006). *Gender Equality Duty. draft Code of Practice. England and Wales*. Available at http://www.eoc.org.uk/PDF/GED_CoP_Draft.pdf, accessed 24 November 2007.

This Code of Practice gives practical guidance to public authorities on how to meet the legal requirements of the gender equality duty.

Equal Opportunities Commission (2006). *History and background of the Gender Equality Duty*. Available at <http://www.eoc.org.uk/Default.aspx?page=19301>, accessed 20 November 2007.

Placing the duty in a historical context.

Equal Opportunities Commission (2006). *How to put equality into practice guidance*. Available at <http://www.eoc.org.uk/Default.aspx?page=15420>, accessed 15 January 2007.

Equal Opportunities Commission (2006). *Mainstreaming a guide*. Available at <http://www.eoc.org.uk/Default.aspx?page=15013>, accessed 15 January 2007.

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Equal Opportunities Commission (2006). *What is Gender Equality Duty?* Leaflet Available at http://www.eoc.org.uk/PDF/GED_basic_leaflet.pdf, accessed 20 November 2007.

Short leaflet that explains the Gender Equality Duty, what it will mean for public bodies, and how it will make a difference to women and men. Published September 2006.

Equal Opportunities Commission (2007). *Consulting stakeholders on gender equality*. Available at http://www.eoc.org.uk/Docs/consulting_stakeholders_on_gender_equality.doc, accessed 2 March 2007.

Equal Opportunities Commission (2007). *Developing gender equality objectives and a gender equality scheme. Guidance for GB public authorities*. Available at http://www.eoc.org.uk/Docs/Developing_gender_equality_objectives_and_scheme.doc, accessed 2 March 2007.

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Equal Opportunities Commission (2007). *Gathering and using information on gender equality*. Available at http://www.eoc.org.uk/Docs/Gathering_and_using_information.doc, accessed 2 March 2007.

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Equal Opportunities Commission (2007). *Meeting the Gender Duty in employment*. Available at http://www.eoc.org.uk/Docs/Meeting_the_gender_duty_in_employment_Guidance.doc, accessed 2 March 2007.

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Greater London Authority (2003). *Equality Impact Assessments. How to do them*. Available at http://www.london.gov.uk/gla/publications/equalities/eq_impact_assess.pdf, accessed 24 November 2007.

Equality Impact Assessments (EQIAs)
November 2003

The GLA carries out equality impact assessments on all mayoral strategies, certain policies and projects and all functions subject to a best value review. Details of the process and the EQIA form are outlined in a booklet for staff, supported by additional guidance on the internal GLA intranet. Completed EQIAs can be requested from the Head of Diversity Equality in the Equalities Team. The policies and projects that will receive an EQIA in 2004/5 are identified in the Budget and Business Plan 2004/5.

Limon B (2006). *Gender Equality Duty*. Presentation by Gender Equality Duty Manager. London: EOC.

The Scottish Executive (2006). *Equal opportunities: Scottish Executive policy overview*. Available at <http://www.scottish.parliament.uk/business/research/briefings-06/SB06-90.pdf>, accessed 15 January 2007.

Shared Intelligence, Collins C (2005). *Gender public sector duty. pilot project report to the Equal Opportunities Commission*. Available at http://www.eoc.org.uk/PDF/GED_pilot_project.pdf, accessed 24 November 2007.

From March to September 2005, 12 public bodies agreed to pilot the initial stages

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of the gender equality duty. This report sets out what they learnt from that experience.

Weston J (2006). *Gender specifics. How to ...prepare for the duty of gender equality.* New Start.

Explains the implications for public and private organisations of the Gender Equality Duty, which will come into effect next April as part of the 2006 Equalities Act. Discusses advice from the Equal Opportunities Commission on addressing gender issues within organisations and recommends: gathering information on how work affects all genders; consulting with employees, services users, etc; assessing the impact of policies and practices on people; setting gender equality objectives; planning for those objectives; and publishing a gender equality scheme. Includes two case studies: the Women's Design Service; and South Lanarkshire Council's Engendering policy project, which was set up to analyse the effectiveness of the council's regeneration policy and practice in tackling gender inequalities between men and women.

Women and Equality Unit (2003). *Delivering on gender equality.* Available at http://www.womenandequalityunit.gov.uk/research/Delivering_on_Gender.pdf, accessed 15 January 2007.

Women and Equality Unit (2005). *Delivering on gender equality: a progress report on the Gender Equality Public Service Agreement 2003-2006. Supporting gender equality across government.* Available at http://www.womenandequalityunit.gov.uk/publications/gender_equality.pdf, accessed 24 November 2007.

This document aims to chart progress on the cross-government Gender Equality PSA 2003-2006, by reporting on progress against individual departmental targets throughout 2004 and forms part of the DTI delivery plan. It also highlights a number of excellent contributions on the broad range of initiatives being taken forward more widely across government and the devolved administrations, which will have an impact on reducing gender inequalities.

Women and Equality Unit (2006). *Implementing the Women and Work Commission recommendations.* Available at http://www.womenandequalityunit.gov.uk/publications/wwc_govtactionplan_sept06.pdf, accessed 15 January 2007.

Women and Equality Unit (2006). *What has the government achieved for women?* Available at http://www.womenandequalityunit.gov.uk/about/government_women.htm, accessed 15 January 2007.

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C7 Gender roles and stereotypes – background and information

Communities and Local Government (2004) *PSA9-gender equality*. Available at <http://www.communities.gov.uk/index.asp?id=1503455>, accessed 15 January 2007.

Equal Opportunities Commission (2001). *Women and men in Britain: sex stereotyping from school to work*. Available at http://www.eoc.org.uk/cseng/research/wm_sex_stereotyping.pdf, accessed 31st January 2007.

Equal Opportunities Commission (2002). *Reading list on sex stereotyping (in education and employment)*. Available at http://www.eoc.org.uk/EOCeng/dynpages/camp_no_stereotypes.asp, accessed 31st January 2007.

Equal Opportunities Commission (2006). *Facts about women and men in Great Britain*. Available at http://www.eoc.org.uk/pdf/facts_about_GB_2006.pdf, accessed 15 January 2007.

Equal Opportunities Commission (2006). *Past and present: key dates in equality*. Available at <http://www.eoc.org.uk/Default.aspx?page=19302>, accessed 20 November 2007.

Milestones over the last 30 years.

European Union (2006). *Report on equality between men and women*. Available at http://ec.europa.eu/employment_social/publications, accessed 15 January 2007.

Joseph Rowntree Foundation (1999). *Young men's attitudes to gender and work*. Available at <http://www.jrf.org.uk/knowledge/findings/socialpolicy/559.asp>, accessed 31st January 2007.

C8 General Resources

Equal Opportunities Commission (2002). *The future of equality in Britain*. Retrieved Available at http://www.eoc.org.uk/cseng/research/a_future_of_equality_in_britain.pdf, accessed 31st January 2007.

The Equal Opportunities Commission (<http://www.eoc.org.uk/>).

UK Disability Forum for European Affairs – Women's Committee (<http://www.edfwomen.org.uk/resource.htm>).

Women & Equality Unit (<http://www.womenandequalityunit.gov.uk/>).

Gender Equality (European Commission) (http://europa.eu.int/comm/employment_social/equ_opp/index_en.htm).

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Transgender agreement in FE
<http://www.unison.org.uk/file/A2307.1.pdf>
http://www.aoc.co.uk/Members/employment/joint_agreements).

Bargaining for transgender rights (<http://www.unison.org.uk/file/A2566.doc>).

TM Network – Support for trans (<http://www.ftm.org.uk>).

UNISON guidance on the new duties
<http://www.unison.org.uk/file/Equality%20Duties%20Guidance.pdf>).

Generic guidance on the Gender Duty (<http://www.unison.org.uk/file/A3650.pdf>).

Organising for Equality (<http://www.unison.org.uk/acrobat/15486.pdf>).

Sector specific Guidance
<http://unison.org.uk/education/further/equal.asp>
<http://unison.org.uk/education/further/agreements.asp>).

C9 Health

Begum N (1996). General practitioners' role in shaping disabled women's lives. In Barnes C, Mercer G (eds) *Exploring the divide*. Leeds: The Disability Press, 157 – 172. Available at <http://www.leeds.ac.uk/disability-studies/archiveuk/Begum/Chap9.pdf>, accessed 31st January 2007.

Equal Opportunities Commission (2003). *Multiple identity and access to health: the experience of black and minority ethnic women*. Available at <http://www.eoc.org.uk/cseng/research/multiple%20identity.pdf>, accessed 31st January 2007.

Fleming G (2006). Equal but not the same. *Health Service Journal*, 24-26.

Explains that in April 2007, the Gender Equality Duty will make it obligatory for all health providers to actively demonstrate equity in service provision. Notes that good practice tends to exist in small projects with little evidence of national progress towards gender equity. Suggests the way to address gender inequalities is to target services in gender-specific ways through, for example, smoking-cessation services tailored to male smokers, or diabetes and lung cancer awareness campaigns targeted at women. Includes a guide to key recommendations from the Equal Opportunities Commission.

C10 Men

Department for Education and Skills (2005). *Raising boy's achievement*. Available at <http://www.dfes.gov.uk/research/data/uploadfiles/RR636.pdf>, accessed 15 January 2007.

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Equal Opportunities Commission. (2005). *Men In childcare*. Available at http://www.eoc.org.uk/PDF/men_in_childcarewp_35_full_report.pdf, accessed 15 January 2007.

Joseph Rowntree Foundation (1999). *Young men's attitudes to gender and work*. Available at <http://www.jrf.org.uk/knowledge/findings/socialpolicy/559.asp>, accessed 31st January 2007.

Joseph Rowntree Foundation (2001). *Young nen on the margins of work*. Available at <http://www.jrf.org.uk/knowledge/findings/socialpolicy/441.asp>, accessed 31st January 2007.

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Ruxton S (ed, 2004). *Gender equality and men: learning from practice*. Available at http://www.oxfam.org.uk/what_we_do/resources/downloads/geneqmen/gem_complete.pdf, accessed 31st January 2007.

This shares the knowledge and experience of working with men on gender equality. It also explores how such work can be developed to encouraging men to move out of the confines of rigid gender divisions at home, at work and in the community to promote broader gender equality.

C11 Nurture, education, training, and apprenticeships

Department for Education and Skills (2003). *Teacher's careers: the impact of age, disability, ethnicity, gender and sexual orientation*. Research Brief available at <http://www.dfes.gov.uk/research/data/uploadfiles/RB488.pdf>, accessed 31 January 2007.

Department for Education and Skills (2005). *Case study – Middleton Technology School, Rochdale*. Available at <http://www.standards.dfes.gov.uk/genderandachievement/goodpractice/secondarycs/secondarycs2/?version=1>, accessed 15 January 2007.

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Department of Trade and Industry (2006). *Young people's job perceptions and preferences*. Available at <http://www.dti.gov.uk/files/file28575.pdf>, accessed 15 January 2007.

Equal Opportunities Commission (1999). *Gender and differential achievement in education and training: a research review*. Available at http://www.eoc.org.uk/cseng/research/gender_and_differential_achievement_finding_s.pdf, accessed 15 January 2007.

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Equal Opportunities Commission (2002). *Reading list on sex stereotyping (in education and employment)*. Available at http://www.eoc.org.uk/EOCeng/dynpages/camp_no_stereotypes.asp, accessed 31st January 2007.

Equal Opportunities Commission (2005). *Action for change: how careers advice professionals and teachers can break down gender segregation in vocational education, training and work*. Available at http://www.eoc.org.uk/PDF/action_for_change_occ_seg_careers.pdf, accessed 24 November 2007.

Practical guidance based on examples of actions taken by those involved in careers advice provision to open up non-traditional opportunities for women and men.

Equal Opportunities Commission (2005). *Action for change: how employers can break down gender segregation in vocational training and employment*. Available at http://www.eoc.org.uk/PDF/action_for_change_occ_seg_employers.pdf, accessed 24 November 2007.

Practical guidance based on examples of actions taken by employers to open up non-traditional opportunities for women and men.

Equal Opportunities Commission (2005). *Action for change: how Learning and Skills Councils can break down gender segregation in vocational education and training*. Available at http://www.eoc.org.uk/PDF/action_for_change_occ_seg_lsc.pdf, accessed 24 November 2007.

Practical guidance based on examples of actions taken by Learning and Skills Councils to open up non-traditional opportunities for women and men.

Equal Opportunities Commission (2005). *Action for change: how training providers can break down gender segregation in vocational education and training*. Available at http://www.eoc.org.uk/PDF/action_for_change_occ_seg_training.pdf, accessed 24 November 2007.

Practical guidance based on examples of actions taken by training providers to open up non-traditional opportunities for women and men.

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Practical guidance based on examples of actions taken by those involved in careers advice provision to open up non-traditional opportunities for women and men.

LSC (2006). *Literature and data review on evidence on apprenticeships around race, gender and disability issues*. Coventry: Learning and Skills Council.

The Learning and Skills Council (LSC) has been asked to complete an in depth review of evidence available on Apprenticeships around race, gender and disability

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issues. This review contains both key issues from existing literature and analysis of the available Individual Learner Record (ILR) data to demonstrate where there are imbalances in the Apprenticeship programme and what is being done to solve them.

The literature review encompasses published reports and policy documents that outline issues arising around Apprenticeships, including what measures are being put in place to counter these issues. The data is predominantly sourced from the LSC's corporate management information (MI) reports. The report is split into three sections to cover in detail the separate issues around gender, race, and disabilities.

National Union of Students (2005). *A woman's place...case studies of female students*. Available at <http://www.nusonline.co.uk/campaigns/womenscampaign/Othercampaigns/270894.aspx>, accessed 15 January 2007.

Scottish Council for Research in Education (2003). *Equality in education: work experience placements*. Available at <http://www.scre.ac.uk/spotlight/spotlight90.html>, accessed 31st January 2007.

The Times (15 November 2006) *Don't bash the apprenticeship*. Available at <http://www.employersforapprentices.gov.uk/index.cfm?action=News.Display&NewsID=49>, accessed 15 November 2007.

C12 Occupational segregation

Equal Opportunities Commission. (2004). *Women and men at work: a statistics quiz*. Available at <http://www.eoc.org.uk/Default.aspx?page=15836>, accessed 15 January 2007.

Equal Opportunities Commission. (2005). *Men In childcare*. Available at http://www.eoc.org.uk/PDF/men_in_childcarewp_35_full_report.pdf, accessed 15 January 2007.

Equal Opportunities Commission. (2006). *Free To choose: tackling gender barriers to better jobs*. Available at http://www.eoc.org.uk/pdf/occseg_oneyear_progress.pdf, accessed 15 January 2007.

Women and Equality Unit (2004). *Equality, opportunity and choice: tackling occupational segregation*. Available at http://www.womenandequalityunit.gov.uk/research/tackling_occupational_segregation_oct04.pdf, accessed 15 January 2007.

Women and Equality Unit (2005). *Examining the potential for women returners to work in areas of high occupational gender segregation*. Available at http://www.womenandequalityunit.gov.uk/publications/women_returners_dtinov2005.pdf, accessed 15 January 2007.

Women and Equality Unit (2006). *Tackling occupational segregation fact sheet 2006*. Available at

http://www.womenandequalityunit.gov.uk/publications/occupseg_facts_aug06.doc, accessed 15 January 2007.

C13 Pay and the pension gap

Department for Work and Pensions (2004). *The Pensions Bill*. Available at <http://www.publications.parliament.uk/pa/cm200304/cmbills/057/2004057.htm>, accessed 15 January 2007.

Economic and Social Research Institute (2005). *Degrees of equality: gender pay differentials among recent graduates*. Available at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6K2HXV-en/\\$File/DegreesofEquality.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6K2HXV-en/$File/DegreesofEquality.pdf), accessed 15 January 2007.

Equal Opportunities Commission (1998). *Sectoral briefing on pay, undervaluing women*. Available at http://www.eoc.org.uk/cseng/research/sectoral_briefing_on_pay.pdf, accessed 31st January 2007.

Equal Opportunities Commission (2000). *Attitudes to equal pay*. Available at http://www.eoc.org.uk/cseng/research/attitudes_to_equal_pay_findings.pdf, accessed 31st January 2007.

Equal Opportunities Commission (2001). *Women and men in Britain: pensions and social security*. Available at http://www.eoc.org.uk/cseng/research/wm_pensions_and_social_security.pdf, accessed 31st January 2007.

Equal Opportunities Commission (2002). *Reading list on pay and income*. Available at http://www.eoc.org.uk/EOCeng/dynpages/camp_pay.asp, accessed 31st January 2007.

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Appendices:

A: Gender equality schemes – getting started

B: Summary table of responsibilities regarding the GED

C: Roles and responsibilities in a college re GED

D: Similarities and distinctions between the Disability, Gender and Race Equality Duties

E: Gender research and wider studies

F: Joint National Agreements between Association of Colleges and Joint Unions

Appendix A: Gender equality schemes – getting started

1. Overview

From April 2007, amendments to the Sex Discrimination Act 1975 will require public authorities to comply with a general duty to eliminate discrimination and harassment and to proactively promote gender equality.

This general duty comes into effect on 6 April 2007 and applies to all functions of colleges, work based learning and adult education as service providers, policy makers and employers, and to any services and functions that are contracted out. The general duty also applies to charities, voluntary, and private sector organisations, which are carrying out public functions on an organisation's behalf, such as subcontractors for adult and community learning (ACL).

Key action point

Some key features of the legislation include the need for you to:

- draw up and publish a scheme identifying specific gender equality goals and showing how you will implement them
- develop and publish an equal pay policy statement
- carry out gender impact assessments to establish the impact that new policies and services may have on women and men, and allow any negative effects to be mitigated.

2. Specific duties

Specific duties have been introduced to assist public authorities in planning, delivering, and evaluating their activities to meet the general duty, and report on those activities.

The specific duties require organisations to:

- Prepare and publish a gender equality scheme (GES) showing how they intend to fulfill the duties and setting out gender equality objectives no later than 30th April 2007.
- Prepare the GES in consultation with employees, service users and others including trade unions, taking into account any relevant information gathered as to how their policies and practices affect gender equality and, within overall objectives, to consider the need for objectives to address the causes of any gender pay gap.

- Ensure the GES sets out the actions the organisation has taken or intends to take to:
 - § gather information on the effect of its policies and practices on men and women, in employment, services and performance of its functions
 - § use the information to review the implementation of the scheme 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.
- Implement the GES and any actions for gathering and using information within the 3-year life of the scheme.
- Review and revise the GES at least every three years.
- Report annually on progress.

3. Getting started

Step 1 Laying the foundations

Senior leadership

Ensure that the scheme has commitment from the highest level of the organisation. A good way of demonstrating this is for your principal, head of service or senior manager to provide an introduction endorsing the action plan and emphasising the commitment and active participation of the college, work based learning or adult and community learning (ACL) organisation in making it work.

Steering group

Appoint a steering group at senior level to oversee the creation and implementation of the gender equality scheme (GES) with ownership at management/corporation level. It is important to make sure that this work is in accord with the mainstream business functions of the organisation.

Diversity teams

Appoint diversity teams at each level, and in each section, of the organisation with devolved responsibilities for feedback of progress into existing reporting structures.

Ownership

Ensure that staff are made aware of the duty and what it means to them in their everyday working environment with colleagues and service users.

Expertise

Those working on implementation should have real expertise on the issues involved. This can be built up over time, but you could consider employing experts to impart their knowledge to relevant staff.

National Joint Agreements

The national joint agreements (1, 2, 3) between the Association of Colleges and joint trade unions provide useful good underpinning principles for implementing the Gender Equality Duty and producing gender equality schemes. They cover:

- guidance for gender equality in employment for further education colleges
- guidance for equal pay in further education
- guidance for transgender equality in employment in further education colleges.

Step 2 Gathering data

Gather robust data on the gender profile of service users and employees. It may be that existing systems already give that information, but it will need to be disaggregated to include information on service user needs, satisfaction and outcomes by gender. You should use both qualitative and quantitative data, as this will ensure that you have robust evidence on which to base your action plan.

Quantitative research

Quantitative data can be analysed to make comparisons between the experiences of men and women (including transsexual people) and draw precise conclusions. It can also give a good and quick indication of where problems in service delivery may exist. For example, analysis of learner surveys could give the numbers or percentage of men or women satisfied or dissatisfied with a particular aspect of service.

Qualitative research

This type of research gives much more detail of people's experiences, and it can reveal issues that may have otherwise been overlooked. It gives people the chance to be much more actively involved by giving them the opportunity to tell of their experiences in their own words. Qualitative research includes interviewing people face to face, using written transcripts from focus groups, information from websites and information captured from observation.

Key action point

Some of the areas where the Equal Opportunities Commission suggests information could be gathered include (4):

- existing national research, which indicates the major gender issues in your area of work
- the different impact which your core business and service provision has on women and on men
- the extent to which women and men use your services, satisfaction rates, and any information you can collect on who is not using your services when they might be expected to do so and why
- differentials in service outcomes
- the gender profile of your staff, including data on recruitment, promotion, the distribution of women and men in the workforce by seniority and by types of work, harassment, an analysis of training opportunities, grievance and disciplinary procedures, and redundancy; remember to look at part-time staff

and those with caring responsibilities

- return rates of women on maternity leave and whether they are returning to jobs at the same level of responsibility and pay
- issues and barriers affecting transsexual staff and potential staff
- information on the size and causes of the gender pay gap in the organisation, including the impact of occupational segregation, of pay discrimination and of women's disproportionate share of caring responsibilities.

Data Protection Act

It is essential to work within the principles of data protection and human rights. If you collect data on individuals, it must be held securely and confidentially, and will be subject to data protection laws. You should inform individuals:

- about who will process their personal data and for what purpose
- whether it is intended to disclose any of this information.

This is particularly important in relation to sexual orientation and transsexual women and men.

You should also consult with representatives of affected groups, such as transgender support groups, or any relevant agencies before embarking on data collection.

Step 3 Consultation

Consult with service users and employees when deciding on priority actions, as these are the people that are going to be affected by the outcomes. This is especially important where one sex is under-represented in the formal decision-making processes of the organisation. Involving staff and service users will also facilitate transparency and awareness of intended actions.

In cases where either women or men have been under-represented or disadvantaged by a function or policy, you should consider arranging a single sex consultation and make an effort to encourage the affected group to participate. This is especially important where a minority group has experienced multiple disadvantages, for example, on the grounds of ethnicity and sexual orientation.

You should also hold a separate consultation with the transsexual community. This can be achieved by consulting with:

- staff networks
- transsexual support groups.

Existing forums and networks can be used to consult on gender equality goals. Staff opinions can be sought via networks groups, trade unions, and staff surveys. However, to get a truly representative range of opinions you will need to consult with groups who may have experienced specific disadvantages, such as:

- disabled women
- men and women from ethnic backgrounds
- single mothers and fathers

- men and women with caring responsibilities
- older employees and service users.

Step 4 Impact assessment

Screening

The first stage of an impact assessment is called screening. This is where you identify whether or not any new policies, processes, proposals, or functions have a negative impact on gender equality.

You should first identify the main aims of the policy, then collect information on how the policy will be implemented, which groups it is likely to affect and what the likely outcomes are, if any. Some questions to help with the process are:

Key questions

Some questions to help with the process are:

- Do you have evidence that women and men have different needs, experiences, concerns or priorities relating to the issues addressed by the policy?
- What proportions of men and women are affected by the policy?
- If more people of one sex are likely to be affected by the policy, does that fall in line with the policy objectives?
- If the policy has a specific outcome, is there evidence that the outcome will be different for men and for women?
- Where there is a difference in impact on women or on men, or on particular groups, how serious is the disadvantage likely to be?
- Could the policy unintentionally disadvantage people of one sex?

If you identify a negative impact, you could act to either remedy the situation or conduct a full impact assessment to better determine the causes of the impact. If the impact of the new policy or function is not seen as relevant to gender equality, this should be noted and the evidence to back up the decision recorded.

Impact assessments

Assessments must be carried out in an open and transparent way, and in consultation with relevant stakeholders. Systems should be put in place for identifying what information was used and how it influenced any decision. The results of impact assessments must be published and the process of obtaining the results is open to public scrutiny.

All current policies, processes, and functions must be continuously monitored and reviewed for relevance to the duty. The GES needs to include information on how existing policies will be assessed for relevance and how they will be prioritised in order

of relevance to gender equality. In addition, you will need to produce a timetable to show when assessments will be completed within the 3-year lifetime of the GES. Once organisations have found policies that are relevant to gender equality, they will need to give them a priority rating. This in turn will inform the high priority objectives in the GES action plan.

Assessment of outsourced services

Managers who are responsible for procurement need to ensure that the services they are buying are also assessed for any relevance to gender equality, including ensuring that the contractor has measures in place to meet the Gender Equality Duty.

If a contractor is not delivering the education/employment service directly, but providing services on behalf of the organisation, the provider organisation is obliged to comply with the Duty. This means that the organisation will need to build gender considerations into the procurement process.

Therefore, you must review all current contracts to assess any adverse impact on gender equality.

Step 5 The gender equality scheme action plan

The gender equality scheme action plan outlines the steps that your organisation intends to take to meet the general duty over the period of the GES.

It is a legal requirement to set and implement clear objectives towards promoting gender equality, outlining steps for achievement, and setting a realistic timetable for meeting the objectives.

The main reason for having an equality scheme and action plan is to bring about a culture change throughout the whole organisation; therefore, the action plan should identify specific, achievable outcomes for staff and service users, which will facilitate this change.

Key action point

An effective action plan should include:

- proposals for collecting information on the effect of the organisation's policies on men and women, in employment, services and performance of its functions
- proposals for using this information to review implementation of the scheme's objectives
- proposals for addressing issues found to be a high priority during assessment of present functions and policies
- proposals for addressing disparities in service evident from consultation with staff and service users
- proposals for monitoring all policies and functions where implications for gender equality have been identified
- proposals for carrying out impact assessments, with timescales for completion
- proposals for future consultation with relevant groups, both inside and outside the organisation

- proposals for training staff on the requirements of the Gender Equality Duty
- proposals for publishing results of monitoring, impact assessments and progress against objectives
- proposals for making information available to staff and the public
- a timetable for taking the work forward, including clear outcomes
- an indication of resources needed to take actions forward
- an indication of responsibilities for taking actions forward, and who will be ultimately accountable
- an outline of proposed objectives to address the causes of any gender pay gap
- proposals for implementation of the objectives within the 3-year life of the scheme.

Any decision on goals or actions should be decided upon in consultation with employees and service users, and details of how and why decisions have been made should be clearly stated in the action plan.

When setting your priorities, you will need to take into account national gender equality priorities, set by the LSC, EOC and others. Synchronise your annual business planning process with the development of your gender equality action plan. This should ensure that thinking on gender equality priorities takes place across the whole organisation, and that the highest level policy-making in the organisation pays due regard to the gender duty.

In deciding priorities for action, consider resource implications. A really significant and deep-seated inequality may take enormous staff and cash resources to correct, but if it is clearly a gender equality issue, then it must be addressed.

You may find it useful to divide the action plan into separate sections where different teams within the organisation have discrete areas of responsibility. This will help you to implement and monitor the plan, for example, you could divide employment and service delivery sections.

Step 6 Monitoring the action plan

You will need to monitor the gender equality scheme action plan to ensure that it is working. Arrangements for how progress will be monitored need to be set out in the scheme, as well as a statement of how monitoring information will be used to inform future gender equality schemes.

By monitoring services, you will identify gaps in provision and help the organisation to use resources more effectively.

Monitoring is made easier when it is clear where responsibilities for implementing the action plan lie. A process can be set up for each implementation team to report progress on a quarterly basis. Another way is to use existing auditing processes, such as disciplinary and grievance management policies for staff, to monitor progress on employment functions.

You should consider how the organisation would measure success. This could include the setting of gender equality performance objectives for managers, support staff, and curriculum leaders.

Step 7 Publishing your gender equality scheme

The regulations do not specify how the gender equality scheme should be published. You may consider publishing it as part of your annual business plan; as part of an annual report or diversity strategy; as part of a Single Equality Scheme; or as a stand-alone document.

The only requirement is that the scheme should specify clear gender equality goals and outcomes, and give details of what actions will be taken to meet the goals and how progress will be monitored.

The scheme should be accessible to all employees, service users and stakeholders, and made available in various formats on request. Consulting with stakeholders will determine how people would prefer to see the scheme published. It would normally be posted onto a public website, but some users may prefer hard copies.

Step 8 Reporting progress

Progress on the action plan needs to be reported at least once a year. This can be done through existing reporting methods. In addition, the results of impact assessments should be reported as they are carried out.

Reporting progress to the workforce may include providing regular staff updates on the internal website, and through staff notices or newsletters. Information can also be cascaded via staff network groups.

When informing service users and the public of progress and results of impact assessments and monitoring, it is also important to consider the needs of all groups so that the information is readily accessible to everyone.

It is good practice to publish progress reports in line with the business planning cycle so that they can inform and be informed by the process.

Step 9 Implement the scheme and action plan

Within the three-year period of the gender equality scheme, you should implement:

- the actions for gathering and using information; and
- the objectives in your scheme

unless there are situations where this is unreasonable or impracticable.

Step 10 Review and revise the scheme

Review the GES every three years in order to set new goals. This helps to assess progress and consider whether the desired gender equality outcomes are being achieved, and where efforts should now be concentrated.

As with setting up the initial GES, staff and service users should be involved in the process, and evidence gathered on forthcoming and existing gender issues within the organisation.

It is good practice to conduct reviews in line with the business planning process.

3. Addressing the gender pay gap

Under the general duty, there is a need to eliminate discrimination that is unlawful under the Equal Pay Act. You will therefore need to set objectives that address the causes of any differences between the pay of men and women that are related to their sex.

Information gathered on gender equality in the workforce and the results of assessments of policies and practices, in consultation with employees and trade unions should help to determine whether these policies and practices are a contributory factor in any gender pay gap. From this information, you should be able to decide if there is a gender pay gap, whether pay objectives are needed, and if so, the relative significance of the three main causes (below) in setting the pay objectives.

The gender pay gap is determined by calculating women's overall average pay as a percentage of men's. The main factors, which contribute to this gap, are:

- discrimination, including pay discrimination (which is often inadvertent, but nonetheless unlawful)
- the impact of women's disproportionate share of caring responsibilities (which often results in women undertaking part-time work, which is often poorly paid and often restricts career continuity and progression)
- the concentration of women in particular occupations (occupational segregation) usually characterised by lower levels of pay than in those numerically dominated by men.

You will need to show that you have considered the need for objectives to address the gender pay gap, and if these objectives are not included, reasons for this must be given to avoid non-compliance action. It may be that you have determined that no pay gap exists within your workforce, but if so, then hard evidence will have to be provided to back this up.

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Appendix B: Summary table on responsibilities regarding the GED

Objective:	Understanding the new Gender Equality Duty and your obligation to it	
	STAGE	GOOD PRACTICE GUIDANCE NOTES
1	What is Gender Equality Duty?	<ul style="list-style-type: none"> • This is a new Code of Practice that places a statutory duty on all public authorities, when carrying out their functions. The Code is being introduced to public bodies in England and Wales by the Equality Act 2006, which amends old Sex Discrimination Act. • Is it codenamed Gender Equality Duty • It represents a significant change in sex equality laws for 30 years; an important cultural tool that will undoubtedly assist all public authorities to better address the individual needs of women and men.
2	What does the duty say?	<p>The Gender Equality Duty has two main purposes. The duty which can be found in Part 4, Section 84 of the Equality Act 2006, states:</p> <p>'A public authority shall in carrying out its functions have due regard to the need</p> <ul style="list-style-type: none"> • to eliminate unlawful discrimination and harassment, and • to promote equality of opportunity between men and women'.

3	Why has it been introduced?	<p>This significant piece of legislation has been introduced in order to bring about real benefits for women and men. Since public services are important to everyone and have a huge impact on people's lives and employ many people, this new role could not have been timelier.</p> <p>This Duty, which seeks to challenge the wider causes of inequality, has the potential to deliver more responsive and effective public services and help to deliver gender equality for employees working in the educational sector. This is not just ethically and morally the right thing to do - there is also a clear and strong business case for gender equality.</p>
4	What will the duty require of us?	The duty will require public authorities to be more proactive in thinking about the impact of their employment practices and service delivery on women and men and, where necessary, change their behaviours accordingly.
5	What does The GED Consist of?	Like the duties for race and disability, the GED consists of a general duty and specific duties.
6	What is the General Duty?	<p>The purpose of Gender Equality Duty is to translate and explain the General Duty which takes effect from 6th April 2007. For example:</p> <ul style="list-style-type: none"> • To eliminate unlawful discrimination and harassment. • To promote equality of opportunity between women and men.'
7	Whom does the General Duty apply to?	The GED applies to everyone; Local authorities, NHS trusts to schools, and Schools, Colleges and Higher Education, Passenger Transport Executives, the Police authorities both as employers and as service providers

8	What are 'specific duties'?	<p>To prepare and publish a gender equality scheme, setting out gender equality objectives</p> <p>In preparing the scheme, the school, college or university must gather information on the effect of its policies and practices on women and men, address the causes of any pay gap, do gender equality impact assessments on existing and new policies and practices, and consult relevant groups, including trade unions.</p> <p>It will seek to:</p> <ul style="list-style-type: none"> • Implement the actions set out in the scheme within three years. • Report annually on progress, and to review the scheme every three years.
9	What is a 'scheme'?	<ul style="list-style-type: none"> • Within the specific duties, institutions have to publish an equality scheme showing how they intend to fulfill their general and specific duties (ie the 'action plan'), and setting out their overall objectives. • Such an educational institution should involve relevant employees, service users, trade unions and others in preparing the scheme. This includes people facing inequalities covered by the scheme. Trade unions can provide support and therefore, need to be consulted. At all times priority issues must be of paramount importance. • The scheme should take into account any information it has gathered or considers relevant as to how its policies and practices affect equality in the workplace and in the delivery of its services.

11	What would the scheme involve?	<p>The scheme should set out:</p> <ul style="list-style-type: none"> • the way in which people facing inequalities covered by the scheme have been involved in the development of the scheme • the actions the organisation has taken or intends to take to equality impact assess its current and future policies and practices, including its method for impact assessment • the actions the organisation has taken or intends to take to gather information about the effect of its policies and practices on individuals and groups facing inequalities covered by the scheme in the performance of its functions including employment, education, and other services • the arrangements for using the information gathered, in particular in reviewing the effectiveness of its action plan and in preparing subsequent equality schemes • the actions the organisation has taken or intends to take to: <ul style="list-style-type: none"> ü use the information to review the implementation of the scheme objectives ü ensure implementation of the scheme objectives.
12	When does it come into force?	<p>The duty comes into force on 6 April 2007. However, public bodies (including school, colleges, and universities) do not have to have their gender equality schemes published until 30 April 2007. This is because the code of practice was only finalised in December.</p>

Objective:	Meeting your duty in eliminating discrimination & inequality: policy development - general
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	STAGE	GOOD PRACTICE GUIDANCE NOTES
1	Key data set collection (understanding the difference)	Legislation checklist The new duty requires all employers to eliminate discrimination and harassment in employment practices and to actively promote gender equality within the workforce. It is important for all employees to understand what this duty means. This checklist will help in this respect.
2	Collection of associated data set (initiate need assess)	Collect all relevant data and information regarding Government laws and legislation in respect of the Gender Equality Duty and how these relate to other duties of identical strands. Specifically look for information in these areas: <ul style="list-style-type: none"> ü What Gender Equality Duty is ü What the General Duty is ü Who the General Duty applies to ü What are 'specific duties'? ü What issues are covered by the specific duties'? ü What is gender equality scheme? ü What is gender equality scheme's objective? ü What are the different stages of the gender equality scheme?
3	Data analysis and summary of observations & proposed measure	Having collected all relevant data and information as indicated above, bring collective efforts to bear to understand: <ul style="list-style-type: none"> • What the law expects of you in respect of the specific duties?

4	Action plan	Document all the above information and then design an action plan to make the new knowledge applicable to all, which can be mainstreamed into an existing organisational policy document. This will help to comply effectively with the requirements of the Gender Equality Duty demands. Publish it!
5	Collaboration	Ensure that these finding are published and distributed to all stakeholders and approved by signings.
6	Achieve objective	Every thing has been put in place to ensure sector-wide understanding of the Gender Equality Duty and the duty placed on all to ensure its success.

Objective:	Meeting your duty in eliminating discrimination and inequality - planning!
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	STAGE	GOOD PRACTICE GUIDANCE NOTES
1	Key data set collection (understanding the difference)	How do I assess whether women and men are (not) receiving equal pay for equal work in your sector.
2	Collection of associated data set (initiate need assess)	<ul style="list-style-type: none"> ü Carry out an equal pay review ü The organisation may have carried out this review in the past. If not draw to the attention of the organisation <p>The review is a systematic way of comparing the pay of women and men doing equal work, explaining any pay gaps, and developing a plan to close any pay that cannot be explained on the grounds other than differences in gender.</p> <p>It is now time to find out how pay gaps are expressed.</p> <p>Pay gaps are expressed by showing the average earnings of women as a percentage of the average earnings of men in a particular group, e.g. employees at a particular grade.</p>

3	Data analysis and summary of observations & proposed measures	<ul style="list-style-type: none"> ü Establish whether pay gap exist in the sector's review process. ü Find out what the review covered - did it cover all employees? ü Did it review equal pay statement and recent equal pay? <p>Check for disparities in:</p> <ul style="list-style-type: none"> ü starting pay ü grading ü progression ü equal pay for like work ü bonus payments ü performance related pay ü any job evaluation scheme covering all employees. <p>Ask employer or refer to EOC's resources for additional guidance</p>
4	Action plan	With this information at hand, apply the knowledge to your sector for the avoidance of future mitigations purposes; that no room exists to lead to pay gaps for employees doing similar job function.
5	Collaboration	Ensure that these finding are published and distributed to all stakeholders and approved by signings.
6	Achieve Objective	Every thing has been put in place to avoid future conflicts in wage differential in respect of female and male employees doing jobs of similar value.

Objective:	Meeting your duty in eliminating discrimination & inequality in gender pay gap – <i>general</i>
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	STAGE	GOOD PRACTICE GUIDANCE NOTES
1	Key data set collection (understanding the difference)	<ol style="list-style-type: none"> 1. Collection data on regulations and practices relating to wages and terms of employment. 2. Decide which jobs are present and which could be described as equal. State how many women and men respectively perform each job.
2	Collection of associated data set (initiate need assess)	<ol style="list-style-type: none"> 3. Decide which jobs are of equal value. Use a method that takes account of the job requirements in terms of skill, responsibility, strain, and working conditions. Group jobs of equal value according to their degree of difficulty. 4. Assess sex distribution in the organisation and identify female-dominated jobs. 5. Calculate average pay and/or median pay for women and men respectively and for women and men together performing equal work. 6. For each job, calculate the women's pay as a percentage of the men's. 7. For each job, calculate wage dispersion for women and men respectively. 8. Decide which supplements are to be included when comparing wages.

3	Data analysis and summary of observations & proposed measures	<p>Note that differences in pay must be based on objectively justifiable grounds that have nothing to do with the employee's sex.</p> <ul style="list-style-type: none"> • Study differences in average/median pay between women and men performing equal jobs. • Check average pay for women and men in female-dominated jobs and compare it with pay for other jobs of equal value. • Study wage dispersion for each job. Compare wage dispersion for women and men respectively in each case. Compare wage dispersion in female-dominated jobs with that in other jobs of equal value. • 12. Summarise observations made and suggestions for measures to take. These may include adjusting pay, altering pay procedures or types of pay, developing skills, or taking other kinds of action that encourage wage growth on equal terms. The measures may be applied both to groups and to individuals.
4	Action plan	<p>Calculate the costs of the measures. Use whatever method the company/organisation uses when costing staff.</p> <p>Draw up a timetable. Pay adjustments and other measures are to be introduced as soon as possible, and within three years at the latest. State the period to which the plan refers and who is responsible for the proposed measures.</p>
5	Collaboration	<p>It is a good idea to make clear that the action plan is a collaborative effort between the employer and the employees. This can be achieved simply by ensuring that all parties concerned sign the action plan, or alternatively the plan can describe how the parties have collaborated.</p>
6	Achieve objective	<p>Equal pay for all gender strand of employees doing the same jobs of equal value</p>

Objective:	Meeting your duty in the College's commitment to gender equality and total elimination of discrimination & harassment among students and other service users
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	STAGE	GOOD PRACTICE GUIDANCE NOTES
1	Key data set collection (understanding the difference)	<ul style="list-style-type: none"> ü Conduct a survey among students on their awareness/experience of any form of inequality, discrimination and harassment. ü Collect data on students' awareness of sex discrimination and harassment laws. ü Collect data on students' current level of awareness of the new gender equality duty. ü Collect available documented evidence of gender inequality, discrimination and harassment. ü Collect data from students and other service users on the evidence of official statements of sex discrimination, etc.
2	Collection of associated data set (initiate need assess)	<ul style="list-style-type: none"> ü Find out whether opportunities, such as induction, information leaflet/publications in respect of sex discrimination and harassment, are widely distributed. ü Has the college developed a race equality plan? ü Is equality a standing item in the staff meeting agenda? ü Has the sex equality, discrimination and harassment issues been discussed with students and users' participating? Are students represented on the committee? ü Is equality a priority in the college? ü Are any audit trails kept on equality, discrimination and harassment issues?

3	Data analysis	Analyse above to establish the truth of the matter. Summarise your observations & proposed measures.
4	Action plan	Document all the above information and then design an action plan to make the new knowledge applicable to all- this can be mainstreamed into an existing organisational policy document. This will help to comply effectively with the requirements of the 'gender equality duty' demands. Publish it!
5	Collaboration	Ensure that these findings are archived, published and distributed to all stakeholders and approvals by signings of those involved.
6	Achieve objective	Every thing has been put in place to ensure sector-wide understanding of the gender equality duty and the duty placed on all to ensure its success.

Objective:	Meeting your duty in the college's commitment in service design and delivery imbalances
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	STAGE	GOOD PRACTICE GUIDANCE NOTES
1	Key data set collection (understanding the difference)	<ul style="list-style-type: none"> ü Collect information on who is using the adult education/college services. ü Find out views expressed by old students (alumni, etc) regarding educational services received and usefulness in their job environments. ü Observe whether women and men use the services in different ways. ü Do women and men have different needs from the service? ü Check to see any evident discrepancies in the service outcomes by sex. ü Any evidence of 'one-size-fits-all' service in the college? ü Establish evidence of any particular groups of women or men who do not use or under-use a service, or who are less satisfied with it.
2	Collection of associated data Sset (initiate need assess)	<ul style="list-style-type: none"> ü Is the data available disaggregated? ü Any evidence of imbalance in curriculum designs for need the needs of women and men? ü Check to establish evidence of under representation or over-representation of a particular sex in some particular subjects offered by the college or other service uses. ü Are there shortages of staff? ü What about the teaching staff/student ratio?

3	Data analysis	<ul style="list-style-type: none"> ü collate and analyse above data set ü disaggregate the data ü produce summary of observation ü proposed measure.
4	Action plan	<ul style="list-style-type: none"> ü Use the findings to initiate an action plan to remedy the situation. ü Involve as many stakeholders as possible in the plan. ü Impact assess the action plan before implementation.
5	Collaboration	Ensure that these finding are published and distributed to all stakeholders and approved by signings.
6	Achieve objective	Every thing has been put in place to avoid future conflicts in the college's commitment in service design and delivery.

Gender equality good practice checklist (general)

- ü Ensure gender access to information and services as a matter of priority.
- ü Ensure that staff and service users have an understanding of why gender equality is a priority within the sector/college.
- ü Ensure that there is a gender equality statement for the institution which must be published.
- ü Ensure that managers understand the college's approach to recruitment and responsibilities and that they are fully involved in the process.
- ü Ensure there is a unified gender equality action plan for all departments and a system of periodic reporting of progress.
- ü Ensure that gender assessment, consultation and monitoring policies are a permanent feature of the establishment.
- ü Ensure that gender equality is a permanent item on the entire sector's meeting agenda.
- ü Ensure that you have a staff representative who students and staff can approach regarding gender equality issues.
- ü Assess the impact of current recruitment and progression practices on gender equality.
- ü Assess if staff of a particular gender are more likely to undergo disciplinary, grievance and capability proceedings.
- ü Ensure that unions are included in all planning and debate around GED.
- ü Assess if there are particular grading issues relating to gender in relation to the teaching and learning observation grade.
- ü Ensure that there is representation of the gender group on departmental committees.
- ü Ensure that an audit track is kept on gender equality activities.
- ü Ensure that you raise awareness of the college's commitment to gender equality with students/learners, staff and visitors.
- ü Ensure that all staff have the opportunity to develop and review the gender equality scheme toolkit.
- ü Ensure that staff involved in recruitment attend the college's recruitment and selection skills course.

Appendix C: Roles and responsibilities in a college regarding GED

Roles and responsibilities

The following roles and responsibilities in relation to gender equality in employment are taken from:

Association of Colleges and Joint Trade Unions (2007). *Joint agreement on guidance for gender equality in employment for further education colleges*.

Available at

http://www.unison.org.uk/education/further/pages_view.asp?did=4909

http://www.aoc.co.uk/Members/employment/joint_agreements, accessed 28 March 2007.

Governors

Governors are responsible for ensuring that:

- Women and men are given an equal opportunity to be members of the college, and in the event of significant under-representation of either women or men, the college will consider what steps can properly be taken to address that under-representation.
- The college's strategic plan includes a commitment to gender equality.
- Equality training features as part of the college's strategic plan.
- They are aware of the college's responsibilities in relation to sex legislation as an employer and service provider.
- They receive and respond to the sex monitoring information on staff, impact assessments and the GES objectives.
- The objectives identified in the GES are implemented.

Managers

Managers are responsible for ensuring that:

- The college principal / chief executive and senior management team are responsible for taking the lead in creating a positive, inclusive ethos that challenges sexist attitudes and behaviour on the part of managers, staff or learners.
- They are aware of the college's statutory duties in relation to sex legislation.
- All aspects of the college's policies and activities are sensitive to gender issues.
- Gender monitoring information is collected and analysed.

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- The procedures for the recruitment and promotion of staff enshrine best practice in equal opportunities.
- Targets are set in the recruitment and promotion of staff based upon the analysis of sex monitoring information.
- The college's publicity materials present appropriate positive and non-stereotypical messages about gender.
- Staff induction programmes reflect the college's commitment to promote equality of opportunity.
- Appropriate training and development is provided to support the appreciation and understanding of diversity.

Staff

Staff are responsible for ensuring that:

- They are aware of the college's statutory duties in relation to sex legislation.
- Their schemes of work, lesson content and teaching resources demonstrate sensitivity to issues of equality.
- They challenge prejudiced and discriminatory behaviour by learners, work placement providers, outside contractors or other members of staff whenever practicable.
- The college and each of its individual members of staff confront sexism, whether witting or unwitting, whenever it occurs.

Appendix D: Similarities and distinctions between the Disability, Gender and Race Duties

There is an increasing recognition that the different equality duties all have a common theme of eradicating discrimination, which is recognised as often unwitting and institutionalised within an organisation.

Where they are different is in how they will work. For race, the approach is systems and process orientated, with outcomes more implicit rather than explicit as in the other duties. For disability there is approval of 'more favourable' treatment of disabled people as it has been argued that by definition, organisations need to compensate for these differences to ensure fairness. And for gender there will perhaps be less systemic review of an organisation and more focus on real achievable outcomes in this area, again reflecting the needs of gender equality.

Similarities in equalities duties

At present, there are general duties on public authorities, relating to equalities strands, disability, gender and race. These general duties have common as well as unique features, as illustrated below:

Disability

The Disability Discrimination Act 2005

- promote equality between disabled people and others
- eliminate unlawful discrimination based on disability
- eliminate harassment based on disability
- promote positive attitudes towards disabled people
- encourage participation in public life by disabled people
- positive action to take account of a disabled person's disabilities even where this involves a more favourable treatment of the disabled person.

Gender

Sex Discrimination Act 1975

- eliminate unlawful discrimination based on gender
- promote equality between men and women.

The Equal Pay Act 1970

- outlaws pay discrimination on grounds of gender where both sexes are undertaking work of equal value.

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The Gender Equality Duty 2007

- eliminate unlawful discrimination and harassment (including for transgender people, in employment and vocational training, higher and further education)
- promote equality of opportunity between men & women.

Race

Race Relations (Amendment) Act 2000:

- eliminate unlawful racial discrimination
- promote racial equality
- promote good relations between people of different racial origin.

Specific duties

In recent years, following the specific duties on race equality, the government has also introduced specific or public duties in two further strands of equality, namely disability and gender. The public duties on these three strands, namely disability, gender and race are broadly similar in that they all include the duty to:

- consult and involve
- impact assess proposals
- monitor outcomes
- provide information in accessible formats.

Given these similarities, many public authorities are developing single equalities schemes which seek to incorporate the common as well as their unique features under a single framework that can be applied to promote equality in general, endeavouring to ensure that all the existing six strands are covered.

Differences

In detail the specific duties also highlight further distinctions and differences.

Gender

Gender equality schemes have to be published by all public authorities by 30 April 2007 in England.

Public bodies have to prepare and publish a gender equality scheme which sets out gender equality objectives to fulfill the general and specific duties:

In the preparation, they have to:

- consult employees, service users and others
- take into account any information they consider relevant
- consider the need to have an objective to address the causes of any pay gap.

The scheme needs to set out actions the authority has taken or intends to take to:

- gather information on the effect of its policies and practices on men and women in employment, services and performance of all its functions
- use information collected to review implementation of the scheme
- assess the impact of current and future policies on gender equality
- consult relevant
- employees, service users and others
- ensure implementation of the equality scheme objectives.

There is to be an annual progress report. Review and revision has to be undertaken at least every three years. Implementation of the scheme has to be within three years.

Disability

As with gender, the creation of a disability equality scheme is primary. It should have been published by 4th Dec 2006. Primary schools, community special schools, foundation special schools publish by the 3rd December 2007. Primary and secondary schools in Wales publish by 1st April 2007.

In the preparation, they have to:

- involve disabled people.

The disability equality scheme should include a statement of:

- how disabled people have been involved in its development
- methods for impact assessments
- steps to fulfill the general duty (action plan)
- arrangements for gathering information in relation to employment (and delivery of education and its functions)
- arrangements for using information, particularly when reviewing the action plan and revising disability equality schemes
- take the steps set out in its action plan within three years and put into affect the arrangements for gathering and using information.
- publish a report summarising steps taken under action plan, results of gathering and using information.

There is to be an annual progress report. Review and revision has to be undertaken at least every three years. Public bodies additionally have to be able to demonstrate actions taken to implement the disability equality scheme.

Race

This is the longest existing set of specific duties and there was a first race equality scheme published in May 2002, a second scheme in place in May 2005

The race equality scheme should set out:

- functions and policies that are relevant to the general duty on race
- arrangements for assessing and consulting on the likely impact of proposed policies
- arrangements for monitoring policies for any adverse impact
- arrangements for publishing the results of assessments
- arrangements to ensure public have access to information and services provided
- arrangements for training staff on the race equality duty
- required to monitor employment procedures and practices
- schools have a race equality policy.

There is to be an annual progress report. Review and revision has to be undertaken at within three years and every subsequent three years. Public bodies additionally have to be able to demonstrate actions taken to implement the race equality scheme.

Appendix E: Gender research and wider studies

An Introduction to gender equality

Research on gender equality has increased significantly in the last few years not only through the EOC in the United Kingdom but also in Europe. In general, key issues which have been considered include the pay gap which still exists between men and women, unemployment rates for men and women, gender stereotyping in schools, careers advice, work experience placements, types of apprenticeships and work based learning, in FE and HE and in employment.

Certain groups of society are still being placed at significant disadvantage and there is the need to develop strategies to provide equity for women returners, women from ethnic minorities, women who experience mental health issues, women offenders, boys who underachieve and the lesbian, gay, bisexual and transgender community (LGBT). The potential for women as managers, as business entrepreneurs and working in atypical vocational areas is also examined in recent research.

Further information:

The Women and Equality Unit (WEU) has published a report *What has the government achieved on equality?*, which provides an overview on equality issues, including gender, race, disability, religion and belief, lesbians, gays and bisexuals, age and transsexual people.

The report, *What has the Government achieved for women?*, also from the WEU, introduces a number of practical measures to enhance the position of women: as mothers, in the workplace, with work and family responsibilities, in public life, health and wellbeing and in retirement.

Gender roles and stereotypes – for women and men

The roles and stereotypes under which society operates are long- lasting and historic an interesting examination of where gender stereotype originates is given by Anne Mikola in her work, *Role of gender equality in development*, Helsinki Center for Economic Research, 2005.

She argues that in thinking of the relatively lower status of women today, it is useful to remind ourselves of historical developments in that role. It has been argued that economic development in Europe has in large part been brought about by changes in gender equality over the past 2000 years (Lagerlöf 2003).

These changes were possibly initiated by the spread of Christianity. As opposed to the Greco-Roman world, the early Christians improved the status and rights of women not least to inherit and hold property. Christian women also got married

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later. Towards 1000 A.D. the Roman Catholic Church in Europe took an increasingly negative and ambivalent stance towards women. Evil was seen to come to the world through women, women's sexuality was seen as impure and priests were required to leave their wives and stay celibate. The church had already been establishing its hierarchical structures long ago and along with it women's role got more restricted than in the initial centuries after the birth of Christianity.

The European Reformation did not free women either and consequently some of the traditions had a profound socio-political effect. However, the rise of Protestantism may have indirectly been a crucial catalyst for gender equality: Everyone was expected to read the Bible themselves, which led to increased instruction and literacy for girls as well as boys (see Lagerlöf 2003 for references). This built the basis for women's education and literacy. Perhaps not accidentally, these are among the very issues that are seen as most critical (eg by the World Bank) for the development of today's less-developed countries; as are girls' education, issues relating to sexuality and fertility, more equitable inheritance laws and practices and increased voice of women in the society.

It was just about 100 years ago that women first gained the vote in Finland in the 1906 Parliament Act, ushering in reform across Europe in civic as well as educational life. (Universities also excluded women until the turn of the century.)

Carrie A Miles (2005, 2006), a social psychologist, suggests a technological explanation for the radical alteration in gender roles in the 20th century. Before the modern production technology households were practically self-sufficient entities where the family patriarch ruled over the servants, the children and the wife. In these household economies children served as a valuable input to production. For these 'technological' reasons fertility was high and under such a demand women specialized in child bearing and in the production activities at home where the children and the female production activities could be taken care of simultaneously. Men specialized in the jobs that needed to be taken care of outside the home. The industrial revolution was the beginning of a complete change in the patriarchal household economy. Much of the domestic production became obsolete as many items could be more efficiently produced in the specialized market place. As this development progressed, children lost their value as direct inputs to production, fertility was lower, and women lost much of their jobs at home. Children became consumption goods instead of production goods. They served, for example, the emotional needs, rather than production needs. This changed the role of women.

Miles sees these technological changes as a cause for the feminism. Ability to make economic choices requires often earnings and resource ownership, thus the importance of employment in gender equality, both in reality and in literature.

As a consequence, women moved from payless care of children and the elderly to do mostly the same work at the market place or for the government. Social care work is still today largely women's territory. In a modern welfare state gender hierarchy can be seen e.g. in the gendered segregation of the labour market

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combined with the fact that the female sectors of the economy are generally less paid and less valued.

In the 1990s, a major theoretical framework for explaining stereotypes was developed called the social cognitive approach. According to this approach, stereotypes are belief systems that guide the way we process information, including information about gender.

Our cognitive processes perpetuate and exaggerate stereotypes. In addition, stereotypes tend to encourage inaccurate cognitive processes.

Gender polarisation

According to psychologists such as Sandra Bem (1993), one cognitive process that seems nearly inevitable in humans is to divide people into groups. We can partition these groups on the basis of race, age, religion, and so forth. However, the major way in which we usually split humanity is on the basis of gender. This process of categorizing others in terms of gender is both habitual and automatic. It's nearly impossible to suppress the tendency to split the world in half, using gender as the great divider.

When we divide the world into two groups, male and female, we tend to see all males as being similar, all females as being similar, and the two categories of 'male' and 'female' as being very different from each other. In real life, the characteristics of women and men tend to overlap. Unfortunately, however, gender polarisation often creates an artificial gap between women and men.

Different expectations for males and females

The second way in which gender stereotypes are related to cognitive processes is that we have different expectations for female and male behaviour. A classic study focused on adults' interpretations of infants' behaviour. Condry and Condry (1976) prepared videotapes of an infant responding to a variety of stimuli. For example, the infant stared and then cried in response to a jack-in-the-box that suddenly popped open. College students had been led to believe that the infant was either a baby girl or a baby boy. When students watched the videotape with the jack-in-the-box, those who thought the infant was a boy tended to judge that 'he' was showing anger. When they thought that the infant was a girl, they decided that 'she' was showing fear. Remember that everyone saw the same videotape of the same infant. However, the ambiguous negative reaction was given a more masculine label (anger, rather than fear) when the infant was perceived to be a boy.

The normative male

According to a third principle, we tend to believe the male experience to be normative. A gender difference is therefore typically explained in terms of why the female differs from that norm. For example, research often shows a gender difference in self-confidence. However, these studies almost always ask about why females are low in self-confidence, relative to the male norm. They rarely

speculate about whether females are actually on target as far as self-confidence, and whether males may actually be too high in self-confidence (Tavris 1992).

Remembering gender-consistent information

In general, people recall gender-consistent information more accurately than gender-inconsistent information. Selective recall is especially likely when people are faced with too many simultaneous tasks (Macrae, Hewstone, Griffiths 1993).

For example, Arnie Cann (1993) found that students recalled sentences like 'Jane is a good nurse' better than 'Jane is a bad nurse'. When someone is employed in a gender-consistent occupation, we recall this person's competence. In contrast, students recalled sentences like 'John is a bad nurse' better than 'John is a good nurse'. When someone is employed in a gender-inconsistent occupation, we recall this person's incompetence. Notice that when we combine selective recall with the other cognitive factors -- gender polarization, differential expectations and the normative male -- we strengthen and perpetuate our existing stereotypes.

(The above has been influenced by work of Dr Margaret Matlin on gender stereotype.)

Understanding the nature and the endemic extent of gender roles in literature, in the media and culture within the United Kingdom is central to understanding gender inequality and its all pervasiveness today.

Further information:

Bem S (1993). *The lenses of gender: Transforming the debate on sexual inequality*. New Haven: Yale University Press.

Cann A (1993). Evaluative expectations and the gender schema: is failed inconsistency better? *Sex Roles*, 28, 667-678.

Condry J, Condry S (1976). Sex differences: a study in the eye of the beholder. *Child Development*, 47, 812-819.

Flanders L (1997). *Real majority, media minority: The cost of sidelining women in reporting*. Monroe, ME: Common Courage Press.

Lagerlöf N-P (2003) Gender equality and long-run growth. *Journal of Economic Growth*, 8, 403-426.

Macrae C, Hewstone M, Griffiths R (1993). Processing load and memory for stereotype-based information. *European Journal of Social Psychology*, 23, 77-87.

Miles C (2006), *The redemption of love: rescuing marriage and sexuality from the economics of a fallen world*. Brazos Press, forthcoming.

Miles C (2005), *For Richer or poorer: materialism's corruption of marriage and family, past and present and moral solutions to its problems*. Paper presented at Kyambogo University, Kampala, Uganda, Oct. 28, 2005.

Miller D, Taylor B, Buck M (1991). Gender gaps: who needs to be explained? *Journal of Personality and Social Psychology*, 61, 5-12.

Tavris C (1992). *The mismeasure of woman*. New York: Simon & Schuster.

Nurture, education, training and apprenticeships

Gender stereotypes are very influential in education and training and this is evident in much literature and research. They have for long limited the options of girls and boys. Viewing science and mathematics as things boys did and art and dance as things they did not do influenced the course taking patterns and achievement levels of both sexes. Although historically girls have achieved better results and go on for post-secondary education in greater numbers than boys, the job segregation that limits women's employment choices and the gender gap in wages has continued to this day

Further information:

In order to combat gender stereotypes from an early age there needs to be awareness raising at school by teachers and careers advisers. *Works4Me* is an EOC micro site, which is visual and introduces many interesting methods of learning for raising awareness of issues such as pay, choice and wider opportunities amongst 11–15-year-olds. Surveys encourage children to record their views on gender equality issues. Activities such as 'guess the job?' and 'who does what?' are fun and informative. Students can also click on a map of the UK to look at work placements available in any area of the country.

One good practice example, which can facilitate positive practice around gender equality, is in the form of a tool kit from the DES taken from the report *Raising boy's achievement*.

Although this is schools based, it offers comprehensive advice, which can be used with other age groups. A useful checklist advising on strategies to put in place, continue to use or to stop using all together can also be transferred across age ranges. The DES *Standard site for gender and achievement* also has a range of case studies showing various initiatives, which have been used to raise boy's achievements and includes a case study from a pupil showing how strategies put in place by the school prevented him from exclusion and helped him to achieve. *Middleton Technology School, Rochdale – student's perspective 51 Danny's case study*.

For education or careers advice, the EOC *Women and men at work – statistics quiz 2004* provides 10 questions to check knowledge of the role of men and women in the labour market. This may be used to raise awareness of certain issues although some of the statistics may now require updating.

Young people's job perceptions and preferences from the DTI has collected evidence from young people and provides statistics about how useful careers advice and guidance has been to them as well as participation rates in work placements. Young people do not seem to have a great awareness of how their opportunities can be limited by gender stereotyping. Gender segregation can be reduced by engaging young people with information, advice and guidance, which focuses on the realities of job tasks, pay and lifestyle. This report gives examples of weekly take home pay for different occupations and intervention exercises. This report could be used in careers sessions in order to focus young people on the realities of certain jobs. After completing the intervention exercises, young people were better equipped with realistic information about areas of work, which should facilitate decisions for the future.

Patterns of gender segregation in apprenticeships mirror that of employment. *Gender segregation in apprenticeships* is a study by the Institute for Employment Studies commissioned by the EOC. The investigation into gender segregation in employment and training focused on five occupational areas in which there are skills shortages and showed that these remain amongst the most strongly segregated. Local LSCs report on actions taken to address gender segregation. Issues identified include attitudes, social stereotypes, and the image of some of the jobs, lack of apprenticeship places and recruitment of employers to take on apprentices. Recommendations made include working with employers to promote atypical applicants for apprenticeships, better data collection for LLSCs, continuing professional development for Careers Advisers, better information on vocational options, funding issues, pay data and good practice dissemination.

There is a table, which summarises the differences in recruitment for the different types of modern apprenticeships from the LSC 2005 *Apprenticeship data, report 2*. The Department for Trade and Industries targets, including apprenticeships, can be found on www.communities.gov.uk, comparisons are made between girls and boys in different apprenticeships.

A result of a 2-year investigation into why women and men continue to work in traditional jobs and why young people choose apprenticeships and other vocational training in traditional sectors is discussed in the EOC investigation *Free to choose – tackling gender barriers to better jobs*.

The *Free to choose - one year on progress report* includes recommendations for actions on education, training, employment and government. The report shows that there is still a 26% per week pay gap between male and female apprentices. The Sector Skills Councils have set their own gender targets for apprenticeships. However, this report illustrates how recruitment of women into certain atypical apprenticeships has in fact increased between 2003/4 to 2004/5.

Don't bash the apprenticeship The Times 15 Nov 2006, discusses how many of the young people currently opting for apprenticeships could have gone to University, but instead have chosen vocational training and how it is as valuable if not more valuable than academic training. Apprenticeships are also being used as a stepping-stone to a University degree.

Subject segregation in FE and HE is almost as extreme as in apprenticeships. For example in engineering and technology subjects, 87% of FE students and 86% of HE students are male. *EOC Facts about women and men in Great Britain'* Even among recent graduates, the subject choice and working in female dominated occupations are found to play a significant role in the gender pay gap in the private sector. Female graduates are found to earn 11% less per week than male graduates says the Economic and Social Research Institute (ERSI) *Degrees of Equality: gender pay differentials among recent graduates.*

A woman's place...case studies of female students from the NUS as part of a campaign has collected stories from women studying in non-traditional subjects about their experiences. The positive attitude and determination of these women to succeed in atypical vocational areas is contrasted with the negative attitudes and practices of family, tutors and male students.

Women in science and engineering

A number of projects have been established in recognition that there is a major area of dysfunction in relation to the recruitment of women into careers in science and technology, in part influenced by choices in early school career, stereotypical influences on role and in the lack of positive role models for girls and women.

Further information:

The Government is providing funding for a UK resource centre for Women in Science, Engineering and Technology (SET) with the aim of increasing the number of females taking up SET careers. The SET website (www.setwomenresource.org.uk) offers a wealth of advice to girls and women considering SET careers; it gives case studies of women already successfully working in these areas. A good example is of Leeds Metropolitan University and its initiative to achieve a corporate target of 35% of all senior management roles to be taken by women.

A 'Widening Opportunities for Women' programme was introduced, which offered advice, support and encouragement through confidence building, communication skills, networking and provided mentors. This programme over achieved it's original target with 38.2% of senior posts now occupied by women. The case study provides other examples of how the participants have benefited from this initiative.

The Athena Project was launched in 1999 with the aim of the advancement of women in science, engineering and technology (SET) in higher education (HE), and a significant increase in the number of women recruited to top posts. The project works in partnership with UK universities, research organisations and SET professional and learned societies. Most of the project's initiatives have improved practices and procedures; some have begun to change the culture of SET and HE.

Originally funded as a four year project, Athena has been successful in broadening its support base and its programme which will now run through to mid/late 2007 (www.athenaproject.org.uk).

The UK resource centre for women in science, engineering and technology (SET) has many case studies on its website (www.setwomenresource.org.uk), which describe various initiatives or schemes, and show how the organisation has changed because of implementing these and how the business has benefited.

The UKRC has developed a *Directory of good practice* and provides actions for SET employers against specific problems, giving a solution and an example of how this worked in practice.

Employment and workplace issues

The Government is committed to promoting gender equality across the economy and society. This commitment is evident across a range of issues which affect women when they are in employment ranging from occupational segregation, career progression and management, family friendly policies, entrepreneurship and self employment. A wide range of research documentation exists on each of these themes.

Occupational segregation

Further information

Occupational segregation - the concentration of men and women in different kinds of jobs- contributes to the gender pay gap and skills shortages. For every 10 women in employment six work in the least paid occupations. *Equality, opportunity and choice: tackling occupational segregation* is a publication by the Women and Equality Unit (WEU) which shows Government targets to encourage women into sectors where they are currently underrepresented.

Currently only 2-3% of people working in Childcare are men. EOC *Men in childcare* discusses the benefits of more men in this area of work. This review looks at how numbers can be increased, the reasons behind poor recruitment and identifies current initiatives and projects aiming to improve the situation. The need to raise the status of childcare work by upgrading qualifications is raised; however, this may subsequently disadvantage many women already working in this area.

WEU *Tackling occupational segregation fact sheet 2006* explains horizontal segregation where a particular industry or sector is mostly made up of one particular gender and vertical segregation where opportunities for career progression are narrowed. The proportion of men and women in different industry sectors is illustrated graphically.

A study commissioned by the EOC *Occupational segregation, gender gaps and skills gaps* suggests ways forward in the areas of data collection and publication and action to promote atypical work.

Career progression and management

Further information

Women comprise 30% of managers in England, 29% in Scotland and 33% in Wales. Managerial occupations remain strongly gender segregated. While women make up 73% of managers in Health and Social Services, they only make up 6% in Production (WEU). *Gender related factors in career progression* a report from LSN shows that women are well represented in education management, however women are over represented in first line management roles whilst continuing to be under represented at more senior levels and on governing bodies. Black and ethnic minority groups are under-represented in all management levels, particularly at second tier level.

A more comprehensive picture of women in management roles can be found in WEU *Women at the top*. This provides statistics of women in management, in the boardroom, in FTSE 100 companies, in parliament, local government, senior civil service, police force, judiciary, public appointments and NHS trust chairs, showing that women are underrepresented in all these managerial roles.

The Chartered Institute of Personnel and Development has developed a range of publications highlighting the experience of women in senior management and illustrating strategies to increase involvement. *Women in the Boardroom: A bird's eye view* was published in 2004. Based on case studies, it offers an insight into why so few women are successful at board level.

<http://www.cipd.co.uk/NR/rdonlyres/5CA22125-06A8-48AA-8D5D-7A5AAE6F529C/0/3052cawmnbrdrm.pdf>

The Women and Equality Unit's (WEU) report *Examining the potential for women returners to work in areas of high occupational gender segregation* 27 Oct 2005 is a final report to the DTI. It states that skills shortages are higher in sectors where there is gender dominance and those women returners remain a partially untapped workforce. Certain employment training courses have omitted this category from the list of target groups. Organisational cultures have also created barriers for women returning to previous careers after career breaks due to childcare and there can be 'glass ceilings' for women who do not or cannot conform to typical male working practices.

The DTI report from March 2006 *Encouraging an increase in the employment of women returners in areas of skills shortage in traditionally male industries* includes an employer/employee representative questionnaire which would be useful when developing a gender equality scheme. This report gives a thorough insight into the problems facing women returners.

Women and self employment

Women are less likely to start their own businesses than men are. It is estimated that women constitute 27% of self-employed people in the UK (Labour Force Survey), but only 12-14% of businesses are majority owned by women.

Further information

Entrepreneurship and Social Inclusion WEU, is a study which indicates the need for the majority of women to increase their confidence levels and self-belief in order to become entrepreneurs.

The objective is to increase significantly the numbers of women starting and growing businesses in the UK. A *strategic framework for women's enterprise* DTI prepares the ground for change in a number of areas that affect women's enterprise - from education to the financial and business support environment. This includes the barriers that need removing from women establishing enterprises and actions that can be taken. This report gives a comprehensive list of support organizations and good practice guidelines.

The research report by DWP *Self employment as a route off benefits* shows that for some groups of benefit recipients, self-employment can be a viable route off benefits. Older people, those with partners and those with skills, qualifications or labour market experience appear most likely to succeed.

A report, which explores the challenges women experience whilst attempting to become self-employed, is *The impact of gender upon the transition from welfare dependency to self-employment* from the WEU. The New Deal programmes and Work Based Learning for adults, which incorporate self-employment options, are examined and recommendations made for improvements to these schemes.

The pay and pension gap

Perhaps more than any other subject the gap between the pay given to women and men and the pension entitlements of women has been a major subject for debate and analysis since the start of gender equality work and legislation in the United Kingdom. Whilst the gap has reduced over the years, there is still a considerable distance to go before women are remunerated at an equal level to their male counterparts.

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Further information:

After 30 years of equal pay law, women's wages are still 17% lower than men's in the UK, the EOC reports. *Facts about women and men in Great Britain* from the EOC shows the weekly income gap of men and women and the pay gaps in different industry sectors for men and women.

The EOC report from 2003 *Did you know?* gives statistical information on issues such as average rates of pay for men and women, numbers of men and women in full time and part time employment and the amount of men and women who have a disability in employment in the UK.

For information about employment rates of men and women in the European Union, the EU report on *Equality between men and women 2006* shows graphs highlighting facts such as the pay gap between men and women and unemployment rates.

The *Equal pay questionnaire* from the WEU will help individuals who believe they may not have received equal pay to request key information from their employers to establish whether this is the case. Advice is given on taking this forward at all stages.

Two reports *Equal pay for like work* and *Equal pay for work of equal value* from the EOC cover frequently asked questions, provide examples of how some of these claims have been dealt with by the courts, with both successful and unsuccessful outcomes for the claimants.

Other useful resources from the EOC include four posters *It's time to get even*; a pay finder's pay gap calculator where individuals can check their pay and a leaflet *Are you getting equal pay?*, which explains employee's rights. A procedure for employers to follow and information on how to develop an equal pay action plan are found on the EOC *An introduction to the equal pay review kit*.

Also from the EOC is a small business guide to effective pay practices *Equal pay, fair pay*, which is available in CD-Rom format. This gives a simplified systematic procedure for checking that pay is fair and equal. It also provides advice on drawing up job descriptions and gives a methodology for collecting and comparing pay information. Checklists on 'what are the causes of pay differences' and 'are the pay differences fair and lawful?' are also included.

At present only 30% of women reaching state pension age are entitled to the full Basic State Pension compared to 84% of men. *The Pensions Bill* DWP includes plans to make the system fairer for women and carers by reducing the number of years needed for a full pension. The EOC *Women's Pension campaign* provides statistics about the number of women who do not have equality in pension entitlement.

Another report, which outlines the inequalities in the gender pay gap throughout women's lives, is the EOC *What women expect*. The gender pay gap becomes an even bigger pension's gap in retirement, as most women face the financial penalties for doing unpaid caring work for dependent children or older relatives or for spending time in low paid often part time work.

Women and wider inequalities

The experience of women in general has been one of discrimination and inequality. This is exacerbated and deepened when women have a disability, suffer poor health, belong to minority ethnic communities or become offenders.

Further information:

Women who experience mental health problems experience many barriers to securing and sustaining jobs. The Social Exclusion Unit *Employment and Mental Health* looks at this in depth. Useful resources such as *Count me in* which is an easy to read version of the SEU report, and *In this life*, a video which shows how great a contribution people with mental health problems can make, can be ordered from the SEU.

Two thirds of the women in prison have mental health problems. As there are only 17 women's prisons nationally, women tend to be placed at some distance from their families, which has consequences for frequency of visits. Research findings have established that there are distinct issues, which specifically affect the engagement of female offenders in learning and skills provision. This has implications for the type of provision that is required.

The LSDA research report *Maximising the benefits of OLASS for female offenders: an evaluation of the issues*, shows a reluctance to provide women with opportunities to learn maths (beyond basic numeracy), engineering and other kinds of skills that are not traditionally seen as areas of learning for women. This report states that the needs of women in prison who already hold level 2 qualifications are not being met adequately. Also included are examples of effective practice and thorough case studies. There are four sample case studies, which follow women from the time of arrest, through the prison system, looking in particular at the educational opportunities they undertook and how this has impacted on their lives after release.

The 2-3 million black and ethnic minority women in the UK have a lower employment rate than the rest of the population. The EOC report *Moving on up Bangladeshi, Pakistani and Black Caribbean women and work Sept 2006* shows that ethnic minority women in the sample were 3 or 4 times more likely than white women to have often taken a job at a lower level than they were qualified for. The report focuses on aspirations, experiences and choices.

Engaging with Muslim women DCLG reports that Christian women are the least likely to be unemployed (4%), whilst Muslim women are the most likely (15%). Asian women make up less than 1% of Councilors in England and no Muslim women are MPs. The report states that many women feel stereotyped by prospective employers.

Nationwide findings from local government by the WEU *Equality, diversity and managerial career progression*, which conducted a survey of over 70 local authorities across the UK, highlighted that whilst being significantly better qualified and slightly more ambitious than the white managers surveyed, black and minority ethnic managers were found to be at lower levels of management. Barriers to career progression were identified by gender, age and disability.

DES Teacher's careers: the impact of age, disability, ethnicity, gender and sexual orientation 2003 covers the impact of gender and the continuing inhibitors of teacher's career opportunities.

Family

The right to request flexible working is explained in *Family friendly working: what the law says* EOC and explains how this is being extended to carers of adult relatives from April 2007. It also covers issues around parental leave, paternity and adoption leave and time off for dependents.

Transsexualism

One equalities strand, which is specifically highlighted in the Gender Equality Duty, relates to the experience of individuals who are transsexual. The Duty makes it a requirement that such individuals should not experience discrimination and those services should be adjusted and adapted to meet the needs of this particular group of people. There are a wide range of reports and literature which highlights both good practice and strategies for involvement and change. Many of these are found on the Press for Change website. Press for Change is a political lobbying and educational organisation, which campaigns on behalf of all transgender people in the UK. www.pfc.org.uk

Equal opportunities policies and gender equality schemes should cover gender reassignment. The EOC have produced *Transsexualism: frequently asked questions* which provides useful information and advice on issues such as harassment at work from colleagues, dismissal by employer or unsuccessful job applications by transsexual people.

The EOC has devised a range of checklists for line managers covering a range of equality issues such as flexible working, pregnancy and maternity, sexual harassment, recruitment and selection and gender reassignment. *Gender reassignment. Guidance for managers and supervisors* EOC provides explanations of the differences between transgender and transsexual people and explores a range of scenarios providing guidance on actions to take to ensure

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equality of opportunity. It looks at single sex facilities, dress codes and recruitment and selection practices.

Responding to the Gender Equality Duty

April 2007 is the date when the gender equality duty, part of the 2006 Equalities Act, comes into effect. There is likely to be a number of existing policies, procedures, plans and practices at organisational and departmental level that will require impact assessing to ensure that there is sufficient due regard to promoting gender equality. The following reports focus on specific information about the Gender Equality Duty and how to prepare for its implementation.

What is the Gender Equality Duty? This document from the EOC gives an overview of the duty and provides examples of how the GED can improve the lives of men and women. Questions for the employer to consider are given and the benefits for public authorities and organisations covered by the duty are explored.

Information on important European debates and the work of the EOC in relation to gender and Europe is published in *What the European Union means for gender equality in the UK* Oct 2005. The impact of EU law on our daily lives is explored in this report.

At www.newstartmag.co.uk an article entitled *Gender specifics* provides advice on how to prepare for the duty along with case studies. It suggests gathering information, consultation, impact assessments, and identifying priorities, setting objectives, planning, and taking action to achieve those objectives.

An excellent series of good practice guides from the EOC *Action for change* are aimed at a range of key stakeholders including Learning and Skills Councils, training providers, employers, careers advice professionals and teachers. The advice is complimented by real life case studies, examples of good practice and links to other useful websites about resources, teaching materials and projects.

The Government Action Plan: *Implementing the women and work commission recommendations* provides a summary grid which could be used to identify the key issues impacting on different groups and to consider these recommendations in your own workplace. Many of these recommendations have already been accepted by the Government and will influence future policy decisions, such as extending the right to request flexible working to parents of older children in the future.

Delivering on Gender Equality, a progress report by the WEU on the gender equality public service agreement 2003-2006 includes a message from Ministers emphasising the importance of the duty. Specific targets and initiatives are set out across government. This report recognises that gender inequality is not a one-dimensional issue. It overlaps with other factors such as age, disability, race and ethnicity. Some initiatives are highlighted at working towards combating multiple discrimination. A further progress report 2006 shows the latest outturn in a progress summary table and provides information such as 34% of large employers have now conducted an equal pay review.

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What are the specific duties? EOC. Guidance for employers. The most significant change is in the design of the pay duty. This now requires public authorities to address the three causes of the pay gaps, namely pay discrimination, caring responsibilities and occupational segregation.

The EOC guidance on *How to put equality into practice* provides guidelines for equal opportunities employers and explains what this means. Relevant codes of practice for avoiding sex discrimination and complying with equal pay laws, information about equal pay for employees, family friendly work practices, sexual harassment, how to manage workers during pregnancy, maternity leave and on their return to work, managing parental leave, sex discrimination and transgender issues, recruitment of staff and genuine occupational qualifications. It explains the difference between positive action and positive discrimination, which is unlawful and provides information on how to monitor gender issues in the workplace and setting gender equality targets.

The *Gender public sector duty pilot project* for the EOC, executive summary reports on how twelve public authorities were recruited to examine different approaches to tackling gender inequality. Each organisation was asked to identify three gender equality priority goals and to develop innovative approaches. Key findings from the pilot project are recorded along with lessons learned and recommendations. The benefits gained by having a 'critical friend' and the need for organisational commitment and leadership by identifying a senior level champion for gender equality are referred to. A case study describes the process that Edinburgh University went through during the pilot project, including the three priority areas focused on with proposed actions.

These areas are:

- a) Occupational segregation among clerical staff (predominantly female) and servitorial staff (predominantly male).
- b) Student progression (male student attainment especially in science).
- c) Careers in science (female drop off after postgraduate training).

For advice on mainstreaming gender equality, the EOC has produced *Mainstreaming: a guide* giving two examples of how this can be achieved in health care and in state pensions. *Mainstreaming Equality*– the things you really need to know, but have been afraid to ask, from the EOC Wales, explains the principles of gender mainstreaming, provides gender mainstreaming tools and gives examples of putting this into practice.

Further information, including a comprehensive definition of mainstreaming and an explanation of what is required can be found on www.scottish.parliament.uk *Equal opportunities Scottish Executive Policy Overview*. The Scottish Executive's Equalities Strategy (2000) is based on the principle of mainstreaming. This is seen as a way of ensuring that policy making is 'fully sensitive to the diverse needs and experiences of people' There is a mainstreaming equality toolkit on the Scottish Executive web site which could be implemented by other organisations.

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