

A practical guide to revising gender equality schemes

Gender inequality continues to have significant consequences on the very basic elements of women's and men's lives, including their health, safety and security, their educational attainment and their opportunities to participate in paid work and civil and political life. For example:

- Women in full-time work earn on average 12.2% less than men doing equal work. Women in part-time work earn on average 39.4% less than men doing equal work.¹
- Each year, around 30,000 women in the UK lose their jobs because they are pregnant.²
- Around 75% of women still end up in low-paid areas of employment - the five Cs: cleaning, catering, caring, cashiering and clerical. The majority of women working in these jobs work part time.³
- Only 36% of appointments to the boards of public authorities are women.⁴
- Each year, three million women in Britain experience gender-based violence but only 6% of rapes reported result in a conviction and there are insufficient services for victims.⁵
- Men continue to take up primary healthcare services at lower rates than women and continue to experience poorer outcomes in some areas of health, including higher rates of cancer and heart disease.
- Boys overall have lower levels of educational attainment and higher rates of exclusion from school than girls.
- Up to 73% of transgender people report experiencing transphobic harassment in public spaces.⁶

This document explains how you can develop and implement a revised gender (or single) equality scheme that addresses the most significant and entrenched gender inequalities in your remit and delivers real improvements to the lives of women and men.

This guidance will be of use both for public authorities in England, Scotland and Wales who are subject to the gender specific duties and

¹ As measured by the median hourly pay excluding overtime

² The Fawcett Society (2008), <http://www.fawcettsociety.org.uk/index.asp?PageID=630>

³ Staying on report, Equality and Human Rights Commission, 2009

⁴ The Commissioner for Public Appointments Annual Report 2008-09, <https://www.publicappointmentscommissioner.org/web-resources/resources/9a3d3f1200f.pdf>

⁵ <http://www.homeoffice.gov.uk/crime-victims/reducing-crime/sexual-offences/> (Nov 2009)

⁶ Trans Research Review, Equality and Human Rights Commission, see <http://www.equalityhumanrights.com/fairer-britain/trans-inequalities-reviewed/>

for those organisations only covered by the general duty.⁷ Following the steps set out in the specific duties will help you demonstrate that you have taken active, proportionate steps to meet your general gender equality duty.

This guidance does not replace existing statutory guidance on your legal obligations when meeting your general and specific duties. You should continue to refer to the relevant legislation, codes of practice and non-statutory guidance when developing your new scheme.⁸

All listed public authorities subject to the specific duty to prepare and publish a gender equality scheme are required to revise their schemes at least every three years to ensure they achieve continuous improvement in meeting their gender equality duties. When revising their schemes, public authorities must make sure they:

- Identify and set out the most important issues for gender equality in their remit, taking account of all the information they have gathered, their progress to date and any relevant changes to their communities and business, and
- Set new gender equality objectives to address these issues and establish a new action plan to deliver their gender equality objectives over the next three years.

Part 1 of this guidance outlines what a gender (or single) equality scheme needs to contain to meet the legal requirements of the gender equality duty and includes links to further, more comprehensive guidance and information.

Part 2 of this guidance highlights objective setting as an important aspect of the duty which will help public authorities to improve their schemes and better achieve gender equality outcomes. This section highlights how public authorities can develop SMART⁹ gender equality objectives and a robust action plan to deliver them.

⁷ All public authorities listed in the Schedule to the Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006 and the Schedule to the Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) (Scotland) Order 2007. Public authorities whose public functions are solely in relation to Wales are not subject to the gender specific duties however, the Equality and Human Rights Commission strongly recommends that you operate as if the specific duties apply to you, in order to ensure that you are meeting the general gender equality duty

⁸ The main sources of information regarding the requirements of the gender equality duty are the statutory Codes of Practice for England and Wales and for Scotland. There are also a number of non-statutory guidance documents designed to supplement the Codes, available on the Equality and Human Rights Commission website: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/guidance-and-codes-of-practice/>

⁹ Specific, measurable, achievable, realistic, time-bound

To meet their general duties, public authorities must take action to tackle the most significant issues for gender equality in their remit. Part 3 of this guidance highlights four long-standing areas where there is significant disadvantage or barriers to opportunity, which we expect public authorities to be taking action on. Selection of these four issues has been based on our own research and evidence as well as data collected from a wide range of other sources.

The four issues are:

1. Income and pay gaps.
2. The gender power gap in public sector leadership positions and politics.
3. The causes and consequences of violence against women and girls (VAWG).
4. Discrimination and harassment against transsexual and transgender people.¹⁰

The gender equality issues raised within this guidance are intended to be used as a guide only. It is still the responsibility of each public authority to collect evidence, consult with their stakeholders and consider their particular context and circumstances to ensure they are taking action to address their most significant gender equality issues.

¹⁰ Note that the Sex Discrimination Act 1975 currently only covers those individuals who are 'intending to undergo, are undergoing or have undergone gender reassignment' (defined as 'transsexual people'). However the Equality and Human Rights Commission recommends that, as a matter of best practice and in the spirit of the Human Rights Act, public authorities should ensure that their policies and procedures incorporate experiences of the full range of transgender people. As a result, this document will refer to only transsexual people when discussing specific legal obligations, but will refer to both transsexual and transgender people when referring to best practice

Part 1: Meeting the legal requirements when revising your scheme

The fundamental purpose of developing and publishing a new gender (or single) equality scheme is to enable you to meet your general gender equality duty.¹¹

The specific duties, including the duty to develop a scheme, are there to help you develop a timetabled, evidence-based plan of action to meet your responsibilities under the general duty and achieve real improvements in gender equality.

What do I need to put in my revised scheme?

The Equality and Human Rights Commission (the Commission) expects you to show that you have established an evidence-based and effective plan for delivering change that will lead to greater gender equality. You need to deliver changes in internal policy and practice, including in your role as an employer, as well as changes to how you deliver services and carry out your other functions.

The Commission expects you to:

- Set out how you will take action to address the most important issues for gender equality in your remit, by developing gender equality objectives and a three-year action plan to achieve them.
- Show that you have collected and considered a range of relevant evidence to review your progress to date and to identify the most important issues for gender equality in your remit.
- Show that you have consulted with relevant people to help monitor your progress, determine your priorities and assess the impacts of your actions.
- Show that you are considering the impact of your decisions on gender equality.
- In formulating your gender equality objectives, consider the need to have objectives to address the causes of any gender pay gap, including within your wider remit.
- Show how you will monitor and report annually on your progress in meeting your scheme objectives.

¹¹ Under the general duty, public authorities must have 'due regard' to the need to: eliminate unlawful discrimination and harassment (on the grounds of sex and of gender reassignment) and to promote equality of opportunity between women and men

Scottish public authorities with over 150 staff who must publish an equal pay policy statement must also report on their progress.

Further guidance on how to meet your obligations when revising your scheme is available on the Commission's website: [Link to guidance](#)

How does the gender equality duty affect single-sex services?

Single-sex services are lawful under the Sex Discrimination Act (SDA) 1975 in certain circumstances. The duty does not mean that single-sex services should be cut, have funding withdrawn or that any new services should not be funded. Neither does it mean that services should necessarily be provided on the same scale for both men and women. For example, because women make up the majority of victims of domestic violence and rape, it may not be appropriate for a local council to fund or provide refuge services on an equal basis for men and women. Public authorities must satisfy themselves that any approach to single-sex activities complies with the Sex Discrimination Act 1975.

See Chapter 6 of the relevant code and the following link for more information: [FAQ on single sex services](#)

Deadline for review

For most public authorities, this is the first review of gender equality schemes and it must be completed no later than three years after the date a public authority published its first scheme.

Most public authorities will be looking to publish a revised scheme based on the timelines below.

- **England:** for public authorities that published their scheme on 30 April 2007, the deadline for review and publication is 30 April 2010.
- **Scotland:** for public authorities that published their scheme on 29 June 2007, the deadline for review and publication is 29 June 2010.
- **Scotland:** for listed public authorities with over 150 staff that published their equal pay policy statements on 28 September 2007, the deadline for review and report on progress is 28 September 2010.
- **Wales:** for public authorities whose public functions are solely in relation to Wales are not subject to the gender specific duties however, the Commission strongly recommends that you operate as if the specific duties apply to you, in order to ensure that you are meeting the general gender equality duty. The Commission recommends that, as a matter of good practice, you review, revise and publish your new scheme no later than three years after the date you published your first scheme.

What if we have already developed a single equality scheme?

Some public authorities have decided to produce single equality schemes (SEs) to combine the statutory duties on race, disability and gender into one scheme and to prepare for the single equality duty.

It is important that the requirements of all three duties are properly incorporated. While the three duties are broadly similar in spirit and intention, the detailed requirements of each one are different. The existing codes of practice, guidance and SE guidance on each of the duties set out clearly what the requirements are for each. This information is still relevant to you as it will help to ensure that you meet the gender elements of the legislation.

What about the Equality Bill?

The three existing duties are due to be combined into one single public sector new duty. The earliest that these changes will come into full force is April 2011. Until then it is important that public bodies continue to meet their existing legal obligations and use the duties to improve the delivery of public services. For the latest information, please see the [Equality Bill](#).

Part 2: How to improve practice in setting gender equality objectives

You should consider developing gender equality objectives and an action plan to meet your general duties to be the most important part of developing your scheme.

Effective objective setting

Many public authorities have not met the most basic elements of effective objective setting in their current gender equality schemes.¹²

For example, some public authorities have identified the most significant gender equality issues in their remit in their schemes, but have not made sure they developed objectives to address them.

To be effective, your set of gender equality objectives in your revised scheme should:

- Prioritise the most important areas of gender inequality in your remit, based on your information gathering and consultation.
- Address each element of the general duty.
- Cover the entire remit of your organisation.
- Be specific, measurable, achievable, realistic and time-bound (SMART).
- Be set for a (maximum) three-year period (with the option to review earlier), although you may also wish to set interim objectives.

The Commission expects you to focus your gender equality objectives on tangible gender equality outcomes, like reducing the gender pay gap or increasing the services available to and accessed by victims of violence against women and girls. Your objectives should be focused on achieving specific identifiable improvements in policies, in the way services are designed and delivered, in the exercise of public functions, and in outcomes for employees and service users.

Process objectives alone will not demonstrate that a public body is taking action to meet their general duties.

Guidance on how to set gender equality objectives is available on the Commission's website: [Link to guidance on setting objectives](#)

¹² In October 2009, the Equality and Human Rights Commission contracted a researcher to examine the schemes and annual reports of a sample of bodies from across the public sector to see how authorities were performing in setting gender equality objectives. The researcher also conducted interviews with equality and diversity leads in some of the bodies reviewed

Action planning and delivery

You can only meet your general duty by **taking action** to achieve greater gender equality.

Not all public authorities are developing effective action plans to show how and when they will meet their objectives and deliver better gender equality outcomes. For example, some public authorities we reviewed had set objectives but no actions to achieve them or have not made it clear which of their objectives each action was designed to deliver.

The Commission expects you to develop an action plan that clearly sets out and timetables how you will meet each of your gender equality objectives. As with any business plan, you should clearly assign responsibility for each action, and set out how you will monitor and evaluate performance against measurable indicators.

Reviewing and reflecting on performance

The purpose of the duty is to take action to deliver real improvements in gender equality and the lives of women and men. Yet some public authorities are failing to review and reflect on their progress.

It is a requirement of the specific duties for a listed authority to take such steps as are reasonably practical to publish an annual report. The Commission expects you to measure, evaluate and annually publish your progress in meeting your gender equality objectives and delivering tangible improvements in gender equality outcomes.

You should use this information when reviewing and revising your scheme. It will help you identify your priorities, set your objectives and devise your action plan for your new scheme.

The importance of leadership

Our review of schemes has highlighted the important role that leaders and senior managers of public authorities play in making sure that public authorities take effective action to deliver improvements in gender equality. Having a visible and active commitment to deliver equality outcomes at leadership level helps ensure that organisations commit the necessary time, effort and financial resources to meet the gender duty and deliver real improvements in equality.

Part 3: Taking action on the most significant issues for gender equality

Many sectors have taken positive steps and have achieved improvements in gender equality outcomes. However, further work to continue to address entrenched gender inequalities is still required. In the sections below, we highlight the actions we expect public authorities **across all sectors** to take to address the four priority issues for gender equality we have identified, based on our research and evidence and data from other sources. We then highlight **sector specific actions** that public authorities can tailor to meet their local needs and include and implement in their revised schemes.

The issues and actions highlighted in this guidance are intended to be used as a guide only. It is still the responsibility of each public authority to collect evidence, consult with their stakeholders and to consider their particular context and circumstances, to ensure they are taking action to address the most significant gender equality issues in their remit.

3.1 Taking action to address income and pay gaps, across all sectors

- Women in full-time work earn on average 12.2% less than their male counterparts.¹³
- The pay gap is even greater for part-time female workers who earn 39.4% per hour less than men doing equal work. Part-time male workers also earn 27% less per hour compared to men working full time.
- Women and men have different patterns of work, which affects their income and opportunities for career progression. More female than male employees work part time (41% of women compared to just 11% of men).¹⁴
- Female apprentices earn on average 21% less than male apprentices.¹⁵
- 17% of private sector employers and 24% of public sector employers have taken action to close the gender pay gap by completing equal pay reviews.¹⁶

¹³ As measured by median hourly pay excluding overtime

¹⁴ Statistics are from the Equality and Human Rights Commission's analysis of data from the Office for National Statistics (ONS)' Annual Survey of Hours and Earnings 2008 and ONS' Labour Market Statistics Bulletin Historical Supplement 2009. For more information, see also the Commission's reviews of pay gaps across the equality strands:

http://www.equalityhumanrights.com/uploaded_files/research/14_pay_gaps_across_equalities_review.pdf, http://www.equalityhumanrights.com/uploaded_files/pay_gaps_across_equalities_areas.pdf

¹⁵ Apprenticeship pay: 2007 Survey of Earnings by Sector, DIUS, 2008

The gender equality duty requires you to consider whether you need to include objectives in your scheme to address the causes of any gender pay gap in your organisation. You should take account of the views of your workforce on any gender pay gap you may have. If you do not include any gender pay gap objectives, you should give reasons for your decision in your scheme.

The Commission expects public authorities to take action on the main factors which contribute to the gender pay gap¹⁷:

- **Action to end discrimination**, for example, actions to measure the gender pay gap, to identify and eliminate any structural gender discrimination in pay systems and to ascertain where women are doing equal work to male colleagues and to ensure that women and men are rewarded equally for work of equal value. Note that those public authorities who do not set their own pay systems should refer to the relevant code for further guidance on actions they can take.¹⁸
- **Action to change work practices and policies, to take account of the impact of women's disproportionate share of caring responsibilities.** Actions include introducing more flexible working practices like part-time working at more senior levels, preventing pregnancy discrimination, ensuring provision of sufficient, high-quality childcare and addressing the priority areas and adopting the recommendations highlighted in the Commission's *Working Better* report.¹⁹
- **Action to address the concentration of women in particular occupations, which tend to be undervalued and lower paid.**²⁰ For example, by encouraging women and men to apply for or take up roles where they have been traditionally underrepresented, through advertising in non-traditional forums and offering applicants mentoring, shadowing or support through the recruitment process.²¹

¹⁶ Data on Equal Pay Reviews are from Lorna Adams et al., Equal pay reviews survey 2008 (Equality and Human Rights Commission, 2008)

¹⁷ See the GED Codes and the Equal Pay Position Paper, Equality and Human Rights Commission, <http://www.equalityhumanrights.com/legislative-framework/parliamentary-briefings/equal-pay-strategy-and-position-paper-march-2009/>

¹⁸ <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/guidance-and-codes-of-practice/codes-of-practice/>

¹⁹ See <http://www.equalityhumanrights.com/advice-and-guidance/here-for-everyone/here-for-business/working-better/>

²⁰ Women and Work Commission Report: Shaping a Fairer Future (2004) http://www.equalities.gov.uk/what_we_do/women_and_work/women_and_work_commission.aspx

²¹ See Tackling Occupational Segregation in Scotland: A Report of Activities from the Scottish Government Cross-Directorate Occupational Segregation Working Group; <http://www.scotland.gov.uk/Publications/2008/08/27101332/0>

- **Action to increase the number of women in senior positions.**
For example, currently, more than half of all civil servants are women but in the most senior posts in the Civil Service (director and above), only 27.2% of civil servants are women.²² Actions to address this include providing women with specialised management training or mentoring, or modifying policies and practices to increase the availability of flexible and part-time work at senior levels.

The Commission also expects public authorities with functions that have the potential to address the gender pay gap in a wider policy sense to take actions to do so.

Gender stereotyping in education can limit young people's options and aspirations at an early age, and this can have an impact on the rest of their lives, including their earnings.²³ The Commission expects:

- Action to address occupational segregation by eliminating gender stereotyping in the school curriculum and in choice of subjects and apprenticeships by providing information, support and guidance to encourage girls and boys to take up work in non-traditional roles and sectors.²⁴
- Action to address occupational segregation through adult learning - by providing support, information and training to proactively encourage women and men to take up work in non-traditional roles and sectors, and to support women returning to work after having children.²⁵
- Action by industry regulators to address the causes of the gender pay gap in their wider remit, for example by promoting good practice on policies and practices relating to the recruitment and training of men and women.²⁶

3.2 Taking action to eliminate the gender power gap in public sector leadership positions and politics, across all sectors

There is a power gap in political institutions and in public authorities. Women are much less likely than men to be in positions of power,

²² <http://www.civilservice.gov.uk/about/resources/monitoring.aspx>, 2009

²³ Staying On, Equality and Human Rights Commission, 2009

²⁴ For further information and advice see the Equality Opportunities Commission (EOC) investigation into occupational segregation *Free to Choose: Tackling Gender Barriers to Better Jobs* (2005) and the Women and Work Commission Final Report (July 2009) at http://www.equalities.gov.uk/pdf/297158_WWC_Report_acc.pdf

²⁵ For further information and advice see the Women and Work Commission Final Report.

²⁶ See for example the Financial Services Authority (FSA), as discussed in the recent Report on the Financial Services Inquiry. Equality and Human Rights Commission, 2009
http://www.equalityhumanrights.com/uploaded_files/financial_services_inquiry_report.pdf

influence and high-level strategic decision-making. This is a waste of potential and talent and does not ensure a full range of perspectives and views are considered in decision-making.

- 19.3% of MPs are women, 34.1% of MSPs are women. (The Welsh Assembly reveals a much more positive picture with women making up 46.7% of assembly members.)
- 14.3% of all local authority council leaders are women.
- 36% of all public appointments are women.
- 9.6% of senior judiciary are women.
- 19.5% local authority chief executives are women.
- 36.9% health service chief executives are women.²⁷

Having a more diverse and representative leadership helps ensure delivery of high-quality services that better meet the needs of everyone in the community,²⁸ increases accountability and improves the democratic process. Taking action on some of the most significant barriers to greater participation of women is within the remit of public authorities. The Commission expects:

- Action by public authorities to increase the numbers of women in executive or leadership positions within their organisations.
- Action by those public authorities with responsibility for making or managing the process of public appointments to increase the number of women appointed.²⁹

Actions could include changing recruitment and advertising policies and processes to encourage a wider range of applicants to apply, and revising the skills and experience required for senior roles, to ensure that those with a less traditional background or set of skills are also considered. Actions might also include taking into account caring responsibilities when setting board meeting dates and times, and increasing the availability of part-time work at senior levels, to support retention and progression.³⁰

²⁷ Sex and Power in Britain (2008), Equality and Human Rights Commission, and The Commissioner for Public Appointments Annual Report 2008-09

²⁸ *First Among Equals: Diversity in local government leadership and public appointments* (2009), NLGN

²⁹ We note *Public Appointments: Opening Doors – Increasing Diversity, A Cross Government Action Plan*, GEO, Cabinet Office, June 2009

³⁰ For further information see *First Among Equals: Diversity in local government leadership and public appointments* (2009), NLGN and *Public Appointments: Opening Doors – Increasing Diversity, A Cross Government Action Plan*, GEO, Cabinet Office, June 2009

Public authorities have an important role to play to ensure that men and women are equally able to engage in representative politics at all levels. The Commission expects central and local public authorities to:

- Take action to change work practices for elected members, so that they better take account of the needs of women and men with caring responsibilities. For example, providing childcare facilities and changing sitting times to better reflect the caring responsibilities of elected officials.

3.3 Taking action on the causes and consequences of violence against women and girls,³¹ across all sectors

Violence against women and girls is increasingly recognised as a major barrier to gender equality including by the United Nations, Council of Europe and European Union. Each year, three million women in Britain experience rape, domestic violence, stalking or other violence. Many millions more need support to deal with abuse experienced in the past as children or adults.³² Among victims/survivors, it is a major cause of death and disability and can result in physical and mental health problems, unwanted pregnancy and sexually transmitted diseases.³³ It has been linked with reduced economic opportunity³⁴ and it also impacts on women as a group, with many women curtailing their freedom because of fear of violence, especially rape.³⁵

- The total annual cost of violence against women and girls has been estimated to be over £20 billion.³⁶
- Specialised services for victims, particularly services for minority ethnic and disabled victims, do not currently meet demand.³⁷
- Overall, only 6% of rapes reported to the police result in a conviction.³⁸

Historically, there has been a lack of action to prevent and end violence against women by the public sector to address this key gender equality issue. The Commission expects:

³¹ The Commission uses the UN definition of violence against women and girls which is gender-based violence directed against a woman because she is a woman or that affects women disproportionately.

³² Map of Gaps reports 1 and 2, Equality and Human Rights Commission

³³ See <http://www.equalitiesinhealth.org/documents/HealthImpactofGenderCosporateSession.pdf>

³⁴ See *Realising Rights, Fulfilling Obligations* (2008), End Violence Against Women, at http://www.endviolenceagainstwomen.org.uk/data/files/realising_rights.pdf

³⁵ Ibid

³⁶ Järvinen, J., Kail, A., and Miller, I. (2008) *Hard-knock Life: Violence against women – a guide for donors and funders*; London, New Philanthropy Capital, 2008.

³⁷ See Map of Gaps reports 1 and 2, Equality and Human Rights Commission, See also Making the Links – Disabled women and domestic violence, Women's Aid, 2008

³⁸ <http://www.homeoffice.gov.uk/crime-victims/reducing-crime/sexual-offences/> (Nov 2009)

- Action to work more effectively with other public authorities to deliver better responses and to work together with the voluntary sector to develop integrated strategies for preventing violence against women and girls.³⁹
- Action by employers to eliminate sexual harassment within the workplace and to support victims/survivors of violence, for example through adopting a domestic violence policy to reduce the social and economic impact of domestic abuse in the workplace.
- Action to prevent violence happening in the first place by changing attitudes and challenging perpetrators.
- Action to increase access to support for victims/survivors in order that they can access safety and justice and be able to rebuild their lives.
- Action to deal more effectively with perpetrators.

3.4 Action to eliminate discrimination and harassment against transsexual and transgender people, across all sectors

Transgender people face the same gender problems as other women and men but often face huge additional prejudice on a daily basis.⁴⁰ The Commission's Trans Research Review found that transgender people:

- Suffer restricted opportunities, discrimination and harassment at work.
- Experience high levels of hate crime and hate incidents and can be reluctant to report incidences, due to fear of transphobic responses from authorities.
- Experience poor health outcomes and barriers accessing gender reassignment and general health treatment.
- May be particularly at risk of homelessness arising from transphobic reactions and harassment from family members and from neighbours.⁴¹

The duties that apply to transsexual people have changed since you developed your first scheme. When the gender equality duty first came into force, the duty in relation to transsexual people was limited to an obligation to eliminate discrimination and harassment towards transsexual staff and potential staff. The duty was subsequently extended to create an obligation to eliminate discrimination against transsexual people in the provision of goods, facilities and services

³⁹ A template strategy, Realising Rights, Fulfilling Obligations, has been developed by End Violence Against Women http://www.endviolenceagainstwomen.org.uk/data/files/realising_rights_summary.pdf.

⁴⁰ The Gender Agenda, EOC

⁴¹ See the Trans Research Review, Equality and Human Rights Commission, 2009

through the Sex Discrimination Act (Amendment of Legislation) Regulations 2008. The Commission expects you to take this change into account when developing your new scheme and we are producing guidance to help you do so.⁴²

The Sex Discrimination Act 1975 currently only covers those individuals who are 'intending to undergo, are undergoing or have undergone gender reassignment' (defined as 'transsexual people'). The Human Rights Act also imposes some positive obligations on public authorities to take proactive steps to secure people's human rights. In the spirit of the Human Rights Act, the Commission recommends that public authorities ensure that their policies and procedures incorporate the experiences of the full range of transgender people and that they treat all transgender people fairly and equally, with dignity and respect.

The Commission expects public authorities to take action to:

- Eliminate discrimination and harassment towards transsexual and transgender employees in the workplace, including developing and implementing policies and practices to support transsexual employees undergoing gender reassignment.

Guidance to help you take effective action is available on the Commission's website: [Link to guidance on meeting the gender equality duty for transsexual staff](#)

We expect public authorities to take action on eliminating discrimination against transgender people in the provision of goods, facilities and services, particularly by:

- Taking account of the needs of trans people when providing or commissioning goods, facilities or services, particularly those which are single sex or normally only provided to a particular sex.
- Taking account of the particular needs trans people have when accessing goods, facilities or services in situations where being trans makes them vulnerable because of personal safety issues or risks of harassment.
- Taking action to ensure the privacy of trans people is respected at all times.

⁴² The new guidance will be published on the Equality and Human Rights Commission's website early in 2010.

Improving the performance of public authorities in meeting their duties towards transsexual people

Many public authorities need to improve their performance in meeting their duties towards transsexual people. A report we commissioned found that while some public authorities surveyed included references to transsexual or transgender people in their schemes, many were not taking effective action to achieve real improvements in outcomes for transsexual or transgender people.⁴³

The findings reinforce the need for overall improvement in the performance of public authorities in meeting their specific duties to ensure they effectively meet their general duty.

There are particular challenges for public authorities when meeting their duties as they apply to transsexual people and in ensuring their policies and practices incorporate the experience of the full range of transgender people. To improve their performance in meeting their duties in this area, public authorities should:

- Make a senior level/organisational commitment to taking action on trans equality. Senior management commitment to trans equality work is essential in driving action and embedding trans equality in the work of an organisation.
- Address any gaps in current awareness and understanding about gender identity and trans issues and in the scope of the duties by undertaking awareness building and training.
- Undertake effective and ongoing involvement or consultation⁴⁴ with transgender staff and service users, and potential users, either on your own or in partnership with other public authorities. This will ensure you deliver the right actions and improve outcomes for

⁴³ In October 2009, the Equality and Human Rights Commission contracted researchers to survey and interview bodies from across the public sector to see how a sample of public authorities were performing in meeting their duties towards transsexual people and in ensuring their policies and procedures incorporated the experiences of the full range of transgender people. The researchers also collected good practice case studies.

⁴⁴ Under the gender equality duty, public authorities subject to the specific duties must consult those who appear to have an interest in their work when preparing their gender equality schemes and set out in their scheme the actions they have taken and will take to consult on their scheme and proposed policies. The disability equality duty requires public authorities to involve relevant groups when developing their schemes, which requires an ongoing participation rather than a one-off consultation. As a general principle, the Equality and Human Rights Commission recommends that wherever one of the public sector duties has a more detailed requirement, public authorities should aim, as a matter of good practice, to match this requirement across each of the three duties. For this reason we recommend, as a matter of best practice, that you involve relevant groups when revising your gender equality scheme. The Commission has produced guidance on how to involve, which will be available on our website early in 2010.

transgender people. It will also help resolve issues on how to use terminology, increase organisational awareness of and commitment to trans equality issues, and build trusting relationships with the trans community.

3.5 Sector specific action to address the key gender equality issues in each sector

We have highlighted these sector specific actions based on our own experiences monitoring the duties and a range of our own and external information and evidence. They are intended to be used as a guide only and should be tailored to local needs. You are still required to collect evidence, consult with your stakeholders and consider your particular context and circumstances when developing your scheme, to ensure you are taking action to address the most significant gender equality issues in your remit.

Local government

Local government has such a wide reach that it touches many other sectors in this guidance. The Commission believes that local government has an important leadership role to play to ensure that actions to promote gender equality across sectors are strategic and joined up.

We believe that local government can drive effective and integrated action to address the priority areas for gender equality via existing cross-sector partnership arrangements and ongoing partnerships with the voluntary and community sector.

The Commission expects local authorities to work in partnership with other organisations to:

- Take action to increase the number of women participating in strategic decision making in politics and public authorities, including in public appointments, as councillors and in senior roles in local government.⁴⁵

⁴⁵ Women make up approximately 75% of the local government workforce. Despite the high proportion of women employed in the sector, women are underrepresented in senior roles. In 2008 only 19.5% of Chief Executives were women. See the Sex and Power report 2008, Equality and Human Rights Commission and http://www.equalityhumanrights.com/uploaded_files/PSD/the_gender_equality_duty_and_local_government_-_guidance_for_public_authorities.pdf

- Take action to increase the equality of transgender people by promoting and implementing good practice in employment as well as in health, education and housing.⁴⁶
- Take action to ensure careers information, advice and guidance opens up opportunities for all young people and challenges gender stereotypes in schools in practical and measurable ways.⁴⁷
- Take action to close the gender pay gap and make it easier for more women to take up paid work or work in jobs that better match their skills by improving the provision of childcare and making sure parents and local employers are aware of what is available.⁴⁸
- Develop and implement integrated approaches to preventing violence against women and girls and integrate the needs of women and children who have experienced violence when delivering and commissioning services, particularly health services, the criminal justice system, housing, the safeguarding of children and education.⁴⁹
This includes:
 - Ensuring provision of specialised support services to meet local needs, including women's aid services, refuges, perpetrator programmes targeting offenders, specialist domestic violence courts, sexual assault referral centres, specialist sexual violence services such as rape crisis centres, and services specifically for ethnic minority women suffering violence.
 - Taking account of the impact of violence against women and girls when taking action on other priority areas for local government, such as educational attainment, youth crime, teenage pregnancy, poverty and health inequalities.

Criminal justice sector

Despite progress, the criminal justice system does not yet adequately take account of the different needs and experiences of women and men, whether they are staff, victims of crime or offenders.⁵⁰ Women working in

⁴⁶ Our Trans Research Review contains evidence and information on the barriers to equality and access to services faced by transgender people

http://www.equalityhumanrights.com/uploaded_files/research/trans_research_review_rep27.pdf

⁴⁷ See Early years, life chances and equality: a literature review, 2008, Equality and Human Rights Commission,

http://www.equalityhumanrights.com/uploaded_files/research/7_earlyyears_lifechances.pdf and

Gender and Education: The evidence on pupils in England, 2007, DfES,

<http://www.dcsf.gov.uk/rsgateway/DB/RRP/u015238/index.shtml>

⁴⁸ See <http://www.equalityhumanrights.com/advice-and-guidance/here-for-everyone-here-for-business/working-better/>

⁴⁹ See Map of Gaps 1 and 2, Equality and Human Rights Commission,

<http://www.equalityhumanrights.com/fairer-britain/map-of-gaps/>

⁵⁰ Engendering Justice, Final report of the Commission on Women and the Criminal Justice System, May 2009

the sector continue to be underrepresented in senior positions.⁵¹
Conviction rates for violence against women and girls remain low.⁵²

Women and men commit different kinds of crime⁵³ for different reasons.⁵⁴ Men's violence continues to represent a huge social problem in the UK. While some women engage in acts of violence, men commit more serious and violent crimes than women.⁵⁵ Women offenders are disproportionately disadvantaged by custodial sentencing and a criminal justice system that does not take account of their greater caring responsibilities and their often complex health and support needs.⁵⁶

The Commission expects that public authorities across the criminal justice sector will take account of the gendered nature of violence and crime and the different needs and experiences of women and men offenders when developing policies and taking action to address the causes and consequences of crime.

The Commission expects public authorities across the criminal justice sector to:

- Identify and take action to address the causes of low reporting and conviction rates and high attrition rates in relation to violence against women and girls and bring more offenders to justice.
- Identify and take account of the needs of women who are victims of violence, and work in partnership with other sectors to deliver ongoing, end-to-end support to all victims of violence against women and girls, at all stages of the criminal justice process, including access to female forensic examiners and to appropriate victim support services.
- Take action to improve the reporting and conviction rates of trans hate crime,⁵⁷ for example by taking action to eliminate transphobia among staff in the sector, to improve the response of frontline staff to trans people who have been victims of crime.

⁵¹ Women and the Criminal Justice System, 2007/08, Ministry of Justice

<http://www.justice.gov.uk/publications/docs/women-criminal-justice-system-07-08.pdf>

⁵² <http://www.homeoffice.gov.uk/crime-victims/reducing-crime/sexual-offences/> (Nov 2009)

⁵³ <http://www.statistics.gov.uk/cci/nugget.asp?id=1661>

⁵⁴ The Corston Report found common drivers for women's offending are poor physical and mental health or substance abuse or both and that large numbers have suffered violent or sexual abuse, had chaotic childhoods or been in care. See the Corston Report, 2007, Home Office.

⁵⁵ Man Made: Men, masculinities and equality in public policy (2009), Coalition on Men and Boys <http://www.comab.org.uk/>

⁵⁶ The Corston Report, 2007, and Engendering Justice, Final report of the Commission on Women and the Criminal Justice System

⁵⁷ See the Trans Research Review, Equality and Human Rights Commission

- Take action to meet the particular needs of female offenders⁵⁸ at all stages of the criminal justice process, including supporting them to address their offending and help them resettle; particularly taking account of the high proportions of female offenders who have caring responsibilities, who have been the victims of gender-based violence, who have mental health issues and who self harm.⁵⁹
- Take action to meet the particular needs of transsexual and transgender offenders, particularly in relation to personal searches and in custodial environments.

The education sector

In schools⁶⁰ and in the further and higher education sector,⁶¹ the take-up of subjects and career choices by males and females continues to reflect gender stereotypical biases, which helps maintain the gender pay gap. In schools, girls tend to perform better in the majority of subjects and are more likely to stay in education for longer.⁶² Overall, boys account for the majority of permanent exclusions and fixed term exclusions and ethnic minority boys are more likely to be excluded.⁶³ Teachers and students continue to be victims of sexual and transphobic bullying and harassment in schools.⁶⁴

In higher education, there are particular groups of students who require additional support to improve retention rates and attainment, including students with caring responsibilities, some young men and women from some ethnic minority backgrounds.⁶⁵ Occupational segregation in the sector remains high. Men account for 15% of teaching staff in primary schools in England⁶⁶ while women academics in higher education are

⁵⁸ For a snapshot of the characteristics of female prisoners see: http://www.hmprisonerservice.gov.uk/adviceandsupport/prison_life/femaleprisoners/

⁵⁹ The Colston Report, 2007

⁶⁰ Early years, life chances and equality: a literature review, 2008, Equality and Human Rights Commission, http://www.equalityhumanrights.com/uploaded_files/research/7_earlyyears_lifechances.pdf

⁶¹ See HESA statistics on gender break down by subject of study, UK wide (2007-08) http://www.hesa.ac.uk/index.php/component/option.com_pubs/Itemid,122/task.show_year/publd,1/versionId,4/yearId,172/

⁶² See GED and Schools and pre-16 providers, EOC, 2007 and the GED: Scottish guidance for the post-16 education sector, EOC, 2007, <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/guidance-and-codes-of-practice/sectoral-guidance/#2>

⁶³ Gender and Education: The evidence on pupils in England, 2007, DfES, <http://www.dcsf.gov.uk/rsgateway/DB/RRP/u015238/index.shtml>

⁶⁴ For example, Department for Children, Schools and Families statistics show 3,500 children were suspended for sexual misconduct in a year. (2009) <http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000860/index.shtml>

⁶⁵ The GED and Higher Education Institutions, EOC, 2007, <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/guidance-and-codes-of-practice/sectoral-guidance/#2>

⁶⁶ Training and Development Agency for Schools (TDA), 2009, <http://www.tda.gov.uk/>

less likely to be in senior positions.⁶⁷ This segregation has an impact on the gender pay gap.

The Commission expects that public authorities within the education sector will take action to:

- Actively challenge gender stereotypes by implementing initiatives in the curriculum and by making changes to the delivery of careers education, information, including information about comparative rates of pay, advice and guidance and work experience.
- Ensure effective policies and practices are in place to eliminate bullying, discrimination, harassment and violence on the basis of gender and gender identity⁶⁸ and to provide effective support and referral services to victims.
- Ensure the needs of trans students and staff are reflected in practice and policy, for example by re-issuing qualifications following gender reassignment.
- Improve the attainment of boys to help them meet the higher standards achieved by girls. This requires public authorities to take action to eliminate the varied barriers to attainment for girls and boys in different subjects, taking into account differences in attainment in different subjects and the relevance of factors including socio-economic and ethnic background.
- Address the varied causes of higher rates of exclusion from school among boys, particularly the disproportionately higher rates of exclusion among ethnic minority boys.
- Improve access, retention rates and attainment in higher education for those groups of students who require additional support (as identified above).⁶⁹
 - Prevent violence against women and girls by integrating education of young people and children about the unacceptable nature of such violence, how to recognise it and address it at an early stage, and how to build mutually respectful relationships into personal, social, health and economic (PSHE) education classes, citizenship classes and elsewhere in the school curriculum.

⁶⁷ See HESA statistics on academic and support staff, 2004/05

⁶⁸ Note that the duties towards transsexual people do not extend to schools, beyond the requirement not to discriminate in terms of employment or staff. However, in the spirit of the Human Rights Act, the Equality and Human Rights Commission recommends that all education providers consider fully the needs of young trans people as part of the work they do to comply with the general and specific gender equality duties.

⁶⁹ For examples of groups who experience barriers to access, retention and attainment, see text above and the report: The GED and Higher Education Institutions, EOC, 2007, <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/guidance-and-codes-of-practice/sectoral-guidance/#2>

Health sector

There are clear differences in health outcomes for women and men in the UK. Gender and gender identity impacts on health outcomes because it influences lifestyle choices and how people choose (or are able) to access services. Gender and gender identity also interact with wider social determinants of health, social structures and gender stereotyping to negatively affect health outcomes.

Men live an average of four years less than women.⁷⁰ The incidence and mortality rates of cancer are higher among men than women.⁷¹ Women in the most disadvantaged socio-economic classes are up to six times more likely than the most advantaged classes to die from diseases including respiratory disease, heart disease and lung cancer.⁷² Men continue to be less likely to access primary care services than women.⁷³ Trans men and women experience poor health outcomes and barriers when accessing gender reassignment and general health services.⁷⁴ Violence against women and girls is a major contributor to poor health in women and costs the NHS an estimated £1.2 billion a year for physical injuries and £126 million for mental health support.⁷⁵

Employment in the health sector remains highly segregated. Women make up over 75% of the healthcare workforce but are concentrated in four occupational categories (nursing, Allied Health Professionals (AHP), administrative and clerical, and ancillary work) and remain significantly underrepresented at senior levels.⁷⁶ This segregation has an impact on the gender pay gap.

The Commission expects that public authorities within the health and social care sector will do the following:

- Action to address those health issues that disproportionately affect men or women and that cannot be explained solely by biological differences. For example, higher rates of some cancers and heart disease among men and higher rates of anxiety and depression among women.
- Action to increase men's take-up of primary healthcare services, which is generally lower than that of women, resulting in later

⁷⁰ World Health Organisation, 2009

⁷¹ Health Statistics Quarterly, ONS, Autumn 2009

⁷² Health Statistics Quarterly, ONS Winter 2009, <http://www.statistics.gov.uk/pdfdir/hsq1109.pdf>

⁷³ GED and the Health Sector, EOC, 2007

⁷⁴ Trans Research Review, Equality and Human Rights Commission, 2009

⁷⁵ Map of Gaps 2, Equality and Human Rights Commission, 2009

⁷⁶ Scotland data: http://www.nhsnss.org/pages/about/employee_gender.php, for England data see GED and the Health Sector, EOC, 2007

diagnosis of problems, greater risks for their health and greater cost to the health service.

- Action to take account of the needs of transgender people when accessing health and social care services. This includes addressing those health issues that disproportionately affect trans people⁷⁷ and the long delays and barriers transsexual and transgender people experience when attempting to access gender reassignment treatment.⁷⁸
- Action in partnership with other public authorities and with voluntary and community organisations (VCOs) to ensure an effective response to violence against women, including mainstreaming into policy setting, commissioning and delivery of health services and development of integrated support services for victims/survivors.

Transport

Overall, women and men travel by different means, at different times, to different locations over different distances. These differences are not addressed systematically by current transport policy and provision.⁷⁹

Women can have fewer transport options than men. This is for a range of reasons including lower income, safety concerns and less access to private transport. More women than men travel by public transport and are more likely to travel with children or other people they are caring for, while men are more likely to travel in a private vehicle. Men tend to use public transport for commuting to full-time employment, while women tend to use it for a combination of food shopping, part-time work and journeys with children.

The Commission expects that public authorities within the transport sector will:

- Take action to ensure safety and security on public transport for all people, including women and transgender people. For example, delivering reliable services, good lighting and real-time travel information, and ensuring staff are visible.
- Take action to improve physical accessibility for people who are travelling with people they are caring for. This includes provision of lifts and low-floor buses, training of drivers, provision of changing facilities, spaces for prams on buses and storage for collapsed buggies on trains.

⁷⁷ This includes isolation, alcohol abuse, suicide, self-harm, substance abuse and HIV infection, Trans Research Review, Equality and Human Rights Commission, 2009

⁷⁸ Trans Research Review, Equality and Human Rights Commission, 2009

⁷⁹ See report: Promoting gender equality in transport, EOC, 2007

- Take action to take account of the different travel patterns of women and men when developing timetables and designing routes.
- Take action on ticketing policy, to take account of the needs of part-time workers who are often unable to access discounts including weekly, monthly or annual passes. Fares should also take better account of women's travel patterns (shorter distances and multi-site trips) which are often more expensive.

Housing

Women generally have a lower income than men, and may therefore have fewer housing choices than men. More women than men are in the social housing sector because it is cheaper than private rented or home ownership. Violence against women and girls remains a significant cause of homelessness for women and their dependent children.⁸⁰

The Commission expects that public authorities within the housing and planning sector will:

- Take action to prevent victims of gender-based violence from becoming homeless. Housing policy should prioritise the safety of women in violent situations and not result in a woman losing her home and her abuser retaining the tenancy.
- Ensuring safety audits are carried out in relation to those most affected by both crime and the fear of crime, including women and trans people. Allocate resources to address the outcomes of audits, such as street lighting, policing, community wardens, etc.
- Take action to address the higher risks of homelessness experienced by trans people by developing and implementing strategies to eliminate transphobic harassment and hate crime.

⁸⁰ See publications on statutory homelessness, 2009, <http://www.communities.gov.uk/documents/statistics/pdf/1647480.pdf>

Further information, guidance and good practice examples

On the Commission's website you can find a range of guidance documents on the gender equality duty, including the statutory guidance contained within the Codes of Practice and a number of other resources at:

www.equalityhumanrights.com/publicsectorduties

The Commission continually updates its case studies on authorities who have demonstrated how they have used the public sector duties to achieve change. You can see them for yourself at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/resources/case-studies-of-how-organisations-are-using-the-duties/>