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**GENDER EQUALITY SCHEME**

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**Responsible Cabinet Member - Councillor Jenny Chapman, Communities and Engagement Portfolio**

**Responsible Director – Lorraine O’Donnell, Assistant Chief Executive**

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**Purpose of Report**

1. To present, summarise and invite endorsement of the Council’s first draft Gender Equality Scheme.

**Summary**

2. The Scheme sets out why the Gender Equality Duty has been introduced and then provides an analysis of the idea of gender. That is followed with a summary of some of the Council’s achievements in gender equality and a snapshot of gender data about some of our service users. The next section examines workforce development issues and covers some technical details on ensuring that single sex activities (which are relevant to existing Council activity) comply with the law. There are some observations on how the Council will know if the Scheme has made a difference, a summary of the findings of consultation and finally a concise action plan.

**Information and Analysis**

3. The Gender Equality Duty came into force in April 2007. It represents the biggest change in sex equality legislation in the thirty years since the introduction of the Sex Discrimination Act. The Equality Act 2006 amends the SDA to place a statutory general duty on all public authorities to:
  - (a) Eliminate unlawful discrimination and harassment;
  - (b) Promote equality of opportunity between men and women.
4. In carrying out their functions, public authorities must give “due regard” to this duty. This means that the weight which public authorities give to gender equality should be proportionate to its relevance to a particular function. That is to say that the greater the relevance of a function to gender equality, the greater the regard that should be paid to it. For example, the procurement of pencils will have low relevance to gender equality but the review of the Council’s flexible hours working scheme is likely to be much more relevant because of the potentially differing impacts on men and women.

5. To support the delivery of the general duty there are a number of specific duties. In summary, they are:
  - (a) To prepare and publish a gender equality scheme;
  - (b) To consider the need to include objectives to address the causes of any gender pay gap;
  - (c) To consult stakeholders and take account of relevant information;
  - (d) To assess the impact of its current and proposed policies and practices on gender equality;
  - (e) To implement the actions set out in its gender equality scheme;
  - (f) To report against the scheme every year and review the scheme at least every three years.
6. As with its Race and Disability Equality Schemes and in order to demonstrate best fit with existing equalities practice, the Council's Gender Equality Scheme will be published as part of the existing Corporate Equalities Review and Plan.
7. It is important to emphasise (as the Scheme itself does) the Council's already strong performance in gender equality. One corporate indicator of this is the fact that the Council's performance on BV11a (the percentage of the top 5% of earners who are women) is top quartile when compared to all other English local authorities. This shows that the glass ceiling in Darlington has been broken whereas statistics show that for the average Council it is still in place.

## **Conclusion**

8. The Scheme furthers the Council's commitment to gender equality by building on some already strong performance in key areas.
9. Equalities legislation in the future is likely to be rationalised under a single Equality Act and compliance scrutinised by the recently established Equalities and Human Rights Commission. This is likely to bring a more joined-up equalities challenge to public sector organisations, rather than the single strand approach adopted by the now defunct Equal Opportunities Commission, Disability Rights Commission and the Commission for Race Equality. It is therefore right that the Council continues to publish its single strand equalities schemes as part of the pre-existing Corporate Equalities Review and Plan.

## **Outcome of Consultation**

10. The direction of the Gender Equality Scheme was set by the Council's Strategic Social Inclusion Group and delivered by the Social Inclusion Implementation Group. Wider consultation on the preparation of the Scheme was extensive. It included:
  - (a) A debate at the Health Improvement and Social Inclusion themed group of Darlington Partnership;
  - (b) A challenge to all Darlington Partnership lead officers to identify persistent gender inequalities;
  - (c) Intranet and internet user consultation;
  - (d) Internal communications announcement in the Flyer (staff newsletter) inviting staff and members' views on persisting gender inequalities;
  - (e) Press release publicising the Council's approach to the Scheme and inviting comment on proposals. This led to a surprisingly prominent article in the Northern Echo;

- (f) Invitation to comment mailed to key stakeholder organisations including partners from the public, private and voluntary and community sectors.
11. Further to the above debates and discussions, and as a result of the invitations described in point (f) above, 57 people indicated their own views and priorities in relation to gender equality to us in writing. They ranged in age from 21 to 77 years old and comprised Council officers, members of the public and stakeholder representatives.
12. Results showed that 76% of these respondents felt that gender inequality still exists in the borough of Darlington. More than a quarter of respondents felt that they had been treated unfairly because of their gender in the last five years. Crucially, respondents were asked to identify what they thought were the important issues in gender equality. There was unanimous agreement that unequal pay between men and women was the top priority (the nettle of unequal pay has already been grasped at the Council with the implementation of a Single Status agreement in July of last year). 98% of respondents agreed that domestic abuse and the problems of job stereotypes were important or very important issues.
13. It is notable that almost twice as many respondents thought that discrimination against transgender people (62%) was a very important issue than thought health inequalities were very important (34%). This is the reason that a short section of the Scheme has been produced to explain the different aspects of the gender debate and to specifically outline the legal position with regard to transgender issues.

### **Legal Implications**

14. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

### **Section 17 of the Crime and Disorder Act 1998**

15. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **Council Policy Framework**

16. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

### **Decision Deadline**

17. For the purpose of the 'call-in' procedure this issue does not represent an urgent matter.

### **Recommendation**

18. It is recommended that that Cabinet note and endorse the contents of this report.

## **Reasons**

19. The recommendation is supported to ensure the Council is able to comply with the Gender Equality Duty by publishing its first Gender Equality Scheme.

**Lorraine O'Donnell**  
**Assistant Chief Executive**

## **Background Papers**

Gender Equality Duty Code of Practice England and Wales

David Plews: Ext. 2023